

Thirteenth Kerala Legislative Assembly

Bill No. 250

**THE UNIVERSITY LAWS (SECOND AMENDMENT)
BILL, 2013**

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THE UNIVERSITY LAWS (SECOND AMENDMENT) BILL, 2013

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BILL

further to amend the Cochin University of Science and Technology Act, 1986, and the Thunchath Ezhuthachan Malayala University Act, 2013.

Preamble.—WHEREAS, it is expedient further to amend the Cochin University of Science and Technology Act, 1986 and the Thunchath Ezhuthachan Malayala University Act, 2013 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 University Laws (Second Amendment) Act, 2013.

(2) It shall be deemed to have come into force on the 19th day of September, 2013.

2. *Amendment of Act 31 of 1986.*—In the Cochin University of Science and Technology Act, 1986 (31 of 1986), for sub-section (2) of section 7, the following sub-section shall be substituted, namely:—

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

3. *Amendment of Act 24 of 2013.*—In the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013), for section 40, ‘the following section shall be substituted, namely:—

“40. *Reservation of appointments.*—In making appointments to the teaching and non-teaching posts, the University shall, *mutatis-mutandis*, observe 67/2014.

the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.”.

4. *Repeal and saving*.—(1) The University Laws (Second Amendment) Ordinance, 2013 (50 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Cochin University of Science and Technology Act, 1986 and the Thunchath Ezhuthachan Malayala University Act, 2013 as amended by the said Ordinance shall be deemed to have been done or taken under the Cochin University of Science and Technology Act, 1986 and the Thunchath Ezhuthachan Malayala University Act, 2013, respectively, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The provisions in the University Acts in the State in respect of appointments to the teaching and non-teaching posts are not uniform. Therefore, various Universities in the State follow different reservation patterns and communal rotation. There are no specific provisions as to how to treat the category-wise posts for reservation, i.e., whether individual teaching departments or teaching departments as a whole shall be considered. As provided in other University Acts, the provisions relating to reservation pattern for appointment to the teaching and non-teaching posts in the Universities in section 7 of the Cochin University of Science and Technology Act, 1986 (31 of 1986) and in section 40 of the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) are not clear and may invite different interpretations. But, the Government consider that the provisions as to reservation and communal rotation in section 6 of the Kannur University Act, 1996 (22 of 1996) is more specific. Therefore, the Government consider that it is necessary to have a uniform provision in respect of reservation and communal rotation for appointments to the teaching and non-teaching posts in the Universities in the State and to follow communal rotation category-wise treating all the departments as one unit. For this purpose, the Government have decided to amend the said Acts in tune with the provisions in sub-section (2) of section 6 of the Kannur University Act, 1996.

2. As the State Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the University Laws (Second Amendment) Ordinance, 2013 was promulgated by the Governor on the 19th day

of September, 2013 and the same was published in the Kerala Gazette Extraordinary No. 2733 dated the 19th September, 2013 as Ordinance No. 50 of 2013.

3. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

P. K. ABDU RABB.

EXTRACT OF THE RELEVANT PORTIONS FROM THE COCHIN
UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT, 1986
(31 OF 1986)

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7. *University open to all classes and creeds.*—(1) ** ** **

(2) In making appointments for all posts as determined by the Syndicate in any service, class or category under the University, the University shall *mutatis-mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

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EXTRACT OF THE RELEVANT PORTIONS FROM THE THUNCHATH
EZHUTHACHAN MALAYALA UNIVERSITY ACT, 2013
(24 OF 2013)

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40. *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.

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