

ACT 3 OF 1998

THE PRE-DEGREE COURSE (ABOLITION) ACT, 1997^{*}

An Act to abolish Pre-Degree Course in the State of Kerala in a phased manner commencing from the academic year 1997-98 and to provide for matters incidental or ancillary thereto.

Preamble.—WHEREAS the University Grants Commission has been continuously pressing the Government of Kerala to abolish Pre-Degree Course in the Universities in the State;

AND WHEREAS all the other State Governments in India have abolished Pre-Degree Course by accepting 10+2 system of school education;

AND WHEREAS in accordance with the National Education Policy to improve standards of Higher Education, the Government of Kerala consider if necessary to abolish Pre-Degree Course in the Universities in Kerala in a phased manner with effect from the academic year 1997-98 and to make alternative arrangements for the establishment of more number of Higher Secondary Schools in the State of Kerala;

BE it enacted in the Forty-eighth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Pre-degree Course (Abolition) Act, 1997.

(2) Clauses (c) and (d) of sub-section (2) of section 3 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 3rd day of June, 1997.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "academic year" means a period of twelve months commencing from the first day of June and ending with the thirty first day of May of the following year;

(b) "Committee" means Empowered Committee constituted by sub-section (2) of section 3;

^{*} Received the assent of the Governor on the 7th day of January, 1998 and published in the Kerala Gazette Extraordinary No.52 dated 9th January, 1998.

(c) "University laws" means the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985) and the Kannur University Act, 1996 (22 of 1996) and the Statutes, Ordinances, Regulations, the rules and the byelaws made under the said Acts;

(d) "State" means the State of Kerala.

(2) Words and expressions used but not defined in this Act and defined in the University laws shall have the meanings respectively assigned to them in the said laws.

3. *Pre-degree Course to be abolished.*—(1) Notwithstanding anything contained in the University laws, or in any agreement or contract, with effect on and from the date of commencement of this Act, the Government reserve for themselves the right, by order, published in the Gazette, to prohibit the conduct of Pre-degree Course or such number of batches of the said course in an academic year in such colleges as may be specified therein, and thereupon such course of study or such number of batches of the said course of study shall not be conducted in the colleges so specified and the University concerned shall not grant affiliation to the said course in such colleges and disaffiliate the college which violates the prohibition contained in the said order.

(2) No college shall be specified in the order, under sub-section (1) unless it is recommended by an Empowered Committee consisting of—

(a) the Principal Secretary to Government, Higher Education Department — Chairman;

(b) the Vice-Chancellor of one of the Universities in the State nominated by the Government—Member;

(c) Secretary to Government, General Education Department—Member

(d) the Director of Collegiate Education—Member-Secretary;

(e) the Director of Public Instruction—Member; and

(f) the Director of Higher Secondary Education—Member.

4. *Meeting of the Committee.*—(1) The Committee shall meet at such time and place as may be determined by the Chairman.

(2) Meetings of the Committee shall be presided over by the Chairman and his absence, by a Member chosen by the Members present, from among themselves.

(3) The quorum for a meeting of the Committee shall be three.

(4) Decision of the Committee shall be taken by the majority of Members present at a meeting and where the Members divide equally, the decision of the Chairman shall prevail.

(5) Minutes of the meeting of the Committee shall be approved by the Chairman and all proceedings, orders and other instruments of the Committee, based on the minutes, shall be authenticated by the signature of the Member-Secretary.

(6) The procedure to be followed in a meeting shall be such, as may be determined by the Chairman.

5. *Ban on appointment of staff etc.*—Notwithstanding anything contained in the University laws or in any agreement or contract, no appointment of non-teaching staff in any University and no appointment of teaching and non-teaching staff in any college shall be made for a period of three years from the date of commencement of this Act:

Provided that, in the exigencies of service, such appointment may be made, with the previous approval of the Committee.

6. *Repeal and saving.*—(1) The Pre-Degree Course (Abolition) Ordinance, 1997 (10 of 1997), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been 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.