
REPORT OF THE SUBJECT COMMITTEE
ON
THE UNIVERSITY LAWS (AMENDMENT) BILL, 2014
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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SUBJECT COMMITTEE VI

(EDUCATION)

(2013-2016)

Composition

Chairman:

Shri P. K. Abdu Rabb,
Minister for Education.

Ex-officio Member:

Shri K. C. Joseph,
Minister for Rural Development, Planning, Culture and NORKA.

Members:

Shri M. A. Baby
Shri E. Chandrasekharan
DR. K. T. Jaleel
DR. N. Jayaraj
Shri T. V. Rajesh
Shri Shafi Parambil
Shri M. Ummer
Shri P. C. Vishnunadh.

Legislature Secretariat:

Shri P. D. Sarangadharan, Secretary
Shri Thomas Chettuparambil, Joint Secretary
Shri R. Kishor Kumar, Deputy Secretary
Smt. Shabana Anjum, Under Secretary.

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2014

Report of the Subject Committee

Subject Committee VI—Education to which the University Laws (Amendment) Bill, 2014 was referred, considered the Bill clause by clause and now submits this, its report with the Bill as reported by the committee annexed thereto.

2. “The University Laws (Amendment) Bill, 2014” was published as a Gazette Extraordinary dated May 31, 2014. The Bill was introduced in the Assembly on June 10, 2014 and was referred to the Committee on the same day.

3. The Committee considered the bill clause by clause at the meeting held on July 1, 2014. The Committee recommends to adopt the Bill with the following modifications:

Preamble

In the Preamble, for the words “the Sree Sankaracharya University Act” the words “the Sree Sankaracharya University of Sanskrit Act” shall be substituted.

Clause 1

In sub-clause (2) the words, letters and brackets “clauses (b) and (c) of ” shall be omitted.

4. The minutes of dissent is appended.

Thiruvananthapuram,
1st July, 2014.

P. K. ABDU RABB,
Chairman,
Subject Committee VI.

വിയോജനക്കുറിപ്പ്

താഴെപ്പറയുന്ന കാരണങ്ങളാൽ ഞങ്ങൾ ഈ ബില്ലിനോട് വിയോജിക്കുന്നു:

1. കാലിക്കറ്റ് യൂണിവേഴ്സിറ്റി ആക്റ്റിലെ ഭേദഗതി ചെയ്ത സെക്ഷൻ 17 (5) പ്രകാരം സെനറ്റിലെ മറ്റംഗങ്ങൾ എന്നതിൽ ഉന്നത വിദ്യാഭ്യാസ മേഖലയിൽനിന്നും ഒരു വനിതയും ഒരു പട്ടികജാതി/പട്ടികവർഗ്ഗത്തിൽപ്പെട്ടയാളും ഉൾപ്പെടെ ആറിൽ കൂടാത്ത അംഗങ്ങൾ എന്ന് വ്യവസ്ഥ ചെയ്തിരിക്കുന്നു. സെനറ്റിലെ അംഗങ്ങളുടെ എണ്ണം നിശ്ചിതമായിരിക്കണം. “ആറിൽ അധികരിക്കാത്ത” എന്നു വ്യവസ്ഥ ചെയ്താൽ മതിയാകുന്നതല്ല.

2. പുതുതായി കുട്ടിച്ചേർക്കുന്ന കാലിക്കറ്റ് യൂണിവേഴ്സിറ്റി ആക്റ്റിലെ സെക്ഷൻ 18 (3)-ന്റെ ക്ലിപ്ത നിബന്ധന അനുസരിച്ച് സെനറ്റിലെ നാമനിർദ്ദേശം ചെയ്യപ്പെട്ട “മറ്റംഗങ്ങൾക്ക്” നിലവിലുള്ള നാല് വർഷ കാലാവധിക്കു പകരം ചാൻസലർക്കോ സർക്കാരിനോ ഇഷ്ടമുള്ളിടത്തോളം കാലം മാത്രം ആ പദവിയിൽ തുടരാൻ സാധിക്കുന്നതാണ്. സെനറ്റ് അംഗങ്ങളെ കളിപ്പാവകൾക്ക് സമാനമാക്കുന്ന ഇത്തരം സമീപനം ജനാധിപത്യപ്രക്രിയയ്ക്കു തന്നെ കളങ്കമാണ്.

3. ബില്ലിന്റെ 7-ാം വകുപ്പായി ചേർത്തിരിക്കുന്ന പ്രത്യേക വ്യവസ്ഥ പറയുന്നത് കോഴിക്കോട് സർവ്വകലാശാല സെനറ്റിലെ “മറ്റ് അംഗങ്ങൾ” അവരുടെ ഉദ്യോഗം 2013 സെപ്റ്റംബർ 18 മുതൽ ഒഴിഞ്ഞതായി കണക്കാക്കണമെന്നാണ്. അവരുടെ ഭാഗത്തുനിന്നുള്ള വീഴ്ചകളോ പോരായ്മകളോ ചൂണ്ടിക്കാണിക്കാതെ സെനറ്റ് അംഗങ്ങളെ ഒഴിവാക്കാനായി ബില്ലിന് കൊണ്ടുവരുന്നത് ഇഷ്ടക്കാരെ നിയോഗിക്കാനാണെന്ന് കരുതാൻ നിർബന്ധിതരാകുന്നു. ബില്ലിന്റെ ഉദ്ദേശ്യകാരണങ്ങളിൽ അതിനായി കൊണ്ടുവരുന്ന ബില്ലാണിതെന്ന് പ്രസ്താവിച്ചിരുന്നെങ്കിൽ അത് കൂടുതൽ ഉചിതമാകുമായിരുന്നു.

- റ്റി. വി. രാജേഷ് (ഒപ്പ്)
- ഇ. ചന്ദ്രശേഖരൻ (ഒപ്പ്)
- ഡോ. കെ. ടി. ജലീൽ (ഒപ്പ്)

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2014

(As reported by the Subject Committee)

[The words underlined indicate the modifications suggested by the Committee. Omission is indicated by asterisks]

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further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994 and the National University of Advanced Legal Studies Act, 2005.

Preamble.—WHEREAS, it is expedient further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994 and the National University of Advanced Legal Studies Act, 2005 for the purposes hereinafter appearing;

BE it enacted in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2014.

(2) Clause (a) of section 4 shall be deemed to have come into force on the 9th day of September, 2013, section 2, [****] section 3, clause (b) of section 4 and sections 5 to 7 shall be deemed to have come into force on the 19th day of September, 2013 and the remaining sections shall come into force at once.

2. *Amendment of Act 17 of 1974.*—In the Kerala University Act, 1974 (17 of 1974), in section 6, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In making appointments to the teaching and non-teaching posts, the University shall, *mutatis-mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”.

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3. *Amendment of Act 5 of 1975.*—In the Calicut University Act, 1975 (5 of 1975),—

(a) in section 6, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In making appointments to the teaching and non-teaching posts, the University shall, *mutatis-mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”;

(b) in section 17, under the heading “Other Members”, for item (5), the following item shall be substituted, namely:—

“(5) Not more than six members nominated by the Government from the field of Higher Education, of which one shall be a woman and one shall be from the Scheduled Castes or Scheduled Tribes.”;

(c) in section 18, to sub-section (3), after the third proviso, the following proviso shall be added, namely:—

“Provided also that the members in the Senate nominated by the Chancellor or the Government under the heading “Other Members” shall hold their office during the pleasure of the Chancellor or the Government, as the case may be.”.

4. *Amendment of Act 12 of 1985.*—In the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(a) in section 11, for sub-section (4), the following sub-section shall be substituted, namely:—

“(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.”;

(b) for section 78, the following section shall be substituted, namely:—

“78. *Reservation of appointments.*—In making appointments to the teaching and non-teaching posts, the University shall, *mutatis mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”.

5. *Amendment of Act 5 of 1994.*—In the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), for section 32, the following section shall be substituted, namely:—

“32. *Reservation of appointments.*—In making appointments to the teaching and non-teaching posts, the University shall, *mutatis mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”.

6. *Amendment of Act 27 of 2005.*—In the National University of Advanced Legal Studies Act, 2005 (27 of 2005), in section 4, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In making appointments to the teaching and non-teaching posts, the University shall, *mutatis mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”.

7. *Special provision.*—Notwithstanding anything contained in the Calicut University Act, 1975, on the date of commencement of the Calicut University (Amendment) Ordinance, 2013 (48 of 2013), the existing members in office nominated under item (5) under the heading “Other Members” in section 17 of the Calicut University Act, 1975, shall be deemed to have vacated their office by virtue of the provisions of the said Ordinance.

8. *Repeal and Saving.*—(1) The University Laws (Amendment) Ordinance, 2014 (2 of 2014) 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 Mahatma Gandhi University Act, 1985 and the Calicut University Act, 1975 and anything done or taken under the Kerala University Act, 1974, the Sree Sankaracharya University of Sanskrit Act, 1994 and the National University of Advanced Legal Studies Act, 2005 as amended by the said Ordinance shall be deemed to have been done or taken under the said Acts respectively as amended by this Act.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
1st July, 2014.

P. D. SARANGADHARAN,
Secretary.