



UNIVERSITY OF KERALA

(Re-accredited by NAAC with 'A' Grade)

Minutes of the meeting of the Senate held on Thursday, the 13th June 2019

Time : 10.00 A.M.
Place of Meeting : University Buildings, Thiruvananthapuram.

Members Present :

1. Prof (Dr).V.P. Mahadevan Pillai
Vice-Chancellor (in the Chair)
2. Prof (Dr).P.P Ajayakumar
Pro-Vice-Chancellor
3. Dr. S. Nazeeb
4. Dr.P. Rajesh Kumar
5. Dr. K.B. Manoj
6. Dr.B. Unnikrishnan Nair
7. Sri. M. Sreekumar
8. Dr. K.R. Kavitha
9. Sri. M. Harikrishnan
10. Adv. K.H. Babujan
11. Dr. Shaji.K
12. Sri. Shijukhan. J.S
13. Adv.G.Sugunan
14. Sri. M. Lenin Lal

The Senate was called to order at 10.00. A.M. by Prof (Dr). V.P. Mahadevan Pillai, Hon'ble Vice Chancellor. The Vice Chancellor welcomed all the members.

Condolences and Felicitations

അനുശോചനം

സംസ്ഥാന മുൻ മന്ത്രിയും കേരള കോൺഗ്രസ് നേതാവുമായ കെ.എം. മാണി, കഥാകൃത്തും മാധ്യമപ്രവർത്തകനുമായ അഷ്റഫ് ആഡൂർ, പ്രശസ്ത ചലച്ചിത്ര നടനും സംവിധായകനുമായ ജെ. മഹേന്ദ്രൻ, പ്രമുഖ ഡബ്ബിങ്ങ് ആർട്ടിസ്റ്റ് ആനന്ദവല്ലി, പ്രശസ്ത മനുഷ്യാസ്ത്രജ്ഞൻ ഡോ.ദേവദാസ് മേനോൻ, ആകാശവാണി മലയാളം വിഭാഗം മുൻ വാർത്താവാചനക്കാരൻ ഗോപൻ (എസ്.ഗോപിനാഥൻ നായർ), പ്രശസ്ത പത്രപ്രവർത്തകൻ ഡി.വിജയകുമാർ, പ്രശസ്ത മാപ്പിളപ്പാട്ട് ഗായകനും ഫോക്ലോർ അക്കാദമി വൈസ് ചെയർമാനുമായ എരഞ്ഞോളി മുസ, പ്രശസ്ത തമിഴ് സാഹിത്യകാരനും കേന്ദ്ര സാഹിത്യ അക്കാദമി അവാർഡ് ജേതാവുമായ തോപ്പിൽ മുഹമ്മദ് മീരാൻ, സംസ്ഥാന മുൻ മന്ത്രി കടവൂർ ശിവദാസൻ, സംസ്ഥാന മുൻ ധനമന്ത്രി വി. വിശ്വനാഥ മേനോൻ, അറക്കൽ സുൽത്താന ആദിരാജ ഫാത്തിമ മുത്ത് ബീവി, നിയമവിദ്യാഭ്യാസ വിദഗ്ദ്ധനും പദ്മശ്രീ ജേതാവും മുൻ ലാ കമ്മീഷൻ അംഗവും നാഷണൽ ലാ സ്കൂൾ ഓഫ് ഇന്ത്യ യൂണിവേഴ്സിറ്റി വൈസ് ചാൻസലറുമായിരുന്ന ഡോ.എൻ.ആർ മാധവമേനോൻ, എഴുത്തുകാരനും പത്രപ്രവർത്തകനുമായ പി.കെ ശിവദാസ്, ആദ്യകാല ചലച്ചിത്ര നാടക നടി പി.കെ കാഞ്ചന, വിഖ്യാത ചലച്ചിത്രനാടക സംവിധായകനും നടനും കന്നട എഴുത്തുകാരനുമായ ഗിരീഷ് കർണാട് പഞ്ചവാദ്യത്തെ സംഗീതാത്മകമാക്കിയ അന്നമന പരമേശ്വരമാരാർ എന്നിവരുടെ നിര്യാണത്തിൽ ഈ യോഗം അനുശോചനം രേഖപ്പെടുത്തുന്നു.

A Minute's silence was observed as a mark of respect to the departed souls.

അനുമോദനം

2018 ലെ സിവിൽ സർവീസ് പരീക്ഷയിൽ എസ്.ടി വിഭാഗത്തിൽ ഇന്ത്യയിൽ ഒന്നാം സ്ഥാനം നേടിയ മലയാളി യായ ശ്രീധന്യ സുരേഷ്, മഹാകവി പി കുഞ്ഞിരാമൻ നായർ ഫൗണ്ടേഷൻ ഏർപ്പെടുത്തിയ കളിയച്ഛൻ പുരസ്കാരം നേടിയ കെ.സച്ചിദാനന്ദൻ, 2019 ലെ കമ്യൂറ ഫൗണ്ടേഷൻ അവാർഡ് നേടിയ ഗായിക സുജാത മോഹൻ, 2018 ലെ ജെ.സി ഡാനിയേൽ ചലച്ചിത്ര അവാർഡ് നേടിയ പ്രമുഖ നടി ഷീല, മികച്ച പത്രപ്രവർത്തകനുള്ള കെ.വിജയരാഘവൻ പുര സ്കാരം നേടിയ ആർ.എസ്.ബാബു കേരള സർവകലാശാല മുൻ വിദ്യാർത്ഥിയും മഹാത്മഗാന്ധി സർവകലാശാല വൈസ് ചാൻസലറായി നിയമിതനായ ഡോ.സാബു കെ തോമസ് എന്നിവരെ ഈ യോഗം അനുമോദിക്കുന്നു.

(I) Business brought forward by the Vice-Chancellor and the Syndicate.

01. Award of Degrees, Diplomas, Titles and Certificates. (C.E/D.D)

The following resolution moved by Sri.M. Sreekumar, Member, Syndicate ;and seconded by Adv.K.H.Babujan, Member, Syndicate was unanimously adopted by the House.

"That, all candidates who have passed the various examinations under the different Faculties and also those who carried on research under the prescribed conditions and who have been adjudged worthy, to be awarded the Research Degrees under the various faculties and whom the Syndicate during the period from 28th March, 2019 to 12th June, 2019 on the report of the examiners, has certified to be qualified to receive the respective Titles, Diplomas, Certificates and Degrees and those students of Autonomous Colleges who have successfully completed their course of study and are duly recommended by the Governing Council of the respective Autonomous Colleges during the aforesaid period for award of Degrees be admitted to those Titles, Diplomas, Certificates and Degrees and in token thereof they may be presented with the respective Titles, Diplomas, Certificates and Degrees"

02. Amendment to the Regulations relating to Integrated LL.B Degree Course in Law – Consideration of - reg. (Ac.L)

The Academic Council at its meeting held on 19th May 2015, vide item no. 61, considered and resolved to approve alongwith the recommendations of the Standing Committee, the action taken by the Vice- Chancellor subject to reporting to the Academic Council, in having approved the minutes of the additional meeting of the Faculty of Law held on 12/11/2014 regarding the amendment to the Regulations relating to Integrated LL.B Degree Course in Law. U.O.No. Ac AIII/3/FoL-Add1/I-vi-a/2014 dated 04/02/2015 was issued in this regard. The Academic Council at its meeting held on 5th October, 2018 vide item no. I.11 considered and resolved to approve the proposal regarding the amendment to the Regulations relating to Integrated LL.B Degree Course in Law.

The Senate at its meeting held on 28th March 2019 vide item no.(I) 04. considered and resolved to refer the matter to the Syndicate.

The Syndicate at its meeting held on 30/04/2019 vide item no. 08.69 considered and resolved to approve the amendment proposal to the Regulations relating to Integrated LL.B. The proposed amendment is as follows

Amendment Proposal

“That, in the Regulations relating to Integrated LL.B Degree Course in Law under Clause 8 the following be incorporated as (i):

(i)First Class shall be awarded to candidates who pass the whole examination with 60% or above marks along with the immediate junior batch and not thereafter.

The amendment proposal to the Regulations relating to Integrated LL.B Course in Law is placed before the Senate for consideration and adoption as envisaged under Section 35(3) of the Kerala University Act, 1974.

The House considered and approved the above amendment to the Regulations relating to Integrated L.L.B Course in Law as envisaged under Section 35(3) of the Kerala University Act, 1974.



03. Amendment to the Regulations relating to Unitary Degree Course in Law – Consideration of - reg. (Ac.L)

The Academic Council at its meeting held on 19th May 2015, vide item no. 61, considered and resolved to approve alongwith the recommendations of the Standing Committee, the action taken by the Vice- Chancellor subject to reporting to the Academic Council, in having approved the minutes of the additional meeting of the Faculty of Law held on 12/11/2014 regarding the amendment to the Regulations to Unitary Degree Course in Law. U.O.No. Ac AIII/3/FoL-Add1/I-vi-a/2014 dated 04/02/2015 was issued in this regard. The Academic Council at its meeting held on 5th October ,2018 vide item no. I.06 considered and resolved to approve the amendment to the Regulations relating to Unitary Degree Course in Law.

The Senate at its meeting held on 28th March 2019 vide item no. (I) 03. considered and resolved to refer the matter to the Syndicate.

The Syndicate at its meeting held on 30/04/2019 vide item no. 08.68 considered and resolved that the amendment proposal to the Regulations relating to Unitary Degree Course in Law be agreed to.

The proposed amendment is as follows.

Amendment Proposal

“That, in the Regulations relating to Unitary Degree Course in Law under Clause 8 the following may be incorporated as (i):

(i) First Class shall be awarded to candidates who pass the whole examination with 60% or above marks along with the immediate junior batch and not thereafter.

The amendment proposal to the Regulations relating to Unitary Degree Course in Law is placed before the Senate for consideration and adoption as envisaged under Section 35(3) of the Kerala University Act, 1974.

The House considered and approved the above amendment to the Regulations relating to Unitary L.L.B Course in Law as envisaged under Section 35(3) of the Kerala University Act, 1974.

04. Amendment to the Kerala University First Statutes, 1977– Consideration of-reg. (Ac.L)

The Syndicate at its meeting held on 28/09/2018 vide item no. 05.11 considered and resolved that the amendment to Statute 5A, Chapter-3 of the Kerala University First Statutes, 1977 regarding the appointment of Teachers in the Teaching Departments of the University-Removal of Upper Age Limit for applying to the post of Professor, be agreed to.

The Syndicate at its meeting held on 01/02/2019 vide item no. 03.02 considered and resolved to defer the item regarding the amendment to Statute 5A, Chapter-3 of the Kerala University First Statutes 1977 in respect of the appointment of Teachers in the Teaching Departments of the University-Removal of upper age limit for applying to the post of Professor.

The Syndicate at its meeting held on 28/03/2019 vide item no. 07.40 considered and resolved to revise the decision of the Syndicate held on 28/09/2018 on item 05.11 and further resolved to amend the upper age limit for appointment of Professor, as 52 years instead of 50 years in the Statutes.

The Amendment Proposal is as follows:

AMENDMENT PROPOSAL

“That in ‘Chapter 3 - “Teachers of the University” of the Kerala University First Statutes, 1977, the Statute 5A may be amended as:

<u>Existing Statute</u>	<u>Proposed Amendment</u>
5A. Age limits for Direct Appointments:- The maximum age limits for appointments by direct recruitment of University Teachers shall be as follows:	5A. Age limits for Direct Appointments:- The maximum age limits for appointments by direct recruitment of University Teachers shall be as follows:

(i) Professors and teaching post of similar status.	Not more than 50 years	(i) Professors and teaching post of similar status.	Not more than 52 years
(ii) Associate Professors and teaching posts of similar status.	Not more than 45 years	(ii) Associate Professors and teaching posts of similar status.	Not more than 45 years
(iii) Teaching posts below the rank of Associate Professor	Not more than 40 years	(iii) Teaching posts below the rank of Associate Professor	Not more than 40 years

Note: Age of the applicants for the post under category (ii) & (iii) above shall be ascertained as on the date of advertisement. For the posts under category (i) the applicants shall not have attained the age of superannuation for the respective post as on the last date for receipt of applications.

Accordingly, the above amendment proposal to Kerala University First Statutes, 1977 is placed before the Senate as envisaged under Section 35(3) of the Kerala University Act, 1974 for consideration and approval.

The House considered and approved the above amendment to Kerala University First Statutes, 1977 as envisaged under sections 35(3) of the Kerala University Act, 1974.

05. Report on the Audit of Accounts of University of Kerala for the year 2017-18 – Consideration of – reg. (OAD III)

As per Section 50(4) of the Kerala University Act (Act 17 of 1974) and in pursuance of Section 13 of the Kerala Local Fund Audit Act, 1994 and Rule 18 of the Kerala Local Fund Audit Rules 1996, the Joint Director of Kerala State Audit Department, Kerala University Audit, Thiruvananthapuram, had submitted the Audit Report for the year 2017-18 of the University of Kerala.

As required vide Statute 10(4), Chapter VI of the Kerala University First Statutes 1977, the Audit Report 2017-18 was placed before the Syndicate held on 25.05.2019. The Syndicate vide item no. 09.36 considered and approved the Audit Report 2017-18 for being laid before the Senate and further resolved to authorize the Registrar and Finance Officer to consolidate audit replies and present the same before Sub-Committee consisting of the Convenors of the Standing Committees of the Syndicate on (1) Finance (2) Planning and Development (3) Affiliation of Colleges and (4) Departments and Other Institutions of the University along with Dr. B.Unnikrishnan Nair, Dr.K.B.Manoj, Dr.K.R.Kavitha and Sri. M. Harikrishnan, Members Syndicate for being forwarded to the Kerala State Audit Department and the Government.

As per Statute 93, Chapter V of the Kerala University First Statutes 1977, the Audit Report should also be laid in the Senate for consideration and approval. The Audit Report for the year 2017-18 is therefore submitted for consideration and approval of the Senate.

The House considered and approved the Audit Report for the year 2017-2018, as approved by the Syndicate held on 25.05.2019 vide Item No.09.36 and as required under Statute 93, Chapter V of the Kerala University First Statutes 1977.

06. Affiliation of new Colleges and new Courses in the existing Colleges-2019-20- reporting-reg. (Ac.B.II)

Provisional affiliation has been granted by the University of Kerala to the new Colleges and new Courses in the existing Colleges as listed in Appendix, after the previous reporting to the Senate at its meeting held on 18.02.2019 as Item No.14.

As envisaged under Statute 9, Chapter 24 of the Kerala University First Statutes, 1977 the grant of Provisional affiliation of the new Colleges and new Courses in the existing Colleges are reported to the Senate.

APPENDIX
List of New Courses 2019-20

Sl No	College	Courses sanctioned	Intake sanctioned
1.	Govt. Arts College, Thiruvananthapuram	M.Sc Biotechnology	12

List of New Colleges 2019-20

Sl No	College	Courses sanctioned	Intake sanctioned
1.	IMDR College of Advanced Studies, Purshothamgiri (Self-financing)	B.Com (Elective-Finance)	40 seats
		B.Com – Commerce & Tax Procedure & Practice under 2(a)	40 seats
		BBA	40 seats
2.	Travancore Arts Science College, Madathara (Self-financing)	B.Com – Commerce with Computer Application under 2(b)	40 seats
		B.Com (Elective-Finance)	40 seats
		BA English Language & Literature	40 seats
3.	Grace International Academy, Punalur (Self-financing)	B.Com – Commerce with Computer Applications under 2(b)	40 seats
		BBA	40 seats
		B Com (Elective -Finance)	40 seats
4.	Guru Nithyachaithanya Yathi College of Law and Research Centre, Kareelakulangara, Kayamkulam – <u>Subject to approval from the Bar Council of India</u>	BA LLB	

The House noted the matter reported.

07. Amendment to the schedule to Chapter XVII of the Kerala University First Ordinances, 1978 regarding the post of Pool Officers Implementation- Consideration of-reg. (Ac.L)

The Government vide G.O.(P) No. 86/2011/Fin dated 26/02/2011 and G.O.(P).No. 144/2011/Fin dated 30/03/2011 have ordered to dispense with the system of granting promotion to the post of Pool Officer w.e.f. 01/02/2011 and U.O.No. Ad A1.2/451/15 dated 26/11/2015 had been issued in this regard.

The Senate at its meeting held on 21st February 2017, vide item no.11 considered and resolved to resubmit the amendment proposal in respect of Sl.No. 12.A (Pool Officer) after discussion with the Staff Organisations.

The Syndicate at its meeting held on 6/12/2017 vide item no. 31.128.04 considered the proposal for amendment to Chapter XVII of the Kerala University First Ordinances, 1978, Sl.No. 12A (Pool Officer), conducted discussions with the representatives of different Service Organisations working in the University and resolved to agree to the recommendations of the Standing Committee of the Syndicate of the Staff, Equipments and Buildings to obtain legal opinion from the Standing Counsel in the matter of proposed amendment.

The syndicates at its meeting held on 22/01/2019 vide item no. 2.101 .02 considered the matter of proposed amendment to Chapter XVII of the Kerala University First Ordinances, 1978, Sl.No. 12A (Pool Officer), and resolved to agree with the recommendation of the Standing Committee of the Syndicate of the Staff, Equipments and Buildings held on 17/01/2019 and further resolved to authorize the Vice-Chancellor to take appropriate action after legal scrutiny.

The Syndicate at its meeting held on 25/05/2019, vide item 9.91 considered the matter of proposed amendment to Chapter XVII of the Kerala University First Ordinances, 1978, Sl.No. 12A (Pool Officer) again and resolved that the amendment proposal to Chapter XVII of the Kerala University First Ordinances, 1978 regarding the post of Pool Officers be approved.

“The post of Pool Officers cease to exist w.e.f. 01/02/2011. However incumbents in these posts will continue till retirement.”

AMENDMENT PROPOSAL- I

“That, the following be inserted under serial numbers 12A –Pool Officer - in the schedule under Chapter XVII, “Scales of Pay, Qualification etc. of various posts in the University”, of the Kerala University First Ordinances, 1978:

“The post of Pool Officers cease to exist w.e.f. 01/02/2011. However incumbents in these posts will continue till retirement.”

Accordingly the proposal for amendment to Sl.No. 12 A –Pool Officer in the Schedule under Chapter XVII , “Scales of Pay, Qualification etc. of various posts in the University” of the Kerala University First Ordinances, 1978 is laid before the Senate as envisaged under Section 37(1) of the Kerala University Act, 1974 for consideration and adoption.

The House accepted the proposal for amendment to Sl.No. 12 A –Pool Officer in the Schedule under Chapter XVII , “Scales of Pay, Qualification etc. of various posts in the University” of the Kerala University First Ordinances, 1978 as envisaged under Section 37(1) of the Kerala University Act, 1974.

08. University Computer Centre – Creation of additional Posts – Request –Consideration of- reg - (Ad.D1)

Dr.Vinod Chandra S.S, Director, University Computer Centre has submitted a proposal for the creation of following additional posts at the Computer Centre :-

1. System Analyst	-	1
2. Programmers	-	12
3. System Administrator (for web)	-	1
4. Hardware Technicians	-	4

[This designation is not seen in KUFO1978]

As per orders of the Vice-Chancellor, the above request has been placed before the **Standing Committee of the Syndicate on Staff, Equipment & Buildings**, at its meeting held on 03.06.2019 for consideration and is **awaiting** the resolution of the Syndicate on the same.

The Finance Wing has remarked that, the **approximate annual financial commitment** in connection with the creation of the aforesaid 18 posts [*calculated by taking the minimum Basic Pay, DA, HRA and CCA applicable to the respective posts*] is **Rs.1,10,99,010/-** (Rupees One Crore Ten Lakhs Ninety Nine Thousand and Ten only) [See Annexure II].

For creation of new posts in the University, **concurrence of the Government is required and the same has not been sought in this regard**. Here, it may also be noted that, the **Government strictly directs that, creation of new posts shall be considered only after thorough work study and when requirements can't be met by re-deployment of staff within the Department** [G.O.(P)No.66/2018/Fin dated 17.04.2018].

It may also be seen that, as per Rule(3) of the Kerala Public Service Commission (Additional functions as respects the services under the Universities) Act, 2015, the appointment to the non-teaching posts of the Universities in Kerala has been given to the **Kerala Public Service Commission** [G.O.(P)No.7/2016/ H.Edn dated 26.02.2016]. Special Rules / Executive Orders governing the method of appointment, qualification etc, to each cadre, have to be framed by the Government, in this regard.

The prevailing posts at the University Computer Centre and the Scale of Pay (as per 10th Pay Revision) are as follows:

Name of the Post	Sanctioned Strength	Scale of Pay
Director	1	UGC
System Manager	1	55,350 – 1,01,400
Programmer	4	42,500 – 87,000
System Administrator	2	39,500 – 83,000
Technical Officer	1	39,500 – 83,000

As per orders of the Vice-Chancellor, the proposal from the Director, University Computer Centre [Annexure I] for the creation of 18 additional posts at the Computer Centre, along with the recommendation of the Syndicate held on 12.06.2019 is placed before the Senate for consideration.

The House passed the recommendation of the Syndicate for amendment of the Ordinances.

09. University Engineering Unit – post creation proposals- Consideration of - reg. (Ad.D.II)

A Sub- committee meeting under the chairmanship of the Vice Chancellor held on 06.05.2019 discussed the matter regarding the restructuring and revamping of University Engineering Unit and recommended to create additional posts at the Engineering Unit.

The Syndicate held on 25.05.2019 vide item no. 09.39.07 considered this matter and recommended to create the below posts with Government permission.

- | | | |
|---|---|---|
| 1. Assistant Executive Engineer(Civil) | - | 1 |
| 2. Assistant Executive Engineer(Electrical) | - | 1 |
| 3. Assistant Engineer(Civil) | - | 2 |
| 4. Assistant Engineer(Electrical) | - | 2 |
| 5. Overseer(Civil) | - | 1 |
| 6. Overseer(Electrical) Grade I | - | 1 |
| 7. Overseer(Electrical) Grade II | - | 1 |
| 8. Audit Clerk | - | 2 |
| 9. AC(Mechanic) | - | 1 |
| 10. Architectural Assistant(Qualification-B.Arch) | - | 1 |

The financial commitment for the creation of above post obtained from Finance Section is appended. The approximate annual financial commitment is Rs.71,29,330/- .

The Vice Chancellor has ordered to place the matter before the Senate.

Hence the matter regarding the creation of posts at University Engineering Unit is placed before the Senate subject to obtaining the concurrence from the Government.

The House passed the proposal for amendment subject to the concurrence from the Government for creation of posts.

10. University Engineering Unit – Nomenclature – Change of designation - Consideration of -reg:- (Ad.D.II)

The Syndicate held on 25.05.2019 vide item no. 09.39.07 discussed the restructuring and revamping of the Engineering Unit.

The Syndicate resolved to redesignate the post of Work Superintendent Gr. I as Overseer Grade II and Work Superintendent Gr.II as Overseer Grade III as per Kerala PSC/ PWD norms.

Usually the amendment proposals are routed through Ac.L Section.

The Vice Chancellor has ordered to place the matter regarding the Nomenclature- Change of designation before the Senate.

The House passed the above proposal for amendment of Ordinances.

11. The Criteria for promotion to the post of Assistant Engineer and Assistant Executive Engineer (As per PWD norms)- Consideration of - reg:- (Ad.D.II)

The Syndicate held on 25.05.2019 vide Item No. 09.39.07 discussed the restructuring and revamping of the Engineering Unit.

The Syndicate resolved that further promotion as Assistant Executive Engineer and Assistant Engineer shall be as per PWD norms.

As per Kerala University First Ordinance 1978 the Scale of pay, Age, Qualification, Method of recruitment for the posts from University Engineer to Ist Grade Overseer (Elec) (Sl.No. 108 to 115) are the same as prescribed for corresponding officers in Government Public Works Department.

The Public Works (Estt. A) Department G.O. (MS.) No. 150/65/PW dated 17.05.1965, Rule 5(b) states that “ Vacancies in the category of Assistant Executive Engineer shall be filled up from among Assistant Engineers in the ratio of 75:20:5 respectively from among-

1. Persons possessing any of the qualifications mentioned in item(i) or in Section A in item (ii) of the Annexure and
2. Those possess any of the qualifications mentioned in Section B in item (ii) of the Annexure.
3. Those possessing the Draftman's Certificate of the College of Engineering, Guindy or S.M.T. Overseer Certificate. ”

(copy of Annexure appended)

The Public Department (Services – D) G.O.(MS)1390 dated 20.11.1958 rule 2. Appointment (as amended by G.O. (P) 276/72/PW dated 16.11.1972) regarding Assistant Engineer is as follows.

(i) Direct recruitment and

(ii) Promotion from First Grade Overseers in the ratio 6:4

(Copy of Qualification for promotion to Assistant Engineer appended)

The Vice Chancellor has ordered to place the criteria for promotion to the post of Assistant Engineer and Assistant Executive Engineer (as per PWD norms) before the Senate.

The House passed the adoption of P.W.D norms as criteria for promotion to the post of Assistant Engineer and Assistant Executive Engineer in the Engineering unit for the amendment of the Ordinances.

12. Employees Provident Fund – UIT Regional Centres - Consideration of - reg. (Ad.A.VII)

The University has received a Notice from the Employees’ Provident Fund Organization on 02.05.2019 for production of necessary documents as demanded by the Enforcement Officer within 7 days of the receipt of this communication and any failure will invite penal action. It was also informed that besides, the Enforcement Officer may proceed with finalization of reports based on available information.

Sri.K.T.Thomas, Enforcement Officer, Employees’ Provident Fund Organization, Regional Officer, Thiruvananthapuram, vide Letter. No. KR/TVM/EO/KTT/UIT/2015, dated 12.08.2015 has informed that the University Institute of Technologies have a statutory liability of compliance under the EPF Act and to register the Centres under the Act through OLRE by citing the following facts;

1. UITs are Educational Institutions, where the employees are not entitled to any social security benefits like PF/Pension/ESI etc., as prescribed by UGC/University of Kerala.

2. UITs are Educational/Scientific/Research/Training Institutions specified in the classes of establishments to which EPF & MP Act applies and notified by the Government of India in the Ministry of Labour No.S.O.986 dated 19.02.1982 published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 6th May, 1982.

3. The provisions of EPF & MP Act 1952 is applicable to UITs under Section I (3) (b), the date on which the employment strength reached twenty.

In another communication No.KR/RO/TVM/F.01/Enf.1(6)/2015/3613, dated 25.08.2015 from Assistant PF Commissioner, it was informed that Dr.Shashi Tharoor, the Hon’ble Member of Parliament has forwarded a representation citing non enrollment of employees working in the Establishment. The complaint was investigated and found correct. The Institution was set up on 01.06.1995, the same way as University College of Engineering, which was brought under the purview of the Act from the date of set up.

Hence, UIT can also be brought under the Act from 01.06.1995. But after the introduction of Online Registration of Establishment [OLRE] portal, coverage in respect of Establishment can be

done only after the Employer registers in the OLRE portal. Hence it was requested to register the Establishment under the OLRE for enrollment of all employees so as to enable them towards availing EPF benefit. The matter was placed before the Syndicate held on 16.07.2016 vide Item No.19.18.04, and the Syndicate resolved to constitute a Sub-Committee with the Convener, Standing Committee of the Syndicate on Finance as Chairman along with the Convener, Standing Committee of the Syndicate on Staff, Equipment and Buildings, the Convener, Standing Committee of the Syndicate on Departments and Other Institutions, Finance Officer and the Registrar as Member to study and submit a report. The resolution of the Syndicate was informed to the Regional Provident Fund Commissioner vide Lr.No.Ad.A.VII.2.8816/2015, dated 06.08.2016.

The Sub-Committee constituted by the Syndicate on 16.07.2016 to consider the matter concerning the applicability of EPF & MP Act, 1952 to UITs after detailed deliberations took the following decisions:

1. The eligible staff on contract at UITs whose monthly remunerations is Rs.15,000/- or less, be brought under the purview of the provisions of EPF & MP Act, 1952 by enrolling them under Online Registration of Establishments [OLRE] portal with effect from the date of registration.

2. The registration be done by considering the UITs as a whole as a single unit in order to cover all the eligible employees on contract of UITs.

3. The Registrar is authorized to take care of the administrative aspects of OLRE and subsequent liaison works and the Finance Officer, to the payment of contributions as per the provisions in the Act from employees and employer.

4. The Minutes of the Sub-Committee be placed before the ensuing meeting of the Syndicate.

The Syndicate at its meeting held on 21.10.2016 & 27.10.2016 vide Item 21.28 approved the above Minutes of the Sub-Committee.

The University vide U.O.No.Ad.A.VII.2.8816/2015, dated 22.12.2016 issued implementing the resolution of the Syndicate held on 21.01.2016 & 27.10.2016. U.O.No.Ad.BII/13131/03/2017, dated 04.03.2017 was issued sanctioning the opening of a current account in favour of Deputy Registrar (Administration III), in the SBT, Kerala University Office Campus Branch, so as to implement the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 in UITs.

The Finance Officer, the authority to take care of the payment of contribution as per the provisions in the Act from employees and employer, directed to entrust the Registration works with Smt.Uma Purushothaman S., EPF/ESI Consultant. The UIT is registered with EPF Organization with Code No.KRTVM 1654746000. As per U.O.No.Ad.BII/13131/03/2017, dated 04.03.2017, a Current Account [Account No. 67396382773] has been opened in the SBT, KUOC Branch for the implementation of EPF Act in UITs.

U.O.No.Ad.AVII.2.8816/2015, dated 18.05.2018 was issued

(i) To bring the employees on contract at UIT Centres whose monthly remuneration is Rs.15,000/- or less under the purview of EPF & MP Act, 1952,

(ii) To deduct the amount of EPF of those employees of UITs coming under the purview of EPF & MP Act, 1952 be made effective from the salary of May 2018 onwards,

(iii) For deducting an amount equivalent 12% of monthly remuneration as employee's share and 13.16% as employer's share. Audit section be entrusted to calculate the same and the detailed statement with the deducted amount be forwarded to Ad.AVII section before 10th of every month for remittance of EPF,

(iv)The employees' share be advanced for the period from the date of enrollment of employees till 30.04.2018 from KUF as a single payment and the same be deducted from the eligible employees in eleven equal installments, and

(v) For treating arrear amount to be deducted from the salary of employees as liability to be recovered in the case of resignation/termination of the employee from service.

Due to unforeseen reasons, the deductions to the EPF could not be made effective until August, 2018. Hence, the above mentioned U.O. dated 18.05.2018 was modified and U.O.No.Ad.AVII.2.8816/15, dated 19.09.2018 was issued to deduct the amount of EPF with effect from the salary of September 2018 and to advance the arrears to EPF for the period from the coverage date till 31.08.2018.

The Enforcement Officer after her visit to UITs on 23.10.2018, vide communication No.KR/TVM/1654746/EO/SA/2018, dated 23.10.2018 has directed the University to produce records

1. Wages/Salary Register from date of set up of Centres
2. Details of employees [contract/daily wages/piece rated/part-time etc., at EPFO Regional Office, Thiruvananthapuram on 29.10.2018.

The Enforcement Officer vide Notice No.KR/TVM/1654746/EO/SA/2018/8909, dated 03.01.2019 has directed the University to produce the documents within two days of receipt of the Notice. Since no records were produced by the University, the Enforcement Officer vide Notice No.KR/TVM/1654746/EO-SA/2019, dated 06.03.2019, directed the University to produce the documents within three days.

Considering the legal opinion from the Standing Counsel rendered vide Letter No.SC/Lt.No.28/2018, dated 29.11.2018, the University vide Lr.No.Ad.A.VII.2.8816/2015, dated 11.03.2019 has informed the Enforcement Officer that the University is trying to find out an alternate scheme for the contract employees for which a further period of time about three months is required to work out a proper remedy, which is legally sustainable. Hence, three months was sought for producing the details as sought by the Enforcement Officer.

In reply to this, now, the Assistant P.F. Commissioner, vide letter dated 26.04.2019, has forwarded a notice for production of necessary documents as demanded by the Enforcement Officer within 7 days of the receipt of that communication and any failure will invite penal action. It was also informed that besides, the Enforcement Officer may proceed with finalization of reports based on available information. Legal opinion from the Standing Counsel, vide letter No. LS.3/LO-25/EPF/Gen(vii) dated 06.05.2019. Reply letter from the Registrar, drafted by the Standing Counsel, was sent to the EPF Organization on 07.05.2019 seeking one month time for finding out an alternate to EPF Scheme as it will bring a huge financial burden to the University which is a grant – in – aid institution.

In reply to the letter No. Ad.A.VII.2.8816/2015 dated 07.05.2019 from the Registrar by which one month time was sought for finding out an alternate to EPF Scheme, the Assistant PF Commissioner(C), vide Letter No.KR/TVM/1654746/Enf.1 (1)2019/1153 dated 30.5.2019 has informed that the non co-operation from the part of the University in non-producing the documents sought and thereby delay in compliance will attract Penal Damages and interest @ 37% per annum and requested to comply with the provision of the Act without delay. As per the orders of the Vice-Chancellor, the letter from the PF Authorities was forwarded to the Standing Counsel for his opinion for further action.

The Standing Counsel, vide letter dated 04.06.2019, has furnished his opinion in this matter. (Copy of the letter is appended)

The main points furnished by the Standing Counsel are following.

- 1) Establishment is defined under the PF Act as

“2A. Establishment to include all departments and branches.—For the removal of doubts, it is hereby declared that where an establishment consists of different departments or has branches, whether situate in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment.”

Ie; all the institutions under the University including UCE, UITs, UIMs and KUCTEs are part of the ‘establishment’ – University and the act does not allow different treatment in r/o any institution under our control and management.

- 2) Section 2(f) under the PF Act is the definition of the term ‘Employee’

2(f) "Employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of an establishment, and who gets his wages directly or indirectly from the employer, and includes any person, -

- (i) Employed by or through a contractor in or in connection with the work of the establishment.

Ie; from Section 2(F), it can be seen that all categories of employees including contract employees are covered by the definition of ‘employee’. Therefore, liability of the employer to cover them under the PF Scheme is mandatory.

- 3) Section 16(1) (c) of PF Act

Section 16 Act not to apply to certain establishments.—

- (1) This Act shall not apply—

(c) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits.

Section 16(1)(c) applies in the case of Kerala University as it is an establishment under a State Act viz. Kerala University Act, 1974. As such, the PF Act is not applicable to the University if there is a provision in Kerala University Act providing for instituting a Provident Fund as stipulated in Section 16(1) (c).

4) **Section 74 of the Kerala University Act** provides that the University can make provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and provident fund and for such other benefits as it may deem fit, in such manner as may be prescribed in the ordinances.

5) It is in accordance with the above requirement under Section 74 of the Kerala University Act and also Section 16(1) (c) of the PF Act that **Chapter XVI** has been incorporated in the **Kerala University First Ordinances, 1978**. There, separate provisions are made for provident fund and pension and both are different and the provisions have no interdependence.

6) The Provident Fund instituted under Ordinance 1 therefore applies to all persons covered by the definition of employees under the PF Act as Section 16(1)(c) of the said Act under which the University enjoys non-applicability of the provisions of the Act does not allow any distinction between any class of employees as elucidated supra.

From the above, conclusions furnished by the Standing Counsel are,

- I. None of the provisions under the PF Act and the Scheme under Section 5 of the said Act are applicable to Kerala University.
- II. University has an independent Provident Fund Scheme instituted as per Ordinance 1 of Chapter XVI of KUFO, 1978.
- III. No authority under the PF Act can claim to get any undue advantage from an error committed in the past in seeking applicability of the Scheme under Section 5 of the PF Act and threaten to mulct the University with penal damages and interest to the tune of 37%.
- IV. The PF Authority ought not have entertained a request for applicability of the PF Act in 2016 in view of the mandatory bar under Section 16(1)(c) of the Act. Therefore, if any amounts have been wrongly received for any scheme under Section 5 of the PF Act, that should be refunded to the University with interest so as to give the advantage of the same to the employees concerned who are legally bound to be enrolled under the Provident Fund instituted by the University under Ordinance 1 of Chapter XVI of KUFO, 1978
- V. It is important to see that all payments hitherto made for the PF Schemes have been made under threat and coercion of the PF Authorities through communications in the nature of letter dated 30.05.2019 and also garnishee orders etc. issued under Section 8F of PF Act. Since such recovery are also effected ignoring the mandates of Section 16(1)(c) of the PF Act, this has to be taken up with the Central Provident Fund Commissioner for the excesses committed by the concerned officers abusing their statutory powers.
- VI. In view of the above discussion, the University authorities have to immediately decide to extend the benefit of the Provident Fund Scheme envisaged under Ordinance 1 of Chapter XVI of KUFO, 1978 to the employees of all institutions under the University and to inform the PF Authority that no payment will be effected towards PF contribution towards their scheme under Section 5 of PF Act hereafter.

He also opined that this matter should be given utmost priority and a decision favouring the below should be taken, if possible, in the next Syndicate meeting itself and placed before the Senate immediately thereafter. If any step adverse to the interest of the University is taken against any of the above steps by the PF Authorities, will be challenged before the Hon'ble High Court of Kerala highlighting the aforesaid valid legal aspects.

The Vice-Chancellor has ordered to place the matter along with the recommendation of the Syndicate dated 12.06.2019 - 'to institute a separate UPF scheme for coverage of all contract employees working in the various institutions under the University, adhering to the provisions of the Kerala University Act and Statutes' before the Senate.

Accordingly, the whole matter is placed before the Senate for consideration.

The House passed the above proposal of the Syndicate subject to legal vetting.

The Vice-Chancellor thanked the Members for their Co-operation
The Meeting was adjourned sine die at 11.30 a.m.

Sd/-
Registrar-in-Charge

Sd/-
Pro-Vice Chancellor

Sd/-
Vice-Chancellor

University Buildings,
Thiruvananthapuram.
13/06/2019