

Thirteenth Kerala Legislative Assembly

Bill No. 101

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2012

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BILL

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 Kannur University Act, 1996.

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 Kannur University Act, 1996 for the purposes hereinafter appearing ;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2012.

(2) Clauses (a) and (d) of section 2, section 3, clauses (a), (b), (c), (d) and (i) of section 4, clause (a), sub-clause (v) of clause (c) and clause (d) of section 6 shall be deemed to have come into force on the 8th day of December, 2009, clauses (b) and (c) of section 2 and clause (i) of section 7 shall be deemed to have come into force on the 16th day of August, 2011, clauses (e), (f), (g) and (h) of section 4, clause (c) of section 5, clause (b) and sub-clauses (i), (ii), (iii) and (iv) of clause (c) of section 6 and clauses (ii), (iii) and (iv) of section 7 shall be deemed to have come into force on the 1st day of December, 2011, clauses (a), (b) and (d) of section 5 shall be deemed to have come into force on the 31st day of January, 2012 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of Act 17 of 1974.*—In the Kerala University Act, 1974 (17 of 1974),—

(a) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

(b) in section 17, under the heading “Other Members”, for item (4), the following item shall be substituted, namely:—

“(4) Not more than five members nominated by the Government from the field of Higher Education of which one shall be a woman and one shall be from Scheduled Castes/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.” ;

(d) after section 64, the following section shall be inserted, namely:—

“64A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Kerala University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of another University, may be transferred to any college under the jurisdiction of the Kerala University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

Explanation:—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

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

(a) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

(b) after section 64, the following section shall be inserted, namely:—

“64A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Calicut University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Calicut University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

Explanation:—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act .”.

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

(a) in section 2, after clause (19), the following clause shall be inserted, namely:—

“(19A) “Pro-Chancellor” means the Pro-Chancellor of the University ;”;

(b) in the heading under CHAPTER III, after the word “CHANCELLOR”, the word “PRO-CHANCELLOR” shall be inserted ;

(c) after section 7, the following section shall be inserted, namely:—

“8. *Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.” ;

(d) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

(e) in section 17,—

(i) under the heading ‘Ex-Officio Members’, after item (15), the following item shall be inserted, namely:—

“(16) members of the Syndicate who are not members of the Senate.”

(ii) under the heading “Other Members”, item (4) shall be omitted ;

(f) in section 18, after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The members of Senate nominated by the Chancellor or the Government shall hold office during the pleasure of the Chancellor or the Government, as the case may be.”;

(g) in section 21, under the heading “Other Members”,—

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

“(a) Not more than eight members nominated by the Government from the field of Higher Education of whom one shall be a woman.” ;

(ii) item (e) shall be omitted ;

(iii) items (g) and (h) shall be omitted ;

(h) in section 22, after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) The members of the Syndicate nominated by the Chancellor or the Government shall hold office during the pleasure of the Chancellor or the Government, as the case may be.” ;

(i) after section 68, the following section shall be inserted, namely:—

“68A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Mahatma Gandhi University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Mahatma Gandhi University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University, shall not be considered as outside service while exercising home college option.

Explanation:—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

5. *Amendment of Act 5 of 1994.*—In the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994),—

(a) in section 2, after clause (b), the following clause shall be inserted, namely:—

“(ba) “Appellate Tribunal” means the Appellate Tribunal constituted under section 22A;”;

(b) in Chapter IV, for the heading “AUTHORITIES OF THE UNIVERSITY”, the heading “AUTHORITIES OF THE UNIVERSITY AND THE APPELLATE TRIBUNAL” shall be substituted ;

(c) in section 12, for the existing items, under the heading “Nominated Members”, the following items shall be substituted, namely:—

“(i) Four eminent scholars representing Sanskrit, Indology, Indian Philosophy and any of the Indian Languages, nominated by the Chancellor for a period of four years at a time ;

(ii) Seven Educationalists or Eminent Academicians in the field of Higher Education, nominated by the Government, for a period of four years of whom three shall be teachers of the Sree Sankaracharya University of Sanskrit of whom one shall be from Scheduled Castes/Scheduled Tribes and one shall be a woman ;

(iii) One Post Graduate student of the University/Colleges/Centers affiliated to the University having excellent academic merit, nominated by the Government, for a period of one year ;

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

(v) The member nominated by the Executive Council of the Kerala State Higher Education Council :

Provided that the members of the Syndicate nominated by the Chancellor or the Government under the heading “Nominated Members” shall hold their office during the pleasure of the Chancellor or the Government, as the case may be.”;

(d) after section 22, the following section shall be inserted, namely:—

“22A. *Constitution of the Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall consist of a Judicial Officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Act, with the previous sanction of the Government, for regulating its procedure and for the disposal of its business.

(5) The regulations so made shall be published in the Gazette.

(6) Subject to the provisions of this Act, the jurisdiction and the powers of the Appellate Tribunal shall be prescribed by the Statutes.”

6. *Amendment of Act 22 of 1996.*—In the Kannur University Act, 1996 (22 of 1996),—

(a) in sub-section (2) of section 13, for the words “fifty six” the word “sixty” shall be substituted ;

(b) in section 19,—

(i) under the heading “Ex-officio members”, after item (xv), the following item shall be inserted, namely:—

“(xvi) members of the Syndicate who are not members of the Senate” ;

(ii) under the heading “Other members”, item (iv) shall be omitted ;

(c) in section 23, under the heading “Other Members”,—

(i) item (a) shall be omitted ;

(ii) for item (d), the following item shall be substituted, namely:—

“(d) Three teachers nominated by the Government of whom one shall be from the University Department and two from the affiliated colleges of whom one shall be from Scheduled Castes/Scheduled Tribes.” ;

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

“(e) not more than six experts nominated by the Government, from the field of Higher Education of whom one shall be a woman.” ;

(iv) for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that the members of the Syndicate 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.” ;

(v) after item (f), the following item shall be inserted, namely:—

“(g) one member elected by the Senate from among the members in item (xi) under the heading ‘*Elected members*’ in section 19.” ;

(d) after section 71, the following section shall be inserted, namely:—

“71A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Kannur University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Kannur University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

Explanation:—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act .”.

7. *Special provisions.*—Notwithstanding anything contained in,— (i) the Kerala University Act, 1974, on the 16th day of August, 2011, the date of commencement of the Kerala University (Amendment) Ordinance, 2011 (46 of 2011), the existing members in office nominated under item (4) under the heading “Other Members” in section 17 of the Kerala University Act, 1974, shall be deemed to have vacated their office by virtue of the provisions of this Act ;

(ii) the Mahatma Gandhi University Act, 1985, on the 1st day of December, 2011, the date of commencement of the Mahatma Gandhi University (Amendment) Ordinance, 2011 (58 of 2011), the existing members in office nominated by the Government under item (4) under the heading “Other Members” in section 17 and nominated by the Government under items (a), (e), (g) and (h) under the heading “Other Members” in section 21, shall be deemed to have vacated their office by virtue of the provisions of this Act ;

(iii) the Sree Sankaracharya University of Sanskrit Act, 1994, on the 1st day of December, 2011, the date of commencement of the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2011 (56 of 2011), the members in office nominated by the Government under items (ii), (iii) and (v) as it existed prior to the commencement of the said Ordinance, under the heading “Nominated Members” in section 12 of the Sree Sankaracharya University of Sanskrit Act, 1994 shall be deemed to have vacated their office by virtue of the provisions of this Act;

(iv) the Kannur University Act, 1996 (22 of 1996) on the 1st day of December, 2011, the date of commencement of the Kannur University (Amendment) Ordinance, 2011 (57 of 2011), the existing members in office nominated under item (iv) under the heading. “Other members” in section 19 and nominated under item (a), item (d) and item (e) under the heading “Other members” in section 23 of the Kannur University Act, 1996 shall be deemed to have vacated their office by virtue of the provisions of this Act.

8. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 2012 (25 of 2012) 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 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 Kannur University Act, 1996 as amended by the said Ordinance shall be deemed to have been done or taken under the said Acts as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985) and the Kannur University Act, 1996 (22 of 1996), the upper age limit for the appointment of Pro-Vice-Chancellor is fifty-six years. The Government have decided to raise the upper age limit to sixty years. It has also been decided to include a nominee of the students' representative in the Syndicate of the Kannur University as in the case of other Universities and to create a post of Pro-Chancellor in the Mahatma Gandhi University besides incorporating provision for inter University transfer of teachers of colleges under the corporate management subject to certain conditions.

2. Moreover it is felt that representation from the field of Higher Education covering wide range of subjects is highly essential in the Senate of the Kerala University, Kannur University, Mahatma Gandhi University and in the Syndicate of the Sree Sankaracharya University of Sanskrit as the said statutory authorities are vested with statutory as well as decision making powers. As the members from the field of Higher Education are not adequately represented in the above said authorities, it is decided to include members from that field also. Government have also decided to include a provision regarding the tenure of the members coming under the heading "Other Members" in the Senate of the Kerala University and the Kannur University and tenure of the nominated members in the Senate and Syndicate of the Mahatma Gandhi University and tenure of the members coming under the heading "Nominated Members" in the Syndicate of the Sree Sankaracharya University of Sanskrit. It is also decided to nominate a post graduate student of the University/Colleges/Centers affiliated to the University, to the Syndicate of the Sree Sankaracharya University of Sanskrit instead of the existing student member. Further there is no enabling provision in the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) empowering the Government to constitute a University Appellate Tribunal as provided in other University Acts. Government have, therefore, decided to incorporate a provision in the Sree Sankaracharya University of Sanskrit Act, 1994 to provide an enabling provision empowering the Government to constitute an Appellate Tribunal under the said Act also. The Government have decided to amend the relevant Acts for the above said purposes.

3. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the University Laws (Amendment) Ordinance, 2009 (27 of 2009), was promulgated by the Governor of Kerala on the 7th day of December, 2009 and the same was published as Ordinance No. 27 of 2009 in the Kerala Gazette Extraordinary No. 2281, dated the 8th day of

December, 2009, the Kerala University (Amendment) Ordinance, 2011 (46 of 2011), was promulgated by the Governor of Kerala on the 14th day of August, 2011 and the same was published as Ordinance No. 46 of 2011 in the Kerala Gazette Extraordinary No. 1546 dated the 16th day of August, 2011, the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on the 30th day of November, 2011 and the same was published as Ordinance No. 56 of 2011 in the Kerala Gazette Extraordinary No. 2266 dated the 1st day of December, 2011, the Kannur University (Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on the 30th day of November, 2011 and the same was published as Ordinance No. 57 of 2011 in the Kerala Gazette Extraordinary No. 2267 dated 1st day of December, 2011, the Mahatma Gandhi University (Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on the 30th day of November, 2011 and the same was published as Ordinance No. 58 of 2011 in the Kerala Gazette Extraordinary No.2268 dated 1st day of December, 2011 and the Sree Sankarachara University of Sanskrit (Second Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 30th day of January, 2012 and the same was published as Ordinance No. 17 of 2012 in the Kerala Gazette Extraordinary No. 225 dated 31st day of January, 2012.

4. A Bill to replace the University Laws (Amendment) Ordinance, 2009 (27 of 2009) by an Act of the State Legislature could not be introduced in, and passed by, the Twelfth Kerala Legislative Assembly of the State of Kerala in its session which held on the 29th day of December, 2009 and in its subsequent sessions and as the provisions of the said Ordinance had to be kept alive, the University Laws (Amendment) Ordinance, 2010 (8 of 2010), the University Laws (Amendment) Ordinance, 2010 (18 of 2010), the University Laws (Amendment) Ordinance, 2010 (45 of 2010), the University Laws (Amendment) Ordinance, 2011 (7 of 2011), the University Laws (Amendment) Ordinance, 2011 (24 of 2011) and the University Laws (Amendment) Ordinance, 2012 (19 of 2012) were promulgated by the Governor of Kerala.

5. A Bill to replace the Kerala University (Amendment) Ordinance, 2011 (46 of 2011) by an Act of the State Legislature could not be introduced in and passed by the 13th Kerala Legislative Assembly in its second session which commenced on the 26th day of September, 2011 and ended on the 4th day of November, 2011. Under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala University (Amendment) Ordinance, 2011 (46 of 2011) ceased to operate on the 7th day of November, 2011. In order to validate the actions taken and to keep alive the provisions of Ordinance No. 46 of 2011, the Kerala University (Amendment) Ordinance, 2011 was promulgated by

the Governor of Kerala on the 18th day of November, 2011 and the same was published as Ordinance No. 50 of 2011 in the Kerala Gazette Extraordinary No.2175 dated the 18th day of November, 2011. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the 13th Kerala Legislative Assembly in its session which commenced on the 9th day of December, 2011 and ended on the same day. Under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala University (Amendment) Ordinance, 2011 (50 of 2011) ceased to operate on the 20th day of January, 2012. In order to validate the actions taken and to keep alive the provisions of Ordinance No.50 of 2011, the Kerala University (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 30th day of January, 2012 and the same was published as Ordinance No.15 of 2012 in the Kerala Gazette Extraordinary No. 223 dated the 31st day of January, 2012.

6. A Bill to replace the Mahatma Gandhi University (Amendment) Ordinance, 2011 (58 of 2011) by an Act of the State Legislature could not be introduced in, and passed by, the 13th Kerala Legislative Assembly in its session which commenced on the 9th day of December, 2011 and ended on the same day. In order to keep alive the provisions of Ordinance No.58 of 2011, the Mahatma Gandhi University (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 17th day of January, 2012 and the same was published as Ordinance No.6 of 2012 in the Kerala Gazette Extraordinary No.111 dated the 17th day of January, 2012.

7. A Bill to replace the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2011(56 of 2011) by an Act of the State Legislature could not be introduced in, and passed by, the 13th Kerala Legislative Assembly in its session which commenced on the 9th day of December, 2011 and ended on the same day. In order to keep alive the provisions of Ordinance No.56 of 2011, the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 17th day of January, 2012 and the same was published as Ordinance No.3 of 2012 in the Kerala Gazette Extraordinary No.110 dated the 17th day of January, 2012.

8. A Bill to replace the Kannur University (Amendment) Ordinance, 2011 (57 of 2011) by an Act of the State Legislature could not be introduced in, and passed by, the 13th Kerala Legislative Assembly in its session which commenced on the 9th day of December, 2011 and ended on the same day. Under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kannur University (Amendment) Ordinance, 2011 (57 of 2011) ceased to operate on the 20th day of January, 2012. In order to validate the actions taken and to keep alive the provisions of Ordinance No.57 of 2011, the Kannur University (Amendment)

Ordinance, 2012 was promulgated by the Governor of Kerala on the 30th day of January, 2012 and the same was published as Ordinance No.16 of 2012 in the Kerala Gazette Extraordinary No.224 dated the 31st day of January, 2012.

9. The Bills to replace the above said Ordinances including the Sree Sankaracharya University of Sanskrit (Second Amendment) Ordinance, 2012 (17 of 2012) by Acts of the Kerala Legislative Assembly could not be introduced in, and passed by, the Legislative Assembly in its session which commenced on the 1st day of March, 2012 and ended on the 23rd day of March, 2012, and in order to keep alive the provisions of the said Ordinances and whereas it was expedient to codify all the proposals contained in the said Ordinances, the University Laws (Amendment) Ordinance, 2012 (25 of 2012) was promulgated by the Governor of Kerala on the 11th day of April, 2012 and the same was published as Ordinance No. 25 of 2012 in the Kerala Gazette Extraordinary No. 727 dated the 11th day of April, 2012.

10. The Bill seeks to replace the above 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.

P. K. ABDU RABB.

EXTRACT OF THE RELEVANT PORTIONS FROM THE KERALA
UNIVERSITY ACT,1974

(17 OF 1974)

** ** *

11. *The Pro-Vice-Chancellor.*—(1) ** **

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) ** ** *

** ** *

17. *Senate.*—The Senate shall consist of the following members, namely:—

Ex-officio Members

** ** *

Elected Members

** ** *

Life Members

** ** *

Other Members

** ** *

(1) Two Headmasters of High Schools and two Teachers of Schools, situated within the University area, nominated by the Chancellor.

(2) ** ** *

(3) ** ** *

(4) Not more than four experts nominated by the Government from the fields of Information Technology and Bio-technology.

18. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) ** ** *

(3) Every member of the Senate, other than ex-officio and life members, shall, subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate”.

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** ** *

Provided also that the term of office of a member referred to in item (12) under the heading "Elected Members" in section 17 or of a member referred to in item (3) under the heading "Other Members" in that section shall be one year from the date of his election or nomination, as the case may be.

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64. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Kerala University and also under the jurisdiction of the Calicut University, the educational agency shall, within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section, he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

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EXTRACT OF THE RELEVANT PORTIONS FROM THE
CALICUT UNIVERSITY ACT, 1975

(5 OF 1975)

** ** *

11. *The Pro-Vice-Chancellor.*—(1) ** ** *

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) ** ** *

** ** *

64. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Calicut University and also under the jurisdiction of the Kerala University, the educational agency shall, within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Calicut University or the Kerala University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section, he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

** ** *

EXTRACT OF THE RELEVANT PORTIONS FROM THE
MAHATMA GANDHI UNIVERSITY ACT, 1985

(12 OF 1985)

** ** *

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

(1) ** ** *

** ** *

(19) “Professional college” means a college in which instruction is given in any of the following subjects, namely:—

- (i) Engineering and Technology ;
- (ii) Allopathic Medicine and Para Medical Courses ;
- (iii) Dental Medicine ;
- (iv) Ayurvedic Medicine ;
- (v) Homeopathic Medicine ;
- (vi) Law ; and
- (vii) Education ;

** ** *

CHAPTER III

THE CHANCELLOR AND OFFICERS OF THE UNIVERSITY

** ** *

7. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at any convocation of the University.

(3) All the authorities of the University shall be subordinate to the Chancellor.

(4) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(5) The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(6) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.

(9) The Chancellor shall, before passing any order on an appeal under sub-section (7) refer the matter for advice to a Tribunal appointed by him for the purpose.

(10) The Chancellor shall have power to remove the Vice-Chancellor or the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour :

Provided that such charges are proved by an enquiry conducted by person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor or the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(11) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

** ** *

11. *The Pro-Vice-Chancellor.*—(1) ** ** *

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) ** ** *

** ** *

Other Members

- (a) Two eminent Educationalists or Scientists nominated by the Government ;
- (b) Three Deans of Faculties nominated by the Chancellor, by rotation ;
- (c) Two principals of colleges affiliated to the University nominated by the Government ;
- (d) Three teachers of colleges nominated by the Government of whom one shall be a member of a Scheduled Caste or a Scheduled Tribe ;
- (e) The members referred to in item (4) under the heading “Other Members” in section 17, nominated by the Government ;
- (f) One member of the Legislative Assembly, representing any of the Constituencies within the territorial jurisdiction of the University, nominated by the Government ;
- (g) An eminent jurist who is conversant with University Laws, nominated by the Government ;
- (h) An author or journalist of eminence, nominated by the Government ;
- (i) A research scholar or a post-graduate student of the University nominated by the Government ;
- (j) The member nominated by the Executive Council of the Kerala State Higher Education Council from among its members.

22. *Term of office of members of Syndicate.*—(1) Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of four years from the date of their nomination :

Provided that no person nominated in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that body or the holder of that office :

Provided further that a member other than *ex-officio* member shall, notwithstanding the expiration of his term, continue to hold office until his successor is nominated :

Provided also that no person other than an *ex-officio* member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in item (c) or in item (d) under the heading "Other Members" in section 21 shall not ceased to be such member merely on the ground that—

(a) he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University ; or

(b) the college of which he is the principal or in which he is a teacher has been transferred to another University ; or

(c) in the case of a teacher, he has been promoted as principal.

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68. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Mahatma Gandhi University and also under the jurisdiction of the Kerala University or the Calicut University, the educational agency shall within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option :

Provided that where the number of teachers who have opted to work under the jurisdiction of the Mahatma Gandhi University or the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

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**

EXTRACT OF THE RELEVANT PORTIONS FROM THE
SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT ACT, 1994

(5 OF 1994)

** ** *

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

(a) “Academic Council” means the Academic Council of the University constituted under section 16 ;

(b) “Academic department” means a department of studies functioning under a head of department, which forms a faculty, or a constituent unit of a faculty of the University ;

** ** *

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

** ** *

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

Ex-officio Members

** ** *

Elected Member

** ** *

Nominated Members

(i) Four eminent scholars representing Sanskrit, Indology, Indian Philosophy and any of the Indian Languages, nominated by the Chancellor for a period of four years at a time ;

(ii) Four eminent academicians or reputed teachers of the University or affiliated colleges in the State who have made significant contributions to the field of arts, education, management or social science, nominated by the Government for a period of four years at a time, of whom one shall be a woman and one shall be a member of a Scheduled Caste or a Scheduled Tribe ;

(iii) Three teachers of the University nominated by the Government for a period of four years at a time, of whom one shall be a woman ;

(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.

(v) the member nominated by the Executive Council of the Kerala State Higher Education Council from among its members ;

(vi) Chairperson of the University Union or in his or her absence a registered regular student of the University or of the Colleges or Centers affiliated to the University, nominated by the Government :

Provided that where a person other than the Chairperson of the University Union is nominated to the Syndicate under this item his office shall stand vacated on the election of the chairperson of the University Union and such chairperson shall stand nominated to the Syndicate on the date of his election.

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22. *Provisions relating to membership in authorities.*—(1) Save as otherwise provided in this Act any casual vacancy among the members other than the *ex-officio* members of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who or which nominated or elected the member whose place has become vacant, and the person so nominated or elected to a casual vacancy shall be a member of such authority or body for the remaining period for which the person in whose place he is nominated or elected would have been a member.

(2) The Syndicate may remove any person from membership of any authority or body of the University on the ground that such person has been convicted of an offence involving moral turpitude and any such person shall be ineligible for membership in any of the authorities in future :

Provided that no order for removal shall be passed against any person without giving him an opportunity of being heard.

(3) If any question arises as to whether any person has been duly nominated or elected has, or is entitled to be, a member of any authority of the University, the question shall be referred to the Chancellor who, after giving a reasonable opportunity of being heard shall decide the case, and that decision shall be final :

Provided that no such decision shall be taken without giving an opportunity of being heard to the person likely to be affected by the decision.

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**

EXTRACT OF THE RELEVANT PORTIONS FROM THE
KANNUR UNIVERSITY ACT, 1996

(22 OF 1996)

** ** *

13. *The Pro-Vice-Chancellor.*—(1) ** **

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

** ** *

19. *Senate.*—The senate shall consist of the following members, namely:—

Ex-officio members

(i) The Chancellor ;

(ii) ** ** *

** ** *

(xv) The Chairman, State Advisory Board of Education.

Elected Members

** ** *

Other Members

(i) ** ** *

(ii) ** ** *

(iii) ** ** *

(iv) Not more than four experts nominated by the Government from the fields of Information Technology and Bio-technology.

** ** *

23. *The Syndicate.*—The Syndicate shall be the Chief Executive body of the University and shall consist of the following members, namely:—

Ex-officio members

** ** *

Other Members

(a) Two eminent Educationalists or Scientists nominated by the Government ;

- (b) Three Deans of Faculties nominated by the Chancellor, by rotation ;
- (c) Two principals of Colleges affiliated to the University, nominated by the Government ;
- (d) Three teachers of colleges nominated by the Government of who one shall be a member of a Scheduled Caste or a Scheduled Tribe ;
- (e) The members referred to in item (iv) under the heading “Other Members” in section 19, nominated by the Government ;
- (f) The member nominated by the Executive Council of the Kerala State Higher Education Council from among its members :

Provided that one of the members nominated by the Government shall be a woman

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71. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Kannur University and also under the jurisdiction of the Calicut University, the educational agency shall, within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which they opt to remain, and the teachers shall be allotted to such University area in accordance with such option :

Provided that where the number of teachers who have opted to work under the jurisdiction of the Kannur University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University under this section, he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

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