

THE KERALA SELF FINANCING COLLEGE TEACHING AND NON-TEACHING EMPLOYEES (APPOINTMENT AND CONDITIONS OF SERVICE) ACT, 2021

KERALA

India

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Act 13 of 2021

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[Translation in English of “2021-

□() ” published under the authority of the Governor.]ACT 13 OF 2021THE KERALA SELF FINANCING COLLEGE TEACHING AND NON-TEACHING EMPLOYEES (APPOINTMENT AND CONDITIONS OF SERVICE) ACT, 2021An Act to provide for the method of appointment and conditions of service of teaching and non-teaching employees of self financing colleges affiliated to various Universities established by State law and for matters connected therewith and incidental thereto.WHEREAS, it is expedient to provide for the method of appointment and conditions of service of teaching and non-teaching employees of self financing colleges affiliated to various Universities established by State law and for matters connected therewith and incidental thereto;BE it enacted in the Seventy-second Year of the Republic of India as follows:—

1. Short title and commencement.—

(1)This Act may be called the Kerala Self Financing College Teaching and Non-Teaching Employees (Appointment and Conditions of Service) Act, 2021.(2)It shall be deemed to have come into force on the 20th day of February, 2021.

2. Definitions.—

In this Act, unless the context otherwise requires,—(a)“agreement” means an agreement entered into with the educational agency to be appointed as teaching or non-teaching employee in a self

financing college;(b)“educational agency” means a person or a body which establishes, controls or runs a self financing college and approved by the University in which such self financing college is affiliated to;(c)“Government” means the Government of Kerala;(d)“non-teaching employee” means a person appointed in a self financing college under an agreement with the educational agency and registered as non-teaching employee in the affiliated University;(e)“notification” means a notification published in the Official Gazette;(f)“prescribed” means prescribed by rules made under this Act;(g)“regulatory body” means the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Bar Council of India and Council of Architecture and it includes respective University also;(h)“required post” means the teaching and non-teaching post determined by the regulatory body for various courses affiliated to the University in a self financing college;(i)“self financing college” means an educational institution established, controlled or run by an educational agency and conducting courses affiliated to the University and approved by the University but it does not include the Government College and private college entered into direct payment agreement with the Government;(j)“State” means the State of Kerala;(k)“student” means a person admitted to a course of study conducted by a self financing college and duly registered in the affiliated University;(l)“teacher” means a person appointed in self financing college under an agreement with the educational agency and registered as teacher in the affiliated University;(m)“University” means the Kerala University, the Calicut University, the Mahatma Gandhi University, the Cochin University of Science and Technology, the Kannur University and the A.P.J. Abdul Kalam Technological University established under the provisions of the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Cochin University of Science and Technology Act, 1986 (31 of 1986), the Kannur University Act, 1996 (22 of 1996) and the A.P.J. Abdul Kalam Technological University Act, 2015 (17 of 2015) respectively.

3. Appointment of teaching and non-teaching employees of self financing college.—

(1)The educational agency shall invite application by notification in such manner as may be prescribed for the appointment to required posts determined by the regulatory body for the courses affiliated to the University in the self financing college.(2)Any person to be appointed to the required posts under sub-section (1) shall have such qualifications as determined by the regulatory body:Provided that, on the date of commencement of this Act, where an employee holding such post in a self financing college does not have any of the qualification determined by the regulatory body, shall obtain such qualification within such date as the Government may notify.(3)The educational agency shall after examining the application received under the provisions of sub-section (1), prepare a rank list by conducting interview of the applicants and appointment shall be made by an order in writing of an authority determined by the educational agency for this purpose.

4. Agreement with the educational agency and other conditions of service.—

(1)Any person appointed to required post in a self financing college, shall enter into an agreement with the educational agency regarding such post, scale of pay, increment, grade, promotion, period of appointment, salary, allowance and overtime duty:Provided that, it shall not prevent the power of

the educational agency to make provision for providing more benefits to the teaching or non-teaching employee in a self financing college than that referred in such provisions regarding any matter provided in this Act.(2)Working days and working hours of teaching and non-teaching employees of self financing college shall be same as that is applicable to the teaching and non-teaching employees of Government college or private college entered into direct payment agreement with the Government affiliated to the University:Provided that, under the provisions of the agreement referred in sub-section (1), the teaching and non-teaching employees shall perform overtime duty in urgent situations.(3)The public holiday, casual leave and maternity leave eligible for the teaching and non-teaching employees of Government college or private college entered into direct payment agreement with the Government shall be applicable to the teaching and non-teaching employees of self financing college.(4)The educational agency, shall take measures for making any person appointed to required post of a self financing college as a member to the Employees' Provident Fund under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952(Central Act 19 of 1952):Provided that, measures shall be taken to make any person appointed to the required post in self financing college prior to the date of commencement of this Act as member to the Employees' Provident Fund within six months from the date of commencement of this Act.(5)The educational agency shall take measures to make any person appointed to required post in a self financing college as member in the insurance scheme of an insurance company approved by the Central Government, within six months from the date of commencement of this Act.(6)The age limit for appointment to the required post in a self financing college and the age of retirement shall be as may be determined by the regulatory body from time to time.(7)The educational agency shall be the disciplinary authority of any person appointed to the required post in a self financing college. The educational agency shall take disciplinary proceedings in such manner as may be prescribed.

5. Appeal.—

Any person aggrieved by the disciplinary action of the educational agency under sub-section (7) of section 4, shall file appeal before the University in which such self financing college is affiliated to, in such manner as may be prescribed. The Vice-Chancellor of such University shall dispose of the appeal and any decision thereon shall be final.

6. Maintenance of records and registers.—

The educational agency shall maintain records and registers regarding details of teaching and non-teaching employees appointed to required posts in the self financing college.

7. Registration.—

(1)The educational agency shall register the details of teaching and non-teaching employees, appointed to required posts in a self financing college, with the University in which such self financing college is affiliated to, within three months from the date of appointment.(2)The educational agency shall register the details of teaching and non-teaching employees appointed to required posts in self financing college prior to the date of commencement of this Act, with the

University in which such self financing college is affiliated to, within three months from the date of commencement of this Act.(3)The procedures for registration under sub-sections (1) and (2) shall be as determined by the University.(4)The duties and responsibilities of the teaching and non-teaching employees registered with the University in which self financing college is affiliated to under sub-sections (1) and (2) shall be as determined by the University. The teaching and non-teaching employees shall function to achieve the objects of the University. The educational agency shall implement any decision of the University in this matter.

8. Various bodies to be constituted in the self financing college.—

(1)The educational agency shall, after duly informing the University, constitute the following bodies, as soon as possible, from the date of commencement of this Act, namely:—(i)Internal Quality Assurance Cell;(ii)Parent-Teacher Association;(iii)Students Grievance Redressal Cell;(iv)College Council;(v)Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013).(2)The constitution, powers, duties and responsibilities of the bodies except under item (v) of sub-section (1) shall be as determined by the regulatory body.

9. Act not in derogation to any other laws.—

The provisions of this Act shall be in addition to and not in derogation to any other law for the time being in force.

10. Protection of acts done in good faith.—

No suit or other legal proceedings shall lie against the Vice-Chancellor, any authority or officer of the University for anything which is done in good faith or intended to be done under the provisions of this Act or rules or regulations made thereunder.

11. Bar of jurisdiction of Civil Court.—

No Civil Court shall have jurisdiction to settle, deal with or decide such matters regarding complaint that may arise on matters referred in section 7 of this Act, until disposed by the Syndicate of the University in which the self financing college is affiliated to.

12. Power to remove difficulties.—

Where any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, do anything which it may consider necessary or deems fit and not inconsistent with the provisions of this Act for the purpose of removing such difficulty:Provided that, no such order under this section shall be issued after the expiry of two years from the date of commencement of this Act.

13. Power to make regulations.—

The University in which self financing college is affiliated to, shall have the power to make regulations related to the functioning of a self financing college in accordance with the provisions of this Act.

14. Power to make rules.—

(1)The Government may, by notification, make rules to carry out the provisions of this Act.(2)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session, in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Repeal and saving.—

(1)The Kerala Self Financing College Teaching and Non-Teaching Employees (Appointment and Conditions of Service) Ordinance, 2021 (95 of 2021) is 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 Ordinance, shall be deemed to have been done or taken under this Act.

BY THE SUPERINTENDENT OF GOVERNMENT PRESSESAT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2021