

The Tamil Nadu State Council for Higher Education Act, 1992

Act 40 of 1992

Keyword(s):

College, Council, Degree, Higher Education, Institution of Higher Education, Diploma, University

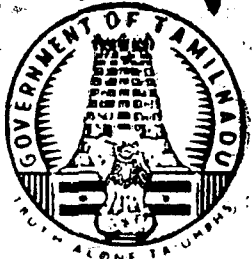
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TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV — Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 10th July 1992 and is hereby published for general information :—

ACT No. 40 OF 1992.

An Act to provide for the establishment of a State Council for Higher Education in the State of Tamil Nadu and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education, 1986 of the Government of India contains recommendations that State level planning and co-ordination of higher education shall be done through the State Councils for Higher Education ;

AND WHEREAS the University Grants Commission constituted a committee to make recommendations regarding the setting up of State Councils for Higher Education as per the aforesaid National Policy ;

AND WHEREAS the said committee recommended that there is a pressing need for an effective machinery for promotion and co-ordination of Higher Education at the State level and co-ordination of State level programmes with those of the University Grants Commission ;

AND WHEREAS the University Grants Commission has laid down the guidelines for setting up of State Councils for Higher Education as recommended by the said committee ;

AND WHEREAS the State Government have accordingly decided to establish a State Council for Higher Education as recommended in the National Policy on Education of the Government of India and by the University Grants Commission ;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows:—

Short title, extent, application and commencement.

1. (1) This Act may be called the Tamil Nadu State Council for Higher Education Act, 1992.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It applies to all the Universities, colleges and institutions of higher education.

(4) It shall come into force on such date as the Government may, by notification, appoint.

Definitions.

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

(a) "college" means any college or any institution maintained or approved by, or affiliated to, any University and providing courses of study for admission to the examination of the University and includes autonomous college;

(b) "Council" means the Tamil Nadu State Council for Higher Education established under section 3;

(c) "degree" means a degree in Arts, Science, Commerce, Teaching, Management Science, Oriental Languages, Engineering, Technology, Law or such other degree recognised by any University and includes a post-graduate degree;

(d) "diploma" means any diploma awarded by any University but does not include a certificate;

(e) "Government" means the State Government;

(f) "higher education" means education, whether professional, technical or otherwise, leading to the obtaining of any degree or diploma from any University;

(g) "institution of higher education" means an institution conducting any course of study in higher education, which is approved as such by the Government in consultation with the Council;

(h) "member" means a member of the Council and includes the Chairman, the Vice-Chairman, the Member-Secretary and the co-opted member;

(i) "regulations" means the regulations made by the Council under this Act;

(j) "University" means the Madras University, the Annamalai University, the Madurai-Kamaraj University, the Anna University, the Bharathiar University, the Bharathidasan University, the Tamil University, the Mother Teresa Women's University, the Alagappa University, the Manonmaniam Sundaranar University or such other University that may be established in the State of Tamil Nadu under any law made by the Legislature of the State of Tamil Nadu to which the University Grants Commission Act, 1956 applies;

(k) "University Grants Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

Central Act 5
1956.

Central Act 3
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3. (1) There shall be established a Council by the name "the Tamil Nadu State Council for Higher Education".

Establishment of Council for Higher Education.

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

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

4. The Council shall consist of the following members, namely:—

Composition of Council.

(a) the Minister in-charge of Education, who shall be the Chairman, *ex-officio*;

(b) the Vice-Chairman appointed by the Government from among persons having experience in the field of education;

(c) the Secretary to Government in-charge of Education, *ex-officio*;

(d) the Secretary to Government in-charge of Finance, *ex-officio*;

(e) the Secretary, University Grants Commission or his nominee, *ex-officio*;

(f) the Director of Collegiate Education, *ex-officio*;

(g) the Director of Technical Education, *ex-officio*;

(h) one member nominated by the Government from among the eminent academicians or educational administrators;

(i) one member nominated by the Government from among the eminent scientists or engineers;

(j) one member nominated by the Government from among industrialists of high repute who have contributed to the cause of higher education;

(k) two members nominated by the Government from among the Vice-Chancellors of the Universities including Vice-Chancellors of Central Universities in this State, if any;

(l) not more than three eminent educationists co-opted by the Council; and

(m) a full time Member-Secretary appointed by the Government.

5. A person shall be disqualified for being appointed as Vice-Chairman or for being nominated or co-opted as a member of the Council or for being such Vice-Chairman or nominated or co-opted member, if—

Disqualification for membership of Council.

(a) he is of unsound mind;

(b) he is an applicant to be adjudicated as insolvent or is an undischarged insolvent;

(c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment, such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence;

(d) he is a paid officer or employee of the Council; or

(e) he incurs such other disqualifications as may be prescribed by the Government.

Terms and conditions of service of Vice-Chairman and nominated and co-opted members.

6. (1) The Vice-Chairman and the nominated and co-opted members shall hold office for a term of three years and shall be eligible for re-appointment or re-nomination or co-option for a further term of three years :

Provided that for the purpose of this sub-section, a person who has held office as Vice-Chairman or a nominated or co-opted member in a casual vacancy for a period of not less than one year shall be deemed to have held office for a full term of office.

(2) The Vice-Chairman or the nominated or co-opted member may, by writing under his hand addressed to the Government or the Council, as the case may be, resign his office but he shall continue to hold office until his resignation is accepted by the Government or, as the case may be, by the Council.

(3) Subject to the provisions of this section, the terms and conditions of service of the Vice-Chairman and the nominated and co-opted members shall be such as may be prescribed.

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

Terms and conditions of service of Member Secretary.

7. (1) The terms and conditions of service of the Member-Secretary shall be such as may be prescribed.

(2) The Member-Secretary shall exercise the powers and perform the functions conferred or imposed on him under this Act and such other powers and functions as may be prescribed.

Removal from membership of Council.

8. If, at any time, it appears to the Government that the Vice-Chairman or a nominated or co-opted member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving the Vice-Chairman or such nominated or co-opted member, as the case may be, a reasonable opportunity of showing cause, by notification, remove the Vice-Chairman or such nominated or co-opted member, as the case may be, from the office.

Filling up of casual vacancy

9. If a casual vacancy occurs in the office of the Vice-Chairman or of a nominated or co-opted member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government or by the Council, as the case may be and such Vice-Chairman or nominated or co-opted member shall hold office only for the remainder of the term for which the person whose place he fills would have been the Vice-Chairman or a nominated or co-opted member, as the case may be.

Powers and functions of Council

10. (1) The functions of the Council shall be to co-ordinate and determine standards in institutions for higher education, or research and scientific and technical institutions in accordance with the guidelines issued by the University Grants Commission, from time to time.

(2) Subject to the provisions of sub-section (1), the Council shall—

(a) prepare consolidated programmes in the sphere of higher education in the State keeping in view the overall priorities and perspectives of higher education in the State and the guidelines issued by the University Grants Commission and assist in their implementation ;

(b) assist the University Grants Commission in respect of determination and maintenance of standards and suggest remedial action wherever necessary ;

(c) evolve perspective plans for development of higher education in the State ;

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15. (1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed. Annual Accounts and audit.

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

(3) The auditor appointed under sub-section (2) shall, for purposes of audit, have such rights, privileges and authority as may be prescribed. ✓

(4) The Member-Secretary to the Council shall cause the audit report to be printed and forward a printed copy thereof, to each member and shall place such report before the Council for consideration at its next meeting. ✓

(5) The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report. ✓

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

(7) The Government may, by order in writing, direct the Council to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall comply with such direction.

16. The Council shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year and the Government shall cause every such report to be laid before the Legislative Assembly as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission. Annual report.

17. The Government may issue to the Council such directions as in their opinion, are necessary or expedient for carrying out the purposes of this Act and the Council shall give effect to all such directions. Power to issue directions.

18. The Council shall have power to act, notwithstanding any vacancy in the membership, or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member had sat, voted or otherwise taken part in the proceedings of the Council. Proceedings of Council not to be invalidated by infirmities.

19. The Chairman, Vice-Chairman, members, the Member-Secretary and other employees 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, to be public servants within the meaning of section 21 of the Indian Penal Code. Members and employees of Council to be public servants.

Act of 1860.

20. No suit or other legal proceeding shall lie against the Government, the Council or any member thereof or any employee or person acting under the direction of the Government or the Council, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation, order or direction made or issued under this Act. Protection of action taken in good faith.

21. (1) The Government may make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act or an order made under section 20 shall, as soon as possible after it is made, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order, or the Assembly decides that the rule or order should not be 20

made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

Power to remove difficulties.

22. The Council may, subject to any rules made by the Government and with the previous approval of the Government, make regulations for carrying out the powers and functions of the Council under this Act.

Power to make regulations.

23. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

(By order of the Governor)

MD. ISMAIL,

Secretary to Government, Law Department.

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th June 1999 and is hereby published for general information:—

ACT No. 34 OF 1999.

An Act to Amend The Tamil Nadu State Council for Higher Education Act, 1992.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows:—

1.(1) This Act may be called the Tamil Nadu State Council for Higher Education (Amendment) Act, 1999.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act
40 of 1992.

2. In section 4 of the Tamil Nadu State Council for Higher Education act, 1992, after clause (b), the following clause shall be inserted, namely:—

Amendment of section 4.

“(bb) the Secretary to Governor, ex-officio.”

(By order of the Governor)

K. PARTHASARATHY,
*Secretary to Government,
Law Department.*