

Kannur University (Amendment) Act, 2001

14 of 2001

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Kannur University (Amendment) Act, 2001

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An Act further to amend the Kannur University Act, 1996. WHEREAS it is expedient further to amend the Kannur University Act, 1996, for the purposes hereinafter appearing; BE it enacted in the Fifty-second Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kannur University (Amendment) Act, 2001.

(2) Section 2 and section 17 of this Act shall be deemed to have come into force with effect from the 28th day of August, 2001 and the remaining provisions shall come into force at once.

2. Amendment Of Section 2 :-

In section 2 of the Kannur University Act, 1996 (22 of 1996) (hereinafter referred to as the principal Act), after clause (xxix), the following clause shall be inserted, namely:-

"(xxix A) 'Un-aided college' means a private college which is not entitled to any financial assistance from the Government or the University."

3. Amendment Of Section 19 :-

In section 19 of the principal Act,---

(a) under the heading "Ex-officio Members",-

(i) item (ii) shall be omitted;

(ii) after item (ix), the following item shall be inserted, namely:

"(ix a) The Secretary to Government, Information Technology Department or an officer of the Information Technology Department not below the rank of a Joint Secretary, nominated by him;"

(iii) after item (xiv), the following item shall be inserted, namely;-

"(xv) The Chairman, State Advisory Board of Education.";

(b) under the heading "Other members", after item (iii), the following item shall be inserted, namely:-

"(iv) Not more than four experts nominated by the Government from the fields of Information Technology and Bio-Technology."

4. Substitution Of New Section For Section 21 :-

For section 21 of the principal Act, the following section shall be substituted, namely:- "21. Powers and functions of the Senate.- Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely:-

(a) to review, from time to time, the broad policies and programmes of the University;

(b) to suggest measures for the improvement and development of the University;

(c) to consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts; and

(d) to advise the Chancellor in respect of any matter which may be referred to it for advice."

5. Substitution Of New Section For Section 23 :-

For section 23 of the principal Act, the following section shall be substituted, namely:-

"23. The Syndicate.-The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:-

Ex-officio members

- (a) The vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The Secretary to Government, Higher Education Department or an Officer not below the rank of a Joint Secretary in the Higher Education Department, nominated by him;
- (d) The Secretary to Government, Finance Department or an officer not below the rank of a Joint Secretary, nominated by him;
- (e) The Secretary to Government, Information Technology Department or an Officer not below the rank of a Joint Secretary, nominated by him;
- (f) The Director of Collegiate Education.

Other members

- (a) Two eminent Educationalists or Scientists nominated by the Government;
- (b) Three Deans of Faculties nominated by the Chancellor, by rotation;
- (c) Two Principals of Colleges affiliated to the University, nominated by the Government;
- (d) Three teachers of colleges nominated by the Government of whom one shall be a member of a Scheduled Caste or a Scheduled Tribe;
- (e) The members referred to in item (iv) under the heading "Other members" in section 19, nominated by Government."

Provided that one of the members nominated by the Government shall be a woman.

6. Substitution Of New Section For Section 24 :-

For section 24 of the principal Act, the following section shall be substituted, namely:-

"24. Term of office of members of Syndicate.-(1) Members of the Syndicate, other than ex-officio members, shall hold office for a term of four years from the date of their nomination:

Provided that no person nominated in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months

after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that body or the holder of that office:

Provided further that a member other than an ex-officio member shall, notwithstanding the expiration of his term, continue to hold office until his successor is nominated:

Provided also that no person other than an ex-officio member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to subsection (1), a member of the Syndicate referred to in item (c) or in item (d) under the heading "other members" in section 23 shall not cease to be such member merely on the ground that,---

(a) he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) the college of which he is the Principal or in which he is a teacher has been transferred to another University; or

(c) in the case of a teacher, he has been promoted as Principal."

7. Amendment Of Section 25 :-

In section 25 of the principal Act,--

(a) in clause (ii), for the word "Ordinances", the words "Statutes and Ordinances" shall be substituted;

(b) clause (iii) shall be omitted;

(c) in clause (xxiii), the word "and" shall be omitted;

(d) for clause (xxiv), the following clauses shall be substituted, namely:-

"(xxiv) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(xxv) to cancel or amend by a majority of the total membership of the Syndicate and by a majority of not less than two thirds of the members present and voting, any Regulation passed by the Academic Council:

Provided that no Regulation shall be cancelled or amended by the Syndicate without giving the Academic Council a reasonable opportunity to state its opinion on the proposed cancellation or amendment;

(xxvi) to institute professorships, readerships, lectureships and such other teaching or research posts as it may deem necessary:

Provided that no professorship, readership, lectureship or other teaching or research post shall be instituted by the Syndicate without the previous approval of the Government if it involves

expenditure in excess of the budgetary provision;
(xxvii) to prescribe, with the previous concurrence of the Government, the terms and conditions of service of the employees of the University;
(xxviii) to regulate, with the previous concurrence of the Government, the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff of private colleges;
(xxix) to prepare the budget according to the provisions of the Statutes;
(xxx) to cancel any degree, diploma, title or any other distinction granted to any person, in accordance with the provisions of the Statutes;
(xxxi) to appoint committees and to delegate to them such functions as it may deem fit;
(xxxii) to make Statutes regulating the method of election to the authorities of the University, the procedure of the meetings of the Senate, the Syndicate and other authorities of the university and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;
(xxxiii) to recommend to the Government the recognition of any local area within the University area as a University centre;
(xxxiv) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine; and
(xxxv) to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes, the Ordinances, the Rules, the Bye-laws and the Orders."

8. Amendment Of Section 37 :-

In section 37 of the principal Act, in clause (c), the word "syndicate" shall be omitted.

9. Amendment Of Section 38 :-

In section 38 of the principal Act,--

(a) in sub-section (1),--

(i) for the word "Senate", the word "Syndicate" shall be substituted;

(ii) for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that, in any such case, before a Statute is passed the Syndicate shall obtain and consider the opinion of the Academic

Council, where necessary, on academic matters.";

(b) in sub-sections (2) to (8), for the words "Senate" and "Syndicate", wherever they occur, the words "Syndicate" and "Academic council" shall respectively be substituted.

10. Amendment Of Section 40 :-

In section 40 of the principal Act, sub-section (4) and sub-section (5) shall be omitted.

11. Substitution Of New Section For Section 42 :-

For section 42 of the principal Act, the following section shall be substituted, namely:--

"42. Procedure for making Regulations.-(1) All Regulations under this Act shall have effect from such date as the Academic Council may direct but every Regulation so made shall be laid before the Syndicate during its next succeeding meeting:

Provided that no such Regulation or repeal of a Regulation which involves expenditure shall be made by the Academic Council without the prior approval of the Government.

(2) If any Regulation or repeal of a Regulation is not laid before the Syndicate as required by sub-section (1), the Regulation shall lapse, or, as the case may be, the Regulation repealed shall revive after the next succeeding meeting of the Syndicate.".

12. Amendment Of Section 43 :-

In section 43 of the principal Act,--

(a) in sub-section (1), the following proviso shall be added, namely:--

"Provided that such Rules, Bye-laws or Orders which involve expenditure shall be made only with the prior approval of the Government.";

(b) in sub-section (2), the words "and every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting" shall be omitted;

(c) sub-section (3) shall be omitted.

13. Amendment Of The Heading In Chapter Vi :-

In the heading under Chapter VI of the principal Act, the words "THE SYNDICATE" shall be omitted.

14. Amendment Of Section 45 :-

In section 45 of the principal Act, the words "the Syndicate" occurring in the marginal heading and in the section shall be omitted.

15. Amendment Of Section 47 :-

In section 47 of the principal Act,--

(a) in sub-section (2),--

(i) for the word "Senate", the word "Vice Chancellor" shall be substituted;

(ii) the words "and for the same reason may withdraw any degree or diploma conferred on or granted by the University" shall be omitted;

(b) in sub-section (3), for the words "The Senate may", the words "The Vice-Chancellor may, on the recommendation of the Syndicate", shall be substituted.

16. Amendment Of Section 51 :-

In section 51 of the principal Act,--

(a) in sub-section (1), for the word "Senate", the word "Chancellor" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) the Chancellor shall consider the financial estimates and shall approve it either without alteration or with such alteration as he may deem fit."

17. Substitution Of Section 97 :-

For section 97 of the principal Act, the following section shall be substituted, namely:-

"97. Special provisions in respect of un-aided colleges.- Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders,--

(a) the scales of pay and other condition of service of the teaching and non-teaching staff of un-aided colleges; and

(b) the admission and selection of, and the fees payable by, students in such colleges, shall be determined, from time to time, by the Government on the basis of the recommendations of a Committee constituted by the Government consisting of---

- (i) one of the Vice-Chancellors of the Universities in the State nominated by the Government;
- (ii) the Secretary to Government, Higher Education Department who shall be the Convenor of the Committee; and
- (iii) the Director of the Collegiate Education."

18. Dissolution Of The Senate And Syndicate :-

(1) Notwithstanding anything contained in the principal Act, or the Statutes made thereunder, on and from the date of commencement of this Act, the Senate and the syndicate of the University shall stand dissolved and all the members of the said authorities shall be deemed to have vacated their offices as such, on such dissolution.

(2) The Senate and the Syndicate dissolved under sub-section (1) shall be reconstituted in accordance with the provisions of the principal Act within a period of six months from the date of such dissolution.

(3) All or any of the powers and functions of the Senate and the Syndicate may, during the interval between the dissolution of the Senate and the Syndicate under sub-section (1) and the reconstitution of the same under sub-section (2), be exercised and performed, as far as may be, and to such extent as the Government may determine, by the Vice-Chancellor.

19. Repeal And Savings :-

(1) The Kannur University (Amendment) Ordinance, 2001 (31 of 2001), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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.