

Fourteenth Kerala Legislative Assembly

Bill No. 179

**THE KERALA UNIVERSITY (ALTERNATE ARRANGEMENT
TEMPORARILY OF THE SENATE AND SYNDICATE)
BILL, 2019**

©

Kerala Legislature Secretariat

2019

KERALA NIYAMASABHA PRINTING PRESS.

published on 27/02/19

Fourteenth Kerala Legislative Assembly

Bill No. 179

**THE KERALA UNIVERSITY (ALTERNATE ARRANGEMENT
TEMPORARILY OF THE SENATE AND SYNDICATE)
BILL, 2019**

[Translation in English of the “2019-ലെ കേരള സർവ്വകലാശാല (സെനറ്റിനെയും സിൻഡിക്കേറ്റിനെയും താൽക്കാലിക ബദൽ ക്രമീകരണം) ബിൽ” published under the authority of the Governor.]

THE KERALA UNIVERSITY (ALTERNATE ARRANGEMENT
TEMPORARILY OF THE SENATE AND SYNDICATE)

BILL, 2019

A

BILL

*for the alternate arrangement temporarily of the Senate and Syndicate of the
Kerala University.*

Preamble.—WHEREAS, it is expedient to make provisions for the alternate arrangement temporarily of the Senate and Syndicate of the Kerala University;

BE it enacted in the Seventieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Act, 2019.

(2) It shall be deemed to have come into force on the 22nd day of December, 2018.

2. *Special provision for temporary alternate arrangement for exercising the powers and performing the functions of the Senate and Syndicate of the Kerala University.*—(1) Notwithstanding anything contained in the Kerala University Act, 1974 (17 of 1974) or in any statute, regulation, ordinance or rules made thereunder or in any judgment, decree or order of any court, in the case of the Senate and Syndicate of the Kerala University, the term of office of which expired prior to the date of commencement of the Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Act, 2018 (18 of 2018) the functions of

the Senate and Syndicate of the said University shall be exercised by an interim body nominated by the Government under sub-section (2) for a period of six months or till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Kerala University Act, 1974 (17 of 1974), whichever is earlier.

(2) The Government may, by notification in the Gazette, nominate an interim body consisting of the following members to exercise all the powers and perform all the functions of the Senate and Syndicate of the said University:—

1. *Ex-officio* members of the Syndicate.

2. Nominated members:

(i) a teacher of the University;

(ii) a teacher from the Government Colleges affiliated to the University;

(iii) one Principal each from the Government Colleges and Aided Colleges affiliated to the University;

(iv) two teacher representatives from the Aided Colleges affiliated to the University;

(v) one student from the University or from the Government or Aided Colleges affiliated to the University;

(vi) six eminent persons working in the education sector, of which one shall be a woman and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes.

3. *Repeal and saving.*—(1) The Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 (58 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

As per sub-section (1) of section 18 of the Kerala University Act, 1974, the Senate of the University shall be reconstituted every four years. As per the 3rd proviso to sub-section (1) of section 22 of the said Act, the term of the Syndicate is coterminus with the term of the Senate.

2. The Senate of the University was reconstituted on 17th May, 2014. Accordingly, the term of the Senate and Syndicate of the Kerala University expired on the 16th day of May, 2018. The Senate and Syndicate could not be reconstituted within the period specified in the Kerala University Act, 1974. Hence, the Kerala Legislative Assembly passed the Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Act, 2018 (18 of 2018) to bring an alternate arrangement temporarily to exercise the powers and perform the functions of the Senate and Syndicate of the University till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Act and the same was published in the Kerala Gazette Extraordinary No. 1776 dated the 3rd day of July, 2018. The term of the interim body constituted as per the said Act expired on 16th day of November, 2018.

3. The Senate and Syndicate could not be reconstituted within the period as per the provisions of the Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Act, 2018 (18 of 2018). Hence, the Government have decided to bring an alternate arrangement temporarily to exercise the powers and perform the functions of the Senate and Syndicate of the University till the reconstitution of the Senate and Syndicate or for a period of six months in accordance with the provisions of the Kerala University Act, 1974 whichever is earlier.

4. As the Kerala State Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Kerala University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 was promulgated by the Governor of Kerala on 22nd day of December, 2018 and the same was published as Ordinance No. 58 of 2018 in the Kerala Gazette Extraordinary No. 3240 dated 22nd day of December, 2018.

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

FINANCIAL MEMORANDUM

Financial liability will arise for conducting the meetings of the interim body, to be constituted, for exercising the powers and performing the functions of the Senate and Syndicate of the University, as per the provisions of clause 2 of the Bill. The Bill, if enacted and brought into operation, an approximate annual recurring expenditure of Rs. 17,41,597 (Seventeen lakh forty-one thousand five hundred and ninety seven only) inclusive of Rs. 11,82,299 (Eleven lakh eighty two thousand two hundred and ninety-nine only) for the meetings of the Syndicate and Sub-Committees and Rs 3,99,534 (Three lakh ninety-nine thousand five hundred and thirty four only) for the meetings of the Senate and Rs. 1,59,764 (One lakh fifty nine thousand seven hundred and sixty four) for the meetings of the Academic Council is expected from the Consolidated Fund of the State. Expenditure proportionate to this will be incurred for the period under clause 2 of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Government to issue notification by nominating an interim body to exercise the powers and perform the functions of the Senate and Syndicate of the Kerala University till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Kerala University Act, 1974 (17 of 1974) or for a period of six months, whichever is earlier.

2. The matter in respect of which notification may be issued is matter of procedure and is of routine or administrative in nature. Further the notification after that is issued, is subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

DR. K. T. JALEEL.