

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 258**

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

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**Thirteenth Kerala Legislative Assembly**  
**Bill No. 258**

THE UNIVERSITY LAWS (THIRD AMENDMENT)

BILL, 2013

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

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

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

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

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

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

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

31/2014.

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

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

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

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

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

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

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

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

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

“(4) The Pro-Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment.”;

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

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

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

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

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

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

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

8. *Repeal and saving.*—(1) The Mahatma Gandhi University (Amendment) Ordinance, 2013 (47 of 2013), the Calicut University (Amendment) Ordinance, 2013 (48 of 2013) and the University Laws (Amendment) Ordinance, 2013 (49 of 2013) are hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Mahatma Gandhi University Act, 1985 and the Calicut University Act, 1975 and anything done or taken under the Kerala University Act, 1974, the Sree Sankaracharya University of Sanskrit Act, 1994 and the National University of Advanced Legal Studies Act, 2005 as amended by the said Ordinances shall be deemed to have been done or taken under the said Acts respectively as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

Sub-section (4) of section 11 of the Mahatma Gandhi University Act, 1985 (12 of 1985) provides that appointment of Pro-Vice-Chancellor shall be co-terminus with that of the Vice-Chancellor. Whereas, regarding the appointment of Pro-Vice-Chancellor, the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Cochin University of Science and Technology Act, 1986 (31 of 1986) and the Kannur University Act, 1996 (22 of 1996) provides that the term of appointment of Pro-Vice-Chancellor shall be for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment. Therefore, the Government have decided to amend section 11 of the Mahatma Gandhi University Act, 1985 (12 of 1985) so as to achieve uniformity with the provisions of other University Acts regarding the term of office of the Pro-Vice-Chancellor.

2. In the Calicut University Act, 1975 (5 of 1975), item (5) under the heading "Other Members" in section 17 provides that the Senate shall consist of not more than four experts nominated by the Government from the fields of Information Technology and Biotechnology. The Government consider that Information Technology and Biotechnology will not suffice the field of Higher Education. Hence, instead of Information Technology and Bio-Technology, a wide-range of experts in different fields of Higher Education has to come to the Senate of the Universities. Besides, no woman member is given representation other than the one in the student constituency and no representation for Scheduled Caste or Scheduled Tribe is given other than the one in the Legislative Assembly constituency. As the members from the field of Higher Education are not adequately represented in the Senate, it is necessary to include members from that field also among the "Other Members" of the Senate. Therefore, the Government have decided to substitute the said provision so as to enable the Government to nominate six members from the field of Higher Education with representation to woman and Scheduled Castes or Scheduled Tribes. The Government have also decided to add a fourth proviso to sub-section (3) of section 18 of the said Act to the effect that the members coming under the heading "Other Members" in the Senate shall hold their office during the pleasure of the Chancellor or the Government, as the case may be. It is, therefore, felt necessary to amend the Calicut University Act, 1975 (5 of 1975) for the above purposes.

3. 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 is no specific provision 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. The provisions relating to reservation pattern for appointment to the teaching and non-teaching posts in the Universities contained in section 6 of the Kerala University Act, 1974 (17 of 1974), section 6 of the Calicut University Act, 1975 (5 of 1975), section 78 of the Mahatma Gandhi University Act, 1985 (12 of 1985), section 32 of the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) and section 4 of the National University of Advanced Legal Studies Act, 2005 (27 of 2005) are not clear and may invite different interpretations. But, the Government consider that the provisions as to reservation and communal rotation contained 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 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 provision of the Kannur University Act, 1996.

4. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Mahatma Gandhi University (Amendment) Ordinance, 2013 (47 of 2013), the Calicut University (Amendment) Ordinance, 2013 (48 of 2013) and the University Laws (Amendment) Ordinance, 2013 (49 of 2013) were promulgated by the Governor on the 8th day of September, 2013, 16th day of September, 2013 and the 17th day of September, 2013, respectively and they were published in the Kerala Gazette Extraordinary No. 2641 dated 9th September, 2013 and in the Kerala Gazette Extraordinary No. 2732 and 2733 dated 19th September, 2013, respectively.

5. The Bill seeks to replace Ordinance No. 47 of 2013, Ordinance No. 48 of 2013 and Ordinance No. 49 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.

EXTRACT OF RELEVANT PROVISIONS FROM THE  
KERALA UNIVERSITY ACT, 1974  
(17 OF 1974)

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

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(2) In making appointments by direct recruitment to posts in any class or category in each department under the University or to posts of non-teaching staff in the University, the University shall *mutatis mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

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

(2) \*\* \*\* \*

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

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Provided also that the term of office of a member referred to in item (12) under the heading “Elected Members” in section 17 or of a member referred to in item (4) under the heading “Other Members” in that section shall be one year from the date of his election or nomination, as the case may be.

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EXTRACT OF RELEVANT PROVISIONS FROM THE  
MAHATMA GANDHI UNIVERSITY ACT, 1985  
(12 OF 1985)

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

(2) \*\* \*\* \*

(3) \*\* \*\* \*

(4) The appointment of the Pro-Vice-Chancellor shall be coterminous with that of the Vice-Chancellor.

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78. *Reservation of appointments.*—In making appointments by direct recruitment to posts in any class or category under the University or to posts of non-teaching staff in the University, the University shall *mutatis mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and 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 RELEVANT PROVISIONS FROM THE  
SREE SANKARACHARYA UNIVERSITY  
OF SANSKRIT ACT, 1994  
(5 OF 1994)

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32. *Reservation of appointments.*—In making appointments by direct recruitment to all teaching and non-teaching posts under the University, the University shall *mutatis mutandis* observe the relevant reservation rules of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

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EXTRACT OF RELEVANT PROVISIONS FROM THE  
NATIONAL UNIVERSITY OF ADVANCED  
LEGAL STUDIES ACT, 2005  
(27 OF 2005)

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4. *The objects of the University.*—(1) \*\* \*\* \*

\*\* \*\* \*

(2) \*\* \*\* \*

(3) In making appointments by direct recruitment to posts either permanent or temporary created for a period exceeding six months posts in any class or category in each department under the University, or to permanent posts of non-teaching staff in the University, the University shall, *mutatis mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time:

Provided that three per cent of the post in addition to the above shall also be reserved for physically handicapped persons.

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