

## **University Laws (Amendment) Act, 1978**

**23 of 1978**

### CONTENTS

1. Short Title And Commencement
2. Amendment Of Act 17 Of 1974
3. Amendment Of Act 5 Of 1975
4. Repeal And Saving

## **University Laws (Amendment) Act, 1978**

**23 of 1978**

An Act further to amend the Kerala University Act, 1974 and the Calicut University Act, 1975. Whereas it is expedient further to amend the Kerala University Act, 1974 and the Calicut University Act, 1975, for the purposes hereinafter appearing; Be it enacted in the Twenty-ninth Year of the Republic of India as follows:-

### **1. Short Title And Commencement :-**

- (1) This Act may be called the University Laws (Amendment) Act, 1978.
- (2) It shall be deemed to have come into force on the 21 st day of April, 1978.

### **2. Amendment Of Act 17 Of 1974 :-**

In the Kerala University Act, 1974 (17 of 1974),

- (1) in section 10, after subsection (15), the following subsections shall be inserted, namely: -

(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of the examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination nominate such additional number of examiners as may be necessary for the conduct of such examination.

(15B) Any person nominated by the Vice-Chancellor under subsection (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.;

(2) after section 80, the following section shall be inserted, namely:

-

80 A. Duty of teachers, etc. in connection with University examinations.--(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of, -

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor, to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation. - Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purpose of this subsection.

(3) An order of forfeiture under subsection (2) shall be made, -

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said subsection; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in subsection (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of

being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.

### **3. Amendment Of Act 5 Of 1975 :-**

In the Calicut University Act, 1975 (5 of 1975), -

(1) in section 10, after sub-section (15), the following subsections shall be inserted, namely: -

(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(15B) Any person nominated by the Vice-Chancellor under sub-section (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.;

(2) after section 79, the following section shall be inserted, namely: -

79 A. Duty of teachers, etc. in connection with University examinations.-(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University, which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of, -

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and

allowances for a period of two months commencing on the date of commencement of the examination.

Explanation. - Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purpose of this subsection.

(3) An order of forfeiture under subsection (2) shall be made, -

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said subsection; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under subsection (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in subsection (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.

#### **4. Repeal And Saving :-**

(1) The University Laws (Amendment) Ordinance, 1978 (12 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala University Act, 1974 (17 of 1974) or the Calicut University Act, 1975 (5 of 1975), as amended by the said Ordinance, shall be deemed to have been done or taken under the Kerala University Act, 1974 or the Calicut University Act, 1975, as the case may be, as amended by this Act