

**THE UNIVERSITY LAWS (AMENDMENT) ACT, 2005**

**(ACT 2 OF 2005)**

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## Act 2 of 2005

## THE UNIVERSITY LAWS (AMENDMENT) ACT, 2005\*

*An Act further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Kannur University Act, 1976 and the Kannur University (Amendment) Act, 2001*

*Preamble*—WHEREAS, it is expedient further to amend the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Kannur University Act, 1976 and the Kannur University (Amendment) Act, 2001, for the purposes hereinafter appearing,

Be it enacted in the Fifty-sixth Year of the Republic of India as follows—

1 *Short title and commencement*—(1) This Act may be called the University Laws (Amendment) Act, 2005

(2) It shall be deemed to have come into force on the 6th day of January, 2005

2. *Amendment of Act 17 of 1974*—In the Kerala University Act, 1974 (17 of 1974),—

(a) in section 2, clause (20) shall be omitted,

(b) in section 5,—

(i) after item (i), the following item shall be inserted, namely—

“(1a) to confer academic autonomy to an affiliated college, department of an affiliated college or university department,”,

(ii) after item (x) the following items shall be inserted, namely—

“(xa) to fix the minimum infrastructural facilities that shall be provided in an un-aided college,

(xb) to fix the qualification of teachers and non-teaching staff of an un-aided college,”,

(c) in section 17, under the heading “*Elected Members*” item (2) shall be omitted,

\* Received the assent of the Governor on the 8th day of March, 2005 and published in the Kerala Gazette Extraordinary No 524 dated 9th March, 2005

(d) in section 22, for the third proviso under sub-section (1), the following proviso shall be substituted, namely —

“Provided also that the term of the Syndicate shall be co-terminus with the term of the Senate”

(e) in section 57,—

(i) sub-section (1) shall be re-numbered as sub-section (1A) of that section and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely —

“(1) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorised by the Government”

(ii) in sub-section (4), for the words and figure “sub-section (1)” the words and figure “sub-section (1A)” shall be substituted

(f) Section 81 shall be omitted

3 *Amendment of Act 5 of 1975* —In the Calicut University Act, 1975 (5 of 1975),—

(a) in section 2, clause (20) shall be omitted,

(b) in section 5,—

(i) after item (i), the following item shall be inserted, namely —

“(1a) to confer academic autonomy to an affiliated college, department of an affiliated college or university department,”

(ii) after item (x), the following items shall be inserted, namely —

“(xa) to fix the minimum infrastructural facilities that shall be provided in an un-aided college,

(xb) to fix the qualification of teachers and non-teaching staff of an un-aided college,”

(c) in section 17, under the heading “*Elected Members*” item (2) shall be omitted,

(d) in section 22, for the third proviso under sub-section (1), the following proviso shall be substituted, namely —

“Provided also that the term of the Syndicate shall be co-terminus with the term of the Senate”

(e) in section 57,—

(i) sub-section (1) shall be re-numbered as sub-section (1A) of that section and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely —

“(1) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorised by the Government ”

(ii) in sub-section (4), for the words and figure “sub-section (1)”, the words and figure “sub-section (1A)” shall be substituted

(f) Section 80 shall be omitted

4. *Amendment of Act, 12 of 1985.*—In the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(a) in section 2, clause (22) shall be omitted,

(b) in section 5,—

(i) after item (i), the following item shall be inserted, namely —

“(1a) to confer academic autonomy to an affiliated college, department of an affiliated college or university department,”,

(ii) after item (x), the following items shall be inserted, namely.—

“(xa) to fix the minimum infrastructural facilities that shall be provided in an un-aided college,

(xb) to fix the qualification of teachers and non-teaching staff of an un-aided college;”,

(c) in section 17, under the heading “*Elected Members*,” item 2 shall be omitted,

(d) in section 59,—

(i) sub-section (1) shall be re-numbered as sub-section (1A) of that section and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely.—

“(1) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorised by the Government ”

(ii) in sub-section (4), for the words and figure "sub-section (1)", the words and figure "sub-section (1A)" shall be substituted

(e) Section 90 shall be omitted

5 *Amendment of Act 22 of 1996*—In the Kannur University Act, 1996 (22 of 1996),—

(a) in section 2, clause (xxi) shall be omitted,

(b) in section 5,—

(i) after item (i), the following item shall be inserted, namely —

“(1a) to confer academic autonomy to an affiliated college, department of an affiliated college or university department,”,

(ii) after item (xi), the following items shall be inserted, namely —

“(xi1a) to fix the minimum infrastructural facilities that shall be provided in an un-aided college,

(xi1b) to fix the qualification of teachers and non-teaching staff of an un-aided college,”,

(c) in section 19, under the heading "*Elected Members*" item (ii) shall be omitted,

(d) in section 62,—

(i) sub-section (1) shall be re-numbered as sub-section (IA) of that section and before sub-section (IA) as so re-numbered, the following sub-section shall be inserted, namely —

“(1) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorised by the Government ”

(ii) in sub-section (4), for the words and figure "sub-section (1)", the words and figure "sub-section (1A)" shall be substituted

(e) Section 92 shall be omitted

6 *Amendment of Act 14 of 2001*—In section 18 of the Kannur University (Amendment) Act, 2001 (14 of 2001), for sub-sections (2) and (3), the following sub-sections shall be substituted, namely —

“(2) The Senate and the Syndicate dissolved under sub-section (1) shall be reconstituted in accordance with the provisions of the principal Act as soon as may be after such dissolution,

(3) Notwithstanding anything contained in the principal Act, the Syndicate shall exercise all the powers and perform all the functions of the Senate except the power of review under sub-section (1) of section 21 till the reconstitution of the Senate ”

*7 Special provision for alternate arrangements temporarily of the Senate and Syndicates of the Kerala and Calicut Universities.—*(1) Notwithstanding anything contained in the Kerala University Act, 1974 (17 of 1974) or 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 Syndicates of the Kerala and Calicut Universities, the term of office which expires on the date of commencement of this Act, the functions of the Senate and the Syndicate of the said Universities shall be exercised by a 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) and the Calicut University Act, 1975 (5 of 1975), whichever is earlier

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

- 1 Ex-officio members of the Syndicates,
- 2 Nominated members
  - (i) A representative of the Legislative Assembly of the territorial limit of the concerned University
  - (ii) Two teachers of the Government Colleges of which one shall be a person belonging to the Scheduled Castes or Scheduled Tribes
  - (iii) A Principal of an aided college
  - (iv) A teacher representative of the affiliated aided colleges
  - (v) A teacher representative of the University
  - (vi) The Charman of the University Union

*8 Repeal and saving —*(1) The University Laws (Amendment) Ordinance, 2005 (2 of 2005) is hereby repealed

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