

Thirteenth Kerala Legislative Assembly  
Bill No. 66

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**THE UNIVERSITY LAWS (AMENDMENT) BILL, 2011**

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*BILL*

*further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985 and the Kannur University Act, 1996.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985 and the Kannur University Act, 1996 for the purposes hereinafter appearing ;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2011.

(2) It shall come into force at once.

2. *Amendment of Act 17 of 1974.*—In section 60 of the Kerala University Act, 1974 (17 of 1974),—

(a) after sub-section (7), the following sub-section shall be inserted, namely :—

“(7a) In any appeal preferred under sub-section (7), the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely :—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

3. *Amendment of Act 5 of 1975.*—In section 60 of the Calicut University Act, 1975 (5 of 1975),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7) the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from the Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due to land.”.

4. *Amendment of Act 12 of 1985.*—In section 63 of the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7a) In any appeal preferred under sub-section (7) the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely :—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

5. *Amendment of Act 22 of 1996.*— In section 66 of the Kannur University Act, 1996 (22 of 1996),—

(a) after sub-section (7), the following sub-section shall be inserted, namely :—

“(7a) In any appeal preferred under sub-section (7) the Government shall be made a party.”;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

“(13) Where any order passed by the University Appellate Tribunal under sub-section (7) or by the High Court under sub-section (11) directs the Educational Agency to reinstate the suspended teacher, the loss sustained by the teacher or Government shall be recoverable from such Educational Agency under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land.”.

#### STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court of Kerala, while considering the C.R.P. No. 246/2009, expressed an opinion that necessary amendments is to be incorporated in the University Laws to the effect that the State should be made as a party and to be heard in all the matters before the University Appellate Tribunal, similar to the relevant provisions of section 103 of the Land Reform Act, 1963. Another opinion expressed by the Hon'ble High Court is to incorporate provisions enabling the State to recover the amount paid to the reinstated teacher towards the back wages, from the Management of the college. Accordingly, the Government have decided to incorporate the above said provisions in the University Laws in the interest of the State.

The Bill seeks to achieve the above object.

#### FINANCIAL MEMORANDUM

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

P. K. ABDU RABB

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

\* \* \* \* \*

60. *Conditions of service of teachers of private colleges.—(1)* \*\* \*\*

\* \* \* \* \*

(7) Any teacher aggrieved by an order passed after the commencement of this Act in any disciplinary proceedings taken against him may, within sixty days from the date on which a copy of such order is served on him or within sixty days after the Appellate Tribunal has been constituted under this Act, whichever period expires later, appeal to the Appellate Tribunal and the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned :

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

\* \* \* \* \*

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

\* \* \* \* \*

EXTRACT FROM THE CALICUT UNIVERSITY ACT, 1975  
(5 OF 1975)

\* \* \* \* \*

60. *Conditions of service of teachers of private colleges.*—(1) \* \* \* \*

\* \* \* \* \*

(7) Any teacher aggrieved by an order passed after the commencement of this Act in any disciplinary proceedings taken against him may, within sixty days from the date on which a copy of such order is served on him or within sixty days after the Appellate Tribunal has been constituted under this Act, whichever period expires later, appeal to the Appellate Tribunal and the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned :

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

\* \* \* \* \*

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

\* \* \* \* \*

EXTRACT FROM THE MAHATMA GANDHI UNIVERSITY ACT, 1985

(12 OF 1985)

\* \* \* \* \*

*63. Disciplinary powers of Educational Agency over teachers of private colleges.—(1)* \*\* \*\*

\* \* \* \* \*

(7) On receipt of an appeal under sub-section (6), the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

\* \* \* \* \*

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

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EXTRACT FROM THE KANNUR UNIVERSITY ACT, 1996

(22 OF 1996)

\* \* \* \* \*

*66. Disciplinary powers of educational agency over teachers of private colleges.—(1)* \*\* \*\*

\* \* \* \* \*

(7) On receipt of an appeal under sub-section (6), the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

\* \* \* \* \*

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

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