



Implementation Procedures for the Institution of Kerala Open University

(Based on Ram Takwale Committee Report)

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July 2018

FOREWORD

Open University is literally open to the public. With its entry requirements and eligibility criteria quite minimal compared to what the regular university system demands, Open University is the best institutional means to render higher education plausible outside the campus. Moreover, it is a well-entrenched system the world over in imparting higher education of greater career benefits to the general public. A mode of learning significantly flexible, self-directed and based on personal choice, the Open University system if committedly administered, can easily maintain quality of academic programmes, courses and curricula. Accommodating maximum beneficiaries from the larger society, it ensures equity and access, a task of great relevance to the country in general and to the state in particular.

Restrictions of quality assurance imposed by the UGC have brought distance education to a halt, depriving a huge student population of their right to access higher education. Also there hangs a lurking threat overhead giving an implied ban-effect on private registration, the major track of higher education resorted to by the economically backward. Over two lakhs of students in the state depend on distance education and private registration for their higher education. Unbridled privatization and commercialization of higher education have already upset the state's measures to ensure equity and access. This is the crucial context for the establishment of an Open University in the state, an eminently righteous Government action.

Vice Chairman

Committee Chairperson's Note

The establishment of an Open University in the State has been on the anvil ever since the Indira Gandhi National Open University and many State Open Universities were established in the country. All the Commissions, appointed to study the setting up of an Open University in the State, had made strong recommendations for the institution of the same. The reports of Dr. Dharam Veer (2002) and Prof. Ram G. Takwale (2010) are noteworthy by their comprehensiveness and inclusiveness. Prof. Takwale's recommendations are even currently relevant and still adoptable, despite the advancements that have taken place in Information Communication Technology and allied fields, in the recent past. The present Committee, constituted by the Higher Education Council, was entrusted with evolving procedures for the implementation of an Open University in the State. Consequently, based on the report of Prof. Takwale, the Committee has proposed the steps to be adopted towards the setting up of the Open University.

While an open learning system possesses some inherent advantages over the traditional system of education in some respects, its specific capacity to address the multiple educational needs of a large student mass is what is more significant for a State like Kerala in the present context. In the wake of the University Grants Commission (ODL) Second Amendment Regulations, 2018, which insists that only those Higher Educational Institutions having valid accreditation from NAAC with a minimum CGPA of 3.26 on a 4 point scale can conduct Distance Education programmes, the continuation of the currently running programmes in the four affiliating Universities of the State is under threat. Students seeking enrollment to higher education programmes is on the rise every year in the State and the available facilities are not enough to accommodate all aspirants. Universities functioning in dual mode are overburdened and hence able to devote little time or effort for the quality of the programmes they offer. In these circumstances, it is high time that an Open University is set up in the State, and it is hoped that the proposed steps and procedures along with the draft of the Bill may help the speedy implementation of the same.

Prof. Fathimathu Zuhara

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Terms of Reference

To evolve implementation procedures for the institution of the Kerala Open University on the basis of Dr. Ram Takwale Committee Report.

Kerala Open University: Immediate Context

1.1 Previous Steps by the Govt. of Kerala

While putting forward several innovative ideas in the field of education, the National Policy on Education, formulated in 1986, stressed the importance of Open University system as follows: “the open learning system has been initiated in order to augment opportunities for higher education, as an instrument of democratizing education and to make it a life-long process. The flexibility and innovativeness of the open learning system are particularly suited to the diverse requirements of the citizens of our country, including those who had joined the vocational stream.” This opinion was made one year after the Indira Gandhi National Open University was established in 1985.

The Committee of the Central Advisory Board of Education on Distance Education has recommended that ‘every state has to establish an Open University for the development of distance education system in the country’. Consequently, Open Universities have been established in several States, during the Eighth and Ninth Five year Plan periods in the country.

Almost at the same time Kerala also had initiated steps to set up an Open University in the State. Recommendation for the same has been made by the following Committees constituted at different time periods.

- **M.P. Menon** (former Chief Justice, High Court of Kerala) Commission -1983.
- **Adiseshiah**(Vice Chancellor of the University of Madras) Commission -1985
- **Dr. Dharam Veer** (Secretary, Higher Education)-2002.
- **Dr. K.R. Srivatsan** (Director, IITMK)-2004.
- **Prof. U. R. Ananthmoorthy** (Former Vice-Chancellor, M.G. University)-2007.
- **Prof. Ram Takwale** (Former Vice Chancellor of Pune University and IGNOU-2010).

13th Five-Year Plan Working Group Report (2017) on Higher Education had recommended the establishment of an Open University in the State. Also, the government of Kerala had given assurance in the 5th session of the 12th Kerala Assembly regarding the institution of the Open University.

Though all the above Six Commissions had made strong recommendations, the reports of and Dr. Dharam Veer (2002) and Prof. Ram Thackale (2010) are noteworthy by their comprehensive and inclusive nature. Based on the strong recommendation of Prof. Ram Takwale to implement the project urgently, a special officer was appointed. Prof. Thackale's recommendations are even currently relevant despite the large technological advancements and innovations taken place in the recent past.

1.2 The Immediate Context

- **According to a recent circular (F.No.74-812017 (DEB-IV) dated 21st February, 2018) of UGC, only Higher education Institutions that have valid NAAC accreditation of A+ grade, with a minimum CGPA of 3.26 on a 4 point scale, will be granted recognition to run Open and Distance Learning (ODL) Programmes in future.** The four Universities running distance education courses in Kerala have their NAAC Grades as follows: University of Kerala, Mahatma Gandhi and Calicut University - A grade (CGPA-3.01 - 3.25), and Kannur University-B grade (CGPA -2.01 - 2.50). In this context, all these institutions have to make fresh application for recognition of their ODL programmes.

If UGC insists on these norms, all the four Universities will have to stop their distance education programmes, in which case alternate measures will have to be made by the government for accommodating thousands of students who fail to be enrolled in regular stream, every year.

- **In 2013, the UGC temporarily suspended the distance education courses conducted by these Universities, for violating its directive that distance education courses can be conducted only in the University's territorial jurisdiction and that courses may be conducted by Universities directly, not through franchisees.** Though the programmes were later resumed, it had created great chaos among the student community, especially abroad. It appears that the UGC is no longer very keen on permitting Higher Education Institutions (HEIs) to conduct Open-Distance Learning (ODL) Programmes.
- In the State the enrolment to UG courses in the Arts and Science Colleges under the four Universities was 2.7 lakhs in 2017, while about 3.27 Lakh of students had become eligible for higher studies from HSS and VHS institutions. That is, there was a shortage of nearly half lakh of seats and majority who failed to enter the regular stream had to opt for distance and private modes for their higher studies. **Reports say that in Calicut University, for the 56,000 undergraduate seats available in the regular mode, there were 1,31, 979 applicants and hence more than 75,000 students could not obtain admission in the year 2018-'19.** The situation is almost the same in all the Universities in Kerala and those who fail to get admission in regular mode naturally depend on Open/Distance/Private mode for their education.
- The affiliating Universities in the state are over burdened with examination related works which has adversely affected the teaching and research both at the college and University levels. The thousands of examinations that Universities conduct each year, both for the regular and the distance streams vouch for this argument. As per the documents submitted to the NAAC team in 2016, Calicut University conducts >10,000 examinations for 7.7 lakh candidates, which include regular, supplementary, special and special supplementary etc.

- **There is high demand for advanced courses, in newly emerging areas, to cope with the fast developing areas of knowledge and technology.** Since unemployment has become a global problem, the employability of the programmes offered is important. Such new- generation job orientated courses that will have demand in the employment field primarily for a specific period, can easily be programmed and provided to learners through open stream, due to the specific delivery mode adopted in that system.

In these circumstances, the delinking the distance/private modes from the regular stream has to be urgently considered. In such a case, Universities will be relieved of the immense administrative and logistical burden of distance/private mode courses, so that they can pay more attention to students in the regular stream. Starting an Open University, as in many other States, would help to accommodate not only these students but also various sections that would like to pursue higher education at their later stage of life.

It is in all these contexts, the present Committee was constituted by the Kerala State Higher Education Council, and entrusted with evolving of procedures for the implementation of the Open University in the State. This Committee has proposed the steps to be adopted towards setting up of the Kerala State Open University, based on the report of Prof. Ram Thackale (Appendix). Also a draft of the bill for the proposed State Open University, to be enacted in the Kerala Legislative Assembly, is enclosed herewith (Appendix).

Implementation Procedures for the Institution of Kerala Open University

Part I

Since KOU is first of its kind in the State, measures are to be ensured for its successful implementation. The proposed KOU (Kerala Open University) can follow the Act and Statutes, the Rules and Regulations, Academic and Administrative structure, Mode of functioning etc of the Indira Gandhi National Open University (IGNOU), with appropriate modifications that are mandatory for a State-run Open University.

When KOU decides to adopt the Act and Statutes and other regulations of IGNOU and follow the mandatory regulations of the Distance Education Bureau (DEB) under UGC, there is no provision for a different frame work or structure for the institution. But since KOU is proposed as a State University that will function under an Act of Kerala State legislature, certain features, specific to a State Open University, are to be mentioned here.

2.1 Official Signs/Symbols of the Open University

- **Name of the Open University:-** Since Karnataka State Open University is already referred to as KSOU, Kerala State Open University may take the name, **Kerala Open University (KOU)**
- **Emblem of the Open University:-** suggestions for emblem can be invited from the public by publishing the vision, mission and motto of the Open University.
- **Motto of the Open University: -** A matching and also catching slogan, that would reflect the aims and objectives of the University in its proper spirit can be decided upon.
- **Official Website for the Open University:-** All the notifications, circulars and information regarding admission, registration, counselling, examination and similar important events can be communicated through the official website of the Open University.
- **Acts and Statutes of Kerala Open University:-** The Open University may follow the Act and Statutes of Indira Gandhi National Open University (IGNOU), by making modifications that are mandatory for a State Open University.

2.2 Infrastructure and Physical Facilities

- **The Headquarters of the Open University:-** KOU will have its headquarters at Thiruvananthapuram or any other place decided by the Government. There should be enough building space for housing the administrative and academic offices, staff, various Divisions, Library and Study material storage, dispatch etc. There should be sufficient space and facilities to hold the meetings of the Statutory bodies of the University viz. the Syndicate, Planning Board, Academic Council, School Boards etc.
- **Jurisdiction:-** The jurisdiction of this Open University is within the State, since State Open Universities are supposed to operate within the respective state as they are established by an Act of State Legislative Assembly.
- **Regional Centers:-** There can be 5 Regional centers initially, at Thiruvananthapuram, Kottayam, Cochin, Kozhikode and Kannur. The Schools of Distance Education, functioning in all the four affiliating Universities in these places, can act as the Headquarters of these Regional Centres and the facilities prevailing there can be used for functioning as the Regional Centres of the Open University. Cochin University, which doesn't have such a centre at present, may be able to provide infrastructure and facilities for instituting a Regional Centre at Cochin. A Director will be in charge of each Regional Centre along with other staff members. At a later stage, the number of Regional centers can be increased to have one centre each in every district.
- **Study Centers: -** Under every Regional Centre, the maximum number of Study centres possible are to be instituted. But in the primary stage, the Study Centres will be distributed in such a way that each district coming under the territorial jurisdiction of a Regional Centre will have one Study Centre. The territorial jurisdiction of the Regional Centres will be as per that of the Regular University where that Regional Centre is functioning. For eg: Under the Trivandrum Regional Centre one Study centre each will be functioning in Thiruvananthapuram, Kollam, Alappuzha and Pathanamthitta Districts. Here the territorial jurisdiction is that of Kerala University. The Government and Aided Colleges in these districts can be asked to provide space and facilities for the Study Centres for the time being. A Co-coordinator will be in charge of the Study Centre.
- **Divisions:-** All the academic and administrative activities of the Open University is to be controlled and co-ordinated through the Divisions and hence the headquarters at Thiruvananthapuram should have space and infrastructure to lodge these various

Divisions. Later on, when the Schools of Studies are to be established for promotion of interdisciplinary studies, there should be infrastructural provision for such schools. There should be enough numbers of administrative and academic staff for the main office, Divisions and Schools. Space and other facilities are necessary for material production, delivery of services, conduct of admission, evaluation and similar works.

2.3 Courses to be Offered

The programmes offered by the Open University should be relevant, in terms of application, skillfulness and demand. Along with imparting knowledge, the programmes should provide skills and competence to the individual at various levels. Employability is also important to make one self-reliant in life. Along with the conventional and fundamental courses, the KOU will offer advanced innovative programmes as well. The courses offered at one time can be replaced, modified and updated as per the needs of the time.

Part II

ORGANISATION AND STRUCTURE

Though there are several Open Universities functioning in the various States of India, Indira Gandhi National Open University (IGNOU) that was established in 1985 is the most prestigious one in the country. It is under the Government of India, with jurisdiction all over the country, and is considered as the largest Open University in the world with a total enrollment of over 4 million students.

Along with teaching and research, IGNOU has other academic activities like extension and training. In addition to being a national resource centre, this Open University has the role of promoting and maintaining the standards of distance education all over India. The courses and programmes developed by this national apex body can be shared by the Open universities and distance education centers operating in various States so that cost on material production can be saved. The Open Education Network (OPENET) is established to connect all the Open and Distance education institutions to make this resource sharing possible. The proposed KOU (Kerala Open University) can follow the Act and Statutes, the Rules and Regulations, Academic and Administrative structure, Mode of functioning etc of the Indira Gandhi National Open University (IGNOU), with appropriate modifications that are mandatory for a State-run Open University.

3.1 MANAGEMENT SYSTEM

Universities in India can be established either under an Act of parliament or a State legislature, as per the UGC Act 1956. So, for the establishment of KOU, a State legislation is necessary. It is very important that the KOU should have its jurisdiction, throughout the State and if there is provision, outside the State too. Since Open Universities are not granted affiliating power, KOU will not be an affiliating University.

The governance required for an Open University is different from that of a conventional University in terms of its duties. To carry out all the academic and administrative functions, the system has to completely rely on advanced ICT applications. The administration has the duty to successfully combine the traditional principles of the

teaching-learning process with the advanced delivery modes of the Open Distance learning system (ODL) of education.

3.1.1 The Authorities of the University

- **Board of management/Executive Council/University Syndicate:-** This is the principal executive body of the Open University. The number of members, composition, quorum for the meeting, procedure of the meeting and tenure etc will be specified by the University Statute.
- **The Academic Council:-** The Academic Council is the highest academic body of the Open University as in case of conventional Universities. Since Open University needs the expertise of educationalists, technologists, ICT professionals etc, the academic council will have representation from all these fields.
- **Planning Board:-** Planning Board should include Professionals and academics who are experts in planning educational policies and academic programmes along with capacity to formulate proper strategies for their implementation.
- **Finance Committee:-** This Committee is to plan and program all financial matters of the KSOU.

3.1.2 The Officers of the University

- The Chancellor (Governor of Kerala)
- The Vice-Chancellor
- The Pro-Vice Chancellor
- The Registrar
- Directors (of Schools or Regional Centres)
- Finance Officer
- Controller of Examinations

The mode of appointment, qualification, the term of office, the power, duties to be performed and other terms and conditions of these Officers will be as they are defined in the Act and Statute of KOU.

3.1.3 Divisions

Whether working on conventional or open mode, the functions to be performed in a University system are enormous and complex. Every day, a large number of academic and administrative activities are to be performed in interaction with people like students, teachers, administrative staff, the public etc. High complexity is inherent in the system. To perform each and every function carefully and systematically, the Universities have various Departments and Divisions functioning within them. In the case of Open Universities, since they work on a virtual mode, the Divisions that undertake various academic and administrative functions have more importance. Though IGNOU, a well-established Open University has several such Divisions that have come up as part of its secondary and tertiary upgradation and development, KOU may require only the following important Divisions initially.

- **Academic Co-ordination Division (ACD):-** This is engaged with the management of the affairs of the teachers and academics. The policy formulation of all academic matters, all matters related to Academic Council and its Standing Committees etc are performed by ACD.
- **Administration Division (AD):-** The University is an academic institution and the primary duty of AD in a University system is to provide support to the academic activities of the University. The AD shall place proposals for consideration of the authorities and Statutory Bodies implement the decisions taken by these bodies and give support to all functional and operational Divisions by providing the required manpower and infrastructure facilities. It shall also act as a facilitating mechanism so that the University can adequately meet the objectives set out in the Act and Statutes.
- **Computer Division (CD):-**In an Open University, computing and network services through Information & Communication Technologies (ICTs) is very important and hence Computer Division is the backbone of the Open University. The Division offers services to learners, staff and faculty at the Hqrs, Regional Centres, Study Centres etc. The website of KSOU will be managed by the CD. Network Services, Software Development, Website and Applications Interfacing, ERP Back Office (HR & Finance), Server Room and Data Centre Operations, IT Infrastructure Procurement, Commissioning and Maintenance, Training & Capacity Building and User Support are also to be performed by CD.
- **Material Production & Distribution Division (MPDD):-** This division is unique for all the institutions that function on Open-Distance mode. MPDD handles the production and distribution of self-instructional materials of various programmes. It shall ensure timely printing and dispatch of study materials to the learners as well as to Regional/ Study Centres.

- **Planning & Development Division (PDD)**

This Division will act as the administrative body for the Planning Board (PB), which is one of the authorities of the University, and its Standing Committee i.e. the Academic Programme Committee (APC). PDD has the important role of coordinating the design, development and delivery of academic programmes and related activities, its procedures, administrative reforms and students support network in order to improve the quality of Open and Distance Education.

- **Finance and Accounts Division (FAD)**

This Division will carry out all the functions related to fund acquisition, Revenue collection, Preparation of budget estimates, accounting the receipts and expenditure, fund utilization, release of funds to Regional/Study Centres, Schools etc. The monitoring of financial targets of development plans, internal auditing of money utilized by Regional and Study Centres etc. are also done by FAD.

- **Student Registration Division (SRD)**

SRD has the role of monitoring of registration of students to different programmes offered by the University. Once the course material, Prospectus etc., are ready and the admission notification is released, the SRD will proceed with the Registration process.

Student Enrolment: - For enrolling to the KOU, the admission procedure of IGNOU can be followed. Candidates can apply for admission round the year. Application forms are made available at all Regional Centres and Study Centres. Filled-in application forms can be submitted at the Regional Centre concerned. But, though IGNOU admits students twice a year for certain programmes, KOU may admit only once a year until the institution properly gets established. KOU also may conduct programmes in the following two categories initially:

- Programmes which demand certain minimum eligibility criteria. Students can join directly to these programmes.
- Programmes where admission is on the basis of merit. Here, some prior qualification and experience is necessary.

At a later stage, a third category of students may also be enrolled. ie.,

- Programmes where admission is through an entrance test.
- **Student Evaluation Division (SED)**

In addition to the important duty of evaluation of the students' performance through continuous internal assessment and term-end examinations, SED will also be involved in the conduct of entrance exams for admission to entrance based programmes. It can also take care of credit transfer, re-registration, change of course and other exam related duties. The division will print and dispatch exam forms, question papers and examination materials to Study Centres and Regional Centres. The division will also receive all the answer books and arrange evaluation of the same. The result is then compiled and grade cards printed for each student by the SED.

- **Regional Network**

Under this comes the Study Centres and Regional Centres of the KOU.

- **Study Centres :** As in the case of a conventional University, students of the Open University also must get individual care and support that can be provided within the limitations of an on-line University. Hence, Study Centers, an important component of the Open system have to be maintained within the jurisdiction. The Study Centres are the meeting place of students with the Academic Counselors and other learners. Learners can use books in the Library, watch/listen to video/audio programmes and interact with the Coordinator on administrative and academic matters. In the secondary stage of development, KOU can establish support services through Work Centres, Programme Study Centres, Skill Development Centres and Special Study Centres as is done by IGNOU now.

These several number of Study Centers can be controlled and co-ordinate by the Regional Centres.

- **Regional Centres :** Regional Centre has the function of coordinating and supervising the works of the Study Centres. Regional Centres act as the sub-offices of the Open University and they also act as resource centres of the University in respective regions. Training coordinators, counselors and other functionaries is carried out in these

centres and they also act as venue for the students and the academic counsellors to interact and discuss academic matters.

The Schools of Studies

Open University Schools of Studies are to be established in order to develop interdisciplinary studies and also to conduct courses in various disciplines. Each School is headed by a Director and it is the duty of the Director to plan, supervise, develop and organise the academic programmes and courses with the help of the School faculty and different academic, administrative and service wings of the University. The aim is to provide a wide choice of courses at different levels.

When the Open University gets gradually expanded, more and more Divisions will have to be established.

3.2. ACADEMIC SYSTEM

- The significant functions of the Open Distance learning system are:
- Deciding the programmes to be conducted by the University and preparing curriculum and self learning materials for the programmes. The courses should be prepared with the University approved Credits and weightage.
- Selection of suitable and feasible learning packages and their production.
- Deciding the means (print, audio, video, mobile, e-mail, internet etc) to be adopted for the distribution of the learning packages.
- Provide contact classes, face-to face teaching/ Counseling etc in Study Centres.
- Conduct of evaluation through single or multiple methods like assignments, test papers, interactions and discussion etc., for the evaluation of students.
- Decision on semester/annual, grade/marks system, direct/indirect grade and the model of mark list, degree certificates etc.
- General administration to co-ordinate all the academic and administrative functions.

These major academic functions can be successfully performed under three categories:

- Course development and material production.
- Delivery of study materials and services to students
- Conduct of examination and Evaluation

3.2.1 Course Development and Material Production.

As mentioned earlier, the course materials required for the conduct of the programmes in the preliminary stage, can be taken from IGNOU, since there is provision for sharing the courses and programmes developed by the National Open University by the State Open Universities.

But in the later stages, the state Open University has to prepare its own course materials for the programmes to be conducted by it. This process involves the following steps:

- Learning material is specially prepared by academic experts drawn from different Universities and Institutions in and outside the State as well as by in house faculty. The service of retired teachers in the State can be utilised for the preparation of course materials.
- The course material, after thorough scrutiny, is approved and sent for printing, preparation of audio and video materials should be done in consultation with the course writers, in house faculty and producers.
- After making further modifications and editing, if necessary, these are dispatched to the students and Study Centres.

Credit System:- The kerala State Open University will follow Credit system for its programmes. The Credit pattern adopted by IGNOU (each credit equivalent to 30 hours of student study) can be followed by KOU also.

3.2.2 Programme Delivery

- In the Open mode of study, learning is mainly student centric and the student/learner has to take an active role in the teaching-learning process. Hence the modes of instruction adopted in the system are different from that of a Traditional University. Open Universities usually follow a multimedia approach and in the case of the KOU, the methods followed by IGNOU can be accepted. It comprises:

- **Self Instructional Written Material:** The printed study material (written in self-instructional style) is supplied to the learners in batches of blocks for every course (on an average 1 block per credit). A block is prepared as a booklet that usually contains 3 to 5 units.

- **Audio-Visual Material Aids:** The learning package contains audio and video CDs which provide better clarification for the study material to the students and enhance the process of understanding.

If possible the video programmes can be telecast through the Regional channel of Doordarshan with appropriate time slots, as is done by IGNOU. Similarly, the audio programmes can be broadcast through regional stations of All India Radio. The information about the broadcast, telecast etc can be provided through the KOU website.

- **Counselling Sessions:** Counselling sessions can be held at the Study Centres, by giving previous notice and well planned schedule that reaches to students well in advance.
- **Teleconferences:** The Open University can think of conducting live teleconferencing sessions, at later stages, as it is successfully done by IGNOU via satellite.
- **Practicals/Project Work:** Practicals required in case of certain Programmes and the project component etc are to be held at institutions designated for it. The schedule can be provided by the Study Centres. Specific detailed sketch for the conduct of the practicals/project work can be chalked out by the University.

3.2.3 Evaluation System: The system of evaluation for KOU can be decided on its own or can adopt IGNOU's methods which follow a multitier system of evaluation. Selected methods or all of the evaluation methods followed by IGNOU, viz. Self-assessment exercises, Continuous evaluation through assignments, seminar, workshops, extended contact programmes, term-end examinations, Project work etc can be adopted by KOU.

For evaluation, direct grading can be adopted by KOU also, since the same is used for programmes in regular Universities in the State.

Part III

4.1 Steps with regard to the Institution of Proposed Open University

- Government has to take decision to establish an Open University in the State.
- The KOU Act is to be enacted immediately and it should specify the Vision, Mission, structure, function, details of statutory bodies, Authorities and other important matters. The Act of IGNOU 1985, with appropriate changes, can be adopted in this regard. A Draft of the Bill to be enacted in the Legislative Assembly is attached as Appendix-
- The approval/recognition of the Distance Education Bureau (DEB) of UGC is mandatory for the functioning of the Open Distance Learning (ODL) Institutions in the country. Steps are to be initiated towards the same.
- To submit application seeking the approval of DEB the details of the steps already taken towards raising facilities for the establishment of the Open University are to be furnished. Hence, steps are to be initiated to fulfill such initial requirements, before furnishing the application before the National regulatory body.

4.2 Steps to be taken with regard to the Distance Education Programmes in the Four Affiliating Universities

The fate of the Distance Education Programmes in the four Universities, in the wake of the recent UGC Order (F.No.74-812017 (DEB-IV) 21st February,2018) as well as the establishment of the proposed Open University in the State, is to be seriously discussed at this juncture.

If the UGC decides to stick on to its recent circular that Higher Education institutions having a valid NAAC accreditation of A+ grade only can conduct Distance Education Programmes in the country, no University in the State at present has the eligibility for conducting such programmes. All the four Universities have only A grade.

Though the closure of distance education programmes will reduce the administrative and academic burden of our Universities, these Centres have been inevitable for their own fund generation, along with several other self-financing institutions that the Universities are running.

In the new situation, the problems that the Universities may face are of 3 kinds.

- Utilizations of the infrastructure facilities set up for Distance Education Programmes.
- Accommodating the staff working in such Centres.

- The loss of the revenue that has been generated through the centres.

Suggestions

1. The effective utilization of the existing infrastructure facilities in Universities:

- a. The building and other infrastructure facilities raised by these Universities for the purpose can be utilized by converting them to Regional Centres of the proposed Open University and these Regional Centres can function independently. This will on one hand reduce the initial financial requirements of the Open University and absorb the excess staff in the affiliating Universities
- b. If possible, the Study Centers functioning under these four Universities can also be utilised by the Open University as its Study Centres. A government level decision in this regard is required.

2. To accommodate the staff working in the Distance Education Stream in Universities:

The Staff of the four Universities that may become excess with the starting of the Open University can be accommodated by any of the following means:

- a. They can be given option to work in any of the Regional Centres/Study Centres/ Headquarters/ Divisions or any other office of the new Open University.
- b. Special work agreement can be made between the Open University and these four Universities for the staff by protecting the service conditions.

2. Revenue Loss to the Universities:

- a. The transfer of the Distance Education Programmes from the affiliating universities to the Open University should be gradual and incremental, as the ongoing programmes are to be continued and completed. So the impact of fall in the revenue will be minimal.
- c. The financial loss occurring to the four affiliating universities may be lessened by availing by the infrastructure facilities of the affiliating universities for running the programmes of KOU.
- d. The annual fund allocations to the affiliating Universities may also be increased to by the State Government to compensate the revenue loss.

Appendix II

KERALA OPEN UNIVERSITY (KOU):

VISION AND MISSION

Kerala, though much ahead of many other Indian States in educational achievements, has not so far explored the scope of an Open University, despite the fact that many of the Indian States are successfully running Universities of open and regular modes hand in hand. By setting up open and distance modes of education, the Government can address the growing demand for higher education at considerably lower cost, since the traditional regular system of education necessitates high investment for land, infrastructure, faculty etc. Besides, for employers, the open and distance mode programmes under the government sector will be an alternative for the training programmes to be imparted to their employees at their work place, on a regular basis, as part of keeping them abreast of the fast growing technology. From the employees' side, such acquisition of additional qualification and skill will help them reach higher goals in their career.

The **Vision** is to develop the KOU as the most dynamic and fast growing institution, with the help of the latest information communication technologies, for imparting quality education and deepening skill development in tune with the needs of the emerging knowledge society. The University will provide sufficient courses of high quality for the development of various skills and offer necessary number of University level programmes in Science, Social sciences, Arts, Humanities and Professional subjects so that the youths are equipped to earn a living and also ensure that the society has enough and competent workmen to cater to its needs. The proposed Kerala State Open University will efficiently address these tasks by creating a large techno-social platform for all, based on the Social Developmental Education Model.

The **Mission** of the KOU will be to cater to the higher education needs of the following categories of people:

- People who reside at distant places and remote areas and hence have no access to higher education institutions.

- Those who cannot afford the high cost of regular higher education. It is pertinent to note here that more than 75% of the higher education institutions in the State are working in the self-financing mode, offering cost-based courses.
- People who intend to acquire additional qualifications, while being employed, which would help them excel in their current job and also enhance future job opportunities.
- Those who have had to discontinue education at a particular stage of their life, due to various reasons, but would like to pursue it at a later stage.
- Members of underprivileged and disadvantaged groups, such as women, minority and dalit communities.
- Differently abled and other candidates with restricted mobility and access.

In brief, the proposed Kerala Open University will help the State and the learner to address the following challenges:

- Low enrolment rate.
- New opportunities and new generation jobs.
- New skill formation.
- Mismatch of degrees and skill requirements.
- Enhancement of minimum qualifications by public /private sector.
- Rising aspirations for better jobs and need for better skills in ongoing services.
- Rising cost of education which is unaffordable to people.
- Flexibility of the courses based on aptitude and ability.
- Appropriate courses in accordance with the time and resource availability of the learners.
- Strengthening democratic values and decentralized units of administration.

THE KERALA OPEN UNIVERSITY Bill (Draft)

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THE KERALA OPEN UNIVERSITY BILL 2018

A BILL

To establish and incorporate an Open University in the State of Kerala for the introduction and promotion of open university and distance education systems in the educational pattern of the State and for the coordination and determination of standards in such systems and for matters connected therewith or incidental thereof.

Preamble:- WHEREAS, It is expedient to establish and incorporate an open university for the introduction and promotion of Open University and distance education system in the educational pattern of the State of Kerala and for the ordination and determination of standards in each system and for matter connected therewith or incidental thereto;

Be it enacted by the Kerala State Assembly Parliament in the Sixty Eighth Year of the Republic of India as follows:

1. Short title and commencement.— (1) This Act may be called the Kerala Open University Act, 2018.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

2. Definition.—In this Act, and the Statutes made hereunder, unless the context otherwise requires.

(a) “Academic Council” means the Academic Council of the University;

(b) “Board of Management” means the Board of Management of the University;

(c) “Distance education systems” means the system of imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;

(d) “Employee” means any person appointed by the University, and includes teachers and other academic staff of the University;

(e) “Finance Committee” means the Finance Committee of the University

(f) “Government” means the Government of Kerala.

(g) “Regional Centre” means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;

(h) “Regulations” means the Regulations made by any authority of the University under this Act for the time being in force;

(i) “School” means a School of Studies of the University;

(j) “State” means, the State of Kerala.

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(k) “Statutes” and “Ordinances” mean, respectively, the Statutes and Ordinances of the University for the time being in force;

(l) “Student” means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(m) “Study Centre” means a centre established, maintained or recognised by the University for the purpose of advising, counseling or for rendering any other assistance required by the students;

(n) “Teachers” means Professors, Readers, Lecturers and such other persons as may be designated as such by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;

(o) “University” means the Kerala Open University established under this Act;

(p) “Vice-Chancellor” and “Pro-Vice-Chancellor” mean, respectively, the Vice-Chancellor and a Pro-Vice-Chancellor of the University.

3. Establishment & Incorporation of Open University.— (1) There shall be established a University by the name of “the Kerala Open University”.

(2) The headquarters of the University shall be at Thiruvananthapuram and it may establish or maintain, Regional Centres and Study Centres at such other places in State as it may deem fit.

(3) The first Vice-Chancellor, the first Pro-Vice-Chancellors and the first members of the Board of Management, the Academic Council and the all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of “the Kerala Open University”.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. Territorial limits.—Notwithstanding anything contained in any other law for the time being in force, on the coming in to force of this Act, the territorial jurisdiction of the University shall extend to the whole of the state of Kerala

5. The objects of the University.— (1) The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education systems in the educational pattern of the State and to coordinate and determine the standards in such systems, and the University shall, in organising its activities, have due regard to the objects specified below, namely:-

(2) The University shall endeavour through education, research, training and extension to play a positive role in the development of the country, and, based on the rich heritage of the country, to promote and advance the culture of the people of India and its human resources. Towards this end, it shall:

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(a) strengthen and diversify the degree, certificate and diploma courses related to the needs of employment and necessary for building the economy of the country on the basis of its natural and human resources;

(b) provide access to higher education for large segments of the population, and in particular, the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;

(c) promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavours;

(d) provide an innovative system of university level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in new fields of knowledge;

(e) contribute to the improvement of the educational system in India by providing a non-formal channel complementary to the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software developed by the University;

(f) provide education and training in the various arts, crafts and skills of the country, raising their quality and improving their availability to the people;

(g) provide or arrange training of teachers required for such activities or institutions;

(h) provide suitable post-graduate courses of study and promote research;

(i) undertake research programmes particularly with reference to specific areas within the overall control of Kerala’s culture, heritage, language and literature

(j) provide the counselling and guidance to its students; and

(k) promote national integration and the integrated development of the human personality through its policies and programmes.

(3) The University shall strive to fulfill the above objects by a diversity of means of distance and continuing education, and shall function in cooperation with the existing Universities and Institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education which matches contemporary needs.

6. Power of the University.— (1) The University shall have the following powers, namely:-

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research;

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iii) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have pursued a course of study or conducted research in the manner

5 laid down by the Statutes and Ordinances;

(iv) to confer degrees or other distinctions in the manner laid down by the Statutes;

- (v) to determine the manner in which distance education in relation to the academic programmes of the University may be organised;
- (vi) to institute professorships, readerships, lecturerships and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students, and to appoint persons to such professorships, readerships, lecturerships and other academic positions;
- (vii) to co-operate with, and seek the co-operation of other universities and institutions of higher learning, professional bodies and organisations for such purposes as the University considers necessary;
- (viii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
- (ix) to establish and maintain such Regional Centres as maybe determined by the University from time to time;
- (x) to establish, maintain or recognise Study Centres in the manner laid down by Statutes;
- (xi) to provide for the preparation of instructional materials, including films. cassettes, tapes, video cassettes and other software;
- (xii) to organise and conduct refresher courses, contact classes workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;
- (xiii) to recognise examinations of, or periods of study (whether in full or part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;
- (xiv) to make provision for research and development in educational technology and related matters;
- (xv) to create administrative, ministerial and other necessary posts and to make appointments thereto;
- (xvi) to receive benefactions. donations and gifts and to acquire. hold, maintain and dispose of any property movable or immovable, including trust and Government property, for the purposes of the University;
- (xvii) to borrow, with the approval of the Central Government whether on the security of the property of the University or otherwise, money for the purposes of the University;
- (xviii) to enter into, carry out, vary or cancel contracts;
- (xix) to demand and receive such fees and other charges as may be laid down by the Ordinances;
- (xx) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees. including their codes of conduct;

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- (xxi) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
- (xxii) to appoint, either on contract or otherwise. visiting Professors, Emeritus Professors, Consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the University;
- (xxiii) to recognise persons working in other universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;
- (xxiv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;
- (xxv) to make arrangements for the promotion of the general health and welfare of the employees;
- (xxvi) to cancel or withdraw any degree, diploma or title or any other distinction granted to any person for specific reasons to be recorded.
- (xxvii) to do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.

7. (1) *The University Open to all classes.*— irrespective of the gender race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate there at, or to enjoy or exercise any privilege thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker

sections of the society, and in particular, of persons belonging to the Scheduled Castes or Scheduled Tribes.

8. The Chancellor .— (1)The Governor of Kerala shall be the Chancellor of the University.

(2) Subject to the provisions of sub-sections (3) and (4),the Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any Regional Centres, a Study Centres and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, such representations to him as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

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(5) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the results of the inspection or inquiry and the views of the Chancellor and the advice tendered by him upon the action to be taken thereon.

(7) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board of Management does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Chancellor may, by an order in writing, annul any proceedings of the University which is not in conformity with this Act, the Statutes or the Ordinances;

(10) Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Chancellor shall have such other powers as may be specified by the Statutes.

9. The Pro-Chancellor.— (1)The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his Inability to act, the Pro-Chancellor shall exercise all the power and perform all the functions of the Chancellor.

(3) The Pro- Chancellor shall exercise such other powers and performs such other functions of the Chancellor as the Chancellor may by order in writing delegate to the pro-chancellor and such delegation may subject to the such restrictions as may be specify in such order.

10. The Vice- Chancellor.— (1) The Vice Chancellor shall be appointed by the Chancellor on the advice of the search committee consisting of a nominee of the Chancellor, a representative of the Govt. and nominee of the Board of Management:

Provided that no person who is an employee of the University or of any Govt. College / Private College or Member of any authority of Universities shall be nominated to be member of the committee.

(2) The nominee of the Chancellor shall be the Chairman of the search committee and committee shall make its recommendations within a period of three months.

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(3) In case the Committee fails to make a unanimous recommendation, the Vice-Chancellor shall be appointed from among the person mentioned in the panels.

(4) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office or until he attains the age of sixty five Years, whichever is earlier, and shall not be eligible for reappointment.

(5) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First

Vice - Chancellor shall be appointed by the Govt. for a period not exceeding four Years on such terms and conditions as may be specified in the order.

(6) The Vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(7) The Vice-Chancellors may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action on the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(8) The Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interests of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Visitor, as the case maybe, under this sub-section.

(9) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

11. Powers & Functions of the Vice Chancellor.— (1) The Vice-Chancellor shall be *ex-officio* Chairman of the Board of Management, the Academic Council, and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any other authority or other body of the University, but shall not be entitled to vote there at unless he is a member of such authority or body.

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(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered,

(i) to grant leave to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during his absence;

(ii) to make necessary arrangements for discharging the functions of an officer whose position falls vacant due to resignation, retirement, death or any other reason till regular appointment to such positions is made.

Provided that arrangement made under sub-clause (ii) of Clause (6) may be for a period not exceeding 6 months at a time and further extension exceeding 6 months is to be reported to the Board and permission obtained.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the statues and ordinance and if he so desires, delegate such powers to another officer of the University.

(8) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:

(i) to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;

(ii) to appoint course writers, script writers, counsellors, programmers, artists and

such other persons as may be considered necessary for the efficient functioning of the University;

(iii) to make short-term appointments for a period not exceeding six months at a time, of such persons as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of Regional and Study Centres at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

12. The Pro-Vice-chancellor.— (1) The Pro-Vice-Chancellor shall be appointed by the Board of Management on the recommendation of the Vice-Chancellor:

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Provided that the Board of Management may, on the recommendation of the Vice-Chancellor, appoint a Professor or a Director of a School/Division to perform the functions of a Pro-Vice-Chancellor in addition to his own functions as a Professor or a Director of a School/ Division.

(2) The term of office of a Pro-Vice-Chancellor shall be four years and he shall be eligible for reappointment: Provided that a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years:

(3) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First Vice Chancellor shall be appointed by the Govt. for a period not exceeding four Years on such terms and conditions as may be specified in the order.

(4) The Pro-Vice Chancellor may exercise such powers and perform such functions as may be prescribed by the statutes or as may be delegated to him by the Vice Chancellor.

13. The Director.— The Director shall be appointed by the Board of Management on recommendation of the selection committee and in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

14. The Registrar.— (1) The Registrar shall be appointed by the Board of Management on recommendation of the selection committee, on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Registrar empowered by the Board of Management shall have the power to enter into, and sign, agreements and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such functions as may be prescribed by the Statutes.

(4) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First Vice Chancellor shall be appointed by the Govt.

15. Controller of the Examinations.— (1) The Controller of Examinations shall be a full-time officer of the University and shall be appointed by the Vice Chancellor with the approval of the Board of Management in accordance with the statutes.

(2) The Controller of Examinations shall be responsible for the timely conduct of examinations and publication of results and for the timely award of mark sheets and degree certificates.

(3) It shall be the duty of the Controller of Examinations to maintain the secrecy of question papers, identity of externally evaluates and such other matters of confidential nature in connection to the conduct of the examinations.

(4) The Controller of Examinations shall be responsible for the maintenance of the record of the examinations and other assessments with regard to the students.

(5) The Controller of Examinations shall be appointed for a term not exceeding four years and shall be entitled for emoluments and other service conditions as may be prescribed by the statutes.

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16. The Finance Officer.—The Finance Officer shall be appointed by the Vice Chancellor with the approval of Board of Management in accordance with the statutes on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

17. Other Officers.— The manner of appointment, emoluments, powers and duties of the other officers of the University shall be prescribed by the Statutes.

18. Authority of the Universities.—

1. The Board of Management;
2. The Academic Council;
3. The Schools of Studies;

4. The Finance Committee; and
5. Such other authorities as may be declared by the Statutes to be the authorities of the University.

19. The Board of Management.— (1) The Board of Management shall be the principal executive body of the University.

(2) The Board of Management shall consist of the following members, namely.

- (i) Vice-Chancellor;
- (ii) The Secretary to Govt. who is in charge the Higher Education Department.
- (iii) Pro-Vice-Chancellor
- (iv) Member of Parliament representing the area where the university Head Quarters is situated.
- (v) One Member of Legislative Assembly to be nominated by the Speaker.
- (vi) The Vice Chairman of the Kerala State Higher Education Council
- (vii) Three employees of the University who shall be nominated by the Vice-Chancellor, of which one shall be from the Directors of Schools of Studies, and the other two from the teachers and other academic staff other than the Directors of Schools;
- (viii) Three persons, who are not employees of the University, to be nominated by the Chancellor, representing the following areas of specialization:
 - (a) One person representing Commerce/Industry; and
 - (b) One expert on Distance Education; and
 - (c) One person who has knowledge of, or experience in, media/ communication field.

(3) Members of the Board of Management, other than ex-officio members, shall hold office
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for a term of three years. Provided, however, that persons nominated/appointed from the University shall hold office for a term of two years.

(4) The term of office of members of the Board of Management shall commence from the date of appointment, or nomination, as the case may be.

(5) Seven members of the Board of Management shall form the quorum for a meeting of the Board.

20. Powers and functions of the Board of Management.— (1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes have the following powers, namely:

- (a) to create teaching and other academic posts subject to any order issued in this regard by the Government and to define the functions and conditions of service of Professors, Readers, Lecturers and other teachers and other academic staff employed by the University;
- (b) to prescribe qualifications for teachers and other academic staff;
- (c) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendations of the Selection Committees constituted for the purpose;
- (d) to approve appointments to temporary vacancies of any academic staff;
- (e) to specify the manner of appointment to temporary vacancies of academic staff;
- (f) to provide for the appointment of visiting Professors, Emeritus Professors, Fellows, artists and writers and determine the terms and conditions of such appointments.
- (g) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agents as may be considered fit;
- (h) to invest any money belonging to the University, including any unapplied income as it thinks fit or in the purchase of immovable property for the Universities, provided that no action under this clause shall be taken without consulting the Finance Committee;
- (i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment

thereto;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;

(k) to transfer or accept transfers of any immovable or movable property or to accept endowments or donation on behalf of the University.

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(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved;

(m) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;

(n) to make, amend or repeal statutes, ordinance either on its motion or on the motion of any of the authority of the Universities.

(o) to delegate any of its powers to the Vice-Chancellor, Pro-Vice-Chancellors, Registrars, the Finance Officer or any other officer, employee or authority of the University, or to a committee appointed by it;

(p) to institute fellowships, scholarships, studentships; and to decide what degrees, diplomas and other academic distinctions shall be granted by the University.

(q) To arrange for and direct inspection of any study centres, institution or project under the university.

(r) To establish, maintain and manage schools and research projects and other institutions and activities required for achieving the objects of the university.

(s) To order enquiry to any irregularly brought to its notice and to suspend, discharge, dismiss or take disciplinary action against the teachers and staff of the university, after giving them reasonable opportunity to defend themselves.

(t) To check the audit of the annual accounts of the university and finalize the enchanted accounts and financial statements.

(u) To approve the annual budget of the university

(v) To conduct university examinations and approve and publish results.

(w) To withhold or cancel the results of any examinations or the result of any candidate, if the situation warrant such action.

21. The Academic Council.— (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

(2) The Academic Council shall consist of the following members, namely;

(i) The Vice-Chancellor - Ex-officio Chairman;

(ii) The Pro- Vice-Chancellor- Ex-officio Member;

(iii) The Member –Secretary of the Kerala State Higher Education Council – Ex-officio.

(iv) Directors of Schools of studies - Ex-officio members;

(v) Three Professors, three Readers and three Lecturers, other than Director of Schools of Studies, to be nominated by the Board of Management on the recommendations of the

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Vice-Chancellor on a rotation basis according to seniority:

Provided that while making these nominations, the principle of rotation among schools and also among disciplines within the Schools shall be taken into account;

(vi) Librarian (*Ex-officio Member*)

(vii) Director, Academic Coordination Division shall be the Member-Secretary of the Academic Council.

(viii) Not less than ten persons who are not employees of the University, co-opted by the Academic Council for their special knowledge including representatives of employers' organisations, industries, trade and commerce, academic and professional organisation, communication field etc.. and

(ix) Two members from among the academics other than teachers, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor.

(x) The Registrar

(3) The members of the Academic Council, other than ex-officio members, shall hold office

for a term of two years from the date of their appointment or co-option, as the case may be.

(4) Ten members of the Academic Council shall form the quorum for a meeting.

22. Powers of the Academic Council.— Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it under the Statutes, shall have the following powers, namely:

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation or research or improvement in academic standards;

(b) to design and formulate appropriate programmes and activities of the University and to advise the Board of Management or any matter for the fulfillments of the objective of the University.

(c) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and to take appropriate action thereon; and

(d) to frame such Regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, including discipline, Admissions, award of fellowships and studentships, fees and other academic requirements.

(e) To prescribe courses of the study in the schools of studies

(f) To approve the topic of research and research projects

(g) To prescribe the qualifications for admission of the students to various courses of study.

23. The Schools of Studies.— (1) There shall be such number of Schools of Studies as the University may determine from time to time from the following schools of studies, namely:-

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i. School of Humanities;

ii. School of Social Sciences

iii. School of Sciences;

iv. School of Education;

v. School Continuing Education;

vi. School of Engineering and Technology;

vii. School of Management Studies;

viii. School of Health Sciences;

ix. School of Computer and Information Sciences;

x. School of Agriculture;

xi. School of Law;

xii. School of Journalism and New Media Studies;

xiii. School of Gender and Development Studies;

xiv. School of Tourism, Hospitality, Service Sectoral Management;

xv. School of Interdisciplinary and Trans-disciplinary Studies;

xvi. School of Social Work;

xvii. School of Vocational Education and Training;

xviii. School of Extension and Development Studies;

xix. School of Foreign Languages;

xx. School of Translation Studies and Training;

xxi. School of Performing and Visual Arts; and

xxii. Such other Schools as may be set-up by the Statutes

(2) Every School of Studies, hereinafter called “School”, shall have a Board, which shall comprise of the following:

(a) Director of the School – Chairman (ex-officio)

(b) All Professors of the disciplines assigned to the School of Studies, as may be determined by the Academic Council, from time to time (ex-officio):

(c) At least four Readers/Lecturers assigned to the School, nominated by the Vice-Chancellor;

(d) Not more than four Professors/ Readers/Lecturers from disciplines not assigned to the School, nominated by the Vice-Chancellor; and

(e) Not more than five persons, who are not the employees of the University, co-opted by the Board for their specialised knowledge in any discipline assigned to the School or in any allied branch of knowledge.

(3) All members of the Board, other than the ex-officio members, shall hold office for a term of

two years. The term of members will commence from such date as may be notified.
(4) The Board of a School shall have the powers to perform the following functions:

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- (i) To organise developmental and research work in the School;
 - (ii) To approve the course structure of the academic programmes of the School, in accordance with the directions of the Academic Council,
 - (iii) To prepare the syllabus in accordance with the course structure for the approval of the Academic Council
 - (iv) To recommend to the Vice-Chancellor names of course writers, examiners and moderators for different courses on the proposal of the Director of the School prepared in consultation with the Professors of the disciplines assigned to the School;
 - (v) To formulate proposals for orientation programmes for course writers in collaboration with other Schools;
 - (vi) To formulate proposals for orientation programmes/summer Schools for tutors and counsellors;
 - (vii) To prepare general instructions for counselling to students for different programmes;
 - (viii) To review methodologies adopted for preparation of educational materials for the courses in the disciplines assigned to the School, to evaluate the educational material, and to make suitable recommendations to Academic Council;
 - (ix) To review, from time to time the courses already in use with the assistance of outside experts, if necessary, and to make such changes in the courses, as may be required;
 - (x) To review the facilities of the Study Centres and arrangements for Laboratory/ field work periodically, as may be determined by the School;
 - (xi) To perform all other functions, which may be prescribed by the Act, the Statutes, the Ordinances and to consider all such matters, as may be referred to it by the Board of Management, the Academic Council or the Vice-Chancellor; and
 - (xii) To delegate to the Director or to any other member of the Board or to a Committee such general or specific powers, as may be decided upon by the School, from time to time.
- (5) The Board shall meet, as and when necessary, but shall meet at least twice a year. One-third of the total membership of the Board shall form a quorum for a meeting of the School

24. The Finance Committee.— (1) The Finance Committee shall consist of the following members, namely:

- i. The Vice-Chancellor (ex-officio);
- ii. The Pro-Vice-Chancellor of the University (ex-officio);
- iii. A Director of School of the University by rotation according to seniority (ex-officio);
- iv. One person to be appointed by the Board of Management, from among its members other than an employee of the University;
- v. one person, who is not an employee of the University nominated by the Board of Management.

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- vi. two persons to be nominated by the Government.
- (2) The Finance Officer shall be ex-officio Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.
- (3) All the members of the Finance Committee, other than the ex officio members, shall hold office for a term of three years from the dates on which they become members of the Committee.
- (4) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.
- (5) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.
- (6) All proposals relating to revision of grade, up gradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.
- (7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments, and thereafter submitted to the Board of Management within the overall ceiling fixed by the Committee.
- (8) The Finance Committee shall fix the limits for the total recurring and non-recurring

expenditure for the year, based on income and resources of the University, and no expenditure shall be incurred by the University in excess of the limits so fixed.

(9) To prepare the annual budget of the University and place it before the Board of Management.

(10) The Finance Committee may exercise such other powers and functions as may be prescribed by the Statutes.

25. Selection Committee.— (1) There shall be Selection Committees for making recommendations to the Board of Management for appointments to the posts of Professors, Readers, Lecturers and other academic staff and heads of institutions maintained by the University.

(2) The Selection Committees for appointment to the post of Professors, Readers, Lecturers and the academic staff shall consist of the following members, **namely**:

(a) The Vice-Chancellor;

(b) The Pro-Vice-Chancellor

(c) A person nominated by the Chancellor; and

(d) Three experts not in the service of the University to be nominated by the Vice-Chancellor in such manner as may be specified in the Ordinances.

(e) The Director of the School/Division/Centre concerned/Professor of the Discipline nominated by the Vice-Chancellor.

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(ii) The Selection Committees for the appointment of Registrars and Finance Officer and Director of School, shall consist of the following members, namely:

(a) The Vice-Chancellor;

(b) The Pro-Vice-Chancellor;

(c) A person nominated by the Chancellor;

(d) Two members of the Board of Management nominated by it; and

(e) One person not in the service of the University nominated by the Board of Management.

(3) The quorum for a meeting of a Selection Committee shall be four, which will include at least two experts in the case of the Selection Committee mentioned in the Statute and the quorum for the meeting of the Selection Committee mentioned in Clause (ii) shall be there.

(4) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(5) If the Board of Management is unable to accept the recommendations made by a Selection Committee, it shall record its reasons for such non-acceptance and submit the case to the Chancellor for final orders

26. Special Mode of Appointment.— (1) Notwithstanding anything contained in Section 26, the Board of Management may invite a person of high academic distinction and professional attainments to accept the post of a Professor or a Reader or equivalent academic post in the University on such terms and conditions as it may deem fit, and appoint the person to such post.

(2) The Board of Management may appoint a teacher or any other academic staff working in any other university or organisation for teaching or for undertaking a project or any work on such terms and conditions as may be determined by the Board in accordance with the manner specified by the Ordinances.

27. Appointment for a fixed tenure.— The Board of Management may appoint a person selected in accordance with the procedure laid down in the Statutes for a fixed tenure on such terms and conditions as it may deem fit.

28. Recognized Teachers.— (1) The qualifications for recognition of persons working in other universities, institutions or organisations as teachers shall be prescribed by the Ordinances.

(2) The manner of recognising teachers, the period of recognition and withdrawal of recognition shall be prescribed by the Ordinances.

29. Committees.— (1) Any authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees, persons who are not members of such authority.

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(2) Any committee appointed under subsection (1) may deal with any subject delegated to it subject to the subsequent confirmation by the authority appointing it.

30. Terms and Conditions of Service and Code of Conduct of the Teachers and Other Academic Staff of

the University .— (1) All the teachers and other academic staff of the University shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes and the Ordinances.

(2) Nature of duties—Every teacher shall take part in the activities of the University and perform such duties as may be required by, and in accordance with the Act, Statutes and Ordinances framed there under and in particular his duties shall be:

(a) Preparation of the course material, content editing and scrutiny, linguistic editing etc. from the point of view of requirements of distance education and liaison of the work of outside experts associated;

(b) His academic duties shall be to give guidance, and instruction to, students in the form of counselling, conducting of tutorials, seminars, practical and assessment/examination/evaluation and such other work assigned to him relevant to the academic activities of the University by its competent authority. He shall not ordinarily remain absent from work without prior permission or grant of leave;

(c) A teacher in the University shall fully and enthusiastically participate in the academic life of the University;

(d) Every teacher shall be required to submit a personal appraisal report at the end of each year in the manner prescribed in the Ordinances.

31. Statutes.— Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

(a) The emoluments and other conditions of the Vice Chancellor service of the and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of Pro-Vice-Chancellors, Directors, Registrars, the Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(c) the constitution of the Board of Management and other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(d) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(e) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

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(f) the principles governing the seniority of service of the employees of the University;

(g) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;

(h) the procedure for the settlement of disputes between the employees or students of the University, and the University;

(i) the co-ordination and determination of standards in the open University and distance education systems and the allocation and disbursement of grants to Colleges and other universities and institutions;

(j) all other matters which by the Act are to be, or may be, provided by the Statutes.

32. Procedure for Making Statutes.— (1) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes:

Provided that the Board of Management shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(2) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for re-consideration in the light of the observations, if any, made by him.

(3) A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has been assented to by the Chancellor.

(4) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may make new or additional Statutes or amend or repeal the Statutes, during the period of three years immediately after the commencement of this Act.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

33. Procedure for Making First Statutes.— The first statute of the University shall be made by the Government by notification in the Gazette and shall continue in force until amended or suspended by Statutes made by the Board of Management in accordance with the Act.

34. Ordinance .— (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:

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(a) the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships awards and the like;

(b) the conduct of examinations, including the terms and conditions and appointment of examiners;

(c) the levy of fees in the University

(d) any other matter which by this Act or the Statutes is to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

35. Regulations.—The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

36. The University Fund.— (1) There shall be a fund for the University to be called the University Fund, which shall include,

(a) any contribution or grant made by the State Government

(b) any contribution or grant made by the Central Government

(c) any bequests, donations, endowments or other grants made by the private individuals or institutions or Trusts, public or private

(d) income received by the University from fees and charges

(e) amounts borrowed by the University; and

(f) amounts received from any other sources

(2) All money in the fund shall be kept in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries or in a Scheduled Bank upto such limits as may be fixed by the Government.

(3) The University may invest such part of the money in the fund as the Board of Management may decide in the Government securities or securities guaranteed by the Government of India.

(4) The custody of the fund, the payment of money therein, the withdrawal of money therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances or Regulations

37. Annual Report.— (1) The Annual Report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfillment of its objects.

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(2) The Annual Report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.

(3) A copy of the Annual Report, as prepared under sub-section (1) shall also be submitted to the State Government which shall, as soon as may be, cause the same to be laid before State Assembly.

38. Annual Accounts.— (1) The Annual Accounts and the balance sheet of the University shall be prepared under the directions of the Board of Management and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Chancellor

along with the observations, if any, of the Board of Management.

(3) Any observations made by the Chancellor on the Annual Accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Chancellor.

(4) A copy of the accounts together with the audit report, as submitted to the Chancellor, shall also be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Assembly.

(5) The audited Annual Accounts, after having been laid before the State Assembly, shall be published in the Gazette.

39. Conditions of the Service of the Employee.— (1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

40. Provident Fund and Pension Scheme.— The University shall constitute for the benefit of the employees such provident or pension funds or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

41. Settlement of Certain Disputes.— If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

42. Filling of Casual Vacancies.— (1) All the casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, elects or co-opts the members whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the remainder of the term for which the person whose place he fills would have been a member.

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(2) No act or proceedings of any authority or any other body shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

43. Protection of Action Taken in Good Faith.— No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the Statutes or the Ordinances.

44. Power to Remove Difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Kerala Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

45. Statutes, Ordinances and Regulations to be Laid before the State Legislative Assembly.— (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before the State Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, the State Assembly agree in making any modification in the Statute, Ordinance or Regulation or the State Assembly agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation 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 Statute, Ordinance or Regulation.

Appendix 1V

References

1. *Report of Prof. Ram Takwale, on Kerala State Open University, 2010.*
2. *Report of Dr. Dharam Veer I.A.S, on Kerala State Open University, 2002.*
3. *Indira Gandhi National Open University (IGNOU) Act, 1985.*
4. *The Common Prospectus of IGNOU.*
5. *Directorate of Public Instruction Economic Review 2017*
6. *AISHE Survey 2016-17.*
7. *Economic Review 2016*
8. *Economic Review 2017*