

Fourteenth Kerala Legislative Assembly
Bill No. 161

**THE CALICUT UNIVERSITY (ALTERNATE ARRANGEMENT
TEMPORARILY OF THE SENATE AND SYNDICATE)
BILL, 2018**

©
Kerala Legislature Secretariat
2018

KERALA NIYAMASABHA PRINTING PRESS.

Published on 24-11-2018

Fourteenth Kerala Legislative Assembly

Bill No. 161

**THE CALICUT UNIVERSITY (ALTERNATE ARRANGEMENT
TEMPORARILY OF THE SENATE AND SYNDICATE)
BILL, 2018**

Fourteenth Kerala Legislative Assembly
Bill No. 161

[Translation in English of the “2018-ലെ കോഴിക്കോട് സർവ്വകലാശാല (സെനറ്റിന്റെയും സിൻഡിക്കേറ്റിന്റെയും താൽക്കാലിക ബദൽ (ക്രമീകരണം) ബിൽ” published under the authority of the Governor.]

THE CALICUT UNIVERSITY (ALTERNATE ARRANGEMENT TEMPORARILY
OF THE SENATE AND SYNDICATE) BILL, 2018

A

BILL

for the alternate arrangement temporarily of the Senate and Syndicate of the Calicut University.

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

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 Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Act, 2018.

(2) It shall be deemed to have come into force on the 21st day of November, 2017.

2. *Special provision for alternate arrangement temporarily of the Senate and Syndicate of the Calicut University.*—(1) Notwithstanding anything contained in the Calicut University Act, 1975 (5 of 1975) 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 Calicut University, the term of office of which expired prior to the date of commencement of this Act, the functions of the Senate and Syndicate of the said University shall be exercised by a body nominated by the Government under sub-section (2) for a period of eighteen months or till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Calicut University Act, 1975 (5 of 1975), 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 of a Government College 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 Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 (48 of 2018) and the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) (Second Amendment) Ordinance, 2018 (57 of 2018) are 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 said Ordinances 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 Calicut University Act, 1975, the Senate of the University shall be reconstituted every four years. As per the proviso to sub-section:(1) of section 22 of the said Act, the term of the Syndicate is coterminous with the term of the Senate.

2. The Senate of the University was reconstituted on 30th September, 2013. Accordingly, the term of the Senate and Syndicate of the Calicut University was expired on the 29th day of September, 2017. The Senate and Syndicate could not be reconstituted within the period specified in the Calicut University Act, 1975. 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 in accordance with the provisions of the Act.

3. As the Kerala State Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2017 was promulgated by the Governor of Kerala on 20th day of November, 2017 and the same was published as Ordinance No. 24 of 2017 in the Kerala Gazette Extraordinary No. 2563 dated 21st day of November, 2017.

4. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 99 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 Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 was promulgated by the Governor of Kerala on the 12th day of February, 2018 and the same was published as Ordinance No. 15 of 2018 in the Kerala Gazette Extraordinary No. 339 dated the 12th day of February, 2018.

6. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 118 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 26th day of February, 2018 and ended on the 4th day of April, 2018.

7. In order to keep alive the provisions of the said Ordinance, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 was promulgated by the Governor of Kerala on the 7th day of April, 2018 and the same was published as Ordinance No. 23 of 2018 in the Kerala Gazette Extraordinary No. 911 dated the 7th day of April, 2018.

8. As the Kerala State Legislative Assembly was not in session and the term of the interim body constituted as per the said Ordinance (23 of 2018) to exercise all the powers and perform all the functions of the Senate and Syndicate of the Calicut University would expire on the 27th day of May, 2018 and the Senate and Syndicate has not been reconstituted in accordance with the provisions of the Calicut University Act, 1975 (5 of 1975), the Government have decided to amend the said Ordinance. For the smooth functioning of the University, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) (Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 14th day of May, 2018 and the same was published as Ordinance No. 37 of 2018 in the Kerala Gazette Extraordinary No. 1274 dated 15th May, 2018 by making amendment by substituting the words "for a period of twelve months" for the words "for a period of six months" specified in sub-section (I) of section 2 of the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 (23 of 2018).

9. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 146 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 18th day of June, 2018 and ended on the 25th day of June, 2018.

10. In order to keep alive the provisions of the said Ordinance, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 was promulgated by the Governor of Kerala on the 6th day of July, 2018 and the same was published as Ordinance No. 40 of 2018 in the Kerala Gazette Extraordinary No. 1830 dated the 7th day of July, 2018.

11. Though a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala State Legislative Assembly during its session which commenced on the 30th day of August, 2018 and ended on the same day.

12. In order to keep alive the provisions of the said Ordinance, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 was promulgated by the Governor of Kerala on the 14th day of September, 2018 and the same was published as Ordinance No. 48 of 2018 in the Kerala Gazette Extraordinary No. 2352 dated the 14th day of September, 2018.

13. As the Kerala State Legislative Assembly was not in session and the term of the interim body constituted as per the said Ordinance (48 of 2018) to exercise all the powers and perform all the functions of the Senate and Syndicate of the Calicut University would expire on the 20th day of November, 2018 and the Senate and Syndicate has not been reconstituted in accordance with the provisions of the Calicut University Act, 1975 (5 of 1975), the Government have decided to amend the said Ordinance. For the smooth functioning of the University, the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) (Second Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 8th day of November, 2018 and the same was published as Ordinance No. 57 of 2018 in the Kerala Gazette Extraordinary No. 2770 dated 8th day of November, 2018 by making amendment by substituting the words "for a period of eighteen months" for the words "for a period of twelve months" specified in sub-section (1) of section 2 of the Calicut University (Alternate Arrangement Temporarily of the Senate and Syndicate) Ordinance, 2018 (48 of 2018).

14. The Bill seeks to replace the Ordinances 48 of 2018 and 57 of 2018 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. 18,67,152 (Rupees Eighteen lakh sixty seven thousand one hundred and fifty two only) inclusive of Rs. 16,00,416 (Rupees Sixteen lakh four hundred and sixteen only) for the meetings of the Syndicate and Rs. 2,66,736 (Rupees Two lakh sixty six thousand seven hundred and thirty six only) for the meetings of the Senate, 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 empower the Government to issue notification by nominating an interim body to exercise the powers and to perform the functions of the Senate and Syndicate of the Calicut University till the reconstitution of the Senate and Syndicate in accordance with the provisions of the Calicut University Act, 1975 (5 of 1975) or for a period of eighteen months, whichever is earlier.

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

DR. K. T. JALEEL.