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Fourteenth Kerala Legislative Assembly

Bill No. 117

**THE A. P. J. ABDUL KALAM TECHNOLOGICAL
UNIVERSITY (AMENDMENT) BILL, 2018**

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THE A. P. J. ABDUL KALAM TECHNOLOGICAL UNIVERSITY
(AMENDMENT) BILL, 2018

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BILL

to amend the A. P. J. Abdul Kalam Technological University Act, 2015.

Preamble.—WHEREAS, it is expedient to amend the A. P. J. Abdul Kalam Technological University Act, 2015 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 A. P. J. Abdul Kalam Technological University (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 8th day of December, 2017.

2. *Substitution of references to certain expressions by other expressions.*—In the A. P. J Abdul Kalam Technological University Act, 2015 (17 of 2015) (hereinafter referred to as the principal Act),

(a) for the words, “Academic Committee” wherever they occur, the words “Academic Council” shall be substituted;

(b) for the words “Executive Committee” wherever they occur, the word “Syndicate” shall be substituted.

3. *Amendment of section 14.*—In section 14 of the principal Act, in sub-section (5), for the words “as soon as may be, report in writing” the words “submit for approval in the next meeting” shall be substituted.

4. *Amendment of section 15.*—In the principal Act, for sub-section (3) of section 15 and the proviso thereto, the following sub-section shall be substituted, namely:—

“(3) The term of appointment of Pro-Vice-Chancellor shall be four years.”.

5. *Amendment of section 22.*—In section 22 of the principal Act, the word “and” occurring after item “ (iv) The Research Council” shall be omitted and after item (iv) so amended, the following items shall be inserted, namely:—

- “(v) The Board of Studies;
- (vi) The Finance Committee;
- (vii) The Planning Committee;
- (viii) The Students Council, and”

6. *Amendment of section 23.*—In section 23 of the principal Act, in sub-section (1),—

(a) under the heading “Ex-officio Members”, for item (xv), the following item shall be substituted, namely:—

“(xv) The Chairman of the University Union.”;

(b) under the heading “Elected Members”, for item (ii), the following item shall be substituted, namely:—

“(ii) Six representatives of the students of the University, elected by the students from among themselves as may be prescribed by the Statutes, of whom three shall be from Government engineering colleges, one shall be from aided engineering colleges, one shall be from Government controlled self financing engineering colleges and one shall be from private self financing engineering colleges; of the said members, one shall be a post graduate student, one shall be a woman and one shall belong to the Scheduled Castes or Scheduled Tribes;”;

(c) under the heading “Nominated Members”,—

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

“(iv) Two eminent academicians from any of the Universities in Kerala who has supervised Ph.D. Research and having post doctoral publications.”.

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

“(v) Heads or Managers of three engineering colleges, nominated by the Government, of whom one shall be from aided college, one shall be from Government controlled self financing college and one shall be from private self financing college;”;

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

“(vi) Two teachers of Government engineering colleges, one teacher of aided engineering college, one teacher of Government controlled self financing engineering college, one teacher of private self financing engineering college, nominated by the Government from among the teachers, who shall be having Ph.D. and ten years of teaching experience; of the said members, one shall be a woman, one shall belong to Scheduled Castes or Scheduled Tribes and one shall be a teacher of science subject other than engineering;

(vii) One member, nominated by the Government, from among non-teaching staff.”;

(d) under the heading “Other Members”, item (i) shall be omitted.

7. *Amendment of section 27.*—In section 27 of the principal Act, in sub-section (1), under the heading “Ex-officio Members”,—

(a) for item (xi), the following item and proviso shall be substituted, namely:—

“(xi) One member nominated by the Government from among the representatives of the students in the Board of Governors:

Provided that where the election of representatives of students has not been completed as per the Statutes, the Government may, till the completion of election nominate one student of a Government engineering college affiliated to the University;”

(b) for item (xiii), the following item shall be substituted, namely:—

“(xiii) One member nominated by the Government from among the Managers or Heads of Engineering colleges in the Board of Governors;”;

8. *Amendment of section 31.*—In section 31 of the principal Act, in sub-section (2),—

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

“(iii) One Principal each nominated by the Board of Governors from each of the category of Government engineering college, aided engineering college, Government controlled self financing college and private self financing engineering college affiliated to the University from the lists consisting of three persons each given by the Vice-Chancellor; of whom one shall be a woman. In the absence of woman qualified to be included in the lists, those who belong to other categories shall be considered.”;

(b) for item (iv), the following item shall be substituted, namely:—

“(iv) One teacher each, not below the rank of professors nominated by the Board of Governors, from each of the category of Government engineering college, aided engineering college, Government controlled self financing college and private self financing engineering college, affiliated to the University, from the lists from each of the said categories given by the Vice-Chancellor consisting of three persons each representing various branches of engineering; of whom one shall be a woman and one shall belong to the Scheduled Castes or Scheduled Tribes. In the absence of woman or those belonging to Scheduled Castes or Scheduled Tribes qualified to be included in the lists, for the places earmarked for those categories, those belonging to other category or categories shall be considered .”;

(c) in item (v), for the words “Two eminent industrialists” the words “One eminent industrialist” shall be substituted;

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

“(ix) Vice-Chairman, Kerala State Higher Education Council or a member of the Council authorized by him;

(x) Two student representatives of the Board of Governors, nominated by the Chancellor, of whom one shall be a graduate student and one shall be a post graduate student; of whom one shall be a woman.”.

9. *Insertion of new sections for section 37.*—For section 37 of the principal Act, the following sections shall be substituted, namely:—

“37. *Board of Studies.*—(1) There shall be a Board of Studies for each branch of studies, as decided by the Syndicate.

(2) The constitution and powers of Board of Studies shall be as prescribed by the Statutes.

37A. *Finance Committee.*—(1) There shall be a Finance Committee, to advise on any issues related to financial matters of the University, with a person having specific qualifications appointed by the Syndicate, as its Chairman.

(2) Subject to the provisions of this Act, the constitution, powers, functions and procedures for delegation of powers of Finance Committee shall be as prescribed by Statutes.

37 B. *Planning Committee.*—(1) There shall be a Planning Committee, to advise the Syndicate and Academic Council on any matter which are considered to be necessary for achieving the objectives of the University, with a person appointed by the Syndicate as its Chairman.

(2) The Planning Committee shall have the following functions, namely:—

(i) to chalk out comprehensive plan for five years with respect to the development of the University;

(ii) to prepare an outline of desirable methods for the progress of the University;

(iii) to render advice with regard to the implementation of plans approved by the Syndicate;

(iv) to evaluate the total expertise shown by the University in achieving the target intended to be achieved during the plan period.

(3) Subject to the provisions of this Act, the constitution, powers, functions and procedures for delegation of powers of Planning Committee shall be as prescribed by Statutes.

37C. *Students Council*.—(1) There shall be a Students Council for the University for dealing with the matters relating to welfare of students.

(2) Subject to the provisions of this Act, the constitution, powers, functions and procedures for delegation of powers of Students Council shall be as prescribed by Statutes.”.

10. *Repeal and saving*.—(1) The A.P.J. Abdul Kalam Technological University (Amendment) Ordinance, 2018 (18 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

Various issues relating to the A. P. J. Abdul Kalam University have come to the notice of the Government. Taking into account the current situation in the University, the Government considers it necessary to bring certain amendments in the A. P. J. Abdul Kalam Technological University Act, 2015 (17 of 2015). The provisions of the Cochin University of Science and Technology Act, 1986, is a model to resolve certain problems and practical issues being faced by the University. Hence, the Government have decided to amend the A. P. J. Abdul Kalam Technological University Act, 2015.

2. In addition to the existing Authorities of the University, it has been decided to constitute the Board of Studies, Financial Committee, Planning Committee and a Students Council in the University. It is also decided to bring major changes in the constitution of the Board of Governors by including representatives of students and teachers, representing various categories of colleges, having experience and higher qualifications. Changes have been proposed in the Executive Committee and in the Academic Committee. Government have also decided to substitute the names ‘Academic Council’ and ‘Syndicate’ in the places of the authorities, ‘Academic Committee’ and ‘Executive Committee’, respectively.

3. As the Kerala State Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the A. P. J. Abdul Kalam

Technological University (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on 8th December, 2017 and the same was published as Ordinance No. 28 of 2017 in the Kerala Gazette Extraordinary No. 2700 dated 8th December, 2017.

4. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 101 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Kerala State Legislative Assembly during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018.

5. In order to keep alive the provisions of the said Ordinance, the A. P. J. Abdul Kalam Technological 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. 18 of 2018 in the Kerala Gazette Extraordinary No. 342 dated the 12th day of February, 2018.

6. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

As per Section 50 of the A. P. J. Abdul Kalam Technological University Act, 2015 one consolidated fund by name "The Technological University Fund" has been formed for the research activities and other activities of the University by allocating recurring expenditure of about ₹ 5,44,60,000 (Rupees five crore forty four lakhs and sixty thousand Only) and non-recurring expenditure of ₹ 10,00,00,000 (Rupees ten crores only) from the Consolidated Fund of the State.

2. No cardinal changes have been made in the constitution of the University after establishing the same. The Bill proposes to include two more members in the Board of Governors, the apex body of the University. Clause 5 of the Bill proposes to amend section 22 by including Board of Studies, Finance Committee, Planning Committee and Students Council also as the Authorities of the University.

3. In lieu of the Board of Studies to be newly introduced, the Curriculum Committee is functioning at present. The expenditure of the Curriculum

Committee is met from the Plan fund of the University. Hence no additional expenditure will be incurred for the same. The Finance Committee and Planning Committee may function as the committees consisting of the officers of the University itself. Hence expenditure from the Plan Fund is not expected for their activities. The fund for the activities of the Students Council may be met from the Students Administration Fund being realized from the students by the University.

4. In the above circumstances no additional expenditure, other than those from the Plan Fund of the University, would be involved from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (2) of section 37, proposed to be inserted newly as per clause 9 of the Bill, seeks to empower the Government and University to make statutes by prescribing the constitution and powers of Board of Studies.

2. Sub-section (2) of section 37A, proposed to be inserted newly as per clause 9 of the Bill, seeks to empower the Government and University to make statutes by prescribing the constitution, powers, functions and procedures for delegation of powers of Finance Committee.

3. Sub-section (3) of section 37B, proposed to be inserted newly as per clause 9 of the Bill, seeks to empower the Government and University to make statutes by prescribing the constitution, powers, functions and procedures for delegation of powers of Planning Committee.

4. Sub-section (2) of section 37C, seeks to empower the Government and University to make statutes by prescribing the constitution, powers, functions and procedures for delegation of powers of Students Council.

5. The matters in respect of which statutes may be made are matters of procedure and are of routine or administrative in nature. Further, the statutes after they are made are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

Prof. C. RAVEENDRANATH

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

(17 of 2015)

** ** ** **

2. *Definitions.*—In this Act, unless the context otherwise requires,—

** ** ** **

(b) “Academic Committee” means the Academic Committee of the University constituted under section 31;

** ** ** **

(q) “Executive Committee” means the Executive Committee of the University;

** ** ** **

14. *Powers of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be the principal academic and executive officer of the University. He shall be responsible for the development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

** ** ** **

(5) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority or body which, in the ordinary course, would have dealt with the matter. In the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the Chancellor whose decision shall be final.

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