

ACT 22 OF 2007

THE KERALA STATE HIGHER EDUCATION COUNCIL ACT, 2007*

An Act to provide for the setting up of the Kerala State Higher Education Council.

Preamble.— WHEREAS, it is expedient to establish a State Higher Education Council as a collective of the Government, Universities, academics, ¹[experts, teachers, students] and people's representatives in order to forge a synergic relationship among them by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies, with the objects of (i) ensuring the autonomy and accountability of all institutions of higher education in the State, (ii) promoting academic excellence and social justice by providing academic input to the State Government for policy formulation and perspective planning, and (iii) guiding the growth of higher education in accordance with the socio-economic requirements of the State;

AND WHEREAS, it is necessary to achieve the above said objectives, to empower this Council to (i) review and co-ordinate the implementation of policies in all higher education institutions in the State including Universities, research institutions and colleges, (ii) network various programmes in higher education undertaken and promoted by the Central and State Governments and by national level regulatory bodies including the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies, (iii) undertake independent work for the generation and dissemination of new ideas in higher education, (iv) provide common facilities for all Universities, research institutions, colleges and other centres of higher education, (v) provide for the generation and optimum utilization of funds for the expansion and development of higher education and (vi) undertake such other programmes for promoting the objectives of social justice and excellence in education ;

BE it enacted in the Fifty-eighth Year of the Republic of India, as follows:

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1. *Short title, Extent and commencement.*—(1) This Act may be called the Kerala State Higher Education Council Act, 2007.

* Received the assent of the Governor on the 13 th day of October, 2007 and published in the Kerala Extrordinary Gazette No. 1856 dated 15th October, 2007.

1 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on 25th January, 2007.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a)¹ “[Advisory Body]” means the ²[Advisory Body] of the Council;

(b) “All India Council for Technical Education” means the Council constituted under the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);

(c) “Bar Council of India” means the Bar Council constituted under the Advocates Act, 1961 (Central Act 25 of 1961);

(d) “Chairman” means the Chairman of the Council;

(e) “college” means any Higher Education Institution affiliated to a University;

(f) “Council” means the Kerala State Higher Education Council constituted under section 3;

(g) ³“[Executive Body]” means the ⁴[Executive Body] of the Council;

(h) ⁵“[Governing Body]” means the ⁶[Governing Body] of the Council;

(i) “Government” means the Government of Kerala;

(j) “higher education” means the education and research studies leading to the award of a degree or diploma or certificate by a University or an institution approved by a University;

(k) “institution” means an academic institution of higher education and research, not being a college, associated with and admitted to privileges of a University or maintained by a University ;

(l) “Medical Council of India” means the Council constituted under the Indian Medical Council Act, 1956 (Central Act 102 of 1956);

(m) “member” means a member of the ⁷[Advisory Body] the ⁸[Governing Body] or the ⁹[Executive Body], as the case may be;

¹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

² Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁴ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁵ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁶ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁷ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁸ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

(n) “National Council for Teacher Education” means the Council constituted under the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993);

(o) “Notification” means the notification published in the official Gazette;

(p) “Patron” means the Patron of the Council;

(q) "prescribed" means prescribed by rules made under this Act;

(r) “regular student” means regular student of a University or a college affiliated to a University;

(s) “regulations” means the regulations made by the ¹[Governing Body] under this Act;

²[(sa) “RUSA” means the Rashtriya Uchchatar Shiksha Abhiyan, a centrally sponsored scheme for higher education;]

(t) "State" means the State of Kerala;

(u) "Statutes", "Ordinances" and "Regulations" of a University mean respectively,

the Statutes, the Ordinances and the Regulations issued under the respective Acts of a University;

(v) “teacher” means any regular teacher working in a University, Government College or Government Aided College or Institution whose appointment has been made by a University or Government or approved by a University;

(w) "University" means any University in the State established by an Act of the State Legislature;

(x) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (Central Act 3 of 1956);

(y) “Vice-Chairman” means the Vice-Chairman of the Council;

(z) “Visitor” means the Visitor of the Council.

3. *Constitution of the Council.*—(1) The Government may by notification, constitute, with effect from such date as may be specified therein, a Council to be called the Kerala State Higher Education Council.

¹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

² Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The headquarters of the Council shall be at Thiruvananthapuram.

4. *Responsibilities and functions of the Council.*—(1) The Council shall have the following general responsibilities and functions, namely:—

¹[(a) to render advice to the Government, Universities, colleges and other institutions of higher education in the State in matters of access, equity and excellence in higher education;]

(b) to co-ordinate the roles of the Government, Universities and apex regulatory agencies in higher education within the State;

(c) to evolve new concepts and programmes in higher education;

(d) to provide common facilities in higher education without impinging upon the autonomy of other institutions of higher education.

(2) For the furtherance of the above responsibilities and functions, the Council shall specifically undertake the following, namely:—

(a) provide academic input to the Government and to the Universities, research institutions and other centres of higher education in the State for the formulation and implementation of the policies on higher education and evolve a perspective plan for the development of higher education, *suo motu* or on the suggestion from Government or requests from Universities or other institutions;

(b) undertake independent research for the generation of new ideas for the promotion of social justice and academic excellence in higher education, hold awareness programmes for the academia and initiate or propose or pilot projects on an experimental basis in selected higher education institutions for implementation of the new ideas;

(c) undertake human resources development planning for the State and plan the growth and development of higher education in accordance with such planning;

(d) evolve guidelines for linkages of an academic nature among higher education institutions in the State and institutions within and outside the country;

(e) evolve programmes in order to promote the relevance of higher education for the economic, social and cultural development of the State;

1 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

(f) review existing guidelines and furnish recommendation for regulating admissions to various courses and for appointments to the posts of teachers and teacher-administrators in Universities, colleges and other institutions of higher education;

(g) suggest improvements in curriculum and syllabi in accordance with the changing societal and academic requirements and facilitate the development and publication of appropriate teaching material, including textbooks, educational softwares and e-learning facilities in order to improve the quality of education;

(h) organise short term courses to train and update the knowledge and skills of higher education teaching personnel, educational administrators and other similarly situated;

(i) advise the Government on the starting of new courses, colleges, and other higher education institutions in the State;

(j) make proposals for the generation and utilisation of funds in accordance with the objectives of this Act;

(k) evolve general guidelines for the release of grants by the Government to Universities and other institutions of higher education and advise the Government about the release of such grants to Universities and other institutions of higher education;

(l) evolve schemes for providing equitable opportunities for higher education and scholarships and freeships and financial assistance to the needy students and co-ordinate implementation of Scheduled Castes and Scheduled Tribes and Other Eligible Backward Classes welfare programmes of the Central and the State Governments and other Central and State Level Funding Agencies;

(m) review periodically the Statutes, Ordinances and Regulations of the Universities in the State and suggest appropriate improvements for the realisation of the objectives of social justice and academic excellence in education and suggest the framework for new Statutes, Ordinances, or Regulations for existing Universities or other institutions of higher education or new Universities or other institutions of higher education;

(n) provide common facilities for the entire State by establishing centres, namely:—

(i) Centre for Research on Policies in Higher Education;

(ii) Curriculum Development Centre;

(iii) Centre for Capacity Building in respect of faculty and educational administrators;

(iv) State Council for Assessment of Higher Education Institutions;

(v) Examination Reforms Cell;

(vi) Human Resources Development, Employment and Global Skills Development Cell;

(o) hold discussions, conduct workshops and seminars with the objective of facilitating the widest possible consultations with experts and stakeholders including organisations of students and teachers for formulating the policies on higher education and facilitating their proper implementation;

(p) facilitate the development of a synergic relationship among different agencies such as the State Government, Universities, colleges and other institutions of higher education in the State and the Central Government and regulatory bodies at the national level;

(q) co-ordinate various programmes being promoted and undertaken by Central and State Governments and national level bodies like University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies and State level institutions like Universities, research institutions, colleges and other institutions of higher education in the territory of India;

(r) provide a forum for the interaction among the academia, industries, agriculture and service sectors;

(s) facilitate the conduct of workshops and seminars on questions of importance in higher education in different parts of the State;

(t) undertake necessary steps for establishing inter-linkages between research and learning processes;

(u) promote extension activities in colleges, institutions and Universities and encourage their integration into the curriculum so that the students and teachers become sensitive to social issues;

(v) promote sports and cultural activities in the colleges, other institutions and Universities and integrate them with the co-curricular activities;

(w) perform such other functions for the realisation of the twin objectives of social justice and excellence in higher education;

(x) suggest steps for promoting democratisation and academic autonomy of Universities and other institutions of higher education;

(y) evolve schemes to sensitise the students to environmental and gender issues;

¹[(z) conduct longitudinal studies to understand the impact of student learning;

(za) promote and integrate scientifically proven indigenous knowledge systems in the State higher education system;

(zb) evolve programmes to improve access to higher education for differently abled students;

(zc) collaborate with the Government in the implementation of RUSA and other similar centrally sponsored schemes and other central sector schemes within the State;

(zd) evolve common academic guidelines for Universities in the State for mutual recognition, approval or equalization of academic programmes or areas of studies and nomenclature thereof;

(ze) evolve common academic guidelines for Universities in the State for recognition, approval or equalization of academic programmes or areas of studies and nomenclature thereof of various programmes conducted or co-ordinated by Universities or higher education institutions outside the State and outside the country;

(zf) facilitate the dissemination of knowledge of higher education to target audience through electronic and print media.]

5. *The Patron.*—(1) The Governor of Kerala, by virtue of his office shall be the Patron of the Council.

(2) The Patron shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

(3) The Patron, shall have the right to address any meeting of the Council, if he so desires.

²[(4) The Patron may refer any matter relating to higher education and higher education institutions as he deems fit, for the expert opinion of the Council.]

1 Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

2 Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

6. *The Visitor.*—(1) The Chief Minister of Kerala shall, by virtue of his office, be the Visitor of the Council.

(2) The Visitor shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

(3) The Visitor, shall preside over the meeting of the ¹[Advisory Body].

²[(4) The Visitor may refer any matter relating to higher education and higher education institutions, as he deems fit, for the expert opinion of the Council.]

7. *The Chairman.* – (1) The Minister in charge of Higher Education of the State shall, by virtue of his office, be the Chairman of the Council.

(2) The Chairman shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

(3) The Chairman, shall preside over the meetings of the Governing Council and shall preside over the meetings of the ³[Advisory body] in the absence of the Visitor.

8. *The Vice-Chairman.*—(1) An eminent educationalist, preferably a former Vice-Chancellor, shall be appointed by the Government as the Vice-Chairman of the Council.

(2) The Vice-Chairman shall be the executive head of the Council.

(3) The Vice-Chairman shall preside over the meetings of the ⁴[Executive Body] and shall preside over the meetings of the ⁵[Advisory Body] and the ⁶[Governing Body] in the absence of the Visitor and the Chairman, as the case may be.

(4) The Vice-Chairman shall exercise such other powers and perform such other functions as may be prescribed.

9. *The Member-Secretary.*—(1) An academician, preferably with administrative experience, shall be appointed by the Government as Member-Secretary of the Council.

1 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

2 Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

3 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

4 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

5 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

6 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

(2) The Member-Secretary shall be responsible for the co-ordination of the academic functions of the Council.

(3) The Member Secretary shall exercise such powers and perform such other functions as may be prescribed ¹[or delegated by the Vice-Chairman from time to time].

10. *The Registrar.*—(1) An officer not below the rank of a Joint Secretary to Government shall be appointed by the Government as Registrar of the Council, on deputation.

(2) The Registrar shall be responsible for the administration of the office of the Council.

(3) The Registrar shall represent the Council in all suits and other legal proceedings for and against the Council.

(4) The Registrar shall exercise such other powers and perform such other functions as may be prescribed ²[or delegated by the Vice-Chairman from time to time].

(5) The terms and conditions of service of the Registrar shall be such as may be prescribed.

11. *Composition of the Council.*—(1) The Council shall comprise of the following bodies, namely:—

(a) the ³[Advisory Body];

(b) the ⁴[Governing Body];

(c) the ⁵[Executive Body]

(2) The Bodies of the Council shall be reconstituted ⁶[simultaneously] every four years from the date of their constitution:

Provided that in the event of delay in the reconstitution of the Bodies, they ⁷[shall continue to hold office till their reconstitution].

12. *The ⁸[Advisory Body]*— The ⁹[Advisory Body] shall consist of the following members, namely:—

(a) the Visitor;

¹ Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

² Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁴ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁵ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁶ Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

⁷ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁸ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

- (b) the Chairman;
- (c) the Leader of Opposition in the Assembly;
- (d) the Minister for Health and Family Welfare;
- (e) the Minister for Agriculture;
- (f) the Minister for Law;
- (g) the Vice-Chairman;
- (h) the Member-Secretary;
- (i) two members of the Parliament from the State, one from the Lok Sabha and the other from the Rajya Sabha, nominated by the Government;
- (j) five members of the Legislative Assembly of Kerala, of whom one shall be a member of the Scheduled Caste or Scheduled Tribe and one shall be a woman, nominated by the Speaker;
- (k)¹[one Vice-Chancellor of a University outside the State of Kerala established by an Act of another State, nominated by the Government]
- (l) the Vice-Chairman, State Planning Board;
- (m) the Chairperson, Women's Commission;
- (n) the Chief Secretary to Government;
- (o) a prominent industrialist or business man, nominated by the Government;
- (p) an eminent person from the field of arts or literature, nominated by the Government;
- (q) an eminent social scientist, nominated by the Government;
- (r) an eminent person from, print or visual media, nominated by the Government;
- (s) an eminent member from the medical profession, nominated by the Government;
- (t) an eminent sports person, nominated by the Government;
- (u) an eminent scientist or technologist, nominated by the Government;
- (v) an eminent agriculturist, nominated by the Government;
- (w) an eminent jurist, nominated by the Government;
- (x) one Grama Panchayat President, nominated by the Government;

1 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

- (y) one Block Panchayat President, nominated by the Government;
- (z) one District Panchayat President, nominated by the Government;
- (aa) one Municipal Chairperson, nominated by the Government;
- (ab) one Mayor, nominated by the Government.

¹[(ac) one Chairman or Vice-Chairman of a State Higher Education Council outside the State of Kerala, nominated by the Government;

(ad) one Vice-Chancellor of a Central University outside the State, nominated by the Government.]

13. *Powers and Functions of the* ²[*Advisory Body*]- The ³[Advisory Body] shall meet at least once a year and shall deliberate on the general policies in higher education with particular reference to the functioning of the Council.

14. *The* ⁴[*Governing Body*].- The ⁵[Governing Body] shall consist of the following members, namely:—

- (a) the Chairman;
- (b) the Vice-Chairman;
- (c) the Member-Secretary;
- (d) five educationalists of repute from different Academic disciplines of whom one shall be a woman and one belonging to Scheduled Caste or Scheduled Tribe, nominated by the Government;
- (e) the Vice-Chancellors of all Universities;
- (f) a teacher member of the Academic Council of each University elected by the respective Academic Council of the University;
- (g) two student representatives of the University Unions or two regular students of whom one shall be a woman, nominated by the Government;
- (h) a person who has distinguished himself in extension activities, nominated by the Government;
- (I) the Director of a Research Institution, nominated by the Government;
- (j) the member of the State Planning Board in charge of education;
- (k) a nominee of the University Grants Commission not below the rank of Joint Secretary, *Ex-officio*;

¹ Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

² Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁴ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁵ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

- (l) the Secretary to Government, Higher Education Department, *Ex-officio*;
- (m) the Secretary to Government, Finance Department, *Ex-officio*;
- (n) the Director Technical Education, *Ex-officio*;
- (o) the Director of Medical Education, *Ex-officio*;
- (p) the Executive Vice-President, Kerala State Council for Science, Technology and Environment, *Ex-officio*;
- (q) the Director of Collegiate Education, *Ex-officio*;
- (r) the Agricultural Production Commissioner; *Ex-officio*.

¹[(s) one nominee of the Ministry of Human Resources Development, Government of India, not below the rank of a Joint Secretary;

- (t) State Project Director, RUSA;
- (u) one Principal of an affiliated college, nominated by the Government;
- (v) one non-teaching staff member of a University or College, nominated by the Government.]

15. *Powers and functions of the* ²[*Governing Body*].—(1) The ³[*Governing Body*] shall have the following powers and functions, namely:—

- (a) it shall take all policy decisions on behalf of the Council;
- (b) it shall chalk out a perspective plan for the implementation of the policies, evolve various programmes to be implemented and determine the priorities of such programmes for implementation;
- (c) it shall approve the annual budget and the audited statement of expenditure in such manner as may be prescribed;
- (d) it shall make a self-appraisal of its performance and prepare its annual report showing details of its academic performance;
- (e) it shall give such directions to the ⁴[*Executive Body*], as may be necessary for the effective functioning of the Council in accordance with its objectives;
- (f) it shall with prior approval of the Government to frame regulations in accordance with this Act and the rules made thereunder;
- (g) it shall propose general guidelines for the release of grants by the Government to Universities and other institutions of higher education and

¹ Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

² Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁴ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

advise the Government about the release of such grants to Universities and other institutions of higher education;

(h) it shall suggest measures for the academic and financial accountability of the Universities and other Institutions of higher education in the State;

(i) it shall advise the Government and Universities and other institutions of higher education regarding the procedure of implementation of its decisions in all institutions of higher education;

(j) it shall have such other powers as may be prescribed for the effective implementation of the programmes for the furtherance of the objectives of this Act;

(k) it shall meet ¹[at least twice a year and], as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations ²[****];

(l) it shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the ³[Governing Body] shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, or otherwise had taken part in the proceedings of the ⁴[Governing Body].

16. *The ⁵[Executive Body].*—There shall be an ⁶[Executive Body] for the Council consisting of the following members of the ⁷[Governing Body], namely:—

(a) the Vice-Chairman;

(b) the Member-Secretary;

(c) one of the Vice-Chancellors, nominated by rotation by the Government for a period of one year;

(d) five educationalists nominated under clause (d) of section 14;

(e) the Secretary to Government, Higher Education Department, *Ex-officio*.

1 Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

2 Omitted by Act 19 of 2018(w.e.f. 05-07-2017).

3 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

4 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

5 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

6 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

7 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

17. *Powers and duties of the* ¹[Executive Body].—The ²[Executive Body] shall have the following powers and duties, namely:—

(a) it shall be competent to take decisions on behalf of the Council, subject to the concurrence by the ³[Governing Body] in all matters with policy implications:

Provided that in urgent circumstances instead of concurrence, subsequent ratification of the ⁴[Governing Body] shall be sufficient;

(b) it shall incur such expenses as are necessary to fulfill the objectives set out in this Act and carry out all decisions taken by the ⁵[Governing Body];

⁶[(c) it shall nominate one of its members to the Academic Council of each University;]

(d) it shall present before the ⁷[Advisory Body] the annual academic and financial audit reports of the Council for its perusal;

(e) it shall present before the ⁸[Governing Body] annual academic and financial audit reports of the Council for its approval;

(f) it shall have such other powers, functions and duties as may be prescribed.

18. *Special Invitees.*—(1) The Vice-Chairman of the Council may for the purpose of carrying out the objectives of this Act, invite in writing any person who is not a member of the Council to take part in the deliberations of particular meetings of the ⁹[Advisory Body], ¹⁰[Governing Body], ¹¹[Executive Body] and any other Body constituted by the Council for specific purposes as special invitees and such invitees shall have no right to vote in the meetings.

(2) The special invitees shall be paid from and out of the funds of the Council such sums as may be approved by the Vice-Chairman.

1 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

2 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

3 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

4 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

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9 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

10 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

11 Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

19. *Meetings.*—(1)The meetings of the ¹[Advisory Body], the ²[Governing Body]and the ³[Executive Body] shall be convened by the Member-Secretary on the advice of the Vice-Chairman.

(2) The quorum for the meetings of the ⁴[Governing Body] and the ⁵[Executive Body]shall be one third of filled up membership in each body and decisions may be taken in the meetings by simple majority of those present and voting. There shall be no quorum for the meetings of the ⁶[Advisory Body]and decisions may be taken in the meetings by simple majority of those present and voting.

20. *Terms and Conditions of Vice-Chairman, Member- Secretary and Members.*—(1) The Vice-Chairman, Member-Secretary and Members other than the Member of the ⁷[Executive Body] nominated under clause (c) of section 16, unless removed from the office in accordance with the provisions of this Act, shall hold office for the entire term of the Body of Council to which they are appointed or nominated or elected as the case may be:

Provided that they shall continue to hold office of Vice-Chairman, Member- Secretary and Members respectively ⁸[****] till further appointment or nomination or election is made to the respective offices ⁹[****]:

Provided further that the Vice-Chairman, Member-Secretary, and the Members shall be eligible for re-appointment or re-nomination or re-election for a further term of four years, as the case may be.

(2) The Vice-Chairman, Member-Secretary or Members, may in writing under his signature, addressed to the Chairman, resign his membership from the Council:

Provided that he shall continue to hold such office until his resignation is accepted and communicated in writing.

(3) The salaries, allowances and other perquisites payable to the Vice-Chairman shall be the same as that of a Vice-Chancellor of a University and that payable to the Member-Secretary shall be the same as that of a Pro-Vice-Chancellor of a University.

¹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

² Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁴ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁵ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁶ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁷ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

⁸ Omitted by Act 19 of 2018(w.e.f. 05-07-2017).

⁹ Omitted by Act 19 of 2018(w.e.f. 05-07-2017).

(4) Subject to the provisions of this section, the other terms and conditions of service of the Vice-Chairman, Member-Secretary and Members shall be such as may be prescribed.

21. *Removal from Membership of the Council.*—If, at any time, it appears to the Government that an appointed or nominated or elected member has proved himself to be unfit to hold such office or has been guilty of misconduct or neglect which in the opinion of the Government renders his removal from the membership of the Council, as expedient, the Government may, after giving such member, a reasonable opportunity of showing cause as to why he shall not be removed from the Council and after examining the same decide whether to continue or remove such member, as the case may be, from his membership and in case of such removal from the membership of the Council it shall be made by notification.

22. *Filling up of casual vacancy.*—If a casual vacancy arises in the office of a nominated or appointed Member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up by the Government by nomination or appointment and such Member shall hold office only for the remainder of the term of the Member in whose place he was nominated or appointed, as the case may be.

23. *Protection of acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Council or any member or officer or employee of the Council for anything which is done or intended to be done in good faith in pursuance of the provisions of this Act or any rules or regulations made thereunder.

24. *Staff of the Council.*—The Council shall, with prior approval of the Government appoint such officers and staff, as it deems necessary for the discharge of its functions under this Act. The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations to be framed by the Council.

25. *Funds of the Council.*—(1)The funds of the Council shall include all sums which may, from time to time, be paid to it by the Government and all other receipts including any sum from the Central Government, any State Government, the University Grants Commission ¹["RUSA"] or any other authority, institutions or person.

¹ Inserted by Act 19 of 2018(w.e.f. 05-07-2017).

(2) The Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties.

(3) All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from out of the Fund and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

26. *Annual Accounts and Audit.*—(1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed.

(2) The Council shall prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint in this behalf.

(4) The auditor appointed under sub-section (3) shall, for the purposes of audit, have such rights, privileges and authority as may be prescribed.

(5) The Member-Secretary to the Council shall cause the annual audit report to be printed and forward a printed copy thereof to each member and shall place such report before the ¹[Governing Body] for consideration at its next meeting.

(6) The ²[Governing Body] shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(7) The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the ³[Governing Body] thereon shall be forwarded to the Government within such time as may be prescribed.

(8) The Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (7), cause the same to be laid before the Legislative Assembly.

27. *Annual Report.*—(1) The Council shall prepare for every year a report of its activities under this Act during that year and submit the report to the Government in such form as may be prescribed.

(2) The Government shall, as soon as may be after the receipt of a report under sub-section (1), cause the same to be laid before the Legislative Assembly.

¹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

² Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

³ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

28. *Members and Staff of the Council to be public servants.*—The Chairman, Vice-Chairman, Members, Officers and Staff of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or any rule or regulation or order or direction made or issued under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

29. *Overriding effect of the Act.*—The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law, other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court or other authority.

30. *Power to make regulations.*—The ¹[Governing Body] may with the prior approval of the Government frame regulations in accordance with this Act and Rules made thereunder for carrying out all or any of the purposes of this Act.

31. *Power to make rules.*—(1) The Government may by notification make rules either prospectively or retrospectively, for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any amendment in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such form as amended or be of no effect, as the case may be; so, however, that any such amendment or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion may require, do anything not inconsistent with the provisions of this Act which appears to them to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as may be after it is made be laid before the Legislative Assembly.

33. *Repeal and Saving.*—(1) The Kerala State Higher Education Council Ordinance, 2007 (49 of 2007) is hereby repealed.

¹ Substituted by Act 19 of 2018(w.e.f. 05-07-2017).

(2) Notwithstanding such repeal, anything done or deemed to have done or any action taken or deemed to have been taken under the said Ordinance, shall be deemed to have been done or taken under this Act.