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Fourteenth Kerala Legislative Assembly

Bill No. 115

**THE KERALA UNIVERSITY (AMENDMENT)
BILL, 2018**

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further to amend the Kerala University Act, 1974.

Preamble.—WHEREAS, it is expedient further to amend the Kerala University Act, 1974 for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala University (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 26th day of December, 2017.

2. *Amendment of section 17.*—In the Kerala University Act, 1974 (17 of 1974) (hereinafter referred to as the principal Act), in section 17,—

(a) under the heading “*Elected Members*”,—

(i) for item (1), the following item shall be substituted, namely:—

“(1) Three Principals of Government colleges, elected from among themselves, three Principals of private colleges, other than unaided colleges, elected from among themselves and one Principal of unaided colleges elected from among themselves.”;

(ii) in item (11), for the words “Four members”, the words “One member” shall be substituted;

(b) under the heading “*Other Members*”, after item (4), the following item shall be inserted, namely:—

“(5) One member nominated by the Government from the field of Information Technology.”.

3. *Amendment of section 21.*—In section 21 of the principal Act, under the heading “*Other Members*”,—

(a) in item (a),—

(i) for the word “Thirteen”, the word “Twelve” shall be substituted;

(ii) in sub-item (i), for the word “seven”, the word “six” shall be substituted;

(iii) for sub-item (ii), the following sub-item shall be substituted, namely:—

“(ii) Two Principals of colleges, of whom one shall be from a Government college and the other shall be from a private college other than an unaided college.”;

(b) after item (d) , the following item shall be inserted, namely:—

“(e) the member referred to in item (5) under the heading “*Other Members*” in section 17.”.

4. *Repeal and saving.*—(1) The Kerala University (Amendment) Ordinance, 2018 (16 of 2018) is hereby repealed.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 principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In the Senate and Syndicate of the University of Kerala, some stake holders are not seen adequately represented. But, at the same time, some categories are overrepresented. Information Technology is the most developed and critical component in the higher education sphere today. That field has to be given adequate representation. The Government have decided to amend the

Kerala University Act, 1974 (17 of 1974) so as to ensure adequate representation in the Senate and Syndicate of the University by amending items (1) and (11) of section 17 under the heading "Elected Members" and inserting a new item (5) in the same section under the heading "Other Members". It is proposed that under the heading "Elected Members", under section 17, there shall be three Principals of Government colleges, elected from among themselves, three Principals of private colleges, other than unaided colleges, elected from among themselves and one Principal of unaided colleges elected from among themselves. One person from the field of Information Technology also has to be included as a member in the Senate by inserting new item (5) under the heading "Other Members". The Government have also decided to amend item (a) of Section 21 and to amend sub-item (i) and to substitute sub-item (ii) of item (a) of Section 21 under the heading "Other Members" and to insert a new item (e) after item (d) in the same Section. By substituting sub-item (ii) in item (a) of section 21 under the heading "Other Members", there would be two Principals of colleges of whom one shall be a Principal of a Government college and the other, a Principal of a private college other than an unaided college.

2. As the Kerala Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Kerala University (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on 26th day of December, 2017 and the same was published as Ordinance No. 40 of 2017 in the Kerala Gazette Extraordinary No. 2862 dated 26th December, 2017.

3. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 97 of the fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018.

4. In order to keep alive the provisions of the said Ordinance, the Kerala University (Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 12th day of February, 2018 and the same was published as Ordinance No. 16 of 2018 in the Kerala Gazette Extraordinary No. 340 dated the 12th day of February, 2018.

5. 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.

Prof. C. RAVEENDRANATH.

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

* * * *

17. *Senate.*—The Senate shall consist of the following members, namely:—

* * * *

Elected Members

(1) Seven Principals elected from among themselves, of whom two shall be from among Principals of Government Colleges, one from among Principals of professional colleges and one from among Principals of junior colleges;

* * * *

(11) Four members elected by the managers of the private colleges in the University area from among themselves.

* * * *

Other Members

(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.

* * * *

21. *The Syndicate.*—The Syndicate shall be the Chief Executive body of the University and shall consist of the following members, namely:—

* * * *

Other Members

(a) Thirteen members elected by the Senate from among themselves, of whom—

(i) seven shall be persons who are not teachers, of whom one shall be a person belonging to a Scheduled Caste or a Scheduled Tribe.

(ii) two shall be Principals of first grade colleges, of whom one shall be the Principal of a Government College, and,

* * * *

(d) the member nominated by the Executive Council of the Kerala State Higher Education Council from among its members.

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