

Fifteenth Kerala Legislative Assembly
Bill No. 39

**THE KERALA EDUCATION (AMENDMENT)
BILL, 2021**

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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 Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Education (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 31st day of May, 2019.

2. *Amendment of section 4.*—In the Kerala Education Act, 1958 (6 of 1959) (hereinafter referred to as the principal Act), in section 4,—

(a) in sub-section (1), for the words “Department of Education”, the words “Department of General Education” shall be substituted;

(b) in sub-section (2), for the words “Director of Public Instruction”, the words “Director of General Education” shall be substituted.

3. *Amendment of section 9.*—In sub-section (1) of section 9 of the principal Act, for the word “Headmaster”, the words and symbols “Headmaster or Headmistress or Vice-Principal, as the case may be,” shall be substituted.

4. *Amendment of section 17.*—In sub-section (2) of section 17 of the principal Act,—

(a) in clause (g), for the word “Headmasters”, the words and symbols “Headmasters or Headmistresses or Vice-Principals, as the case may be,” shall be substituted;

(b) in clause (h), for the word “Headmasters”, the words and symbols “Headmasters or Headmistresses or Vice-Principals, as the case may be,” shall be substituted.

5. *Amendment of section 22.*—In clause (iv) of section 22 of the principal Act, for the words “Education Department”, the words “Department of General Education” shall be substituted.

6. *Amendment of section 34.*— In section 34 of the principal Act, for the words “Education Department”, the words “Department of General Education” shall be substituted.

7. *Repeal and saving.*—(1) The Kerala Education (Amendment) Ordinance, 2021 (101 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Government have constituted a Committee under the Chairmanship of Prof. (Dr.) M. A. Khader to conduct a comprehensive study regarding changes to be brought in the school education system in the State in the light of the Right of

Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009). The Government had accepted the recommendations of the said Committee in principle and issued G.O. (Ms) No. 53/2019/G.Edn. dated 31st May, 2019 to implement the recommendations of the said Committee. In order to give statutory effect to the said order, consequential amendments are to be made in the Kerala Education Act, 1958 (6 of 1959). Hence, the Government have decided to amend sub-sections (1) and (2) of section 4, sub-section (1) of section 9, clauses (g) and (h) of section 17, clause (iv) of section 22 and section 34 of the Kerala Education Act, 1958 (6 of 1959).

2. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Education (Amendment) Ordinance, 2019 was promulgated by the Governor of Kerala on the 8th day of September, 2019 and the same was published as Ordinance No. 39 of 2019 in the Kerala Gazette Extraordinary No. 2161 dated 16th September, 2019.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 28th day of October, 2019 and ended on the 21st day of November, 2019.

4. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2019 was promulgated by the Governor of Kerala on the 7th day of December, 2019 and the same was published as Ordinance No. 40 of 2019 in the Kerala Gazette Extraordinary No. 3013 dated 7th December, 2019.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 31st day of December, 2019 and ended on the same day.

6. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2020 was promulgated by the Governor of Kerala on the 9th day of January, 2020 and the same was published as Ordinance No. 2 of 2020 in the Kerala Gazette Extraordinary No. 74 dated 11th January, 2020.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 29th day of January, 2020 and ended on the 12th day of February, 2020.

8. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2020 was promulgated by the Governor of Kerala on the 17th day of February, 2020 and the same was published as Ordinance No. 13 of 2020 in the Kerala Gazette Extraordinary No. 559 dated 18th February, 2020.

9. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 2nd day of March, 2020 and ended on the 13th day of March, 2020.

10. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2020 was promulgated by the Governor of Kerala on the 31st day of March, 2020 and the same was published as Ordinance No. 22 of 2020 in the Kerala Gazette Extraordinary No. 1015 dated 31st March, 2020.

11. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 24th day of August, 2020 and ended on the same day.

12. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2020 was promulgated by the Governor of Kerala on the 26th day of September, 2020 and the same was published as Ordinance No. 56 of 2020 in the Kerala Gazette Extraordinary No. 2215 dated 29th September, 2020.

13. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 31st day of December, 2020 and ended on the same day.

14. A Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 272 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021.

15. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 9th day of February, 2021 and the same was published as Ordinance No. 4 of 2021 in the Kerala Gazette Extraordinary No. 660 dated 10th February, 2021.

16. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Fifteenth Kerala Legislative Assembly of the State of Kerala during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

17. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 1st day of July, 2021 and the same was published as Ordinance No. 72 of 2021 in the Kerala Gazette Extraordinary No. 1933 dated 2nd July, 2021.

18. A Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 29 of the Fifteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

19. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 23rd day of August, 2021 and the same was published as ordinance No. 101 of 2021 in the Kerala Gazette Extraordinary No. 2453 dated 24th August, 2021.

20. The Bill seeks to replace Ordinance No. 101 of 2021 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

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**EXTRACT FROM THE KERALA EDUCATION ACT, 1958
(6 OF 1959)**

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4. *State Education Advisory Board.*—(1) For the purpose of advising the Government on matters pertaining to educational policy and administration of the Department of Education, the Government may, by notification in the Gazette, constitute a State Education Advisory Board, consisting of officials and non-officials.

(2) The Board shall consist of a Chairman and not more than fifteen members including the Chairman. The Vice-Chancellor of the University of Kerala, the Director of Public Instruction, the Director of Technical Education and the Director of Health Services shall be *ex-officio* members of the Board. The other members of the Board shall be appointed by the Government. Appointment of non-official members shall be from persons who are distinguished educationalists or who have rendered eminent service to education, or who have had experience in the administration of education.

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9. *Salary of teachers, etc., and grants to aided schools.*— (1) The Government shall pay the salary of all teachers in aided schools direct or through the headmaster of the school.

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17. *Establishment of District Educational Authority.*—(1) For the purpose of associating people with the administration of education and to preserve and stimulate local interest in education affairs, each District Planning Committee constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994), shall establish a District Educational Authority having jurisdiction in the district.

(2) The District Educational Authority shall consist of the following persons, namely:—

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(g) one person elected from among the Headmasters of the Government High Schools in the District;

(h) one person elected from among the Headmasters of Aided High Schools in the district;

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22. *Definitions.*—In this Part, unless the context otherwise requires,—

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(iv) “to attend a school” means to be regularly present for instruction at such school, on such days, at such time or times and for such period or periods on each day as may be prescribed by the Local Education Committee for that area with the approval of the Education Department;

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34. *Delegation of powers.*—It shall be lawful for the Government, by notification in the Gazette, to delegate to any officer of the Education Department or the local authority all or any of the powers vested in them, by this Act, except the powers under sections 14, 15 and 36 and to withdraw any power so delegated.

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