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Fourteenth Kerala Legislative Assembly
Bill No. 114

**THE SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT (AMENDMENT) BILL, 2018**

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(AMENDMENT) BILL, 2018

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BILL

further to amend the Sree Sankaracharya University of Sanskrit Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Sree Sankaracharya University of Sanskrit Act, 1994 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 Sree Sankaracharya University of Sanskrit (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 1st day of December, 2017.

2. *Amendment of section 31.*—In section 31 of the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) (hereinafter referred to as the principal Act), for sub-section (3), the following sub-section shall be substituted, namely:—

“ (3) The retirement age of the teachers of the University shall be,—

(a) sixty years in the case of teachers qualified as per the Regulations of the University Grants Commission and if the date of retirement of such a teacher falls within the academic year, he shall continue in service till the end of the academic year. The service benefits of such teachers shall be governed by sub-rule (c) of rule 60 of Part I of the Kerala Service Rules; and

(b) in the case of teachers not coming under clause (a) and non-teaching staff, officers and other employees of the University, the age applicable in the case of employees in Government Service, as may be decided by the Government from time to time:

Provided that in respect of any person who is appointed temporarily on a short term contract for a period not exceeding three years, the age limit mentioned in this sub-section shall not apply:

Provided further that the short term contract appointments shall be subject to the approval of the selection committee constituted in the manner prescribed in the Statutes.”.

3. *Repeal and saving.*—(1) The Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2018 (17 of 2018) is hereby repealed.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

Government have decided to bring uniformity in the retirement age of teachers of all the Universities in the State and to avoid the hardships caused to the students due to the retirement of teachers in the midst of academic year. Accordingly in tune with the provisions of Acts and Statutes of other Universities in the State regarding the retirement age of the teachers of the University, it is decided to extend the service of teachers having qualified as per the Regulations of University Grants Commission till the end of the academic year if the date of retirement of such teachers falls within the academic year. The Government have also decided to fix the retirement age of the teachers, not qualified as per the Regulations of University Grants Commission, officers and employees of the University as in the case of employees in the Government service. Hence, the Government have decided to amend sub-section (3) of section 31 of the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) for the above purposes.

2. As the Kerala State Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on 1st December, 2017 and the same was published as Ordinance No. 26 of 2017 in the Kerala Gazette Extraordinary No. 2670 dated 1st December, 2017.

3. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 102 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 Sree Sankaracharya University of Sanskrit (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. 17 of 2018 in the Kerala Gazette Extra ordinary No. 341 dated the 12th day of February, 2018.

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

FINANCIAL MEMORADUM

As per sub-section (3) of section 31 of the Sree Sankaracharya University of Sanskrit Act, 1994, the retirement age of the teachers of the University shall be sixty years and that of the teaching and non-teaching officers and other employees of the University shall be fifty-five years. Sub-section (3) of section 31 of the Act proposed to be substituted by clause 2 of the Bill provides that if the date of retirement of teachers having qualified as per the regulations of University Grants Commission falls within the academic year, their service shall be extended till the end of the academic year. These teachers are continuing as such in the sanctioned post. However, as these teachers are continuing in higher scale of pay, if the retirement age is extended, the financial liability that may occur for a few months is the difference in the scale of pay of Assistant Professors, who are to be appointed

against such vacancies. The financial liability due to the pensionary benefits in respect of these teachers and the salary due to the teachers in regular or contract basis appointed in lieu of these teachers is lesser than that of the financial liability if they are allowed to continue. Thus an annual financial expenditure of ₹ 28,05,205 (Twenty eight lakh five thousand two hundred and five) is expected from the Consolidated Fund of the State.

Prof. C. RAVEENDRANATH

EXTRACT FROM THE SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT ACT, 1994
(5 OF 1994)

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31. *Appointment of teachers, officers and staff.*—(1) Subject to the provisions of this Act and the Statutes, the teachers, officers and other employees of the University shall be appointed by the Vice-Chancellor on the advice of appropriate Selection Committee constituted in the manner prescribed by the Statutes.

* * * *

(3) The retirement age of the teachers of the University, shall be sixty years and that of the teaching and non-teaching officers and other employees of the University shall be fifty-five years:

Provided that in respect of any person who is appointed temporarily on a short-term contract for a period not exceeding three years, the age-limit mentioned shall not apply:

Provided further that even such short term contract appointments shall be subject to the approval of the Selection Committee constituted in the manner prescribed in the Statutes.

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