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**THE UNIVERSITY LAWS (AMENDMENT) BILL, 2019**

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Fourteenth Kerala Legislative Assembly

Bill No. 200

**THE UNIVERSITY LAWS (AMENDMENT) BILL, 2019**

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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, the Kannur University Act, 1996 and the National University of Advanced Legal Studies Act, 2005.

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996) and the National University of Advanced Legal Studies Act, 2005 (27 of 2005) 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) Act, 2019.

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

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

(a) in section 12, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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).”;

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

“(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).”;

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

“(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 5 of 1975.*—In the Calicut University Act, 1975 (5 of 1975),—

(a) in section 12, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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).”;

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

“(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).”;

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

“(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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).”.

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

(a) in section 12, 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 three persons furnished to the Government by a Selection Committee appointed by the Syndicate consisting of three members headed by the Vice-Chancellor, 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).”;

(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 three persons furnished to the Government by a Selection Committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, 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.

(1A) 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).”;

(c) 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 three persons furnished to the Government by a Selection Committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, 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).”.

5. *Amendment of Act 5 of 1994.*—In the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994),—

(a) in section 23, after item (iii), the following items shall be inserted, namely:—

“(iiia) the Controller of Examinations;

(iiib) the Finance Officer.”;

(b) in section 28, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 28, the following sections shall be inserted, namely:—

*28 A. The Controller of Examinations.*—(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 in such manner 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 qualifications for, and the salary and allowances payable to the Controller of Examinations shall be such as may be prescribed by the Statutes.”;

*28 B. The Finance Officer.*—(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 in such manner as may be prescribed by the Statutes.

(2) 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) The qualifications for, and the salary and allowances payable to the Finance Officer shall be such as may be prescribed by the Statutes.”.

6. *Amendment of Act 22 of 1996.*—In the Kannur University Act, 1996 (22 of 1996),—

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

“(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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).”;

(b) in section 15, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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 Controller of Examinations shall be eligible for re-appointment for one more period subject to the provisions in sub-section (1).”;

(c) in section 16, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate 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).”.



7. *Amendment of Act 27 of 2005.*—In the National University of Advanced Legal Studies Act, 2005 (27 of 2005),—

(a) in section 28, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council 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 regulations.

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

(b) in section 29, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council 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 regulations.

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

“(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Executive Council 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 regulations.

(1A) 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).”.

8. *Special provision regarding the existing Registrars, Controllers of Examinations and Finance Officers.*—Notwithstanding anything contained in the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996), and the National University of Advanced Legal Studies Act, 2005 (27 of 2005) and 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.

9. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 2019 (21 of 2019) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996) and the National University of Advanced Legal Studies Act, 2005 (27 of 2005) as amended by the said Ordinance shall be deemed to have been done or taken under the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the

Kannur University Act, 1996 (22 of 1996) and the National University of Advanced Legal Studies Act, 2005 (27 of 2005) 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 in 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 Kerala University, the Calicut University, the Mahatma Gandhi University, the Sree Sankaracharya University of Sanskrit, the Kannur University and the National University of Advanced Legal Studies 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 Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996) and the National University of Advanced Legal Studies Act, 2005 (27 of 2005).

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) Ordinance, 2019 was promulgated by the Governor of Kerala on the 6<sup>th</sup> day of March, 2019 and the same was published as Ordinance No.21 of 2019 in the Kerala Gazette Extraordinary No. 597 dated 6<sup>th</sup> March, 2019.

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.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sub-section (1) of section 12 of Act 17 of 1974 proposed to be amended by sub-clause (a) 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 of Act 17 of 1974 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 Controller of Examinations.

3. Sub-section (1) of section 14 of Act 17 of 1974 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 Finance Officer.

4. Sub-section (1) of section 12 of Act 5 of 1975 proposed to be amended by sub-clause (a) of clause 3 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

5. Sub-section (1) of section 13 of Act 5 of 1975 proposed to be amended by sub-clause (b) of clause 3 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Controller of Examinations.

6. Sub-section (1) of section 14 of Act 5 of 1975 proposed to be amended by sub-clause (c) of clause 3 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Finance Officer.

7. Sub-section (1) of section 12 of Act 12 of 1985 proposed to be amended by sub-clause (a) of clause 4 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

8. Sub-section (1) of section 13 of Act 12 of 1985 proposed to be amended by sub-clause (b) of clause 4 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Controller of Examinations.

9. Sub-section (1) of section 14 of Act 12 of 1985 proposed to be amended by sub-clause (c) of clause 4 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Finance Officer.

10. Sub-section (1) of section 28 of Act 5 of 1994 proposed to be amended by sub-clause (b) of clause 5 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

11. Sub-section (1) of section 28A of Act 5 of 1994 proposed to be inserted by sub-clause (c) of clause 5 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointment of the Controller of Examinations.

12. Sub-section (3) of section 28A of Act 5 of 1994 proposed to be inserted by sub-clause (c) of clause 5 of the Bill seeks to empower the University to prescribe by Statutes the qualifications, salary and allowances of the Controller of Examinations.

13. Sub-section (1) of section 28 B of Act 5 of 1994 proposed to be inserted by sub-clause (c) of clause 5 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointment of the Finance Officer.

14. Sub-section (3) of section 28 B of Act 5 of 1994 proposed to be inserted by sub-clause (c) of clause 5 of the Bill seeks to empower the University to prescribe by Statutes the qualifications, salary and allowances of the Finance Officer.

15. Sub-section (1) of section 14 of Act 22 of 1996 proposed to be amended by sub-clause (a) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

16. Sub-section (1) of section 15 of Act 22 of 1996 proposed to be amended by sub-clause (b) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Controller of Examinations.

17. Sub-section (1) of section 16 of Act 22 of 1996 proposed to be amended by sub-clause (c) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Finance Officer.

18. Sub-section (1) of section 28 of Act 27 of 2005 proposed to be amended by sub-clause (a) of clause 7 of the Bill seeks to empower the University to prescribe by regulations the terms and conditions of appointment of the Registrar.

19. Sub-section (1) of section 29 of Act 27 of 2005 proposed to be amended by sub-clause (b) of Clause 7 of the Bill seeks to empower the University to prescribe by regulations the terms and conditions of appointment of the Finance Officer.

20. Sub-section (1) of section 30 of Act 27 of 2005 proposed to be amended by sub-clause (c) of clause 7 of the Bill seeks to empower the University to prescribe by regulations the terms and conditions of appointment of the Controller of Examination.

21. The matters in respect of which the Statutes or Regulations 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 KERALA UNIVERSITY ACT, 1974

(17 OF 1974)

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12. *The Registrar.*—(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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13. *The Controller of Examinations.*—(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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14. *The Finance Officer.*—(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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## EXTRACT FROM THE CALICUT UNIVERSITY ACT, 1975

(5 OF 1975)

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12. *The Registrar.*—(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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13. *The Controller of Examinations.*—(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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14. *The Finance Officer.*—(1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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EXTRACT FROM THE MAHATMA GANDHI UNIVERSITY ACT, 1985

(12 OF 1985)

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12. *The Registrar.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a Selection Committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, as the Registrar of the University for such period and on such terms as may be prescribed by the Statutes.

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13. *The Controller of Examinations.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a Selection Committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes.

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14. *The Finance Officer.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a Selection Committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, as the Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes.

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EXTRACT FROM THE SREE SANKARACHARYA UNIVERSITY OF  
SANSKRIT ACT, 1994

(5 OF 1994)

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23. *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 Deans of Faculties;

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

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28. *Registrar.*—(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed, in such manner as may be prescribed by the Statutes.

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EXTRACT FROM THE KANNUR UNIVERSITY ACT, 1996

(22 OF 1996)

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14. *The Registrar.*—(1) The Registrar shall be a whole time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms and conditions as may be prescribed by the Statutes.

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