

Thirteenth Kerala Legislative Assembly
Bill No. 195

THE UNIVERSITY LAWS (AMENDMENT) BILL, 2013

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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-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws(Amendment) Act, 2013;

(2) It shall come into force at once.

2. *Amendment of Act 17 of 1974.*—In the Kerala University Act, 1974 (17 of 1974), after section 70, the following section shall be inserted, namely:—

“70A. *Power of the Government to issue direction.*—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations, Rules or orders issued thereunder, the Government shall have power to issue directions to the University on all matters relating to the number of teaching and non-teaching posts in the University and in the private colleges other than unaided colleges affiliated to the University, the filling up of such posts and the determination of workload in respect of such teaching posts and the University shall be bound to comply with such directions.”.

3. *Amendment of Act 5 of 1975.*—In the Calicut University Act, 1975 (5 of 1975), after section 69, the following section shall be inserted, namely:—

“69 A. *Power of the Government to issue direction.*—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations or rules made thereunder, the Government shall have power to issue directions to the University on all matters relating to the number of teaching and non-teaching posts in the University and in the private colleges other than unaided colleges

affiliated to the University, the filling up of such posts and the determination of workload in respect of such teaching posts and the University shall be bound to comply with such directions.”.

4. *Amendment of Act 12 of 1985.*—In the Mahatma Gandhi University Act, 1985 (12 of 1985), after section 74, the following section shall be inserted, namely:—

“74A. *Power of the Government to issue direction.*—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations or rules made thereunder, the Government shall have power to issue directions to the University on all matters relating to the number of teaching and non-teaching posts in the university and in the private colleges other than unaided colleges affiliated to the University, the filling up of such posts and the determination of workload in respect of such teaching posts and the University shall be bound to comply with such directions.”.

5. *Amendment of Act 22 of 1996.*—In the Kannur University Act, 1996 (22 of 1996), after section 76, following section shall be inserted, namely:—

“76A. *Power of the Government to issue direction.*—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations or rules made thereunder, the Government shall have power to issue directions to the University on all matters relating to the number of teaching and non-teaching posts in the University and in the private colleges other than unaided colleges affiliated to the University, the filling up of such posts and the determination of workload in respect of such teaching posts and the University shall be bound to comply with such directions.”.

STATEMENT OF OBJECTS AND REASONS

Section 57 of the Kerala University Act, 1974 (17 of 1974) provides that appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorized by the Government. Section 59 of the Mahatma Gandhi University Act, 1985 (12 of 1985) also contain a similar provision. But various University Acts in the State lack such a provision empowering the Government to issue directions to the University on all matters relating to the determination of workload, the number of teaching and non-teaching posts in the University which in turn compels the Government to bear the additional expenditure consequent to the decision of the University to sanction posts in aided colleges.

Hence the Government have decided to amend the various University Acts so that they may have control over the University on all matters relating to the determination of workload, the number of teaching and non-teaching posts in the University and aided colleges affiliated to it.

2. The Bill seeks to achieve the above said object.

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 OF THE RELEVANT PORTIONS FROM
THE KERALA UNIVERSITY ACT, 1974
(17 OF 1974)

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70. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and, of any institutions maintained, recognized or approved by, or affiliated to, the University and also of the work conducted by the University, and to cause enquiry to be made in respect of any matter connected with the University.

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

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69. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any institutions maintained, recognized or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

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EXTRACT OF THE RELEVANT PORTIONS FROM THE MAHATMA
GANDHI UNIVERSITY ACT, 1985

(12 OF 1985)

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74. *Inspection.*—(1) The University may, at regular intervals as it deems necessary, and shall once in every five years, cause an inspection to be made by such person or machinery, as may be prescribed by the Statutes, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of other institutions maintained, recognized or approved by, or affiliated to, the University, and also of the work conducted by the University and also cause an enquiry to be made in respect of any matter connected with the University.

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

** ** ** **

76. *Inspection.*—(1) The University may, at such regular intervals as it deems necessary, and shall once in every five years, cause an inspection to be made by such person or machinery, as may be prescribed by the Statutes,—

(a) of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of other institutions maintained, recognized or approved by, or affiliated to, the University;

(b) of the work conducted by the University; and

(c) in respect of any other matter connected with the University.

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