

Twelfth Kerala Legislative Assembly
Bill No. 230

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THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
(SECOND AMENDMENT) BILL, 2008

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(SECOND AMENDMENT) BILL, 2008

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BILL

further to amend the Sree Sankaracharya University of Sanskrit Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Sree Sankaracharya University of Sanskrit Act, 1994, for the purposes hereinafter appearing ;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Sree Sankaracharya University of Sanskrit (Second Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 9th day of June, 2008.

2. *Amendment of section 2.*— In section 2 of the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted, namely :—

“(m) “Pro-Vice-Chancellor” means the Pro-Vice-Chancellor of the University;”.

3. *Amendment of section 3.*—In sub-section (1) of section 3 of the principal Act, after the words “the Vice-Chancellor”, the words “the Pro-Vice-Chancellor” shall be inserted.

4. *Amendment of section 12.*— In section 12 of the principal Act,—

(i) under the heading “*Ex-officio Members*”,—

(a) the existing item (ii) shall be renumbered as item (iii) and before item (iii) as so renumbered, the following item shall be inserted, namely :—

“(ii) The Pro-Vice-Chancellor;”;

(b) after item (iii), as so renumbered, the following item shall be inserted, namely :—

“(iv) The Secretary to Government, Finance Department or an officer of the Finance Department not below the rank of Deputy Secretary to Government, nominated by him.”;

(ii) under the heading “*Nominated Members*”,—

(a) for item (iii), the following item shall be substituted, namely :—

“(iii) Three regular teachers of the University, nominated by the Government, of whom one shall be a woman;”;

(b) after item (iv), the following item shall be inserted, namely :—

“(v) Chairperson of the University Union or in his absence, a registered regular student of the University or of the colleges or centers affiliated to the University, nominated by the Government.”.

5. *Amendment of section 15.*— In sub-section (3) of section 15, after the words, “in his absence,” the words, “the Pro-Vice-Chancellor and, in the absence of both,” shall be inserted.

6. *Amendment of section 16.*— In sub-section (3) of section 16 of the principal Act, under the heading *Ex-Officio Members*, after item (i), the following item shall be inserted, namely :—

“(ia) The Pro-Vice-Chancellor;”.

7. *Amendment of section 18.*— For sub-section (3) of section 18 of the principal Act, the following sub-section shall be substituted, namely :—

“(3) The Vice-Chancellor or, in his absence, the Pro-Vice-Chancellor or, in the absence of both, a member chosen by the members present from among themselves shall preside over a meeting of the Academic Council.”.

8. *Amendment of section 21.*—In sub-section (1) of section 21 of the principal Act, after item (iii), the following item shall be inserted, namely :—

“(iv) the Pro-Vice-Chancellor;”.

9. *Amendment of section 23.*—In section 23 of the principal Act, after item (i), the following item shall be inserted, namely :—

“(ii) The Pro-Vice-Chancellor;”.

10. *Amendment of section 24.*— For sub-section (6) of section 24 of the principal Act, the following sub-section shall be substituted, namely :—

“(6) In the event of temporary vacancy occurring in the office of the Vice-Chancellor or where the Vice-Chancellor is temporarily absent the Pro-Vice-

Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor or perform the routine duties of the Vice-Chancellor, as the case may be.”.

11. *Amendment of section 26.*—After sub-section (11) of section 26 of the principal Act, the following sub-section shall be inserted, namely :—

“(12) The Vice-Chancellor may delegate any of his powers to the Pro-Vice-Chancellor.”.

12. *Insertion of new section 27.*—After section 26 of the principal Act, the following section shall be inserted, namely :—

“27. *The Pro-Vice-Chancellor.*— (1) The Pro-Vice-Chancellor shall be appointed by the Chancellor from the panel submitted by the Pro-Chancellor.

(2) The Pro-Vice-Chancellor shall not have completed sixty-five years of age at the time of his appointment.

(3) The Pro-Vice-Chancellor shall be a whole time salaried officer of the University.

(4) The Pro-Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed by the Statutes.

(6) Subject to the provisions of the Act, Statutes, Ordinances and Regulations, the powers and functions of the Pro-Vice-Chancellor shall be determined by the Chancellor in consultation with the Vice-Chancellor.”.

13. *Repeal and Saving.*—(1)The Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2008 (22 of 2008) 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

At present the Syndicate of Sree Sankaracharya University of Sanskrit is not adequately represented by students and teachers and there is no

representation of the Finance Department of Government in it. Also there is no post of a Pro-Vice-Chancellor in the University as in the case of other Universities. Government have decided to amend the Act so as to nominate one student and two more teacher representatives and the representative of Finance Department to the Syndicate of the University. In order to ensure effective administration of the University affairs, it was decided to create the post of Pro-Vice-Chancellor as in the case of other Universities and to provide for the manner of appointment and his powers and duties in the Act.

2. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2008 was promulgated by the Governor on the 9th day of June, 2008 and the same was published as Ordinance No. 16 of 2008 in the Kerala Gazette Extraordinary No. 1160 dated 9-6-2008.

3. A Bill to replace the said Ordinance was published as Bill No. 207 of the XII Kerala Legislative Assembly but it could not be introduced in and passed by the Legislative Assembly during its eighth session, which commenced on the 23rd day of June 2008 and ended on the 24th day of July 2008.

4. In order to keep alive the provisions of Ordinance No. 16 of 2008 the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2008 was promulgated by the Governor on the 1st day of August 2008 as Ordinance No. 22 of 2008 and was published in the Kerala Gazette Extraordinary No. 1673 dated 2nd August 2008.

5. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Item (iv) (ex-officio members) of section 12 of the Act proposed to be inserted by sub-clause (i) (b) of clause 4 of the Bill seeks to empower the Secretary to Government, Finance Department to nominate an officer of the Finance Department not below the rank of Deputy Secretary to Government in the Syndicate of the University. Item (iii) (nominated members) of section 12 of the Act proposed to be inserted by sub-clause (ii) (a) of clause (4) of the Bill

seeks to empower the Government to nominate three regular teachers of the University in the Syndicate of the University. Item (v) (nominated members) of section 12 of the Act, proposed to be inserted by sub-clause (ii) (b) of clause 4 of the Bill seeks to empower the Government to nominate a registered regular student of the University or of the colleges or centers affiliated to the University in the Syndicate in the absence of the Chairperson of the University Union.

2. Sub-section (5) of section 27 of the Act proposed to be inserted by clause 12 of the Bill seeks to empower the University to prescribe the salary and other service conditions by the Statutes.

3. The above are matters of routine or administrative in nature. The delegation of legislative power is, therefore, of a normal character.

M. A. BABY

EXTRACT FROM THE SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT ACT, 1994 (5 OF 1994)

* * * * *

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

(1) “prescribed” means prescribed by this Act or by the Statutes,
Ordinances or Regulations made thereunder ;

* * * * *

3. *The University.*—(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the members of the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of “Sree Sankaracharya University of Sanskrit”.

* * * * *

12. *The Syndicate.*—The Syndicate shall be the chief executive body of the University and shall consists of the following members, namely :—

Ex-Officio Members

* * * * *

(ii) the Secretary to Government, Higher Education Department or an officer of the Higher Education Department not below the rank of a Deputy Secretary, nominated by him ;

* * * * *

Nominated Members

* * * * *

(iii) One teacher of the University nominated by the Government for a period of four years at a time ;

(iv) One Dean of Faculty nominated by the Chancellor by rotation :

Provided that no person shall be eligible to be nominated for more than two terms in succession.

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15. *Meetings of the Syndicate.*—(1) * * * * *

* * * * *

(3) The Vice-Chancellor or, in his absence, anyone of its members chosen from among themselves for the occasion by the members of the Syndicate present, shall preside over a meeting of the Syndicate.

* * * * *

16. *The Academic Council.*— (1) * * * * *

(2)* * * * *

(3) The Academic Council shall consists of the following members, namely :—

Ex-officio Members

(1) *The Vice-Chancellor;*

* * * * *

18. *Meeting of the Academic Council.*— (1)* * * * *

(2)* * * * *

(3) The Vice-Chancellor or, in his absence a member chosen by the members present from among themselves shall preside over a meeting of the Academic Council.

* * * * *

21. *Finance Committee.*—(1)There shall be a Finance Committee of the University consisting of the following members, namely :—

(i) * * * * *

(ii) * * * * *

(iii) the Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him ;

* * * * *

23. *Officers of the University.*—The following shall be the officers of the University, namely :—

(i) The Vice-Chancellor ;

* * * * *

24. *The Vice-Chancellor.*—(1) * * * * *

* * * * *

(6) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

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26. *Powers and duties of the Vice-Chancellor.*—(1) * * * * *

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

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