

Thirteenth Kerala Legislative Assembly

Bill No. 199

THE CALICUT UNIVERSITY (AMENDMENT) BILL, 2013

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further to amend the Calicut University Act, 1975.

Preamble.—WHEREAS, it is expedient further to amend the Calicut University Act, 1975 for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Calicut University (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on the 22nd day of September, 2012.

2. *Amendment of section 7.*—In the Calicut University Act, 1975 (5 of 1975) (hereinafter referred to as the principal Act), in the proviso to clause (b) of sub-section (4) of section 7, for the words “one year” the words “two years” shall be substituted.

3. *Validation.*—Notwithstanding the expiry of the term of the Syndicate, nominated by the Chancellor as per notification No. ELEC 2/2011 dated the 22nd September, 2011, under clause (b) of sub-section (4) of section 7 of the principal Act, anything done or any action taken on or after the 22nd day of September, 2012 to the date of publication of the Calicut University (Amendment) Ordinance, 2012 (55 of 2012) in the Gazette shall be deemed to have been validly done or taken under the provisions of the principal Act as amended by this Act.

4. *Repeal and saving.*—(1) The Calicut University (Amendment) Ordinance, 2013 (30 of 2013) is hereby repealed.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

Sub-section (4) of section 7 of the Calicut University Act, 1975 (5 of 1975) empowers the Chancellor to suspend, dismiss or dissolve any authority of the University if he deems it necessary in the public interest or in the interest of the proper functioning of the University, and in the case of suspension, take measures for the interim administration of the University and in the case of dismissal or dissolution, constitute such authority by nomination, for the interim administration of the University, till such authority is reconstituted in accordance with the provisions of the Act. The Act also provides that the nominated authority shall not, in any case, continue in office for a period exceeding one year. In exercise of the powers conferred by the aforesaid provisions, His Excellency the Governor of Kerala had dissolved the Senate and Syndicate of the University of Calicut and nominated a Syndicate to the University with effect from 22nd day of September, 2011 as per Notification No. ELEC2/2011 dated 22nd September, 2011. But the Senate and Syndicate of the University of Calicut has not been reconstituted within the said time limit and the term of the nominated authority stands expired on the 21st day of September, 2012. Hence the Government have decided to make necessary amendment in the Calicut University Act, 1975 so as to enable the nominated authority to continue in office for a period not exceeding two years or till the Senate/Syndicate is reconstituted in accordance with the provisions of the Act.

2. As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Calicut University (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 30th day of September, 2012 and the same was published as Ordinance No. 55 of 2012 in the Kerala Gazette Extraordinary No.1967 dated the 1st day of October, 2012.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala in its session which commenced on the 10th day of December, 2012 and ended on the 21st day of December, 2012. In order to keep alive the provisions of Ordinance No. 55 of 2012, the Calicut University (Amendment) Ordinance, 2013 was promulgated by the Governor of Kerala on the 14th day of January, 2013 and the same was published as Ordinance No.13 of 2013 in the Kerala Gazette Extraordinary No.121 dated the 15th day of January, 2013.

4. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala in its session which commenced on the 1st day of February, 2013 and ended on the 19th day of February, 2013.

5. As the Legislative Assembly was not in session and to keep alive the provision of the said Ordinance, the Calicut University (Amendment) Ordinance, 2013 was promulgated by the Governor of Kerala on the 27th day of February, 2013 and the same was published as Ordinance No. 30 of 2013 in the Kerala Gazette Extraordinary No. 573 dated the 28th day of February, 2013.

6. The Bill seeks to replace the Ordinance No. 30 of 2013 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.

P. K. ABDU RABB

