

published on 26.10.15

Thirteenth Kerala Legislative Assembly

Bill No. 368

**THE UNIVERSITY LAWS (AMENDMENT)
BILL, 2015**

©

Kerala Legislature Secretariat
2015

KERALA NIYAMASABHA PRINTING PRESS.

Thirteenth Kerala Legislative Assembly
Bill No. 368

THE UNIVERSITY LAWS (AMENDMENT)
BILL, 2015

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2015

A

BILL

further to amend the Kerala Agricultural University Act, 1971, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994, the Kannur University Act, 1996, the National University of Advanced Legal Studies Act, 2005, the Kerala Veterinary and Animal Sciences University Act, 2010 and the Kerala University of Health Sciences Act, 2010.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Agricultural University Act, 1971, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994, the Kannur University Act, 1996, the National University of Advanced Legal Studies Act, 2005, the Kerala Veterinary and Animal Sciences University Act, 2010 and the Kerala University of Health Sciences Act, 2010 for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of Act 33 of 1971.*—In the Kerala Agricultural University Act, 1971 (33 of 1971),—

(a) in section 42, to sub-section (1), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University specified in section 24, shall be made through the Kerala Public Service Commission.”

3. *Amendment of Act 17 of 1974.*—In section 23 of the Kerala University Act, 1974, to clause (viii), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University specified in section 9, shall be made through the Kerala Public Service Commission.”

4. *Amendment of Act 5 of 1975.*—In section 23 of the Calicut University Act, 1975, to clause (viii), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University mentioned in section 9, shall be made through the Kerala Public Service Commission.”.

5. *Amendment of Act 12 of 1985.*—In the Mahatma Gandhi University Act, 1985,—

(a) in section 23, to clause (viii), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University mentioned in section 9, shall be made through the Kerala Public Service Commission.”;

(b) in section 35, in clause (cc), the words “and non-teaching staff” shall be omitted.

6. *Amendment of Act 5 of 1994.*—In section 31 of the Sree Sankaracharya University of Sanskrit Act, 1994,—

(a) in sub-section (4), the words “and non-teaching employees” shall be omitted;

(b) to sub-section (4), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University mentioned in section 9, shall be made through the Kerala Public Service Commission.”.

7. *Amendment of Act 22 of 1996.*—In section 37 of the Kannur University Act, 1996,—

(a) in clause (d), the words “and non-teaching staff” shall be omitted;

(b) to clause (d), the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers of the University mentioned in section 9, shall be made through the Kerala Public Service Commission.”.

8. *Amendment of Act 27 of 2005.*—In the National University of Advanced Legal Studies Act, 2005, to section 31, the following proviso shall be added, namely:—

“Provided that the recruitment to the posts of non-teaching staff, other than the officers mentioned in section 26, shall be made through the Kerala Public Service Commission.”

9. *Amendment of Act 3 of 2011.*—In section 49 of the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011), in clause (iv), the words ‘and other employees’ shall be omitted.

10. *Amendment of Act 4 of 2011.*—In section 40 of the Kerala University of Health Sciences Act, 2010 (4 of 2011), in sub-section (2), in clause (ix), after the word “recruitment”, the words “other than the recruitment of non-teaching staff of the University,” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The various University Acts in the State empowers the University concerned to appoint the teaching and non-teaching staff of the University subject to the provisions of the University Act and the Statutes made thereunder. Hence, the appointments of teaching and non-teaching staff of the Universities in Kerala are being made by the Universities as per the provisions of the respective University Statutes. Appointment of teachers are made by the Selection Committee as per the norms suggested by the U.G.C. But, appointments to the non-teaching posts are being made as per the norms fixed by the Universities themselves. Government have received various complaints regarding widespread irregularities in the appointments to the non-teaching posts in the Universities. Therefore, Government have examined the matter and accordingly issued orders as per G.O. (Ms.) No. 399/2010/H.Edn. dated 18th December, 2010 and G.O. (Ms.) No. 11/2011/H.Edn. dated 4th February, 2011 entrusting the appointments to the non-teaching posts in the Universities in Kerala with the Kerala Public Service Commission.

2. As per article 321 of the Constitution of India, a legislation is necessary to authorise the State Public Service Commission for the exercise of additional functions as respects the services of any body corporate constituted by law or of any public institution. Accordingly, a Bill for the purpose of entrusting such additional functions in respect of the services under the Universities with the

Kerala Public Service Commission has been published as Bill No. 283 of the Thirteenth Kerala Legislative Assembly. Therefore, when the said Bill is enacted, the existing provisions in the University Acts empowering the Universities to make appointments to the non-teaching posts in the Universities as per the provisions of the respective University Statutes have to be amended. In the above circumstances, Government have decided to amend the relevant provisions in the Kerala Agricultural University Act, 1971, the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994, the Kannur University Act, 1996, the National University of Advanced Legal Studies Act, 2005, the Kerala Veterinary and Animal Sciences University Act, 2010 and the Kerala University of Health Sciences Act, 2010 consequent to the enactment of the Bill entrusting the recruitment to the posts of non-teaching staff in the Universities with the Kerala Public Service Commission.

3. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

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

P. K. ABDU RABB

EXTRACT FROM THE KERALA AGRICULTURAL UNIVERSITY ACT, 1971
(33 OF 1971)

**

**

**

**

42. *Appointment of teachers, officers and staff.*—(1) Subject to the provisions of this Act and the Statutes, the members of the staff of the University shall be appointed by the Executive Committee.

**

**

**

**

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

**

**

**

**

23. *Powers of Syndicate*.—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 of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

(i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;

**

**

**

**

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

**

**

**

**

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

**

**

**

**

23. *Powers of Syndicate.*—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 of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

(i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;

**

**

**

**

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

**

**

**

**

**

**

**

**

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

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

**

**

**

**

(cc) the procedure for selection and method of appointment, conditions of service, powers and duties of teachers of the University and non-teaching staff;

**

**

**

**

EXTRACT FROM THE SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT ACT, 1994
(5 OF 1994)

**

**

**

**

31. *Appointment of teachers, officers and staff.*—(1) Subject to the provisions of this Act and the Statutes, the teachers, officers and other employees of the University shall be appointed by the Vice-Chancellor on the advice of appropriate Selection Committee constituted in the manner prescribed by the Statutes.

**

**

**

**

(4) The procedure for the recruitment, the qualification and conditions of service of the teaching and non-teaching employees of the University shall, unless otherwise provided for in this Act, be such as may be prescribed by the Statutes.

**

**

**

**

EXTRACT FROM THE KANNUR UNIVERSITY ACT, 1996
(22 OF 1996)

**

**

**

**

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

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

**

**

**

**

(d) the procedure for selection and method of appointment, conditions of service, powers and duties of teachers and non-teaching staff of the University;

**

**

**

**

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

**

**

**

**

31. *Other officers and employees.*—Subject to the regulations relating to the service conditions, every other officer or teaching and non-teaching staff of the University may be appointed under a written contract setting out the conditions of service as may be prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

**

**

**

**

EXTRACT FROM THE KERALA VETERINARY AND
ANIMAL SCIENCES UNIVERSITY ACT, 2010
(3 OF 2011)

**

**

**

**

49. *Statutes.*—Subject to the provisions of this Act, the Management Council shall have, in addition to all other power vested in it, the power to make Statutes which provide for all or any of the following matters, namely:—

**

**

**

**

(iv) method of recruitment of teachers and other employees in the University and the teachers of the affiliated colleges;

**

**

**

**

EXTRACT FROM THE KERALA UNIVERSITY OF
HEALTH SCIENCES ACT, 2010
(4 OF 2011)

**

**

**

**

40. *Statutes.*—(1) Subject to the provisions of this Act, the Governing Council shall have, in addition to all other powers vested in it, the power to make Statutes to provide for the administration and management of the affairs of the University.

(2) Statutes may provide for all or any of the following matters, namely:—

(i) the powers and duties of the officers of the University;

**

**

**

**

(ix) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service including periodic assessment of teachers, officers and other employees of the University and the affiliated colleges except those colleges or institutions maintained by the State or Central Government or a local authority, the provision of pension, gratuity and provident fund, the manner of termination of their services, wherever applicable, as approved by the State Government.

**

**

**

**
