

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2012

(As passed by the Assembly)

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*BILL*

*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 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, the Sree Sankaracharya University of Sanskrit Act, 1994 and the Kannur University Act, 1996 for the purposes hereinafter appearing ;

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

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 2012.

(2) Clauses (a) and (d) of section 2, section 3, clauses (a), (b), (c), (d) and (i) of section 4, clause (a), sub-clause (v) of clause (c) and clause (d) of section 6 shall be deemed to have come into force on the 8th day of December, 2009, clauses (b) and (c) of section 2 and clause (i) of section 7 shall be deemed to have come into force on the 16th day of August, 2011, clauses (e), (f), (g) and (h) of section 4, clause (c) of section 5, clause (b) and sub-clauses (i), (ii), (iii) and (iv) of clause (c) of section 6 and clauses (ii), (iii) and (iv) of section 7 shall be deemed to have come into force on the 1st day of December, 2011, clauses (a), (b) and (d) of section 5 shall be deemed to have come into force on the 31st day of January, 2012 and the remaining provisions of this Act shall come into force at once.

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

(a) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

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(b) in section 17, under the heading “Other Members”, for item (4), the following item shall be substituted, namely:—

“(4) Not more than five members nominated by the Government from the field of Higher Education of which one shall be a woman and one shall be from Scheduled Castes/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.” ;

(d) after section 64, the following section shall be inserted, namely:—

“64A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Kerala University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of another University, may be transferred to any college under the jurisdiction of the Kerala University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

*Explanation:*—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

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

(a) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

(b) after section 64, the following section shall be inserted, namely:—

“64A. *Inter University transfer of teacher by an educational agency.*—Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Calicut University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Calicut University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

*Explanation:*—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

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

(a) in section 2, after clause (19), the following clause shall be inserted, namely :—

“(19A) “Pro-Chancellor” means the Pro-Chancellor of the University ;”;

(b) in the heading under CHAPTER III, after the word “CHANCELLOR”, the word “PRO-CHANCELLOR” shall be inserted ;

(c) after section 7, the following section shall be inserted, namely :—

“8. *Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.” ;

(d) in sub-section (2) of section 11, for the words, “fifty six” the word “sixty” shall be substituted ;

(e) in section 17,—

(i) under the heading ‘Ex-Officio Members’, after item (15), the following item shall be inserted, namely:—

“(16) members of the Syndicate who are not members of the Senate.”;

(ii) under the heading “Other Members”, item (4) shall be omitted ;

(f) in section 18, after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The members of Senate nominated by the Chancellor or the Government shall hold office during the pleasure of the Chancellor or the Government, as the case may be.”;

(g) in section 21, under the heading “Other Members”,—

(i) for item (a) the following item shall be substituted, namely:—

“(a) Not more than eight members nominated by the Government from the field of Higher Education of whom one shall be a woman.” ;

(ii) item (e) shall be omitted ;

(iii) items (g) and (h) shall be omitted ;

(h) in section 22, after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) The members of the Syndicate nominated by the Chancellor or the Government shall hold office during the pleasure of the Chancellor or the Government, as the case may be.” ;

(i) after section 68, the following section shall be inserted, namely:—

“68A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Mahatma Gandhi University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Mahatma Gandhi University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University, shall not be considered as outside service while exercising home college option.

*Explanation:*—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

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

(a) in section 2, after clause (b), the following clause shall be inserted, namely :—

“(ba) “Appellate Tribunal” means the Appellate Tribunal constituted under section 22A;”;

(b) in Chapter IV, for the heading “AUTHORITIES OF THE UNIVERSITY”, the heading “AUTHORITIES OF THE UNIVERSITY AND THE APPELLATE TRIBUNAL” shall be substituted ;

(c) in section 12, for the existing items, under the heading “Nominated Members”, the following items shall be substituted, namely:—

“(i) Four eminent scholars representing Sanskrit, Indology, Indian Philosophy and any of the Indian Languages, nominated by the Chancellor for a period of four years at a time ;

(ii) Seven Educationalists or Eminent Academicians in the field of Higher Education, nominated by the Government, for a period of four years of whom three shall be teachers of the Sree Sankaracharya University of Sanskrit of whom one shall be from Scheduled Castes/Scheduled Tribes and one shall be a woman ;

(iii) One Post Graduate student of the University/Colleges/Centers affiliated to the University having excellent academic merit, nominated by the Government, for a period of one year ;

(iv) One Dean of Faculty, nominated by the Chancellor by rotation ;

(v) The member nominated by the Executive Council of the Kerala State Higher Education Council :

Provided that the members of the Syndicate nominated by the Chancellor or the Government under the heading “Nominated Members” shall hold their office during the pleasure of the Chancellor or the Government, as the case may be.”;

(d) after section 22, the following section shall be inserted, namely:—

“22A. *Constitution of the Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall consist of a Judicial Officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Act, with the previous sanction of the Government, for regulating its procedure and for the disposal of its business.

(5) The regulations so made shall be published in the Gazette.

(6) Subject to the provisions of this Act, the jurisdiction and the powers of the Appellate Tribunal shall be prescribed by the Statutes.”.

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

(a) in sub-section (2) of section 13, for the words “fifty six” the word “sixty” shall be substituted ;

(b) in section 19,—

(i) under the heading “Ex-officio members”, after item (xv), the following item shall be inserted, namely:—

“(xvi) members of the Syndicate who are not members of the Senate” ;

(ii) under the heading “Other members”, item (iv) shall be omitted ;

(c) in section 23, under the heading “Other Members”,—

(i) item (a) shall be omitted ;

(ii) for item (d), the following item shall be substituted, namely:—

“(d) Three teachers nominated by the Government of whom one shall be from the University Department and two from the affiliated colleges of whom one shall be from Scheduled Castes/Scheduled Tribes.” ;

(iii) for item (e), the following item shall be substituted, namely:—

“(e) not more than six experts nominated by the Government, from the field of Higher Education of whom one shall be a woman.” ;

(iv) for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that the members of the Syndicate 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.” ;

(v) after item (f), the following item shall be inserted, namely:—

“(g) one member elected by the Senate from among the members in item (xi) under the heading ‘*Elected members*’ in section 19.” ;

(d) after section 71, the following section shall be inserted, namely:—

“71A. *Inter University transfer of teacher by an educational agency.*— Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Kannur University and also under the jurisdiction of another University in the State, a teacher appointed by such educational agency to a college within the jurisdiction of the another University, may be transferred to any college under the jurisdiction of the Kannur University, subject to the following conditions, namely:—

(i) transfer shall be made only on the written request of the teacher who has completed three years of service ;

(ii) transfer shall be made only once during the entire period of service of a teacher ;

(iii) transfer shall be made on the basis of the seniority of teachers ;

(iv) teacher transferred under the provisions of this section shall become junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred ;

(v) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University provided no home college option by any teacher against the said vacancy is pending ; and

(vi) teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.



*Explanation:*—For the purpose of this section, “home college option” means the option made by a teacher regarding his home college in the University under the provisions of the Statutes made under this Act.”.

7. *Special provisions.*—Notwithstanding anything contained in,—

(i) the Kerala University Act, 1974, on the 16th day of August, 2011, the date of commencement of the Kerala University (Amendment) Ordinance, 2011 (46 of 2011), the existing members in office nominated under item (4) under the heading “Other Members” in section 17 of the Kerala University Act, 1974, shall be deemed to have vacated their office by virtue of the provisions of this Act ;

(ii) the Mahatma Gandhi University Act, 1985, on the 1st day of December, 2011, the date of commencement of the Mahatma Gandhi University (Amendment) Ordinance, 2011 (58 of 2011), the existing members in office nominated by the Government under item (4) under the heading “Other Members” in section 17 and nominated by the Government under items (a), (e), (g) and (h) under the heading “Other Members” in section 21, shall be deemed to have vacated their office by virtue of the provisions of this Act ;

(iii) the Sree Sankaracharya University of Sanskrit Act, 1994, on the 1st day of December, 2011, the date of commencement of the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2011 (56 of 2011), the members in office nominated by the Government under items (ii), (iii) and (v) as it existed prior to the commencement of the said Ordinance, under the heading “Nominated Members” in section 12 of the Sree Sankaracharya University of Sanskrit Act, 1994 shall be deemed to have vacated their office by virtue of the provisions of this Act ;

(iv) the Kannur University Act, 1996 (22 of 1996) on the 1st day of December, 2011, the date of commencement of the Kannur University (Amendment) Ordinance, 2011 (57 of 2011), the existing members in office nominated under item (iv) under the heading “Other members” in section 19 and nominated under item (a), item (d) and item (e) under the heading “Other members” in section 23 of the Kannur University Act, 1996 shall be deemed to have vacated their office by virtue of the provisions of this Act.

8. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 2012 (25 of 2012) 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 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 Kannur University Act, 1996 as amended by the said Ordinance shall be deemed to have been done or taken under the said Acts as amended by this Act.

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