

Twelfth Kerala Legislative Assembly
Bill No. 82

THE UNIVERSITY LAWS (AMENDMENT) AMENDING BILL, 2007

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further to amend the University Laws (Amendment) Act, 2005.

Preamble.—WHEREAS, it is expedient further to amend the University Laws (Amendment) Act, 2005, for the purpose hereinafter appearing ;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Amending Act, 2007.

(2) It shall be deemed to have come into force on the 27th day of July, 2006.

2. *Amendment of Section 7.*—In the University Laws (Amendment) Act, 2005 (Act 2 of 2005) (hereinafter referred to as the principal Act), in section 7,—

(1) after sub-section (1), the following sub-section shall be inserted, namely: —

“(1A) Notwithstanding anything contained in sub-section (1) of this section or in any provisions of the Calicut University Act, 1975 (5 of 1975) or in any statute, regulation, ordinance or rules made thereunder or in any judgment, decree or order of any Court, all the powers and functions of the Senate and 235/2007.

Syndicate of the Calicut University, which have not been reconstituted, shall be exercised from the date of commencement of the University Laws (Amendment) Amending Act, 2007, by a body nominated by the Government under sub-section (2), for a period of one year or till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Calicut Univeristy Act, 1975 whichever is earlier.”;

(2) in sub-section (2), under the heading ‘2. Nominated members’, after item (vi), the following items shall be added, namely :—

- “(vii) A Principal of a Government College.
- (viii) A Journalist.
- (ix) A Lawyer.
- (x) Two Social Activists of whom one shall be a person belonging to the Scheduled Castes or Scheduled Tribes.
- (xi) Two experts each from the field of Information Technology and Bio-Technology.”.

3. *Repeal and saving.*—(1) The University Laws (Amendment) Amending Ordinance, 2007 (3 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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

As per the University Laws (Amendment) Act, 2005, the term of the interim body nominated under sub-section (2) of section 7, to exercise the powers and functions of the Senate and Syndicate of the Calicut University, shall be one year or till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Calicut University Act, 1975, whichever is earlier. The term of the nominated interim body expired on 6-1-2006.

Although, the process of elections to constitute the Senate of the Calicut University was started, it could not be reconsituted yet as provided in the Act. A difficult situation has thereby arisen in the proper administration and controlling effectively of the activities of the University. It is therefore found

necessary to nominate an interim body to exercise the powers and functions of the Senate and Syndicate of the Calicut University consisting of nominated and ex-officio members. Hence the Government have decided to make suitable provisions in the University Laws (Amendment) Act, 2005 (2 of 2005) by amending the said Act.

As the Legislative Assembly was not in session and as the above proposals had to be given effect to immediately, the Council of Ministers have approved the draft University Laws (Amendment) Amending Ordinance, 2006 and decided to recommend the Governor to promulgate an Ordinance.

The University Laws (Amendment) Amending Ordinance, 2006 for the above purpose was promulgated by the Governor on the 27th July, 2006 and the same was published as Ordinance No. 42 of 2006 in the Kerala Gazette Extraordinary No. 1239 dated the 27th July, 2006.

Though a Bill namely the University Laws (Amendment) Amending Bill, 2006 was published as Bill No. 41 of the XII Kerala Legislative Assembly to replace the said Ordinance by an Act of the Legislature, it could not be introduced in, and passed by, the XII Kerala Legislative Assembly in its 2nd session which commenced on the 18th day of September, 2006 and ended on the 26th day of October, 2006. Therefore, the University Laws (Amendment) Amending Ordinance, 2006 was promulgated by the Governor on the 30th October, 2006 and the same was published as Ordinance No. 58 of 2006 in the Kerala Gazette Extraordinary No. 1722 dated the 30th October, 2006.

A Bill to replace the said Ordinance by an Act of the Legislature, could not be introduced in, and passed by, the XII Kerala Legislative Assembly in its 3rd session, which commenced on the 27th day of December 2006 and ended on the 29th day of December 2006. In order to keep alive the provisions of the University Laws (Amendment) Amending Ordinance, 2007 was promulgated by the Governor on the 27th day of January, 2007 and the same was published as Ordinance No. 3 of 2007 in the Kerala Gazette Extraordinary No. 160 dated the 27th day of January, 2007.

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

Sub-clause (2) of clause 2 of the Bill empowers the Government to nominate members to the body with the powers and functions of the Senate and Syndicate of the Calicut University.

M. A. BABY

EXTRACT FROM THE UNIVERSITY LAWS (AMENDMENT) ACT, 2005
(ACT 2 OF 2005)

** ** ** **

7. *Special provisions for alternate arrangements temporarily of the Senate and Syndicates of the Kerala and Calicut Universities.*—(1) Notwithstanding anything contained in the Kerala University Act, 1974 (17 of 1974) or in the Calicut University Act, 1975 (5 of 1975) or in any statute, regulation, ordinance or rules made thereunder or in any judgment, decree or order of any Court, in the case of the Syndicates of the Kerala and Calicut Universities, the term of office which expires on the date of commencement of this Act, the functions of the Senate and the Syndicate of the said Universities shall be exercised by a body nominated by the Government under sub-section (2) for a period of six months or till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Kerala University Act, 1974 (17 of 1974) and the Calicut University Act, 1975 (5 of 1975), whichever is earlier.

** ** ** **

(2) The Government may, by notification in the Gazette, nominate an interim body to exercise all the powers and perform all the functions of the Senate and the Syndicate of the said Universities with the following members :—

1. ** ** **

2. Nominated members :

(i) ** ** **

 ** ** **

(vi) The Chairman of the University Union

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