

Fourteenth Kerala Legislative Assembly

Bill No. 226

THE UNIVERSITY LAWS (AMENDMENT) (No. 2)
BILL, 2019

©

Kerala Legislature Secretariat
2019

KERALA NIYAMASABHA PRINTING PRESS.

Published on 26-10-2019

Fourteenth Kerala Legislative Assembly

Bill No. 226

THE UNIVERSITY LAWS (AMENDMENT) (No. 2)

BILL, 2019

[Translation in English of the “2019-ലെ സർവ്വകലാശാല നിയമങ്ങൾ (ഭേദഗതി) (2-ാം നമ്പർ) ബിൽ” published under the authority of the Governor.]

THE UNIVERSITY LAWS (AMENDMENT) (No. 2)

BILL, 2019

A

BILL

to amend the Cochin University of Science and Technology Act, 1986, the Thunchath Ezhuthachan Malayala University Act, 2013 and the A. P. J. Abdul Kalam Technological University Act, 2015.

Preamble.—WHEREAS, it is expedient to amend the Cochin University of Science and Technology Act, 1986 (31 of 1986) the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) and the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015) for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) (No. 2) Act, 2019.

(2) It shall be deemed to have come into force on the 6th day of March, 2019.

2. *Amendment of Act 31 of 1986.*—In the Cochin University of Science and Technology Act, 1986 (31 of 1986),—

(a) in section 10, after item (iii), the following item shall be inserted, namely:—

“(iii a) the Controller of Examinations;”;

(b) in section 13, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as the Registrar of the University for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by the Statutes.

(1A) The person appointed as Registrar shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).”;

(c) after section 13, the following section shall be inserted, namely:—

“13A. *The Controller of Examinations.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as the Controller of Examinations of the University for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by the Statutes.

(2) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).

(3) The Controller of Examinations shall be a whole-time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.”;

(d) in section 14, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as the Finance Officer of the University for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by the Statutes.

(1A) The person appointed as Finance Officer shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1)."

3. *Amendment of Act 24 of 2013.*— In the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013),—

(a) in section 32, for sub-section (6), the following sub-sections shall be substituted, namely:—

“(6) The Registrar shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and he shall be entitled for the emoluments and other service conditions as may be prescribed.

(7) The person appointed as Registrar shall be eligible for re-appointment for one more period subject to the provisions in sub-section (6).”;

(b) in section 33, for sub-section (5), the following sub-sections shall be substituted, namely:—

“(5) The Controller of Examinations shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and he shall be entitled for the emoluments and other service conditions as may be prescribed.

(6) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (5).”;

(c) in section 34, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Finance Officer shall be a full time officer of the University and shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier, and on such terms and conditions as may be prescribed.

(1A) The person appointed as Finance Officer shall be eligible for re-appointment for one more period subject to the provisions in sub-section(1).”.

4. *Amendment of Act 17 of 2015.*— In the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015),—

(a) in section 16, for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The Registrar shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier. The qualifications and experience for the purpose of selection of the Registrar shall be as approved by the Government.

(3A) The person appointed as Registrar shall be eligible for re-appointment for one more period subject to the provisions in sub-section (3).”;

(b) in section 17,—

(i) for the third sentence in sub-section (1), the following sentence shall be substituted, namely:—

“The Finance Officer shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The person appointed as Finance Officer shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).”;

(c) in section 18, for sub-section (2); the following sub-sections shall be substituted, namely:—

“(2) The Controller of Examinations shall be appointed for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier. The qualifications and experience for the purpose of selection of the Controller of Examinations shall be as approved by the Government.

(2A) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (2).”;

5. *Special provision regarding the existing Registrars, Controllers of Examinations and Finance Officers.*—Notwithstanding anything contained in the Cochin University of Science and Technology Act, 1986 (31 of 1986), Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) or the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015) or the statutes, ordinances, regulations, orders or rules made thereunder, on and from the date of commencement of this Act, the existing Registrars or Controllers of Examinations or Finance Officers, as the case may be, of the Universities constituted as per the above said Acts shall be deemed to have vacated their offices where they have completed a period of four years in their offices or have completed the age of fifty-six years whichever is earlier. In the case of the Registrars or Controllers of Examinations or Finance Officers who have not completed a period of four years in office or fifty-six years of age shall continue to hold office up to a period of four years or fifty-six years of age whichever is earlier. In the case of the Registrars or Controllers of Examinations or Finance Officers appointed from other Departments and who have completed a period of four years in their offices or have completed the age of fifty-six years and have vacated their offices by virtue of the provisions of this Act, the law relating to the service conditions applicable in their parent departments shall be made applicable.

6. *Repeal and saving.*—(1) The University Laws (Amendment) (No. 2) Ordinance, 2019 (35 of 2019) 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 Cochin University of Science and Technology Act, 1986 (31 of 1986),

the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) and the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015) 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 (31 of 1986), the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) and the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015) respectively as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala State Higher Education Council has recommended to bring uniformity in the term of appointment of Registrars, Controllers of Examinations and Finance Officers of the Universities in the State. The Government have considered the said recommendation and for this purpose decided to include the provision that the term of appointment of Registrar, Controller of Examinations and Finance Officer of the Cochin University of Science and Technology, Thunchath Ezhuthachan Malayala University and A. P. J. Abdul Kalam Technological University shall be for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier, by making necessary amendment in the Cochin University of Science and Technology Act, 1986 (31 of 1986), the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013) and the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015).

2. As the Kerala Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the University Laws (Amendment) (No. 2) Ordinance, 2019 was promulgated by the Governor of Kerala on the 6th day of March, 2019 and the same was published as Ordinance No.22 of 2019 in the Kerala Gazette Extraordinary No. 598 dated the 6th March, 2019.

3. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 201 of the Fourteenth Kerala Legislative Assembly the same could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 27th day of May 2019 and ended on the 4th day of July 2019.

4. In order to keep alive the provisions of the said Ordinance , the University Laws (Amendment) (No. 2) Ordinance 2019 was promulgated by the Governor of Kerala on the 6th day of July, 2019 and the same was published as Ordinance No. 35 of 2019 in the Kerala Gazette Extraordinary No.1510 dated the 7th day of July, 2019.

5. The Bill seeks to replace Ordinance No. 35 of 2019 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.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-section (1) of section 13 of Act 31 of 1986 proposed to be amended by sub-clause (b) of clause 2 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

2. Sub-section (1) of section 13 A of Act 31 of 1986 proposed to be amended by sub-clause (c) of clause 2 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Controller of Examinations.

3. Sub-section (3) of section 13 A of Act 31 of 1986 proposed to be amended by sub-clause (c) of clause 2 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of the Controller of Examinations.

4. Sub-section (1) of section 14 of Act 31 of 1986 proposed to be amended by sub-clause (d) of clause 2 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Finance Officer.

5. Sub-section (6) of section 32 of Act 24 of 2013 proposed to be amended by sub-clause (a) of clause 3 of the Bill seeks to empower the University to prescribe by Ordinance the emoluments and other service conditions of the Registrar.

6. Sub-section (5) of section 33 of Act 24 of 2013 proposed to be amended by sub-clause (b) of clause 3 of the Bill seeks to empower the University to prescribe by Ordinance the emoluments and other service conditions of the Controller of Examinations.

7. Sub-section (1) of section 34 of Act 24 of 2013 proposed to be amended by sub-clause (c) of clause 3 of the Bill seeks to empower the University to prescribe by Ordinance the emoluments and other service conditions of the Finance Officer.

8. The matters in respect of which the Statutes or Ordinance may be made are of matters of procedure and are of routine or administrative in nature. The delegation of Legislative power is therefore, of a normal character.

DR. K. T. JALEEL.

EXTRACT FROM THE COCHIN UNIVERSITY OF SCIENCE AND
TECHNOLOGY ACT, 1986

(31 of 1986)

**

**

**

**

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

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Registrar;

(iv) the Finance Officer; and

(v) such other Officers in the service of the University as may be declared by the Statutes to be Officers of the University.

**

**

**

**

13. *The Registrar.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as Registrar of the University for such period and on such terms as may be prescribed by the Statutes.

**

**

**

**

14. *The Finance Officer.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes.

**

**

**

**

EXTRACT FROM THE A. P. J. ABDUL KALAM TECHNOLOGICAL
UNIVERSITY ACT, 2015

(17 OF 2015)

** ** ** **

16. *Appointment, powers and functions of the Registrar.*—(1) The Executive Committee shall, with the approval of the Government, appoint a person recommended by a Selection Committee determined by the Executive committee, with the Chancellor as the Convenor, as may be prescribed by Statutes, to be the Registrar. The first Registrar shall be appointed by the Government.

** ** ** **

(3) The term of service of the Registrar shall be as per the orders relating to the age limit of officers of Universities, issued by the Government from time to time. The qualifications and experience for being selected as the Registrar shall be that as approved by the Government.

** ** ** **

17. *Appointment of Finance Officer.*—(1) The Executive Committee shall appoint a person recommended by a Selection Committee determined by the Executive Committee, with the Vice-Chancellor as the Convenor, as may be prescribed by Statutes, to be the Finance Officer, who shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the Vice-Chancellor. The first Finance Officer shall be appointed by the Government. The term of service of the Finance Officer shall be as per orders in this respect issued by the Government from time to time. The qualifications and experience required for being selected as the Finance Officer shall be as approved by the Government.

** ** ** **

18. *Appointment, powers and functions of the Controller of Examinations.*—(1) The Executive Committee shall appoint a person who is proposed by the Government from among three persons recommended by a Selection Committee determined by the Executive Committee, with the Vice-Chancellor as

the Convenor, as may be prescribed by Statutes, to be the Controller of Examinations, who shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the Vice-Chancellor. The first Controller of Examinations shall be appointed by the Government.

**

**

**

**

(2) The term of service of the Controller of Examinations shall be in accordance with the orders in this regard issued by the Government from time to time. The qualifications and experience for the purpose of selection of the Controller of Examinations shall be as approved by the Government.

**

**

**

**