

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 9th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 8 OF 2010

A Bill to provide for the establishment of a State Council for Technical Education in the State of Tamil Nadu and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education, 1986 contains recommendations that the State Level Planning and co-ordination of higher education shall be done through Councils for Higher Education and that the University Grants Commission and these councils will develop co-ordinative methods to keep a watch on standards of higher education;

AND WHEREAS the University Grants Commission constituted a committee to make recommendations regarding 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 had laid down the guidelines for setting up of State Councils for Higher Education as recommended by the said Committee;

AND WHEREAS the State Government established the Tamil Nadu State Council for Higher Education by enacting the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992);

AND WHEREAS a large number of institutions of technical education have come up and a number of technical Universities have been established in the State of Tamil Nadu;

AND WHEREAS the State Government have decided to establish a separate Council for Technical Education to advise the Government in matters relating to Technical Education in the State and to oversee its development with perspective planning;

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu State Council for Technical Education Act, 2010.

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

(3) 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) "All India Council for Technical Education" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;

Central Act
52 of 1987.

(b) "college" means a college or institution established or maintained or approved by, or affiliated to, the technical University or approved by Directorate of Technical Education and providing any course of study or training in engineering, technology and allied sciences, management or catering technology, for admission to the examination for degrees, diplomas or other academic distinctions, as the case may be;

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

(d) "degree" means any course of study in engineering, technology and allied sciences, management or catering technology to which a degree is awarded by a technical University;

(e) "diploma" means any course of study in engineering, technology and allied sciences, management or catering technology after the Secondary School Leaving Certificate to which a diploma is awarded, but does not include a certificate;

(f) "Government" means the State Government;

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

(h) "private college" means a college established and administered or maintained by any person or body of persons, whether incorporated or not, but does not include a college established and administered or maintained by the Central Government or the Government or by any technical University established by law;

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

(j) "technical education" means any course of study or training in engineering, technology and allied sciences, management or catering technology;

(k) "technical University" means the Anna University, Chennai, the Anna University, Tiruchirappalli, the Anna University, Coimbatore and the Anna University, Tirunelveli or such other University that may be established in the State under any law made by the Legislature of the State of Tamil Nadu to conduct examinations to award degrees, diplomas and other academic distinctions in engineering, technology and allied sciences, management or catering technology;

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

Central Act
3 of 1956.

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

Establishment
of State
Council for
Technical
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 Chennai.

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

Composition of
Council.

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

(b) the Vice-Chairman appointed by the Government from among persons, who have been Vice-Chancellors of Universities in the State and having experience in the field of technical education and who has not completed seventy years of age;

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

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

(e) the Secretary to Government in-charge of Industry, ex-officio;

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

(g) the Member-Secretary, All India Council for Technical Education or his nominee, ex-officio;

(h) the Commissioner or Director of Technical Education, ex-officio;

(i) two members nominated by the Government from among the Vice-Chancellors of the technical Universities;

(j) two members nominated by the Government from among the principals and Directors of colleges, of whom one shall be from a college established and administered or maintained by the Government and another from a private college;

(k) two members nominated by the Government from among the principals of colleges, offering any course of study to which a diploma is awarded, of whom one shall be from a college established and administered or maintained by the Government and another from a private college;

(l) one member nominated by the Government from among the principals and Directors of colleges offering courses of study in management;

(m) one member nominated by the Government from among eminent academicians or educational administrators in the field of technical education;

(n) one member nominated by the Government from among eminent scientists or engineers in the field of technical education;

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

(p) not more than three eminent educationists in the field of technical education co-opted by the Council; and

(q) a full time Member-Secretary appointed by the Government who shall be not below the rank of the University Professor, having experience in the field of technical education.

Disqualification for membership of Council.

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—

(a) he is of unsound mind;

(b) he is an applicant to be adjudicated as an 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.

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.

Filling up of casual vacancy.

10. (1) The functions of the Council shall be to co-ordinate and determine standards in college and scientific research in technical education.

Powers and functions of Council.

Central Act
3 of 1956

(2) Subject to the provisions of the University Grants Commission Act, 1956 and the All India Council for Technical Education Act, 1987, the Council shall—

Central Act
52 of 1987

(a) prepare consolidated programmes in the sphere of technical education in the State in accordance with the guidelines that may be issued by the University Grants Commission and All India Council for Technical Education, from time to time, and to assist in its implementation, keeping in view the overall priorities and perspectives of technical education in the State;

(b) assist the University Grants Commission and All India Council for Technical Education in respect of determination and maintenance of standards and suggest remedial action wherever necessary;

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

(d) forward the developmental programmes of technical Universities and colleges to the University Grants Commission and All India Council for Technical Education along with its comments and recommendations;

(e) monitor the progress of implementation of such developmental programmes;

(f) promote co-operation and co-ordination of the colleges among themselves and explore the scope for interaction with industry and other related establishments;

(g) formulate norms for starting new colleges in accordance with the guidelines issued by the Government, University Grants Commission and All India Council for Technical Education;

(h) suggest ways and means for augmenting additional resources for technical education in the State;

(i) encourage and promote innovations in curriculum development, restructuring of courses and updating of syllabi in the technical Universities;

(j) promote and co-ordinate the programmes of autonomous colleges and to monitor its implementation;

(k) devise steps to improve the standards of examinations conducted by the technical Universities and suggest necessary reforms;

(l) facilitate training of teachers in technical Universities and colleges and oversee the functioning of the academic staff colleges through co-ordination and promote publication of quality text books, monographs and reference books;

(m) develop programmes for effective academic co-operation and interaction between the faculties in the technical Universities, colleges and also provide mobility of students and teachers within and outside the State;

(n) regulate the admissions in technical Universities and colleges;

(o) encourage sports, games, physical education and cultural activities in the technical Universities and colleges;

(p) encourage extension activities and promote interaction between technical Universities and industries through effective consultancy in special areas relevant to the technical Universities and regional planning development;

(q) prepare an overview report on the working of the technical Universities and colleges in the State and to furnish a copy of the report to the Government;

(r) identify centres of excellence in the technical Universities and provide national and international linkage for the growth of science and technology in frontier areas;

(s) make suggestions to the Government in determining the block maintenance grants and lay down the guidelines for such grants to technical Universities and colleges;

(t) set up a State Technical Research Board so as to link research work of technical Universities with that of the research agencies and industry, keeping in view the overall research needs of the State and co-ordinate research funding at national and international level for promotion of scientific research in the technical Universities;

(u) examine the statutes and ordinances and regulations of technical Universities in the State (excluding Central Universities) and the statutes proposed by the technical Universities in the State and suggest modifications to maintain uniformity in administration without prejudice to the autonomy for the academic pursuits;

(v) work in liaison with the All India Council for Technical Education in the formulation of the schemes in the State;

(w) make suggestions to the Government in making new colleges self sufficient and viable;

(x) make suggestions to the Government on the policy of 'earning while learning';

(y) promote institutes of excellence within or outside the technical University system in frontier areas of knowledge like molecular biology, genetic engineering, aerospace, biotechnology and the like;

(z) make suggestions to the Government regarding improvement to the law relating to technical Universities including the laws relating to the establishment of new technical Universities;

(aa) institute prestigious awards to outstanding scientists, academicians and technologists for their contributions;

(ab) identify and administer innovative programmes for sustainable growth through self-generating funds from services such as consultancy to industries, institutions and national and international organisations;

(ac) administer and release research funds, if any, received from national and international funding agencies;

(ad) advise the Government or any technical University or colleges on any other matter relating to technical education and research which they may refer to the Council; and

(ae) perform such other functions necessary for promoting excellence in technical education and scientific research, as may be prescribed.

Meetings of
the Council.

11. The Council shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations:

Provided that the Council shall meet at least once in three months.

Staff of the
Council.

12. (1) The Council shall appoint such number of employees as may be necessary for the efficient performance of its functions. The terms and conditions of service of the employees of the Council shall be such as may be provided in the regulations.

(2) The classification and methods of recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and other employees referred to in this section shall be such as may be prescribed.

Temporary
association of
persons with
the Council
for particular
purpose.

13. (1) The Council may associate with itself in such manner and for such purposes as may be determined by regulations any person whose assistance or advice it may desire.

(2) A person associated with for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Council.

Budget of
Council.

14. The Council shall prepare in such form and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure and a copy of the budget shall be forwarded to the Government.

15. (1) The Council shall have its own fund and all sums which may, from time to time, be paid to it by the Government and all the receipts of the Council (including any sum which the Central Government, the University Grants Commission or any other authority or person may hand over to the Council) shall be credited to such fund.

Fund of the Council.

(2) The Government shall pay to the Council in each financial year, grants, development grants and matching grants as the Government may consider necessary for a period of five years from the date of commencement of this Act for the performance of the functions of the Council under this Act.

(3) All technical Universities shall contribute rupees one lakh per year, colleges offering a course of study to which a degree is awarded shall contribute rupees five thousand per year and colleges offering any course of study to which a diploma is awarded shall contribute rupees two thousand and five hundred per year to the Council as annual subscription for their institutional membership in the Council which shall be credited to the fund.

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

(5) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Council.

16. It shall be the duty of the Council to allocate grants to different technical Universities and colleges in the State from out of the funds received by it under sub-section (1) of section 15 and release the same to concerned technical Universities and colleges.

Release of grants-in-aid to Universities and colleges.

17. (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 submitted atleast once in a year to such examination and audit as the Government may direct.

(3) 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.

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

(5) The accounts of the Council 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.

(6) 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.

18. 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 and the All India Council for Technical Education.

Annual report.

19. 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.

Inspection and inquiry.

20. (1) The Government shall have rights to cause an inspection to be made, by an officer not below the rank of Secretary to Government authorised by it, of the Council and also to cause an inquiry to be made into the work done by the Council in respect of any matter entrusted to it. The Government shall, in every case, give notice to the Council of its intention to cause such inspection or inquiry to be made and the Council shall be entitled to be represented thereat. The officer making the inspection or inquiry shall inform the Government of the results thereof.

(2) The Government shall communicate to the Council its views with reference to the results of such inspection or inquiry and may advise the Council the action to be taken.

(3) The Council shall, within such time as the Government may fix, report to it, the action, if any, which is proposed to be taken or has been taken upon such advice.

(4) The Government may, where action has not been taken by the Council within a reasonable time to its satisfaction, issue such directions as it may think fit, and the Council shall comply with such directions.

Revision.

21. The Government may, either suo-motu or on an application made to them, call for and examine the records of any order passed or decision taken by the Council under the provisions of this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or decision or as to regularity of such procedure and pass such order with respect thereto as they may think fit:

Provided that no such order shall be made except after giving the Council or the person likely to be affected thereby, a reasonable opportunity of being heard.

Proceedings of Council not to be invalidated by infirmities.

22. The Council shall have the 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.

Members and employees of Council to be public servants.

23. 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.

Central Act
XLV of 1860.

Protection of action taken in good faith.

24. No suit or other legal proceedings shall lie against the Government, the Council or any member thereof or any employees 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.

Powers to make rules.

25. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) Every rule or order made or notification issued under this Act shall, as soon as possible after it is made or issued, 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 notification, or the Assembly decides that the rule or order or notification should not be made, the rule or order or notification 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 or notification.

Power to make regulations.

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

Power to remove difficulties.

27. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provision not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for removing the difficulty:

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

Tamil Nadu
Act
40 of 1992.

28. In the Tamil Nadu State Council for Higher Education Act, 1992,—

(1) in section 1, for sub-section (3), the following shall be substituted, namely:—

“(3) It applies to all Universities, colleges and institutions of higher education except technical University and college as defined in the Tamil Nadu State Council for Technical Education Act, 2010.”;

(2) in section 2,-

(i) in clause (c), for the expression “Management Science, Oriental Languages, Engineering, Technology”, the expression “Oriental Languages” shall be substituted;

(ii) in clause (f), for the expression “technical or otherwise”, the expression “or otherwise (other than technical education as defined in the Tamil Nadu State Council for Technical Education Act, 2010)” shall be substituted;

(iii) in clause (j),-

(a) the expression “the Anna University” shall be omitted;

(b) after the expression “to which the University Grants Commission Act, 1956 applies”, the expression “but does not include a technical University as defined in the Tamil Nadu State Council for Technical Education Act, 2010” shall be added;

(3) in section 4, clause (g) shall be omitted;

(4) in section 10,—

(i) in sub-section (1), for the expression “research and scientific and technical institutions”, the expression “research and scientific institutions” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (q), the expression “and technology” shall be omitted;

(b) for clause (s), the following clause shall be substituted, namely:—

“(s) promote institutes of excellence within or outside the University system in frontier areas of knowledge;”;

(c) in clause (x), for the expression “scientists, academicians and technologists”, the expression “scientists and academicians” shall be substituted;

(d) clause (ab) shall be omitted.

Amendments
to Tamil
Nadu Act
40 of 1992.

STATEMENT OF OBJECTS AND REASONS.

In the budget session for 2008-2009, the Hon'ble Minister for Higher Education announced on the floor of the Legislative Assembly that in order to make state level planning on the development of technical education, Tamil Nadu State Council for Technical Education will be established similar to the Tamil Nadu State Council for Higher Education. Accordingly, the Government have decided to undertake legislation for the above purpose.

2. The Bill seeks to give effect to the above decision.

FINANCIAL MEMORANDUM

The Bill provides for the establishment of Tamil Nadu State Council for Technical Education. The Bill when enacted would involve expenditure from the Consolidated Fund of the State. The expenditure is expected to be around Rs.8,25,000/- non-recurring and Rs.3,38,000/- recurring per annum, for a period of five years. However, this is only an estimate and it is not possible at this stage to estimate with greater degree of accuracy, the expenditure to be incurred as a result of the proposed legislation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(3), 5(e), 6(3) and (4), 7, 12(2), 15(4), 17, 18, 19, 25 and 27 of the Bill authorise the Government to make rules and issue orders and directions for the purposes specified therein. Clause 26 of the Bill authorises the Tamil Nadu State Council for Technical Education to make regulations.

2. The powers delegated are normal and not of an exceptional character.

Dr. K. PONMUDY,
Minister for Higher Education.

M. SELVARAJ,
Secretary.