

**Fourteenth Kerala Legislative Assembly**

**Bill No. 104**

**THE KERALA EDUCATION (AMENDMENT) BILL, 2018**

**(GIVEN NOTICE BY PROF. ABID HUSSAIN THANGAL, M. L. A.)**

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A bill further to amend the Kerala Education Act, 1958.

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Education Act, 1958 ( 6 of 1959) for the purposes hereinafter appearing;

BE it enacted in the sixty-ninth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This act may be called the Kerala Education ( Amendment) Act, 2018.

(2) It shall come into force at once.

2 *Amendment of Section 3.*— In section 3 of the Kerala Education Act,1958 (Act 6 of 1959), for sub-section (i) the following sub-section shall be substituted, namely:—

“(i) The Government may regulate all the stages of education from Primary to Higher Secondary and Courses of Instruction in Government and Private Schools.”

STATEMENT OF OBJECTS AND REASONS

The Government of Kerala, General Education Department introduced special rules for Higher Secondary Education and Scheduled as Chapter XXXII of Kerala Education Act, 1958. The existing provision of Special Rules can not resolve the disputes and contradictions in the application of the provision in the KER. So as to have a uniformity in the decisions in such matters by Educational Authority.

Unfortunately even after more than two decades of introduction of Higher Secondary Educatin Scheme, the Disputes and Contradictions in the application

of the General provisions in the KER is still persisting on the Part of the departmental authorities while dealing with service matters of Higher Secondary School Teacher.

As a result Contradictory orders are being passed by the Departmental Authorities leading to a plethora of litigations as a result of arbitrary decisions, in not applying the general provisions in the KER in service matters pertaining to Higher Secondary Teachers and Non-teaching Staffs in Aided Section. There are confusions on the part of the Departmental Authorities on whether Rule 51A claim in chapter XIV A of KER, invocation of Rule 37 of chapter XIV A of KER in the finalisation of seniority list teaching staff, who could take disciplinary action against Aided Higher Secondary Teachers and Non-teaching Staffs, who will declare probation, transfer from one Education Agency to another Education Agency or transfer under the same Education Agency, etc. will apply to Aided Higher Secondary Teachers and Non-teaching Staffs also. Hence in order to solve the issues regarding Aided Higher Secondary Teachers and Non-teaching Staffs can be solved only through the relevant provision of the Kerala Education Act, 1958 has to be amended suitably.

#### FINANCIAL MEMORANDUM

The Bill enacted and brought into operation, would not involve any additional expenditure from the consolidated fund of the State.

PROF. ABID HUSSAIN THANGAL, M. L. A.