

Thirteenth Kerala Legislative Assembly
Bill No. 204

**THE THUNCHATH EZHUTHACHAN MALAYALAM
UNIVERSITY BILL, 2013**

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2013

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[Translation in English of the “2013-ലെ തുഞ്ചത്ത് എഴുത്തച്ഛൻ മലയാളം സർവ്വകലാശാല ബിൽ” published under the authority of the Governor.]

THE THUNCHATH EZHUTHACHAN MALAYALAM
UNIVERSITY BILL, 2013

A

BILL

to establish and incorporate a University for the promotion of study and research of Malayalam language and literature and Kerala culture.

Preamble.—WHEREAS, it is expedient to establish and incorporate a University for the promotion of study and research of Malayalam language and literature and Kerala culture;

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

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Thunchath Ezhuthachan Malayalam University Act, 2013.

(2) It shall be deemed to have come into force on the 1st day of November, 2012.

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

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

(b) “Authority” means any authority of the University specified in section 8 ;

(c) “Board of Studies” means Board of Studies of the University;

(d) “Chancellor” means the Chancellor of the University;

(e) “Dean” means the Dean of a Faculty of the University;

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(f) “Executive Committee” means the Executive Committee of the University;

(g) “Faculty” means the Faculty of the University;

(h) “Faculty Advisory Committee” means Advisory Committee for each Faculty;

(i) “General Council” means the General Council of the University;

(j) “Government” means the Government of Kerala ;

(k) “officer” means an officer of the University specified under Chapter V of this Act or any other person designated as an officer by the Statutes;

(l) “prescribed” means prescribed by Statutes, Ordinances and Regulations made under this Act ;

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

(n) “Registrar” means the Registrar of the University;

(o) “Research Council” means the Research Council of the University;

(p) “School” means a School in the University established under this Act ;

(q) “State” means the State of Kerala;

(r) “Statutes”, “Ordinances”, “Regulations” means respectively the Statutes, Ordinances and Regulations of the University made under this Act ;

(s) “student” means a person enrolled in the University for taking a course for a degree, diploma or other academic distinction duly instituted ;

(t) “teacher” means a person appointed or recognized by the University for the purpose of imparting instructions or conducting and guiding research or any other project or programme, and includes any other person who may be declared by the Statutes to be a teacher ;

(u) “University” means the Thunchath Ezhuthachan Malayalam University established and incorporated under section 3 of this Act ;

(v) “Vice-Chancellor” means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

3. *University.*—(1) There shall be established a University by the name ‘The Thunchath Ezhuthachan Malayalam University’, which shall consist of a Chancellor, a Pro-Chancellor, a Vice-Chancellor, a General Council, an Executive Committee, an Academic Council, a Research Council, Faculty Advisory Committees, Boards of Studies and other authorities and officers as provided in this Act.

(2) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold properties both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have vested in or have been acquired by it for the purpose of the University, and to receive grants or loans from the State or Central Governments or from any legally constituted body corporate, organizations or funds or individuals and to contract and to undertake all other things necessary for the purposes of this Act.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all the processes in such suits and proceedings shall be issued to and served on the Registrar.

(5) The headquarters of the University shall be at Tirur in Malappuram District.

4. *Territorial Limits.*—(1) The territorial limits of the University shall extend to the entire State.

(2) The University may establish Centres under one School or several Schools or faculties, take up research projects or other academic programmes for a limited period outside Kerala or outside India as may be required for pursuing its objectives.

(3) All Schools, research, projects, along with the other institutions coming under the jurisdiction and authority of the University shall form constituent units of the University under the full management and control of the officers and Authorities of the University and no college or any other institution shall be recognized as an affiliated unit.

5. *Objects of the University.*—The following shall be the objects of the University, namely:—

(a) imparting education at the post graduate level on different areas of Malayalam literature, Malayalam language and linguistics, comparative literature, Malayalam criticism, antique, ancient record, evolution of South Indian language scripts, history of scripts, tribal language study, regional language study, epigraphy, archeology and museology, and translation into and from Malayalam;

(b) imparting education on the various manifestations of Kerala's culture particularly in the areas of folklore and expressions of intangible culture, performing arts, traditional architecture, folk tales, classical and contemporary music, theatre, art of engraving, study of folklore and martial arts;

(c) offering courses of study on Kerala's heritage, traditional knowledge systems, cultural anthropology and media studies with modern technical knowledge;

(d) undertaking research programmes on specific areas within the overall context of Kerala's culture, heritage, language and literature, for making Malayalam script more adaptable to computer technology and to equip Malayalam to express advanced knowledge in science and technology;

(e) taking up projects for collection, documentation, preservation and inventorisation of cultural expressions of Kerala including valuable manuscripts, using modern technology.

6. *Admission to the University.*—(1) The University shall, subject to the provisions of this Act and the Statutes be open to all persons:

Provided that nothing in this section shall be deemed to require the University to admit to any course of study any person who does not meet the prescribed academic standards for admission or to retain on the rolls of the University any person whose academic records are below the minimum standards required for the award of a degree or diploma or certificate or whose personal conduct is prejudicial to the rights and privileges of other students and staff of the University or to admit to any course of study larger number of students other than determined by the Academic Council.

(2) Subject to the provisions of sub-section (1), Government may direct that the University shall reserve seats for Scheduled Castes and Scheduled Tribes and socially and educationally backward classes:

Provided that no such person shall be entitled to be admitted to the University unless he or she meets the minimum required standards as laid down by the University in respect of such candidates.

7. *Powers and functions of the University.*—The University shall have the following powers and functions, namely:—

(i) to provide instruction in Malayalam language, literature, translation, comparative literature, folk, classical, ritualistic arts of Kerala and tribal culture, Kerala's traditional knowledge systems, folk tales, folklore studies, martial art studies, cultural studies, media studies with modern technical knowledge and allied branches as the University may deem fit ;

(ii) to take up research in the areas of Malayalam language and linguistics, Malayalam literature, comparative literature, other forms of cultural expressions particular to Kerala, contemporary cultural issues ;

(iii) to undertake research for making Malayalam script adaptable for computer use and to enrich Malayalam language for expressing new ideas in science and technology;

(iv) to institute degrees, diplomas and other academic distinctions;

(v) to institute courses of study and hold examinations and award degrees, diplomas and other academic distinctions on persons who have successfully completed the course of study in all respects ;

(vi) to confer honorary degrees and other distinctions as may be prescribed ;

(vii) to co-operate with other Universities and other institutions within the State, within the country or any other country for the furtherance of the objects of the University ;

(viii) to establish Schools of study in areas such as Malayalam language studies, Malayalam literature, comparative literature, translation, performing arts, inscription arts and vasthu vidya, cultural studies, media studies with modern technical knowledge, traditional knowledge systems, philosophy etc. and in any other areas of interest and concern to the University under the established Faculties ;

(ix) to establish and maintain a University library relevant to the courses of study and research of the University;

(x) to establish and maintain a cultural museum ;

(xi) to create posts for teaching and research and other academic activities with the prior approval of the Government and to appoint persons with prescribed qualification to such posts ;

(xii) to create administrative posts as approved by the Government and to appoint persons with prescribed qualifications to such posts ;

(xiii) to institute and award fellowships, scholarships and prizes in accordance with the Statutes ;

(xiv) to institute Chairs initially in the name of Swathi Thirunal, Raja Ravi Varma, Kumaran Asan, C.V. Raman Pillai, Hermann Gundert and other Chairs in the manner prescribed;

(xv) to institute Endowments for conducting specialized lectures, studies and projects;

(xvi) to appoint Emeritus Professors as may be prescribed and to invite reputed writers and artists within the country and outside India, without reference to their academic qualifications, as Writer/Artist/Scholar in residence;

(xvii) to fix, demand and receive such fees and other charges as may be prescribed;

(xviii) to provide and maintain residential accommodation to the students, staff, teachers and officers of the University;

(xix) to supervise and control the conduct and discipline of the students of the University and to take the required steps to facilitate their health and welfare, and;

(xx) to do all such acts, whether incidental to the powers and functions mentioned above or not, as may be necessary, for the furtherance of the objects of the University.

CHAPTER III

AUTHORITIES OF THE UNIVERSITY

8. *Authorities of the University.*—The following shall be the Authorities of the University:—

- (i) The General Council;
- (ii) The Executive Committee;
- (iii) The Academic Council;
- (iv) The Research Council;

- (v) The Faculty Advisory Committees;
- (vi) The Faculties;
- (vii) The Boards of Studies;
- (viii) such other bodies, as may be specified by the Statutes to be Authorities of the University.

9. *The General Council.*—The General Council shall consist of the following members, namely:—

(a) **Ex-officio members**

- (i) The Chancellor;
- (ii) The Pro-Chancellor;
- (iii) The Vice-Chancellor;
- (iv) Secretary to Government in charge of the Higher Education Department;
- (v) Secretary to Government in charge of the Finance Department;
- (vi) Secretary to Government in charge of the Cultural Affairs Department;
- (vii) Member of Parliament, representing the area where the University Headquarters is situated;
- (viii) Member of the Legislative Assembly, representing the area where the University Headquarters is situated;
- (ix) Vice-Chancellor, Kerala Kalamandalam;
- (x) President, Kerala Sahitya Academy;
- (xi) Chairman, Kerala Sangeeta Nataka Academy;
- (xii) Chairman, Kerala Lalithakala Academy;
- (xiii) Secretary, Kerala Folklore Academy;
- (xiv) Director, Centre for Kerala Heritage Studies;
- (xv) Director, Vastu Vidya Gurukulam;
- (xvi) Chairman of the Advisory Committee, Faculty of Language Studies;

- (xvii) Chairman of the Advisory Committee, Faculty of Literature;
 - (xviii) Chairman of the Advisory Committee, Faculty of Arts;
 - (xix) Chairman of the Advisory Committee, Faculty of Heritage Studies;
 - (xx) Chairman of the Advisory Committee, Faculty of Traditional Knowledge Systems;
 - (xxi) Dean, Faculty of Language Studies;
 - (xxii) Dean, Faculty of Literature;
 - (xxiii) Dean, Faculty of Arts;
 - (xxiv) Dean, Faculty of Heritage Studies;
 - (xxv) Dean, Faculty of Traditional Knowledge Systems;
 - (xxvi) Vice Chairmen of the Research Councils.
- (b) **Nominated members**
- (i) Eight eminent persons nominated by the Government among writers, scholars and performing artists etc. from various fields out of which one member shall be from Scheduled Caste or Scheduled Tribe;
 - (ii) Two Public men having interest in literary and cultural activities to be nominated by the Government.
- (c) **Elected Members**
- (i) Two persons elected by the students from among themselves;
 - (ii) Two persons elected by the Research Scholars from among themselves ;
 - (iii) Two persons elected by the Directors of the Schools of the University from among themselves ;
 - (iv) Two teachers elected by the full-time teachers of the University from among themselves ;
 - (v) Two persons elected by the non-teaching staff of the University from among themselves.

10. *Tenure of the General Council.*—(1) The tenure of the General Council shall be three years.

(2) Every member of the General Council other than an *ex-officio* member shall, subject to the provisions of this Act and the Statutes, hold office until the reconstitution of the General Council :

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall serve as a member of the General Council once he ceases to hold that office, except for a period of thirty days thereafter.

(3) When a person ceases to be a member of the General Council, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of the membership in the General Council.

11. *Powers and Functions of the General Council.*—(1) The General Council shall be the supreme authority of the University and shall have the power to review the action of the Executive Committee and the Academic Council if any action of these Authorities has not been in accordance with the provisions of this Act, Statutes, Ordinances or Regulations:

Provided that if any question arises as to whether the Executive Committee or the Academic Council has acted in accordance with the powers vested in them or not, the question shall be referred to the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Act, the General Council shall have the following powers, namely:—

(a) to lay down the broad approach and policies for achieving the objects of the University and to guide the University to achieve high intellectual and academic standards in its programmes of study and research;

(b) to decide what degrees, diplomas and other academic distinctions shall be granted by the University;

(c) to make, amend or repeal Statutes either on its own motion or on the motion of the Executive Committee;

(d) to cancel or amend any order passed by the Executive Committee or any Regulation passed by the Academic Council;

(e) to institute fellowships, scholarships, medals, prizes and other instruments for recognizing and encouraging academic excellence in accordance with the provisions of this Act, Statutes, Ordinances and Regulations;

(f) to institute the positions of Professors, Readers and Assistant Professors and such other teaching or research posts as the General Council may deem necessary;

(g) to establish positions of Visitor, Emeritus Professor, Visiting Professor, Writer in Residence, Artist in Residence, Scholar in Residence, Gurus from time to time as deemed necessary;

(h) to prescribe the terms and conditions of service of the employees of the University;

(i) to regulate emoluments and prescribe the duties and conditions of service of teachers;

(j) to review and take such action as it may deem fit on the annual report and annual accounts of the University which shall be placed before the General Council by the Executive Committee in the meeting during the first quarter of the succeeding financial year;

(k) to approve with or without modification the annual budget of the University for the next financial year which shall be presented before the General Council in the meeting to be convened in the last quarter of the current financial year;

(l) to cancel or withdraw any degree, diploma or title or any other distinction granted to any person for specific reasons to be recorded;

(m) to make Statutes regulating the method of election to the Authorities of the University, the procedure at the meetings of the General Council, the Executive Committee and other Authorities of the University and the quorum of the members required for transaction of business in any of the Authorities of the University;

(n) to co-operate and collaborate with other Universities and Institutions within India or anywhere in the world in accordance with the relevant laws and procedures, provided such collaboration is explicitly for furthering the academic and intellectual interests of the University;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

12. *Meetings of the General Council.*—(1) The General Council shall meet at least once in four months on the dates to be fixed by the Vice-Chancellor and the annual report and accounts of the preceding year shall be placed in the first meeting in a financial year and the budget for the coming year shall be placed for approval in the last meeting in a financial year.

(2) One third of the total members shall be the quorum of the meeting of the General Council:

Provided that such quorum shall not be required for convocation or a meeting convened to confer degrees, titles or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit or upon a requisition signed by at least ten members of the General Council convene a special meeting of the General Council for a specific purpose and no subject other than the purpose for which the special meeting has been convened shall be considered in the meeting.

(4) In the absence of the Chancellor and the Pro-Chancellor, the Vice-Chancellor shall chair the meetings of the General Council.

13. *The Executive Committee.*—The Executive Committee shall be the chief executive body of the University and shall consist of the following members, namely:—

(a) **Ex-officio members**

- (i) The Vice-Chancellor ;
- (ii) Secretary to Government in charge of the Higher Education Department;
- (iii) Secretary to Government in charge of the Finance Department;
- (iv) Secretary to Government in charge of the Cultural Affairs Department;
- (v) Two Chairmen of the Faculty Advisory Committee to be nominated by the Vice-Chancellor for a period of one year;
- (vi) One Vice-Chairman of the Research Council to be nominated by the Vice-Chancellor for a period of one year.

(b) **Elected members**

- (i) One member elected by the elected members of the General Council from among the Directors of Schools in the General Council;

- (ii) One member elected by the elected members of the General Council from among the teachers in the General Council;
- (iii) One member elected by the elected members of the General Council from among the students in the General Council.

(c) **Nominated members**

Three eminent writers, artists and scholars who are members in the General Council nominated by the Chancellor.

14. *Term of office of the Executive Committee.*—(1) An elected member of the Executive Committee shall hold office for one year from the date from which he is elected.

(2) A member nominated to the Executive Committee by the Vice-Chancellor shall hold office for one year from the date of nomination.

(3) A member nominated to the Executive Committee by the Chancellor shall hold office for one year from the date of nomination.

(4) The term of the Executive Committee shall be co-terminus with the term of the General Council.

(5) No person other than the Ex-officio members shall be eligible to hold the office as member of the Executive Committee for more than two terms in succession.

(6) The quorum of the meeting of the Executive Committee shall be nine members.

15. *Powers of the Executive Committee.*—(1) Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions and activities of the University shall be vested in the Executive Committee.

(2) Subject to the provisions of this Act and Statutes, Ordinances and Regulations the Executive Committee shall have the following powers, namely:—

(a) to take decisions on any administrative and academic matter within the provisions of this Act, Statutes, Ordinances and Regulations;

(b) to hold, control and administer the properties and funds of the University;

(c) to make Ordinances and to amend or repeal the same ;

(d) to direct the form, custody and use of the common seal of the University;

(e) to arrange for and direct the inspection of any institution or programme or project under the University;

(f) to establish, maintain and manage schools and research projects and other institutions and activities required for achieving the objects of the University;

(g) to appoint teachers and other employees of the University and prescribe their duties;

(h) to create academic, administrative, specialised and managerial posts and engage people on a permanent basis or for a specified period;

(i) to order inquiry into any irregularity brought to its notice and to suspend, discharge, dismiss or take disciplinary action against the teachers and staff of the University after giving them reasonable opportunity to defend themselves;

(j) to award fellowships, scholarships and other incentives and recognition to students and research scholars;

(k) to supervise and ensure proper accommodation to students and teaching and non-teaching staff of the University;

(l) to prepare the annual budget of the University for the next financial year and present it before the General Council in the last quarter of the current financial year and to exercise such measures as necessary to balance the income and expenditure as contemplated in the budget;

(m) to cause the audit of the annual accounts of the university and finalise the audited accounts and financial statements and to present it before the General council in the first quarter of the succeeding financial year;

(n) to conduct University examinations and approve and publish results;

(o) to appoint members of the Boards of Studies;

(p) to approve panel of examiners and decide on their remuneration and other conditions;

(q) to delegate any of its powers to the Vice-Chancellor;

(r) to appoint committees from among its members for purposes to be specified and delegate any of its powers to such committees;

(s) to withhold or cancel the results of any examination or the results of any candidate if the situation warrants such action;

(t) to accept endowments, donations and transfers of any movable or immovable properties to the University on its behalf, for the furtherance of the objects of the University and to report the same to the General Council in its next meeting;

(u) to exercise such other powers and perform such other duties as may be prescribed by Statutes, Ordinances and Regulations.

16. *The Academic Council.*—(1) The Academic Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor;
- (b) Deans of the faculties;
- (c) Vice Chairmen of the Research Council;
- (d) Director of student's Welfare;
- (e) University Librarian;
- (f) Curator of the University Museum;
- (g) Directors of Schools;
- (h) the Registrar;
- (i) three Scholars of eminence to be nominated by the

Chancellor.

(2) The Academic Council may co-opt as members not more than ten experts and practitioners of various art forms.

(3) One-third of the number of the members of the Academic Council shall be the quorum of its meeting.

17. *Powers, Functions and Duties of the Academic Council.*—(1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the control and general regulation of the academic matters of the University and be responsible for maintaining high standards of study and research, and examination in the University and shall exercise such powers and perform such functions conferred upon it by the Statutes or as may be necessary to achieve standards of academic excellence.

(2) Subject to the provisions of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

- (a) to advise the General Council and the Executive Committee on all academic matters;

- (b) to make regulations and to amend or repeal the same;
- (c) to prescribe the courses of study in the Schools and Centres of the University;
- (d) to approve the topics of research and research projects as recommended by the Research Council;
- (e) to recommend the qualification to be prescribed for the teachers of the University;
- (f) to prescribe the qualifications for admission to students to various courses of study;
- (g) to prescribe the eligibility of students to appear for the examinations and to grant exemptions for valid reasons to be recorded;
- (h) to approve the curriculum for the various courses of study on the recommendation of the respective Boards of Studies and after giving due consideration for the advice rendered by the respective Faculty Advisory Committees;
- (i) to approve the details of academic activities envisaged under a Chair instituted in the University;
- (j) to recommend the approval of degrees, diplomas and other academic distinctions granted by the University;
- (k) to formulate, review, modify or revise schemes for the constitution or reconstitution of departments of teaching and research based on the advice of the Faculty Advisory Committees;
- (l) to make recommendations on the curriculum and the manner of curriculum transaction for the various courses of study in the University;
- (m) to exercise such other powers and perform such other functions as may be conferred or imposed by this Act, Statutes, Ordinances and the Regulations.

18. *Research Council.*—(1) The University shall have a Research Council which shall be responsible for deciding on the research programmes and policy of the University under the various disciplines and shall consider and approve with or without modifications the research proposals leading to the award of Ph.D. or applied Research Projects in order to make them meaningful.

(2) Apart from considering and approving the research proposals presented before it, the Research Council may also suggest and advice to take up research on specific areas.

19. *Constitution of the Research Council.*—(1) Vice-Chancellor shall be the Chairman of the Research Council, which may have the following members, namely:—

- (a) Deans of Faculties;
- (b) Directors of Schools;

(c) Six distinguished Professors one each from the field of literature, fine arts, folklore, music, traditional knowledge systems and media to be nominated by the Chancellor.

(2) There shall be three Vice-Chairmen for the Research Council in three broad areas of literature and culture to be nominated by the Chancellor from among the members nominated.

20. *Faculty Advisory Committees.*—(1) Every faculty of the University shall have a Faculty Advisory Committee with not exceeding ten members and one of them shall be designated as Chairman. The Dean of the Faculty concerned shall be the Convener of the Advisory Committee.

(2) The Faculty Advisory Committee shall consist of outstanding scholars, performers, artists and writers of undisputed authority and eminence. The members of the Committee with its Chairman shall be constituted by the Chancellor based on the recommendation of the Vice-Chancellor. In making these recommendations the Vice-Chancellor shall be guided more by the eminence and authority of the persons than their academic qualifications.

21. *Powers and Duties of the Faculty Advisory Committees.*—(1) The Faculty Advisory Committee shall advise and guide in making the courses offered in the respective Faculties more comprehensive, contemporary and relevant. The suggestions, recommendations and advice of the Faculty Advisory Committees shall be placed in the Boards of Studies and Academic Council or any other body as may be necessary.

(2) The Faculty Advisory Committee may suggest to invite any distinguished performer, artist, scholar or writer or any other person whom the Committee considers as useful as Visiting Faculty, Guru or writer/artist/scholar in Residence or Professor Emeritus, for the benefit of the students and the Dean shall carry out such suggestions with the approval of the Vice-Chancellor.

(3) Chairman and four members shall constitute the quorum for the meeting of the Faculty Advisory Committee and shall be open to the Chairman of the Faculty Advisory Committee to invite any expert to one or more meetings of the Committee as deemed necessary.

22. *The Faculties.*—(1) The University shall have the following Faculties, namely:—

- (i) Faculty of Malayalam Language Studies;
- (ii) Faculty of Literature;
- (iii) Faculty of Arts;
- (iv) Faculty of Heritage Studies;
- (v) Faculty of Traditional Knowledge Systems; and
- (vi) such other Faculties as may be prescribed.

(2) Each Faculty shall set up Schools in such areas of study as may be prescribed and each School shall have a Director to manage the affairs of the School.

(3) Every School shall offer the courses of study as may be prescribed.

(4) The Dean shall be the Chairman of the Faculty under him and he shall be responsible for the study and research programmes in the Schools in the Faculty. The Dean shall be responsible for the conduct of the academic and administrative matters pertaining to the students and teachers of the Schools under each Faculty, including conduct of teaching, research and examination.

(5) In carrying out the academic work and research programme in his Faculty, the Dean shall be guided by the Faculty Advisory Committee and the Research Council.

23. *Board of Studies.*—(1) There shall be a Board of Studies for every School under a Faculty, which shall frame the detailed curriculum for every course of study offered.

(2) Every Board of Studies shall be constituted by the Executive Committee on the advice of the Academic Council.

(3) Every Board of studies may ordinarily have eight members and a Chairman may be selected by the members from among themselves.

(4) The Director of the School concerned shall be the Secretary of the Board of Studies and he shall keep the record of the deliberations and present its recommendations to the Dean, who may cause it to be presented before the Academic Council.

(5) The term of a Board of studies shall be two years and can be extended, if deemed expedient, by six months with the approval of the Executive Committee.

24. *Filling up of Vacancies and Removal of Member.*—(1) No vacancy in the authorities of the University shall be kept vacant for more than three months.

(2) A member in any of the authority of the University if convicted in a criminal proceedings or punished for moral turpitude or corruption by a competent court or authority may be removed by the General Council after giving him an opportunity of being heard.

25. *Saving of Validity.*—(1) No act or proceedings of any authority or body of the University shall be invalid merely by reason of any defect in the constitution of such authority or body or the existence of any vacancy or by reason of any person whose tenure is questionable has participated in the proceedings.

(2) Any dispute about the legality of nomination of a member to any authority or body shall be referred to the Chancellor, whose decision shall be final.

(3) Save as otherwise provided in this Act, all acts done and orders issued in good faith by the University or any authority or body of the University shall be final and no suit shall be instituted against or damage claimed for anything done or purported to be done in pursuance of this Act, the Statutes, Ordinances and Regulations of the University.

(4) No suit, prosecution or other proceedings shall lie against any Officer or other employee of the University, except the Vice-Chancellor for any act done or purported to be done under this Act, or the Statutes, Ordinances or the Regulations, without the prior sanction of the General Council. No suit or prosecution or any other inquiry against the Vice-Chancellor shall be initiated except with the prior permission of the Chancellor.

(5) No officer or other employee of the University shall be liable for any civil or criminal proceedings if the act has been done in good faith and in the natural course of executing the duties or the discharge of functions enjoined by this Act.

CHAPTER IV

THE CHANCELLOR AND PRO-CHANCELLOR

26. *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 the meetings of the General Council and at any convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

(4) The Chancellor shall exercise such other powers and perform such other functions as may be conferred or imposed on him by this Act or the Statutes.

27. *The Pro-Chancellor.*—(1) The Minister in charge of Education of the State shall, by virtue of his office, 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.

(3) The Pro-Chancellor shall also exercise such other powers and perform such other functions of the Chancellor as the Chancellor may by order in writing delegate to the Pro-Chancellor and such delegation may be subject to such restrictions as may be specified in such order.

CHAPTER V

OFFICERS OF THE UNIVERSITY

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

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Controller of Examinations;
- (iv) the Finance Officer;
- (v) the Deans of Faculties;
- (vi) the Directors of Schools;
- (vii) the University Librarian;
- (viii) the Curator of the University Museum;

(ix) any other person declared by the Statutes to be the officer of the University.

29. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be a full-time officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor on the advice of a Search Committee consisting of a nominee of the Chancellor, a representative of the Government and a representative of the UGC. The nominee of the Chancellor shall be the Chairman of the Search Committee:

Provided that if the advice rendered by the Search Committee is not unanimous, the Chancellor may accept the opinion of the majority of its members.

(3) The Search Committee may establish its own procedure for securing the names of eligible candidates for consideration from individuals and bodies as it considers appropriate.

(4) Notwithstanding anything contained in sub-section (2), the first Vice-Chancellor, after commencement of this Act shall be appointed by the Chancellor for a period not exceeding five years on such terms and conditions as the Chancellor may determine.

(5) The Vice-Chancellor shall hold office for a term of 5 years and shall be eligible for re-appointment for one more term:

Provided that a Vice-Chancellor appointed under this section shall cease to hold office on his completing the age of sixty five years.

(6) The emoluments, perquisites and other service conditions of the Vice-Chancellor shall be such as may be prescribed.

(7) The Vice-Chancellor may resign his office by conveying in writing to the Chancellor.

(8) The resignation of the Vice-Chancellor shall take effect from the date of the Chancellor accepting it and relieving him from the duties.

(9) In the event of a temporary or permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall make necessary interim arrangements till the vacancy is duly filled in accordance with the provisions of sub-section (2) and such interim arrangement shall not ordinarily continue for more than three months.

30. *Powers and duties of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and ex-officio Chairman of the Executive Committee and the Academic Council and shall, in the absence of the Chancellor and Pro-Chancellor, preside at the meetings of the General Council and at the convocation of the University and confer degrees on persons entitled to receive them.

(2) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the proper management and administration of the University.

(3) The Vice-Chancellor shall convene meetings of the General Council, the Executive Committee and the Academic Council.

(4) The Vice-Chancellor shall ensure faithful observance of the provisions of this Act, the Statutes, Ordinances and Regulations and may exercise such powers as may be necessary for this purpose.

(5) The Vice-Chancellor shall be responsible for the presentation of the budget estimates and the annual accounts to the Executive Committee and the General Council.

(6) The Vice-Chancellor may take any action in an emergency which in his opinion calls for immediate action and shall in such cases, report the action so taken in the next meeting of the Executive Committee.

(7) Any person aggrieved by any order of the Vice-Chancellor may appeal to the Executive Committee.

(8) The Vice-Chancellor shall give effect to the decisions of the General Council and the Executive Committee.

(9) The Vice-Chancellor shall be responsible for the proper co-ordination of the various departments of the University.

(10) Subject to the provisions of this Act and Statutes the Vice-Chancellor shall with the approval of the Executive Committee appoint the teachers and other employees of the University.

(11) Subject to ratification by the Executive Committee, the Vice-Chancellor shall have the power to suspend the teachers and other employees of the University and to take disciplinary action against them.

(12) The Vice-Chancellor shall exercise supervision and control over the discipline among students.

(13) The Vice-Chancellor shall take up activities that are meant to ensure the well-being and welfare of the teachers, staff and students of the University.

(14) The Vice-Chancellor shall exercise such other powers as may be prescribed for carrying out the purposes of this Act.

31. *The Registrar.*—(1) The Registrar shall be a full time officer of the University and shall be appointed in such manner in accordance with the Statutes.

(2) The Registrar shall be responsible for the due custody of the common seal of the University.

(3) The Registrar shall be the *ex-officio* Secretary to the General Council and the Executive Committee and the Academic Council and shall be responsible for the proper recording of their proceedings and for placing before such authorities all such matters as may be necessary for the transaction of their business.

(4) The Registrar shall receive applications for admission to the various courses of the University and shall keep permanent record of all courses, curricula and other information as may be deemed necessary by the Academic Council.

(5) The Registrar shall perform such other duties as may be prescribed or which may be assigned by the Executive Committee or the Vice-Chancellor.

(6) The Registrar shall be appointed for a term not exceeding five years and shall be entitled for the emoluments and other service conditions as may be prescribed.

32. *Controller of Examinations.*—(1) The Controller of Examinations shall be a full time officer of the University and shall be appointed by the Vice-Chancellor with the approval of the Executive Committee in accordance with the Statutes.

(2) The Controller of Examinations shall be responsible for the timely conduct and publication of results and the timely award of mark sheets and degree certificates.

(3) It shall be the duty of the Controller of Examinations to maintain the secrecy of question papers, identity of external evaluators and such other matters of confidential nature related to the conduct of examinations.

(4) The Controller of Examinations shall be responsible for maintaining the record of examination and other assessments made with regard to the students and research scholars and shall pass on such information to the concerned Deans of Faculties.

(5) The Controller of Examinations shall be appointed for a term not exceeding five years and shall be entitled for the emoluments and other service conditions as may be prescribed.

33. *The Finance Officer.*—(1) The Finance Officer shall be a full time officer of the University and shall be appointed on such terms and conditions as may be prescribed.

(2) The Finance Officer shall manage the funds and investments of the University and shall advise on matters of financial policy.

(3) The Finance Officer shall be responsible to the Vice- Chancellor in the preparation of annual budget, statement of accounts and other financial reports as may be called for from time to time.

(4) The Finance Officer shall cause the timely audit of the University accounts in the manner prescribed.

(5) The Finance Officer shall be responsible to the Vice- Chancellor in ensuring that no expenditure other than those authorized in the budget is incurred by the University and shall disallow such expenditure not authorized by the budget.

(6) The Finance Officer shall be responsible for revision of the budget when such revision is required, provided that the budget shall not be revised more than two times in a financial year.

34. *The Deans of Faculties.*—(1) Every Faculty shall be headed by a Dean who shall have the academic qualifications, service conditions and tenure as may be prescribed.

(2) The Deans shall be the academic and administrative head of the Faculties and may discharge such duties and responsibilities as may be prescribed and as may be assigned by the Vice-Chancellor.

(3) The Deans shall report to the Vice-Chancellor on all academic and administrative matters.

(4) The Deans shall be the *ex-officio* convener of the Faculty Advisory Committees and shall place before the Advisory Committees all matters on which the advice and guidance of the committee is required. It shall be the responsibility of the Deans to keep the Chairman of the Faculty Advisory Committee informed of all the major activities and developments in the schools under a Faculty.

(5) Except in the matter of conducting the examinations, the Deans shall be responsible for the proper academic activities of the various academic programmes and research under a Faculty and shall enjoy such financial powers as may be prescribed.

(6) The Deans shall maintain a comprehensive record of the academic performance of every student and research scholar of the University along with all pertinent information.

35. *The Directors of Schools.*—(1) A Director shall be appointed by the Vice-Chancellor with the approval of the Executive Committee as may be prescribed in the Statutes.

(2) A Director shall be the administrative head of a school and shall be responsible for the proper conduct of the academic affairs of the School. Directors shall have the powers as may be prescribed or specially assigned by the concerned Dean.

(3) A Director shall report to the Dean of the Faculty on a regular basis about the progress of the academic affairs of the School.

(4) A Director shall provide all information as may be required to apprise the Faculty Advisory Committees and other authorities of the University.

36. *The University Librarian.*—(1) The University Librarian shall be appointed by the Vice-Chancellor with the approval of the Executive Committee in accordance with the Statutes and shall be responsible for the purchase, cataloguing, issue and receipt, and maintenance of books and journals and other information materials in other formats for the library.

(2) The University Librarian shall help the Deans and Directors in acquiring books and other manuscripts and information on other storage media and avail facilities for information networking.

(3) The University Librarian shall be responsible in the acquisition of the most pertinent books and journals and in maintaining the technological and intellectual standards of the University Library.

37. *Curator of the University Museum.*—(1) The Curator of the University Museum shall possess the qualifications as may be prescribed and shall be appointed by the Vice-Chancellor with the approval of the Executive Committee in the manner prescribed by Statutes.

(2) The Curator of the Museum shall be responsible for continuously acquiring and updating the Museum with relevant artefacts and exhibits.

(3) The Curator shall be responsible in acquiring, preserving and properly exhibiting manuscripts of writers and old manuscripts in different materials.

(4) The Curator shall assist the Deans and Directors in acquiring any exhibit of a particular academic and historical value.

CHAPTER VI

APPOINTMENT OF TEACHERS, OFFICERS AND STAFF

38. *Appointment of Teachers, Officers and Staff.*—(1) Subject to the provisions of this Act and the Statutes, the staff of the University shall be appointed by the Vice-Chancellor with the approval of the Executive Committee.

(2) Save as otherwise provided for in this Act and the Statutes,—

(a) every officer and teacher of the University shall be appointed under a written contract;

(b) the contract shall be lodged with the Vice-Chancellor and a copy thereof shall be furnished to the officer or teacher concerned;

(c) the contract shall not be inconsistent with the provisions of this Act, Statutes and Ordinances for the time being in force in relation to conditions of service.

(3) The procedure for selection of officers, teachers and other employees of the University shall unless otherwise provided for in this Act, be such as may be prescribed.

(4) The normal retirement age of the Deans of Faculties, the Director of Schools and Registrar shall be sixty years.

(5) The normal retirement age of teachers, officers of the University other than the Vice-Chancellor and those specified in sub-section (4) shall be fifty six years.

39. *Reservation of Appointments.*—The rules for the reservation of appointments to posts under the Government applicable to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes shall apply in the case of appointments of the teachers and the non-teaching staff of the University.

CHAPTER VII

FUNDS AND ACCOUNTS

40. *University Funds and Grants.*—(1) The University shall have a General fund to which shall be credited, namely:—

(a) its income from fees, endowments and grants, if any;

(b) contributions or grants which may be made by the Government to such fund on such conditions as may be imposed by the Government, and

(c) all other receipts.

(2) The University shall form a fund called the Foundation Fund from contributions and grants made by the Central Government and the Government of Kerala for being credited to that fund and such other sums from the University which may be credited to the said fund.

(3) The monies in the Foundation Fund shall be invested in the securities mentioned or referred to in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882 (Central Act 2 of 1882).

(4) The University shall furnish such statements, account reports and other particulars as the Government may require relating to any grant made by the Government and shall take such action and furnish such statements, accounts, reports and other particulars relating to the utilization of any grant within such time and in such manner as the Government may direct.

(5) It shall be competent for the University in furtherance of its objectives to accept grants from the Government of Kerala or any other State Government or donations under such conditions as may be agreed upon between the University and the granter or donor.

(6) The University may have such other funds as may be prescribed.

(7) The General Fund, the Foundation fund and other funds of the University shall be managed according to the provisions laid down in the Statutes.

(8) The Government shall every year make non lapsable lump sum grants to the University, namely:—

(a) a grant not less than the estimated net expenditure of pay and allowances of the staff, contingencies, supplies and services of the University.

(b) a grant to meet such additional items of expenditure, recurring and non-recurring as the Government may deem necessary for the proper functioning of the University.

41. *Pension, Provident fund etc.*—The University shall constitute for the benefit of the officers, teachers and other employees of the University such pension, insurance and provident funds as it may deem fit and subject to such conditions as may be prescribed by the statutes:

Provided that the University shall have power in consultation with the Finance Committee constituted under section 42 to invest the provident fund amount in such manner as it may determine.

42. *Finance Committee.*—(1) There shall be a Finance Committee for the University consisting of the Vice-Chancellor, the Finance Secretary to Government or an officer not below the rank of a Joint Secretary nominated by him, Finance Officer of the University and two members of the Executive Committee, of whom one from among its official members and the other from among its ex-officio members as decided by the Executive Committee.

(2) The Finance Committee shall have the following powers, namely:—

(a) to examine the annual accounts of the University and to advise the Executive Committee thereon;

(b) to examine the annual budget estimates of the University and to advise the Executive Committee thereon;

(c) to review the financial position of the University from time to time;

(d) to make recommendations to the Executive Committee on all matters relating to the finance of the University;

(e) to make recommendations to the Executive Committee on all proposals involving expenditure for which no provision has been made in the budget or which involve expenditure in excess of the amount provided in the budget.

43. *Accounts and Audit.*—(1) The annual accounts of the University shall be prepared by the Finance Officer under the direction of the Vice-Chancellor and all monies accruing to or received by the University from whatever source and all amounts disbursed and paid by the University shall be entered in the accounts.

(2) The accounts of the University shall be audited by the Director of Local Fund Audit:

Provided that the Comptroller and Auditor General shall be competent to audit the accounts of the University in respect of the grants disbursed by the Government and utilised by the University.

(3) The accounts when audited shall be printed and copies thereof together with the audit report shall be presented by the Vice-Chancellor to the General Council, the Executive Committee and the Chancellor.

(4) The Executive Committee shall submit a copy of the accounts and the audit report to the Government along with a statement of the action taken by the University on the audit report, and the Government shall cause the same to be laid before the Legislative Assembly.

CHAPTER VIII

STATUTES, ORDINANCES, REGULATIONS AND ORDERS

44. *Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters namely:—

(a) the constitution, powers and duties of the Authorities of the University not specifically provided for in this Act;

(b) the powers and duties of the officers of the University not specifically provided for in this Act;

(c) the procedure for election of members of the General Council and other Authorities of the University and all such other matters relating to those bodies as may be necessary or desirable to provide;

(d) award of Degrees, Diplomas, Titles, Certificates and other academic distinction by the University;

(e) the withdrawal or cancellation of Degrees, Diplomas, Titles, Certificates and other academic distinctions;

(f) the holding of convocations to confer Degrees;

(g) the conferment and withdrawal of Honorary Degrees;

(h) the classification and manner of appointment of teachers and non-teaching staff;

(i) the establishment, amalgamation, sub division and abolition of faculties;

(j) functioning of chairs ;

(k) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(l) all other matters which by this Act are to be or may be prescribed by Statutes.

45. *Procedure for making Statutes.*—(1) The General Council may of its own motion take into consideration the draft of a Statute:

Provided that in any such case, before a Statute is passed, the General Council shall obtain and consider the opinion of the Executive Committee.

(2) The Executive Committee may propose to the General Council the draft of any statute and such draft shall be considered by the General Council at its next succeeding meeting.

(3) The General Council may approve the draft of a Statute and pass the Statute or may reject it or return it to the Executive Committee for re-consideration either in whole or in part together with amendments which the General Council may suggest.

(4) After any draft returned by the General Council under sub-section (3) has been further considered by the Executive Committee together with amendments suggested by the General Council, it shall be again presented to the General Council with the report of the Executive Committee thereon and the General Council may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the General Council, it shall be submitted to the Chancellor, who may refer the Statute back to the General Council for further consideration or assent thereto or withhold his assent.

(6) No Statute passed by the General Council shall be valid or come into force until assented to by the Chancellor.

(7) The Executive Committee shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Executive Committee.

46. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Executive Committee shall have power to make Ordinances providing for all or any of the following matters, namely:—

- (a) the levy of fees in the University and other institutions under it;
- (b) the work load and pattern of teaching staff in the University;
- (c) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University;
- (d) the residence and discipline of students; and
- (e) all other matters which by this Act or the Statutes are to be or may be provided by the Ordinances.

47. *Procedure for making Ordinances.*—(1) All Ordinances made under this Act shall have effect from such date as the Executive Committee may direct, but every Ordinance when made and the repeal of any Ordinance shall be laid before General Council during its next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the General Council as required by sub-section (1) the Ordinance shall lapse or as the case may be, the Ordinance repealed shall revive after the next succeeding meeting of the General Council.

(3) Ordinance which involves expenditure shall not be passed by the Executive Committee without the prior approval of the Government.

(4) Subject to the provisions of sub-sections (1) and (3) the procedure to be followed for making, amending or repealing Ordinances shall be as may be prescribed by the Statutes.

48. *Regulations.*—Subject to the provisions of this Act and the Statutes the Academic Council may make Regulations providing for all or any of the following matters, namely:—

- (a) the courses of studies and the conduct of examinations;
- (b) the admission of students to the various courses of study and to the examinations;
- (c) the qualifications of teachers;
- (d) the appointment and prescription of duties of the Boards of Studies and Examiners;
- (e) recognition of examinations, Degrees and Diplomas of other Universities as equivalent to the examinations, Degrees and Diplomas of this University; and
- (f) all other matters which under the provisions of this Act and the Statutes to be or may be prescribed by Regulations.

49. *Procedure for making Regulations.*—(1) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the General Council during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1) the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

50. *Orders.*—(1) The Executive Committee shall have the power to issue orders not inconsistent with the provisions of this Act, the Statutes, the Ordinances and the Regulations for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any Authority of the University other than the General Council.

(2) All such orders shall have effect from such date as the Executive Committee may direct, but every such order shall be submitted to the General Council during its next succeeding meeting.

(3) The General Council shall have power to cancel or modify any such order.

51. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Act shall be published in the Gazette.

CHAPTER IX

MISCELLANEOUS

52. *Power of Government to cause Inspection and Inquiry.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, libraries, museums and any institution maintained or administered by the University, of the teaching and other work conducted by the University or under its auspices and of the conduct of any other function of the University and to cause an inquiry to be made in respect of any matter connected with the administration and finances of the University.

(2) The Government shall, before causing an inspection or inquiry to be made under sub-section (1), give notice in writing to the Vice-Chancellor of their intention to cause an inspection or inquiry to be made and the Vice-Chancellor shall be entitled to appoint a representative of the University who shall have the right to be present and to be heard at such inspection or inquiry.

(3) The Government shall communicate to the University the views of the Government with reference to the results of such inspection or inquiry and may after ascertaining the opinion thereon of the University, advise the University upon the action to be taken and fix a time limit for taking such action.

(4) The University shall, within the time limit so fixed, report to the Government the action which has been taken or is proposed to be taken on the advice tendered by the Government.

(5) The Government may, where action has not been taken by the University to the satisfaction of the Government within the time limit fixed, after considering any explanation furnished or representation made by the University, issue such directions to the University as they may think fit.

(6) The University shall either comply with the directions issued by the Government under sub-section (5) or place the matter before the Chancellor for his orders and the orders issued by the Chancellor shall be final.

(7) Notwithstanding anything contained in sub-sections (1) to (6), if at any time the Government are of opinion that the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provision of this Act, the Statutes, the Ordinances and the Regulations, or that special measures are necessary to realise the objects of the University effectively, the Government may indicate to the University any matter in regard to which they desire an explanation and call upon the University to offer such explanation within such time as may be specified by the Government.

(8) If the University fails to offer any explanation within the time specified under sub-section (7) or offers an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case.

(9) The University shall either comply with the instruction issued by the Government under sub-section (8) or place the matter before the Chancellor for his orders and the orders issued by the Chancellor shall be final.

(10) The University shall furnish such information relating to the administration of the University as the Government may require.

53. *Residence of Students.*—Students shall reside in accommodations maintained by the University or which have been approved by the Director of Student's Welfare, subject to such conditions as may be prescribed.

54 *Annual Report.*—(1) The Annual report of the University shall be prepared under the direction of the Vice-Chancellor and shall be submitted to the General Council through the Executive Committee at least one month before the meeting at which it is to be considered.

(2) The General Council shall, after consideration of the Annual Report, forward it to the Government with such comments as may be deemed necessary and the Government shall cause a copy of the report together with its comments to be laid before the Legislative Assembly.

55. *Nomination of First Authorities.*—Notwithstanding anything contained in this Act all the first authorities of the University shall be nominated by the Chancellor as soon as this Act is published in the Gazette and may be continued for a period of two years from the date of such nomination or till the constitution of the said Authorities in accordance with the provisions of this Act, whichever is earlier.

56. *Delegation of powers.*—The General Council may delegate to any officer or Authority of the University any of the powers conferred on it by this Act or by the Statutes, to be exercised subject to such restrictions and conditions as may be prescribed.

57. *First Statutes.*—Notwithstanding anything contained in this Act, the first Statutes of the University shall be made by the Government.

58. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Gazette do anything not inconsistent with the provisions of this Act, which appears to them to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiration of three years from the date on which this Act comes into force.

(2) Every order published under this section shall, as soon as may be after its publication, be laid before the Legislative Assembly.

59. *Repeal and saving.*—(1) The Thunchath Ezhuthachan Malayalam University Ordinance, 2013 (31 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 said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The demand for establishing a Malayalam University for the enrichment and comprehensive development of Malayalam language is pending for two decades. For the intensive study and research in the Malayalam language and culture, establishment of a Malayalam University is highly essential. As Tamil, Telugu and Kannada received the status of 'Classical Language' over the past few years, Malayalam's claim to get that status has remained unmet, although it essentially belongs to the same Dravidian linguistic family. The establishment of the Tamil University at Thanjavur, Kannada University at Hampi and Telugu University at Hyderabad accelerated the initiatives of the Government for establishing a Malayalam University for the promotion of the language. Moreover a new generation is emerging in the Educational Institutions in Kerala which consider studying in Malayalam medium, maintaining the purity in pronouncing Malayalam words and manifesting any idea in Malayalam are difficult and impossible. This scenario compelled the accomplishment of the idea of a Malayalam University an urgent need. Considering this long standing demand, the Government have decided to establish a Malayalam University in

the name of “Thunchath Ezhuthachan” at Tirur in Malappuram District. It is also decided that the University will start functioning with effect from the 1st day of November, 2012.

2. As the Legislative Assembly was not in session and the above proposal had to be given effect to immediately, the Thunchath Ezhuthachan Malayalam University Ordinance, 2012 was promulgated by the Governor of Kerala on the 21st day of October, 2012 and the same was published as Ordinance No. 56 of 2012 in the Kerala Gazette Extraordinary No. 983 dated the 22nd 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. 56 of 2012, the Thunchath Ezhuthachan Malayalam University Ordinance, 2013 was promulgated by the Governor of Kerala on the 14th day of January, 2013 and the same was published as Ordinance No. 14 of 2013 in the Kerala Gazette Extraordinary No. 122 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 Ordinance No. 14 of 2013, the Thunchath Ezhuthachan Malayalam University Ordinance, 2013 was promulgated by the Governor of Kerala on the 27th day of February, 2013 and the same was published as Ordinance No. 31 of 2013 in the Kerala Gazette Extraordinary No. 577 dated the 28th day of February, 2013.

6. The Bill seeks to replace the Ordinance No. 31 of 2013 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Clause 40 of the Bill provides for the formation of a Fund called University Foundation Fund. All contributions and grants received from Central Government and State Government and such other sums from Universities shall form this fund. Sub-clause (8) of clause 40 provides that every year the University shall be given a grant not less than the estimated net expenditure of pay and allowances of the staff, contingencies, supplies and services of the

University and a grant to meet such additional items of expenditure, recurring and non-recurring as the Government may deem necessary for the proper functioning of the University.

2. 50 lakhs rupees was earmarked in the Budget for the financial year 2012-2013 for the establishment of the University. There will be recurring expenditure of 60 lakhs rupees and non-recurring expenditure of 645 lakhs rupees for the University during this financial year from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (vi) of clause 7 of the Bill seeks to empower the University to prescribe the manner in which the honorary degrees or other distinctions are to be conferred.

2. Sub-clause (xi) of clause 7 of the Bill seeks to empower the University to prescribe the qualifications for the posts to be created for teaching, research and other academic activities.

3. Sub-clause (xii) of clause 7 of the Bill seeks to empower the University to prescribe the qualifications for administrative posts.

4. Sub-clause (xiv) of clause 7 of the Bill seeks to empower the University to prescribe the manner of institution of Chairs.

5. Sub-clause (xvi) of clause 7 of the Bill seeks to empower the University to prescribe the manner of appointment of Emirates Professors.

6. Sub-clause (xvii) of clause 7 seeks to empower the University to prescribe the fees and other charges.

7. Item (h) of sub-clause (2) of clause 11 of the Bill seeks to empower the University to prescribe the terms and conditions of service of the employees of the University.

8. Item (i) of sub-clause (2) of clause 11 of the Bill seeks to empower the University to prescribe the duties and conditions of service of teachers.

9. Item (m) of sub-clause (2) of clause 11 of the Bill seeks to empower the University to make Statutes regulating the method of election to the Authorities of the University, the procedure at the meetings of the General Council, the Executive Committee and the quorum of the members required for transaction of business in any of the Authorities of the University.

10. Item (c) of sub-clause (2) of clause 15 of the Bill seeks to empower the Executive Committee to make Ordinances and to amend or repeal the same.

11. Item (g) of sub-clause (2) of clause 15 seeks to empower the Executive Committee to prescribe the duties of teachers and other employees of the University.

12. Item (u) of sub-clause (2) of clause 15 of the Bill seeks to empower the University to prescribe by Statutes, Ordinances and Regulations such other powers and perform such other duties as may be exercised by the Executive Committee.

13. Item (b) of sub-clause (2) of clause 17 of the Bill seeks to empower the Academic Council to make regulations and to amend or repeal the same.

14. Item (c) of sub-clause (2) of clause 17 of the Bill seeks to empower the Academic Council to prescribe the courses of study in the schools and Centres of the University.

15. Item (f) of sub-clause (2) of clause 17 seeks to empower the Academic Council to prescribe the qualifications for admission to students to various courses of study.

16. Item (g) of sub-clause (2) of clause 17 of the Bill seeks to empower the Academic Council to prescribe the eligibility of students to appear for the examinations.

17. Sub-clause (2) of clause 22 of the Bill seeks to empower the University to prescribe the areas of study in which schools to be set-up.

18. Sub-clause (3) of clause 22 of the Bill seeks to empower the University to prescribe the courses of study.

19. Sub-clause (6) of clause 29 of the Bill seeks to empower the University to prescribe the emoluments, perquisites and other service conditions of the Vice-Chancellor.

20. Sub-clause (14) of clause 30 of the Bill seeks to empower the University to prescribe such other powers to be exercised by the Vice-Chancellor for carrying out the purposes of the Act.

21. Sub-clause (1) of clause 31 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointment of Registrar.

22. Sub-clause (5) of clause 31 of the Bill seeks to empower the University to prescribe the duties to be performed by the Registrar.

23. Sub-clause (6) of clause 31 of the Bill seeks to empower the University to prescribe the emoluments and other service conditions of the Registrar.

24. Sub-clause (1) of clause 32 of the Bill seeks to empower the University to prescribe by Statutes the method of appointment of the Controller of Examinations.

25. Sub-clause (5) clause 32 of the Bill seeks to empower the University to prescribe the emoluments and service conditions of the Controller of Examinations.

26. Sub-clause (1) of clause 33 of the Bill seeks to empower the University to prescribe the terms and conditions for the appointment of the Finance Officer.

27. Sub-clause (4) of clause 33 of the Bill seeks to empower the University to prescribe the procedure for carrying timely audit of the University account by the Finance Officer.

28. Sub-clause (1) of clause 34 of the Bill seeks to empower the University to prescribe the academic qualification of the Dean of each faculty and his service conditions and tenure.

29. Sub-clause (2) of clause 34 of the Bill seeks to empower the University to prescribe the duties and responsibilities of the Dean.

30. Sub-clause (5) of clause 34 of the Bill seeks to empower the University to prescribe the financial powers of Deans.

31. Sub-clause (1) of clause 35 of the Bill seeks to empower the University to prescribe by Statutes the method of appointment of Directors of Schools by the Vice-Chancellor with the approval of the Executive Committee.

32. Sub-clause (2) clause 35 of the Bill seeks to empower the University to prescribe the powers of Directors of Schools.

33. Sub-clause (1) of clause 37 of the Bill seeks to empower the University to prescribe the qualifications required for the Curator of the University Museum and to prescribe by Statutes the manner of his appointment.

34. Sub-clause (3) of clause 38 of the Bill seeks to empower the University to prescribe the procedure for selection of officers, teachers and other employees of the University.

35. Sub-clause (6) of clause 40 of the Bill seeks to empower the University to prescribe such other funds.

36. Clause 41 of the Bill seeks to empower the University to prescribe the provision for the constitution of pension, insurance and provident funds for the benefits of officers, teachers and other employees of the University.

37. Sub-clause (4) of clause 47 of the Bill seeks to empower the University to prescribe by Statutes the procedure to be followed for making, amending or repealing Ordinances.

38. Sub-clause (d) of clause 48 of the Bill seeks to empower the Academic Council to prescribe by Regulations, the appointment and duties of the Boards of Studies and Examiners.

39. Sub-clause (2) of clause 49 of the Bill seeks to empower the University to prescribe by Statutes the procedure to be followed in making, amending or repealing Regulations.

40. Clause 53 of the Bill seeks to empower the University to prescribe the conditions regarding the residence of students.

41. Clause 56 of the Bill seeks to empower the University to prescribe the restrictions and conditions regarding delegation of power by the General Council to any officer or Authority of the University.

42. Clause 57 of the Bill seeks to empower the Government to make the First Statute.

43. Sub-clause (1) of clause 58 of the Bill seeks to empower the University to issue order published in the Gazette, not inconsistent with the provisions of the Act, which appears to them to be necessary for the purpose of removing any difficulty which arises, in giving effect to the provisions of the Act.

44. The matters in respect of which the Statutes, Ordinances and Regulations may be made, Orders may be issued by Government are of routine and of administrative in nature. The delegation of legislative power is, therefore, of a normal character.

P. K. ABDU RABB

NOTES ON CLAUSES

Clause 2.—This clause seeks to define certain words and expressions used in the Bill.

Clause 3.—This clause seeks to provide for the establishment of a University called “The Thunchath Ezhuthachan Malayalam University” with its headquarters at Tirur in Malappuram District.

Clause 4.—This clause seeks to fix the territorial limits of the University.

Clause 5.—This clause seeks to specify the objects of the University.

Clause 6.—This clause seeks to provide for the admission to the University.

Clause 7.—This clause seeks to provide for the powers and functions of the University.

Clause 8.—This clause seeks to specify the authorities of the University.

Clause 9.—This clause seeks to provide for the constitution of General Council and to specify its members.

Clause 10.—This clause seeks to provide for the tenure of the General Council.

Clause 11.—This clause seeks to provide for the powers and functions of the General Council.

Clause 12.—This clause seeks to provide for the meetings of the General Council.

Clause 13.—This clause seeks to provide for the constitution of Executive Committee and to specify its members.

Clause 14.—This clause seeks to provide for the terms of office of the Executive Committee.

Clause 15.— This clause seeks to provide for the powers of the Executive Committee.

Clause 16.—This clause seeks to provide for the constitution of Academic Council and to specify its members.

Clause 17.—This clause seeks to provide for the powers and duties of the Academic Council.

Clause 18.—This clause seeks to provide for the responsibilities of the Research Council.

Clause 19.—This clause seeks to provide for the constitution of the Research Council.

Clause 20.—This clause seeks to provide for the constitution of the Faculty Advisory Committees.

Clause 21.—This clause seeks to provide for the powers and duties of the Faculty Advisory Committees.

Clause 22.—This clause seeks to provide for the Faculties of the University.

Clause 23.—This clause seeks to provide for the Board of Studies of the University.

Clause 24.—This clause seeks to provide for filling up of vacancies and removal of members in the authorities of University.

Clause 25.—This clause seeks to provide for saving of validity.

Clause 26.—This clause seeks to provide that the Governor of Kerala shall be the Chancellor of the University.

Clause 27.—This clause seeks to provide that the Minister-in-charge of Education shall be the Pro-Chancellor of the University and also his powers.

Clause 28.—This clause seeks to specify the officers of the University.

Clause 29.—This clause seeks to provide for the appointment and term of office of the Vice-Chancellor.

Clause 30.—This clause seeks to provide for the powers and duties of the Vice-Chancellor.

Clause 31.—This clause seeks to provide for the appointment, functions etc. of the Registrar of the University.

Clause 32.—This clause seeks to provide for the appointment, responsibilities etc. of the Controller of Examinations.

Clause 33.—This clause seeks to provide for the appointment, duties, responsibilities etc. of the Finance Officer.

Clause 34.—This clause seeks to provide for the duties and responsibilities of the Deans of Faculties.

Clause 35.—This clause seeks to provide for the appointment, powers and functions of the Directors of Schools.

Clause 36.—This clause seeks to provide for the appointment, powers and functions of the University Librarian.

Clause 37.—This clause seeks to provide for the appointment, responsibilities etc. of the Curator of the University Museum.

Clause 38.—This clause seeks to provide for the appointment of teachers, officers and staff of the University.

Clause 39.—This clause seeks to provide for the reservation of appointments.

Clause 40.—This clause seeks to provide for the funds and grants of the University.

Clause 41.—This clause seeks to provide for the Pension, Provident Fund etc. of teachers and other employees of the University.

Clause 42.—This clause seeks to provide for the constitution of the Finance Committee and its powers.

Clause 43.—This clause seeks to provide for the auditing of accounts of the University.

Clause 44.—This clause seeks to provide for making of Statutes.

Clause 45.—This clause seeks to provide for the procedure for making Statutes.

Clause 46.—This clause seeks to provide for making Ordinances.

Clause 47.—This clause seeks to provide for the procedure for making Ordinances.

Clause 48.—This clause seeks to provide for making Regulations.

Clause 49.—This clause seeks to provide for the procedure for making Regulations.

Clause 50.—This clause seeks to provide for the power to issue orders by the Executive Committee.

Clause 51.—This clause seeks to provide that all Statutes, Ordinances and Regulations made under the Act shall be published in the Gazette.

Clause 52.—This clause seeks to provide for the power of the Government to cause inspection and inquiry of the University.

Clause 53.—This clause seeks to provide for the residence of students.

Clause 54.—This clause seeks to provide for annual report of the University.

Clause 55.—This clause seeks to provide that the first authorities of the University shall be nominated by the Chancellor.

Clause 56.—This clause seeks to provide for delegation of powers by the General Council.

Clause 57.—This clause seeks to provide that the first Statutes of the University shall be made by the Government.

Clause 58.—This clause seeks to provide for the removal of difficulties by issuing orders by the Government in the implementation of the Act.

Clause 59.—This clause seeks to repeal the Thunchath Ezuthachan Malayalam University Ordinance, 2013 (31 of 2013) and to save the actions taken thereunder.
