

Fourteenth Kerala Legislative Assembly

Bill No. 275

**THE SREE NARAYANAGURU OPEN UNIVERSITY
BILL, 2021**

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THE SREE NARAYANAGURU OPEN UNIVERSITY

BILL, 2021

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BILL

to establish and incorporate an Open University to impart higher education through distance education and for skill development by deviating from the educational system existing in the State, utilizing modern technological methods in all areas of knowledge at different levels and to provide for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to establish and incorporate an Open University to impart higher education through distance education and for skill development by deviating from the educational system existing in the State, utilizing modern technological methods in all areas of knowledge at different levels and to provide for matters connected therewith or incidental thereto;

BE it enacted in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Sree Narayanaguru Open University Act, 2021.

(2) It shall be deemed to have come into force on the 25th day of September, 2020.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “academic institution” means an institution affiliated to Universities established by law in the State or recognized by such Universities and it includes such Universities;

(b) “Academic Council” means an Academic Council of the University under section 29;

(c) “authority” means an authority of the University under section 20;

(d) “Board of School of Studies” means the Board of School of Studies constituted under section 42;

(e) “campus” means the places arranged by the University to impart instruction for courses of study;

(f) “Chancellor” means the Chancellor of the University;

(g) “course of study” means a course of study of the University to obtain certificate, diploma, degree, post graduate degree, research degree or other academic distinction under the provisions of this Act and Statutes and Ordinances made thereunder;

(h) “Cyber Controller” means a Cyber Controller appointed under section 17;

(i) “Cyber Council” means a Cyber Council constituted under section 37;

(j) “employee” means a person appointed by Statutes for the functioning of the University and does not include teachers and officers;

(k) “Finance Council” means the Finance Council of the University constituted under section 33;

(l) “Government” means the Government of Kerala;

(m) “notification” means a notification published in the Official Gazette;

(n) “officer” means an officer of the University under section 10 or a person designated as officer by Statutes;

(o) "Ordinances" means Ordinances of the University made under this Act;

(p) "prescribed" means prescribed by rules, Statutes, Ordinances or Regulations made under this Act;

(q) "Pro-Chancellor" means the Pro-Chancellor of the University;

(r) "Regional Centre" means a Regional Centre established or recognized by the University for the purpose of co-ordination and supervision of the functioning of any Study Centre in the State and such Regional Centre shall have such powers and duties as specified in this Act and Statutes made thereunder;

(s) "Regulations" means Regulations of the University made under this Act;

(t) "School of Studies" means a School of Studies of the University established under section 41;

(u) "Senate" means the Senate of the University constituted under section 21;

(v) "State" means the State of Kerala;

(w) "Statutes" means Statutes of the University made under this Act;

(x) "student" means a person duly enrolled in the University for a course of study;

(y) "Study Centre" means a Study Centre established or recognized by the University in connection with the course of study and it includes academic institutions;

(z) "Syndicate" means the "Syndicate" of the University constituted under section 25;

(za) "teacher" means a person appointed or approved by the University for imparting instructions or guiding research to a student;

(zb) "University" means the Sree Narayanaguru Open University established and incorporated under section 3;

(zc) "University Fund" means the Sree Narayanaguru Open University Fund constituted under section 56;

(zd) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER 2

THE UNIVERSITY

3. *Establishment and incorporation of the University.*—(1) There shall be established a University by the name " the Sree Narayanaguru Open University", which shall consist of Regional Centres and Study Centres. There shall be a Chancellor, a Pro-Chancellor, a Vice-Chancellor, a Pro-Vice-Chancellor, authorities and officers as provided in this Act.

(2) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold properties both movable and immovable, and after obtaining previous sanction of the Government in writing, to lease, sell or otherwise transfer, for the bonafide need of the University or for a purpose aiming at its development, any movable or immovable property which may have become vested in it or have been acquired by it for the purpose of the University and to borrow money from the Government, Central Government or any other State Government or from any legally constituted body corporate and to contract and to do all other things necessary for the purpose of this Act.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or any other person authorised by him in this behalf and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(5) The University and its Regional Centres, Study Centres and academic institutions shall be the campuses of the University.

(6) The headquarters of the University shall be at Kollam.

(7) Certificates, diplomas, degrees, post graduate degrees, research degrees and other academic distinctions shall be awarded in the name of the University by conducting teaching, training, research, examination and evaluation in the manner as may be prescribed by Statutes, Ordinances or Regulations in the courses of study conducted by the University directly or through Regional Centres, Study Centres or academic institutions.

4. *Territorial limit.*—The territorial limit of the University shall extent to the whole of the State.

5. *Objects of the University.*—The objects of the University shall be as follows, namely:—

(i) to prepare various courses of study on the basis of higher education system prevailing in the State, other states and at international levels by utilizing modern technological methods through distance education and to award certificate, diploma, degree, post graduate degree, research degree or other academic distinction after imparting instruction and by conducting examination and evaluation to persons either or not engaged in any employment, irrespective of age;

(ii) to uplift the standard of education of general public;

(iii) to impart instruction in various courses of study by utilizing modern technological methods through online, webcasting, pod casting, broadcasting, telecasting and video-conferencing and through study materials by post, seminars, debates and contact classes;

(iv) to give necessary encouragement for education, research and teacher-student training for the cultural progress in the State based on heritage and for that,—

(a) to design curriculum for various courses relating to existing and modern employment opportunities;

(b) to create opportunity to all sections in the society, especially all categories of marginalised and backward people in remote and rural areas, full-time employed or not, house wives and the elderly by doing study in subjects in various fields to gain knowledge;

(c) to determine the criteria for the methods of study with advanced system, combination of courses of study and qualification for admission to courses of study, age, method of instruction, conduct of examination and evaluation for encouraging studies in all fields;

(d) to encourage informal education in the same manner as that of formal education by utilising books, study materials and softwares available in the University and by encouraging credit transfer and utilizing the service of teachers of other University for the progress of education system in the State;

(e) to provide necessary training to teachers for imparting instruction and training in various arts, crafts and skills;

(f) to conduct studies and research relating to natural resources, environment, science, culture, heritage, language, literature and politics;

(g) to formulate various policies for integrated personality development;

(h) to establish relations with institutions including national-international Universities, research institutions, industrial establishments, local self government institutions, self-help groups and non-governmental organization for the mutual exchange of knowledge in the field of education;

(v) to make arrangement to a student who has registered for a course of study with any University in the country established by law and unable to complete such a course of study, by giving admission for continuing study to such student subject to the provisions of this Act or Statutes or Ordinances made thereunder.

6. *Powers and duties of the University.*—The University shall have the following powers and duties, namely:—

(i) to make arrangements to impart instruction and to conduct research in subjects such as basic science, technology, language, art, culture, politics, health, labour, agriculture, industry, tourism, law and environment;

(ii) to conduct examination and evaluation in various courses of study and to award certificates, diplomas, degrees, post graduate degrees, reasearch degrees and other academic distinctions as may be prescribed by Statutes;

(iii) to confer honorary degrees and other academic distinctions as may be prescribed by Statutes;

(iv) to withhold, withdraw or cancel certificate, diploma, degree, post graduate degree, research degree, honorary degree or other academic distinction under conditions that may be prescribed by Statutes after giving the person affected a reasonable opportunity of being heard;

(v) to determine the method of distance education in connection with academic programmes of the University;

(vi) to create posts of professor, associate professor, assistant professor and other academic positions for the academic purposes of the University and to make appointment;

(vii) to determine qualifications and conditions for the admission of students to various courses of study conducted by the University and to conduct examination and evaluation;

(viii) to institute fellowships, scholarships, prizes and other awards as recognition of merit and to confer them as may be prescribed by Statutes;

(ix) to establish, maintain or abolish Regional Centres, Study Centres and academic institutions as may be prescribed by Statutes;

(x) to arrange study materials for the purpose of imparting instruction for study courses through modern technological methods;

(xi) to organize and conduct refresher course, orientation class, workshop, seminar and discussion for teachers, question paper setters, evaluators, other academic members and students;

(xii) to create various categories of posts in the University, Regional Centres and Study Centres and to determine scale of pay, qualification and method of appointment to such posts as may be prescribed by Statutes and to make appointment to such posts;

(xiii) to provide for research in various subjects;

(xiv) to recognize examinations or courses of study conducted by other Universities, academic institutions or higher educational institutions within and outside the country to be equivalent to the examinations or courses of study conducted by this University or to withdraw the recognition granted;

(xv) to determine whether the certificate, diploma, degree, post graduate degree or other academic distinction awarded by other Universities, academic institutions or higher educational institutions within and outside the country is sufficient to the course of study conducted by this University;

(xvi) to acquire and hold any property, movable or immovable, which may become vested in it for the purposes of the University by way of purchase, grant, testamentary disposition, gift, donation or otherwise and to demise, alienate or otherwise dispose of all or any of the properties belonging to the University for bonafide purposes only of the University and also to do all other acts incidental or appertaining to a body corporate;

(xvii) to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise and to invest such endowments, donations or funds in any manner that the University may deem fit and to institute scholarships and medals from such funds subject to the condition that any donation from a foreign country, foreign foundation or any person in such country or foundation shall be accepted by the University only in accordance with the rules and guidelines of the Central Government and the State Government;

(xviii) to borrow money with the sanction of the Government upon the security of movable or immovable property of the University or otherwise, for the purposes of the University;

(xix) to enter into contract or to enforce, alter or cancel contract;

(xx) to prescribe fees and other sums payable to the University by the Ordinances;

(xxi) to exercise control over the teachers, employees and students and to ensure their welfare, discipline and health;

(xxii) to recognize or to withdraw recognition of any institution, imparting higher education for such purposes as determined by the University from time to time;

(xxiii) to appoint visiting professor, emeritus professor, consultants, fellow, scholar, artist, course writer and course co-ordinator as may be necessary, on contract basis to achieve the objects of the University;

(xxiv) to approve those who are in service in other Universities, higher educational institutions, organizations and institutions as teacher or Head of the School of Studies of this University as may be prescribed by Ordinances;

(xxv) to arrange infrastructure facilities for instruction and research;

(xxvi) to provide powers and duties of officers of the University except the Vice-Chancellor;

(xxvii) to make Statutes, Ordinances and Regulations and to amend, modify or repeal the same;

(xxviii) generally to do such other acts as may be required for the furtherance of the objects and purposes of this Act.

7. *University open to all classes and creeds.*—(1) No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the University and institutions related to it or membership of any of the authorities or bodies of the University or admission to any course of study in the University.

(2) Notwithstanding anything contained in sub-section (1), the University may make special provision for appointment, membership or admission for women or those belonging to marginalized group or backward classes or Scheduled Caste or Scheduled Tribes.

CHAPTER 3

THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE
UNIVERSITY

8. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the Chairman of the Senate of the University.

(3) The Chancellor shall be the Head of the University and when present, shall preside over the convocation of the University.

(4) The Chancellor may, after obtaining report in writing from the Vice-Chancellor, suspend, modify or cancel any resolution, order or proceedings of any authority of the University which in the opinion of the Chancellor is not in conformity with this Act or rules, Statutes, Ordinances or Regulations made thereunder or is against the interest of the University:

Provided that, before making any such order, the Chancellor shall call upon the University, to show cause within the period specified, why such an order should not be made, and if any cause is shown, the Chancellor shall consider the same and decide the action to be taken in such matter and such decision shall be final.

(5) Every proposal for conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(6) An appeal may lie to the Chancellor against any order of dismissal of a person in service in a permanent post of the University, passed by the Vice-Chancellor or any authority.

(7) An appeal under sub-section (6) shall be filed within sixty days from the date of receipt of such order of dismissal.

(8) The Chancellor may, before passing any order on an appeal under sub-section (6) obtain such advice as may be necessary.

(9) The Chancellor shall have the power to remove the Vice-Chancellor or the Pro-Vice-Chancellor, as the case may be, from his office, on the satisfaction

of the Chancellor, by an order in writing on charges of misappropriation of fund of the University, misconduct, mismanagement or any other good and sufficient reasons:

Provided that, such charges are proved by an enquiry conducted by a person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that, the Vice-Chancellor or the Pro-Vice-Chancellor, as the case may be, shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

9. *The Pro-Chancellor.*—(1) The Minister-in-charge of Higher Education in the State shall, by virtue of his office, be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all powers and perform all duties of the Chancellor.

(3) The Pro-Chancellor shall also exercise such powers and perform such duties of the Chancellor as the Chancellor may, by order in writing delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.

10. *Officers of the University.*—The following shall be the officers of the University, namely:—

- (i) The Vice-Chancellor;
- (ii) The Pro-Vice-Chancellor;
- (iii) The Registrar;
- (iv) The Finance Officer;
- (v) The Controller of Examinations;
- (vi) The Cyber Controller;
- (vii) The Head of School of Studies;
- (viii) The Director of Regional Centres; and

(ix) Such other persons in the service of the University as may be declared by Statutes to be officers of the University.

11. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be a whole time salaried officer of the University.

(2) The first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government and thereafter a person as the Vice-Chancellor shall be appointed by the Chancellor recommended unanimously or recommended by a majority of members of a search committee, consisting of the following members, namely:—

(i) one person nominated by the Chancellor—Convener;

(ii) one representative of the University Grants Commission;

(iii) one person nominated by the Syndicate, who shall not be an authority, officer, teacher or employee of the University:

Provided that, where the search committee is unable to nominate a person, the Chancellor shall appoint one person as the Vice-Chancellor from among a panel of names submitted by each member consisting of one person each.

(3) The process of preparing such panel or furnishing of recommendation shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor:

Provided that, the Chancellor, may as he deems fit, extend such time limit and the process of preparing a panel or furnishing of recommendation shall be completed within a period of four months including the period so extended.

(4) The Vice-Chancellor shall be the chief academic officer of the University and shall not complete sixty five years of age at the time of appointment.

(5) The Vice-Chancellor shall hold the office for a period of four years from the date on which he enters upon his office and shall be eligible for reappointment for one more term.

(6) Where the vacancy of Vice-Chancellor arises in any of the following circumstances, the Chancellor may appoint the Vice-Chancellor of any other University or the senior most professor recommended by the Government to be the Vice-Chancellor for a period not exceeding six months, namely:—

(i) where the search committee appointed under sub-section (2) is unable to recommend any name within the time limit specified by the Chancellor;

(ii) where vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise and it cannot be filled up conveniently and expeditiously in accordance with the provisions of sub-sections (2) and (3);

(iii) where the vacancy in the office of the Vice-Chancellor arises temporarily because of leave, illness or of any other causes;

(iv) where the term of office of the Vice-Chancellor expires;

(v) where there is any other emergency:

Provided that, the person so appointed shall cease to hold such office on the date on which the Vice-Chancellor resumes office.

(7) The salary payable to, and other conditions of service of, the Vice-Chancellor shall be such as may be prescribed by Statutes.

(8) Such sumptuary allowance as the Government may approve from time to time or as prescribed by Statutes, shall be placed at the disposal of the Vice-Chancellor.

(9) The Vice-Chancellor may, by writing under his hand addressed to the Chancellor, after giving one month's notice to the Chancellor resign from his office and shall cease to hold that office on acceptance of the resignation by the Chancellor or on the date of expiry of the said notice period, whichever is earlier.

12. *Powers and duties of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be the principal executive and chief academic officer of the University and shall have supervision and control of the University and shall give effect to the decisions of the authorities, bodies and various councils of the University.

(2) The Vice-Chancellor shall be the *ex-officio* Member Secretary of the Senate of the University and the *ex-officio* Chairman of the Syndicate, the Academic Council, the Finance Council and the Cyber Council.

(3) The Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies or various councils, as and when he considers that such meeting is necessary.

(4) It shall be the duty of the Vice-Chancellor to ensure that the actions of the University are carried out in accordance with the provisions of this Act, Statutes, Ordinances and Regulations made thereunder and that the decisions or proceeding of the authorities, bodies and various councils are not inconsistent with this Act and Statutes, Ordinances or Regulations made thereunder.

(5) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority, body or various councils which, in the ordinary course, would have dealt with the matter for decision in its next meeting.

(6) The Vice-Chancellor shall appoint teachers and employees of the University in such manner as may be prescribed by Statutes:

Provided that, subject to the approval of the Syndicate, the Vice-Chancellor shall have the power to make temporary appointment to any post.

(7) The Vice-Chancellor shall be the disciplinary authority of the teachers and employees of the University.

(8) The Vice-Chancellor shall have the financial power to make expenditure subject to the limit fixed by Statutes.

(9) As the Chairperson of the authorities or bodies or various councils of the University, the Vice-Chancellor shall have, subject to the approval of the Syndicate, the power to suspend a member from the meeting of the authority, body or various councils for obstructing or stalling the proceedings or for indulging in behaviours unbecoming of a member.

(10) Subject to the provisions of Statutes and Ordinances, the Vice-Chancellor shall have the power to suspend, discharge, dismiss or otherwise take any disciplinary action against the officers, teachers and employees of the University after giving them reasonable opportunity to defend their part.

(11) The Vice-Chancellor shall appoint the members of all bodies and various councils in accordance with Statutes, unless specified in this Act.

(12) The Vice-Chancellor shall place a report before the Senate and Syndicate relating to the activities of the University periodically as provided by Statutes.

(13) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon the Vice-Chancellor by or under this Act and Statutes.

(14) The Vice-Chancellor may delegate to any officer of the University for exercising or performing any or all of the powers or duties vested upon him under this Act and Statutes made thereunder temporarily in such occasions and in such manner as may be prescribed by Statutes.

(15) When the vacancy occurs in the office of the Vice-Chancellor temporarily or the temporary absence of the Vice-Chancellor, the Chancellor shall have the power to make necessary arrangements for exercising powers and performing duties of the Vice-Chancellor.

13. *Appointment, powers and duties of the Pro-Vice-Chancellor.*—(1) The Syndicate shall appoint a person recommended by the Vice-Chancellor as Pro-Vice-Chancellor as provided in this Act and Statutes and he shall be a whole time salaried officer of the University:

Provided that, the first Pro-Vice-Chancellor shall be appointed by the Government on the basis of such conditions determined by the Government.

(2) No person who is more than sixty years of age at the time of appointment shall be appointed as the Pro-Vice-Chancellor.

(3) The term of appointment of the Pro-Vice-Chancellor shall be for a period of four years and if found eligible for reappointment, subject to the provision of this section, he may be appointed for the next four years also:

Provided that, the term of office of the Pro-Vice-Chancellor shall be co-terminus with the term of office of the Vice-Chancellor.

(4) The salary and other conditions of service of the Pro-Vice-Chancellor shall be as may be prescribed by Statutes.

(5) The powers and duties of the Pro-Vice-Chancellor shall be as may be assigned to him by the Vice-Chancellor from time to time.

14. *Appointment, powers and duties of the Registrar.*—(1) The Registrar shall be a whole time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by Statutes:

Provided that, the first Registrar shall be appointed by the Government on the basis of the conditions determined by the Government.

(2) The person appointed as Registrar shall be eligible for reappointment for one more period subject to the provisions in sub-section (1).

(3) The Registrar shall be the secretary of the Syndicate:

Provided that, he shall not be a member of the Syndicate.

(4) Subject to the decisions of the authorities of the University, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(5) Suits by or against the University shall be instituted by or against the Registrar.

(6) The Registrar shall be the custodian of records, common seal and such other properties of the University.

(7) The Registrar shall prepare and update the Handbook of the Statutes, Ordinances and Regulations approved by the University from time to time and make it available to all the respective members of the authorities and officers of the University.

(8) The Registrar shall exercise such powers and perform such duties under this Act or as may be prescribed by Statutes made thereunder or assigned to him, from time to time, by the Vice-Chancellor.

15. *Appointment, powers and duties of the Finance Officer.*—(1) The Finance Officer shall be a whole time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by Statutes:

Provided that, the first Finance Officer shall be appointed by the Government on the basis of the conditions determined by the Government.

(2) The person appointed as Finance Officer shall be eligible for reappointment for one more period subject to the provisions in sub-section (1).

(3) The Finance Officer shall be the secretary of the Finance Council of the University:

Provided that, he shall not be a member of the Finance Council.

(4) The Finance Officer shall exercise such powers and perform such duties under this Act or as may be prescribed by Statutes made thereunder or assigned to him, from time to time, by the Vice-Chancellor.

16. *Appointment, powers and duties of the Controller of Examinations.*—(1) The Controller of Examinations shall be a whole time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by Statutes:

Provided that, the first Controller of Examinations shall be appointed by the Government on the basis of the conditions determined by the Government.

(2) The person appointed as Controller of Examinations shall be eligible for reappointment for one more period subject to the provisions in sub-section (1).

(3) The Controller of Examinations shall exercise such powers and perform such duties under this Act or as may be prescribed by Statutes made thereunder or assigned to him, from time to time, by the Vice-Chancellor.

17. *Appointment, powers and duties of the Cyber Controller.*—(1) The Cyber Controller shall be a whole time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by Statutes:

Provided that, the first Cyber Controller shall be appointed by the Government on the basis of the conditions determined by the Government.

(2) The person appointed as Cyber Controller shall be eligible for reappointment for one more period subject to the provisions in sub-section (1).

(3) The Cyber Controller shall exercise such powers and perform such duties under this Act or as may be prescribed by Statutes made thereunder or assigned to him, from time to time, by the Vice-Chancellor.

18. *Appointment, powers and duties of the Directors of Regional Centres.*—(1) There shall be four Regional Centres of the University for academic purposes in four centres as determined by the Government on the recommendation of the University.

(2) Every Regional Centre shall have a Director.

(3) The Syndicate shall appoint a person as the Director of the Regional Centre as may be prescribed by Statutes and he shall be a whole time officer of the University:

Provided that, the first Director in the Regional Centres shall be appointed by the Government from the Universities established in the State by an Act of the State or teachers from the Government or Aided Colleges on deputation basis.

(4) The term of service of the Director in the Regional Centre shall be equal to the term of service of teachers of the University.

(5) The powers, duties, salary and conditions of service of Director of the Regional Centre shall be as may be prescribed by Statutes.

19. *Other officers.*—The appointing authority, method of appointment, salary and conditions of service, powers and duties of other officers of the University shall be as may be prescribed by Statutes.

CHAPTER 4

AUTHORITIES OF THE UNIVERSITY

20. *Authorities of the University.*—The following shall be the Authorities of the University, namely:—

- (i) The Senate;
- (ii) The Syndicate;
- (iii) The Academic Council;
- (iv) The Finance Council;
- (v) The Cyber Council;
- (vi) The Board of School of Studies; and

such other bodies of the University as may be designated by Statutes to be the authorities of the University.

21. *The Senate.*—The Senate shall consist of the following members, namely:—

Ex-officio Members:

- (i) The Chancellor;
- (ii) The Pro-Chancellor;
- (iii) The Vice-Chancellor;
- (iv) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (v) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (vi) The Secretary to Government in-charge of the General Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (vii) The Secretary to Government in-charge of the Labour and Skills Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (viii) The Secretary to Government in-charge of the Electronics and Information Technology Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (ix) One member, proposed by the Syndicate or Syndicate of all Universities in the State;
- (x) One member, proposed by the Syndicate of Higher Education Council;
- (xi) The Pro-Vice-Chancellor;
- (xii) The Director of Collegiate Education;
- (xiii) The Director of Technical Education;

- (xiv) Head of Labour Department;
- (xv) The Directors of Regional Centres;
- (xvi) The Head of School of Studies.

Nominated Members:

(i) Six eminent persons, nominated by the Government from the fields of education, industry, agriculture, labour, information technology, art, literature, culture and sports, of whom one shall be from the Scheduled Caste or Scheduled Tribes and one shall be a woman;

(ii) Three eminent persons nominated by the Chancellor from the field of higher education;

(iii) One person each, nominated by the Government from among the teachers in regular service, employees and registered students of the University.

22. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted in every four years.

(2) The term of office of members of the Senate other than *ex-officio* members shall be co-terminus with the term of the Senate.

(3) Any person who becomes a member of the Senate by virtue of his office shall cease to be a member of the same on termination of such office:

Provided that, the authority concerned may nominate a person in lieu of a member so relieved from the Senate.

(4) Where the vacancy of a nominated member occurs prior to the reconstitution of the Senate, the authority concerned shall nominate a person to such vacancy:

Provided that, the term of office of a member so nominated shall be for the remaining period of the term of office of the member in whose place he has been nominated.

(5) The Vice-Chancellor shall take steps to reconstitute the Senate, three months prior to the expiration of the term of the Senate.

(6) The University shall, by notification constitute the Senate.

(7) A member of the Senate shall be eligible for allowances as may be prescribed by Statutes.

23. Meetings of the Senate.—(1) The Senate shall meet once in a year:

Provided that, the Chancellor shall have the authority to convene a meeting of the Senate at any time.

(2) The Vice-Chancellor shall, in consultation with the Chancellor, convene the meeting of the Senate.

(3) The Chancellor shall preside over the meeting of the Senate:

Provided that, in the absence of the Chancellor, the Pro-Chancellor shall preside over the meeting with the permission of the Chancellor.

(4) The quorum for a meeting of the Senate shall be one third of its total members:

Provided that, such quorum shall not be required for convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles or other academic distinctions.

(5) The procedures of the meeting of the Senate shall be as may be prescribed by Statutes.

24. Powers and duties of the Senate.—The Senate shall be the sovereign authority of the University. The Senate shall give advise required for formulating policy of the University. The other powers and duties of the Senate shall be as may be prescribed by Statutes.

25. *The Syndicate.*—The *Syndicate* shall consist of the following members, namely:—

Ex-officio Members:

- (i) The Vice-Chancellor;
- (ii) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government nominated by him;
- (iii) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government nominated by him;
- (iv) The Pro-Vice-Chancellor;

Nominated Members:

- (i) One person nominated by the Vice-Chancellor from among the Heads of School of Studies as may be prescribed by Statutes;
- (ii) Eight eminent persons nominated by the Government from the field of higher education, labour and industry, of whom one shall be from the Scheduled Caste or Scheduled Tribes and one shall be a woman.

26. *Reconstitution of the Syndicate.*—(1) The *Syndicate* shall be reconstituted in every four years.

(2) The term of office of the members of the *Syndicate* other than *ex-officio* members shall be co-terminus with the term of the *Syndicate*.

(3) A person who has become a member of the *Syndicate* by virtue of his office shall cease to be a member of the same on the termination of such office.

(4) Where the vacancy of a nominated member occurs prior to the reconstitution of the *Syndicate*, the authority concerned shall nominate a person to such vacancy:

Provided that, the term of office of a member so nominated shall be for the remaining period of the term of office of the member in whose place he has been nominated.

(5) The Registrar shall take steps to reconstitute the Syndicate three months prior to expiration of its term.

(6) The University shall, by notification constitute the Syndicate.

(7) A member of the Syndicate shall be eligible for allowances as may be prescribed by Statutes.

27. *Meetings of the Syndicate.*—(1) The Syndicate shall meet once in two months:

Provided that, the Vice-Chancellor shall have the authority to convene a meeting of the Syndicate at any time.

(2) The Vice-Chancellor shall preside over the meetings of the Syndicate:

Provided that, in the absence of the Vice-Chancellor, the Pro-Vice-Chancellor shall preside over the meeting with the permission of the Vice-Chancellor.

(3) The Registrar shall convene the meeting of the Syndicate at such place, date and time upon the direction of the Vice-Chancellor.

(4) The quorum for the meeting of the Syndicate shall be six.

(5) The procedures for the meeting of the Syndicate shall be as may be prescribed by Statutes.

28. *Powers and duties of the Syndicate.*—(1) The Syndicate shall be the chief executive body of the University.

(2) Subject to the provisions of this Act and Statutes made thereunder, the executive functions of the University, including the general superintendence and control over the assets, liabilities, revenue and immovable and movable properties of the University shall be vested in the Syndicate.

(3) Subject to the provisions of this Act or rules, Statutes or Regulations issued thereunder, the Syndicate shall have the following powers, namely:—

(i) to create teaching, non-teaching, academic and ministerial posts and to determine conditions of service, qualifications and method of appointment to such posts, subject to the orders issued by the Government from time to time for the purpose of academic activities of the University;

(ii) to hold and control funds and movable and immovable properties of the University;

(iii) to direct for the management and control of all movable and immovable properties transferred to the University by the Government;

(iv) to accept endowments, bequests, donations and movable and immovable properties on behalf of the University;

(v) to receive funds for collaboration programmes from foreign agencies subject to the rules and regulations of the Central Government and the State Government in that behalf;

(vi) to make Ordinances in conformity with this Act and Statutes made thereunder and to amend or repeal the same;

(vii) to recognize academic institutions for courses of study and to suspend or withdraw such recognition;

(viii) to provide control over students;

(ix) to control and regulate admission of students to various courses of study in Regional Centres and Study Centres of the University;

(x) to determine with regard to the awarding of degrees to students subject to the provisions of this Act or rules, Statutes, Ordinances or Regulations made thereunder;

(xi) to determine the fees payable to the University and to demand and receive such fees;

(xii) to prepare and approve budget of the University subject to the provisions in the Statutes;

(xiii) to suggest form, custody and use of common seal of the University;

(xiv) to arrange for and direct the investigation into the affairs of Regional Centres and Study Centres and to ensure infrastructure facility, academic performance, academic and administrative resources for their efficiency and to control and regulate the activities of teachers, other academic employees, non-teaching employees and other employees;

(xv) to exercise such powers and perform duties under this Act or as may be prescribed in Statutes or Ordinances made thereunder.

29. *The Academic Council.*—(1) The Academic Council shall be the principal academic body of the University responsible for the maintenance of standards of teaching, education, training, research and examinations.

(2) The Academic Council shall consist of the following members, namely:—

Ex-officio Members:

(i) The Vice-Chancellor— Chairman;

(ii) The Pro-Vice-Chancellor;

(iii) The Directors of Regional Centres;

(iv) One member proposed by the members of the Syndicate of Higher Education Council from among themselves.

Nominated Members:

(i) Three persons each from among various categories of teachers of the University in School of Studies nominated by the Syndicate as may be prescribed by Statutes;

(ii) Two persons selected by the Syndicate from among the nominated members of the Syndicate;

(iii) Two eminent persons nominated by the Syndicate from distance education field;

(iv) Seven eminent persons from various fields nominated by the Syndicate on recommendation of the Vice-Chancellor, of whom one shall be from the Scheduled Caste-Scheduled Tribes and one shall be a woman:

Provided that, they shall not be teachers or employees of the University;

(v) One eminent person from the higher education field nominated by the Chancellor.

30. *Meetings of the Academic Council.*—(1) The Academic Council shall meet once in six months as determined by the Vice-Chancellor in such place, date and time. The Registrar shall be the Secretary of the Academic Council and shall convene the meetings at such place, date and time as determined by the Vice-Chancellor. The meetings of the Academic Council shall preside over by the Vice-Chancellor and in the absence of the Vice-Chancellor the Pro-Vice-Chancellor shall preside over:

Provided that, the Vice-Chancellor may as he deems necessary convene a meeting of the Academic Council.

(2) The quorum for the meeting of the Academic Council shall be one-third of the total number of members.

(3) The procedures of the meeting of the Academic Council shall be as may be prescribed by Statutes.

31. *Term of office of members of the Academic Council.*—The term of office of the nominated members of the Academic Council shall be two consecutive academic years and the same shall terminate at the end of the second academic year. The term of office of other members of the Academic Council shall be co-terminus with the office they hold in the University or such authority of the University. The nominated members of the Academic Council shall be eligible for renomination. The Registrar shall take step for the reconstitution of the Academic Council, three months prior to the expiration of the academic year.

32. *Powers and duties of the Academic Council.*—The Academic Council shall have the following powers and duties subject to the provisions of this Act and Statutes made thereunder, namely:—

- (i) to supervise academic matters of the University and to give guidelines for teaching, education, instruction, research and training as may be necessary;
- (ii) to determine scheme and syllabus of various courses of study conducted by the University and to examine self study materials and to approve with or without necessary changes;
- (iii) to give approval to research subjects and research schemes;
- (iv) to prescribe academic qualification for registering courses of study;
- (v) to examine certificates, diplomas, degrees, post graduate degrees and other academic distinctions of other Universities;
- (vi) to determine criteria for recognition of academic institutions and to recommend the Syndicate for its recognition;
- (vii) to determine Study Centers and to recommend the Syndicate for its recognition;
- (viii) to formulate suitable projects for the academic purpose of the University and to give necessary advice to the Syndicate;
- (ix) to take necessary steps in matters of general academic interest either *suo moto* or on the request of School of Studies, Syndicate, Finance Council or Vice-Chancellor, as the case may be;
- (x) to make Regulations under the provisions of this Act and Statutes and Ordinances made thereunder and to amend or repeal Regulations;
- (xi) to exercise such other powers and to perform such other duties as may be assigned to it under this Act or rules, Statutes, Ordinances or Regulations made thereunder.

33. *The Finance Council.*—(1) The Finance Council shall take decisions on all financial matters subject to the provisions of this Act and rules, Statutes and Ordinances made thereunder and submit suggestions.

(2) The Finance Council shall consist of the following members, namely:—

Ex-officio Members:

(i) The Vice-Chancellor – Chairman;

(ii) The Secretary to Government in-charge of the Higher Education Department of the Government or an officer not below the rank of Joint Secretary to Government nominated by him;

(iii) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of Joint Secretary to Government nominated by him;

(iv) The Pro-Vice-Chancellor;

(v) The Finance Officer – *Ex-officio* Secretary.

Nominated Members:

(i) A member nominated by the Syndicate from the Senate;

(ii) A member nominated by the Syndicate from the Academic Council;

(iii) Two members selected by the Syndicate from among the nominated members of the Syndicate.

34. *Meetings of the Finance Council.*—(1) The Vice-Chancellor shall preside over the meetings of the Finance Council. The Vice-Chancellor shall direct the Finance Officer to convene the meeting of the Finance Council at such place, date and time as deems necessary. The quorum for the meeting shall be five.

(2) The Syndicate shall consider all financial matters only after consideration by the Finance Council.

(3) The procedures of the meeting of the Finance Council shall be as may be prescribed by Statutes.

35. *The term of office of members of the Finance Council.*—The term of office of nominated members of the Finance Council shall be two years from the date of nomination. The term of office of members other than *ex-officio* members of the Finance Council shall be co-terminus with the office they hold in the University or such authority of the University. The Finance Officer shall take step to reconstitute the Finance Council three months prior to the expiration of the term.

36. *Powers and duties of the Finance Council.*—Subject to the provisions of this Act and Statutes made thereunder the Finance Council shall have the following powers and duties, namely:—

(i) to prepare suitable projects for the development of the University and to submit to the Syndicate for approval;

(ii) to scrutinize the expenditure not included in the budget before incurring it and submit to the Syndicate for approval;

(iii) to examine the annual accounts and financial estimates prepared by the Finance Officer and submit to the Syndicate for approval with necessary modification;

(iv) to determine limit of the recurring and non-recurring sums that may be expended each year on the basis of the assets and income of the University and submit to the Syndicate for approval;

(v) to assist the Syndicate for the preparation of annual budget of the University;

(vi) to exercise such powers and perform duties under this Act or rules, Statutes, Ordinances or Regulations made thereunder.

37. *The Cyber Council.*—(1) The Cyber Council shall prepare projects and methods through modern technological methods for the manner of teaching, examination, evaluation and declaration of result in various courses of study of the University and with regard to the awarding of certificate, diploma, degree, post graduate degree and other academic distinction, subject to the provisions of this Act and rules, Statutes, Ordinances and Regulations made thereunder.

(2) The Cyber Council shall consist of the following members, namely:—

Ex-officio Members:

- (i) The Vice-Chancellor— Chairman;
- (ii) The Pro-Vice-Chancellor.

Nominated Members:

- (i) The Cyber Controller— *Ex-officio* Member Secretary;
- (ii) One person nominated by the Vice-Chancellor from the Directors of Regional Centres;
- (iii) Two persons selected by the Syndicate from among the nominated members of the Syndicate;
- (iv) Two experts from the field of information technology especially related to the education nominated by the Syndicate on the recommendation of the Vice-Chancellor.

38. *Meetings of the Cyber Council.*—(1) A meeting of the Cyber Council shall be convened once in six months. The Cyber Controller shall convene the meetings of the Cyber Council. The Vice-Chancellor shall preside over the meetings of the Cyber Council:

Provided that, the Vice-Chancellor may direct the Cyber Controller to convene a meeting of the Cyber Council at such place, date and time as he deems necessary.

(2) The quorum for the meeting of the Cyber Council shall be one-third of its total number of members.

(3) The procedures for meeting of the Cyber Council shall be as may be prescribed by Statutes.

39. *The term of office of members of the Cyber Council.*—The term of office of nominated members of the Cyber Council shall be two years from the date of nomination. The term of office of the *ex-officio* members of the Cyber Council shall be co-terminus with the office they hold in the University or such authority of the University. The nominated members of the Cyber Council shall be eligible for renomination. The Cyber Controller shall take steps to reconstitute the Cyber Council three months prior to the expiration of the academic year.

40. *Powers and duties of the Cyber Council.*—The powers and duties of the Cyber Council shall be as may be prescribed by Statutes, Ordinances and Regulations.

41. *Schools of Study.*—(1) There shall be such Schools of study as determined by the University from time to time and each School of Studies shall have a Head of School of Studies. Each School of Studies shall formulate courses of studies in subjects relating to such school. The Syndicate shall appoint Head of School of Studies in the manner as may be prescribed by Statutes.

(2) There shall be the following Schools of Study in the University, namely:—

- (i) School of Humanities and Social Science;
- (ii) School of Science;
- (iii) School of Languages;
- (iv) School of Business Studies and Public Policy;
- (v) School of Communications and Information Science;
- (vi) School of Interdisciplinary and Transdisciplinary Studies;
- (vii) School of Vocational Education and Training;
- (viii) School of Law and Business Studies;
- (ix) School of Public Administration and Policy Studies;
- (x) Other Schools established by Statutes.

(3) The headquarters of the Schools of Study shall be at the headquarters of the University.

(4) Schools of Study may be established in Regional Centres for the academic convenience of the University.

42. *The Board of School of Studies.*—(1) There shall be a Board of School of Studies for each School of Studies subject to the provisions of this Act and Statutes and the Board of School of Studies shall hold supervision and control over all academic and administrative matters of such School of Studies.

(2) The Board of School of Studies shall consist of the following members, namely:—

Ex-officio Members:

(i) The Head of School of Studies— Chairman;

(i) The Head of each course of study in the Schools of Study.

Nominated Members:

(i) One person each nominated by the Vice-Chancellor from teachers of each course of study in Schools of Study;

(ii) Five experts co-opted by the Vice-Chancellor for the academic assistance of Board of School of Studies, in relation to various courses of study.

43. *Meetings of the Board of School of Studies.*—(1) Each Board of School of Studies, shall convene meeting at least twice in an academic year. The Head of School of Studies shall convene the meetings of the Board of School of Studies. The Head of School of Studies or the person holding the charge of the Head shall preside over the meetings of the Board of School of Studies:

Provided that, the Vice-Chancellor may direct the Head of School of Studies to convene a meeting of the Board of School of Studies at such place, date and time as he deems necessary and such meetings shall be presided over by the Vice-Chancellor.

(2) The quorum for the meeting of the Board of School of Studies, shall be one-third of its total number of members. The procedures of the meeting of the Board of School of Studies shall be as may be prescribed by Statutes.

44. *Term of office of the members of the Board of School of Studies.*—The term of office of the nominated members of the Board of School of Studies shall be two years from the date of their nomination. The nominated members and the co-opted members of the Board of School of Studies shall be eligible for further nomination or co-option, as the case may be.

45. *Powers and duties of the Board of School of Studies.*—(1) Each Board of School of Studies shall give recommendation to the Academic Council in respect of all academic and administrative matters including the syllabus of courses of study, study materials, method of instruction, model of question paper and method of evaluation in relation to such School of Studies subject to the provisions of this Act and Statutes.

(2) The other powers and duties of the Board of School of Studies shall be such as may be prescribed by Statutes and Regulations.

46. *Other authorities of the University.*—(1) The University may, subject to the approval of the Senate and the Syndicate establish any other authority.

(2) The powers and duties of such authorities shall be as may be prescribed by Statutes.

CHAPTER 5

APPOINTMENT OF TEACHERS, OFFICERS AND EMPLOYEES

47. *Posts in the University.*—(1) The Syndicate shall create various posts required for the headquarters of the University, Regional Centre, Study Centre, academic institution and School of Studies and to determine its qualification, method of appointment and conditions of service with the approval of the Government.

(2) The distance education, continuing education and private registration which were under the jurisdiction of the Kerala University, the Calicut University, the Mahatma Gandhi University and the Kannur 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) and the Kannur University Act, 1996 (22 of 1996) respectively shall be separated and excluded from such Universities and be vested and brought under the jurisdictional limit of this University. The teachers, officers, employees, non teaching employees and other employees in regular service of the University who are likely to lose their post as a result of such vesting and jurisdictional limit and possess qualification specified for such posts shall have the right to permanently be appointed, by option, to similar posts in various categories to be created in the University, till such date as fixed by the Syndicate, by protecting the conditions of service they have been availing and enjoying in the parent Universities.

(3) The Syndicate may appoint persons having qualification specified from the Kerala University, Calicut University, Mahatma Gandhi University or Kannur University on deputation basis until the completion of appointment procedures by option under sub-section (1) to fill the vacancies in various posts created in the University.

(4) After the completion of appointment by option to posts created in the University, the Syndicate shall constitute a selection committee for the purpose of making appointment to the remaining vacant posts except the posts to which appointment to be made through the Kerala Public Service Commission:

Provided that, the Syndicate may, on deputation basis appoint persons having specific qualification to any such posts where vacancy arise.

(5) The constitution of the selection committee shall be as may be prescribed by Statutes.

(6) The Syndicate shall make appointments based on the recommendation of the selection committee.

(7) The qualifications, method of appointment, conditions of service of the posts created in the University shall be as may be prescribed by Statutes.

48. *Temporary appointments in the University.*—(1) The Syndicate shall have the power to create necessary temporary posts for the smooth functioning of the University and to make appointments to such posts for a period of one year from the date of commencement of this Act.

(2) The Syndicate may fix the qualifications, method of appointment and conditions of service to such temporary posts.

(3) Where such temporary posts are to be created permanently in the University, approval from the Government for that shall be obtained and the qualification, method of appointment and conditions of service to such posts shall be as may be prescribed by Statutes.

CHAPTER 6

STATUTES, ORDINANCES, REGULATIONS AND ORDERS

49. *Statutes.*—Subject to the provisions of this Act, Statutes may provide for all or any of the following matters, namely:—

(i) salary, conditions of service, powers and duties of the Vice-Chancellor;

(ii) appointment, method of appointment, qualifications, conditions of service, powers and duties of Pro-Vice-Chancellor, Registrar, Head of School of Studies, Finance Officer, Controller of Examinations, other officers, teachers, academic employees, non-teaching employees and other employees of the University;

(iii) service, discipline, dispute, pension, provident fund and insurance of officers, teachers, academic employees, non-teaching employees and other employees of the University;

(iv) constitution, powers and duties of the authorities of the University not expressly provided in this Act;

(v) procedure for appointment, selection, nomination and co-option of members of the authorities, bodies or various councils of the University and all such other matters, relating to these authorities, bodies or various councils, as may be necessary or desirable;

(vi) manner of filling vacancies among members of any authorities, bodies or various councils unless otherwise specified in this Act;

(vii) provisions for disqualifying members of the authorities, bodies or various councils of the University;

(viii) recognition, suspension and cancellation of academic institutions;

(ix) manner of awarding certificates, diplomas, degrees, post graduate degrees, titles, research degrees and other academic distinctions and for conducting convocation;

(x) any matter as may be prescribed by Statutes or which is necessary to give effect to the provisions of this Act.

50. *Procedure for making Statutes.*— (1) Notwithstanding anything contained in this Act, the Government shall make the First Statutes of the University.

(2) The Syndicate may, from time to time, make new or additional Statutes and may amend or repeal Statutes referred to in sub-section (1):

Provided that, the Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal and any opinion so expressed shall be in writing and the same shall be considered by the Syndicate.

(3) Every Statute passed by the Syndicate shall be submitted to the Chancellor who may give or withhold his assent thereto, or send it back to the Syndicate for reconsideration.

(4) No Statute passed by the Syndicate shall be valid or shall come into force until assented to, by the Chancellor.

51. *Ordinances.*—(1) Notwithstanding anything contained in this Act, the Vice-Chancellor shall make the First Ordinances of the University with the previous sanction of the Government.

(2) The Syndicate may amend or repeal the Ordinances referred to in subsection (1).

(3) Subject to the conditions prescribed by or under this Act, the Syndicate may make Ordinances, for all or any of the following matters, namely:—

(i) provisions under which students shall be admitted to courses of study and to the examinations of the University and eligibility for the award of certificate, diploma, degree, post graduate degree, research degree and other academic distinction;

(ii) fees for enrolment of students for attending such courses of study conducted by the University and for admission to examinations for certificates, diplomas, degrees, post-graduate degrees, research degrees and other academic distinctions, and for registration of graduates and any other type of fees;

(iii) the provisions governing the appointment, powers and duties of examiners;

(iv) the conduct of examinations and other tests and the manner in which the candidates may be assessed or examined by the examiners;

(v) the mode of execution of contracts or agreements by or on behalf the University;

(vi) all other matters which, by or under this Act or Statutes are to be, or may be, provided by Ordinances;

(vii) generally, all matters which in the opinion of the Syndicate, necessary for the exercise of the powers conferred or performance of duties on any authority, body or various councils of the University under this Act or Statutes.

52. *Procedure for making Ordinances.*—The Syndicate may make, amend or repeal Ordinances in the manner hereinafter provided, namely:—

(i) no Ordinances concerning matters referred to in section 51 or any other matter connected with the maintenance of the standard of teaching or examinations in the University, shall be made by the Syndicate unless a draft thereof has been considered by the Academic Council;

(ii) the Syndicate shall not have the power to amend any draft proposed by the Academic Council under clause (i) above mentioned:

Provided that, the Syndicate may return it to the Academic Council for reconsideration, in part or in whole together with any amendments which the Syndicate may suggest.

(iii) All Ordinances made by the Syndicate shall have effect from such date as it may direct. All Ordinances shall be submitted to the Chancellor for information. The Chancellor shall have the power to direct the Syndicate within four weeks of the receipt of the Ordinances, to suspend its operation and he shall, as soon as possible, inform the Syndicate of his objection to it. He may, after receiving the comments of the Syndicate either withdraw the order suspending the Ordinances or disallow the Ordinances and his decision shall be final.

53. *Regulations.*—(1) Subject to the provisions of this Act and the rules, Statutes and Ordinances made thereunder, the Academic Council may make regulations in the manner prescribed by Statutes, providing for all or any of the following matters, namely:—

(i) scheme and syllabus of course of study, preparation of self study materials and conduct of examinations;

(ii) number of actual days of teaching for course of study, holidays, vacation and academic period;

(iii) recognition of examinations, certificates, diplomas, degrees, post-graduate degrees, research degrees and other academic distinctions of other Universities as equivalent to the examinations, certificates, diplomas, degrees, post-graduate degrees, research degrees and other academic distinctions of this University;

(iv) all other matters which under the provisions of this Act and Statutes and Ordinances made thereunder are to be, or may be, prescribed by the Regulations.

(2) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but each Regulation so made shall be reported before the Syndicate in its succeeding meeting.

54. *Orders.*—Any authority or bodies shall have the power to make orders not inconsistent with this Act and rules, Statutes, Ordinances or Regulations made thereunder for the working and guidance of all the bodies constituted under the provisions of this Act and rules, Statutes and Regulations made thereunder and for regulating the procedure and conduct of business of the meetings of any authority of the University.

55. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Act shall be published by the University in the Gazette.

CHAPTER 7

FINANCE

56. *The University Fund.*—(1) One consolidated fund by name " the Sree Narayanaguru Open University Fund " shall be constituted for the University and shall be utilised for the purposes laid down and in the manner provided in this Act and Statutes, Ordinances and Orders made thereunder.

(2) The following shall be credited to the University Fund, namely:—

(i) all income, grants, or loans received from the Government, the Government of India, University Grants Commission and from other agencies of the Government;

(ii) all gift items, donations, endowments or other miscellaneous receipts made by private person, institution, public trust or private trust;

(iii) all incomes, fees and all income such as rents and profits derived from properties and funds vested in the University;

(iv) amount borrowed by the University;

(v) all amount received from any other source.

(3) All moneys in the University Fund shall be deposited in Government treasury or State Bank of India or its subsidiaries within such limit as may be fixed by the Syndicate.

(4) The University may invest such part of the money in the University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(5) The custody of the University Fund, the payment of money therein, the withdrawal of money therefrom and all other ancillary matters shall be regulated by Statutes and Ordinances made in that behalf.

(6) The University Fund shall be used towards meeting the expenses of the University including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

57. *Budget.*—(1) The annual budget estimates along with the financial statements of the University for ensuing financial year shall be approved by the Syndicate.

(2) The copies of financial estimate or statements as approved by the Syndicate shall be forwarded to the Government.

(3) The financial year of the University shall be same as that applicable to the Government.

58. *Annual accounts.*—(1) The annual accounts of the University shall be prepared by the Finance Officer under the direction of the Syndicate and shall submit it to the Government for audit purposes.

(2) The Syndicate, shall publish the annual accounts together with the annual report thereon and copies of such accounts and audit report shall be submitted to the Government.

(3) The Government shall appoint auditors to conduct the audit of accounts of the University and the institutions under the management of the University at regular intervals.

(4) The funds being received by the University through sources other than the Government, shall be subject to audit as may be prescribed by the funding agency concerned.

(5) The auditor shall maintain continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(6) The University shall bear the expenses of the audit as fixed by the Government.

(7) After completing the audit for a year or for any short period or for any transaction or series of transactions, the auditor shall sent a report to the University and a copy thereof to the Government.

(8) The University shall place the annual accounts together with the audit report thereon before the Syndicate and after receiving the approval of the Syndicate, the same shall be submitted to the Government on or before the first day of March of the succeeding year.

(9) Immediately on receipt of the annual report under sub-section (8), the Government shall, cause the same to be laid on the Table of the Legislative Assembly, if it is in session, and if it is not in session, it shall be caused to be laid in the next session immediately following the receipt of such accounts.

(10) The auditor shall, in the report under sub-section (7) specifically state all cases of irregular, illegal or improper expenditure or of failure to recover money or other property due to the University or of a loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(11) The auditor shall also report on any other matter related to the accounts of the University as may be required by the Government.

(12) The University shall forthwith rectify any defect or irregularity pointed out by the auditor and report the action taken to the Government.

59. *Annual Report.*—(1) The annual report of the University shall be prepared by the Registrar, as instructed by the Syndicate, and it shall include, among other things, the academic activities undertaken and implemented by the University in the current year and shall be submitted to the Syndicate for approval.

(2) The copy of annual report approved by the Syndicate shall be submitted to the Government and caused the same to be laid on the Table of the Legislative Assembly, if it is in session, and if it is not in session after the receipt of such annual report, it shall be caused to be laid in the next session immediately following.

(3) Copy of the annual report approved by the Syndicate shall be submitted to the Chancellor.

CHAPTER 8

MISCELLANEOUS

60. *Power to make Rules.*—(1) The Government may, by notification in the gazette, 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.

61. *General powers of the Government over the University.*—(1) Without the prior approval of the Government, the University shall not,—

(i) divert or spend any movable or immovable properties earmarked for any specific purpose by the Government other than that for which it was received;

(ii) take or implement any decision resulting in direct or indirect additional financial liability to the Government.

(2) Where the University makes default in exercising powers or performing duties as specified in this Act and the Statutes made thereunder or where the University has not exercised such powers or performed duties adequately, the Government may, by conducting such enquiry as it may deem fit, issue a direction to the University for proper exercise and performance of such powers and duties and it shall be the duty of the University to comply with such direction.

(3) The Government shall carry out audit of the accounts of the University or its Regional Centres or Study Centres or other institutions regularly at such intervals under the provisions of this Act and as deem fit to the Government.

62. *Power of the Government to cause inspection and inquiry.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its Regional Centres, Study Centres, other institutions and any institution maintained or administered by the University, of the teaching and other work conducted by the University or under its auspices and of the conduct of any other function of the University and to cause an inquiry to be made in respect of any matter connected with the administration and finance of the University.

(2) The Government shall, before causing an inspection or inquiry to be made under sub-section (1), give notice in writing to the Vice-Chancellor of their intention to cause an inspection or inquiry to be made and the Vice-Chancellor shall be entitled to appoint a representative of the University who shall have the right to be present and to be heard at such inspection or inquiry.

(3) The Government shall communicate to the University, the views of the Government with reference to the results of such inspection or inquiry and may after ascertaining the opinion thereon of the University, advise the University upon the action to be taken and fix a time limit for taking such action.

(4) The University shall, within the time limit so fixed, report to the Government the action which has been taken or is proposed to be taken on the advice tendered by the Government.

(5) The Government may, where action has not been taken by the University to the satisfaction of the Government within the time limit fixed, after considering any explanation furnished or representation made by the University, issue such directions to the University as they may think fit.

(6) The University shall either comply with the directions issued by the Government under sub-section (5) or place the matter before the Chancellor for his orders and the orders issued by the Chancellor shall be final.

(7) Notwithstanding anything contained in sub-sections (1) to (6), if at any time the Government are of the opinion that the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act, Statutes, Ordinances and Regulations, or that special measures are necessary to realise the objects of the University effectively, the Government may indicate to the University any matter in regard to which they desire an explanation and call upon the University to offer such explanation within such time as may be specified by the Government.

(8) If the University fails to offer any explanation within the time specified under sub-section (7) or offers an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to them to be necessary or desirable in the circumstances of the case.

(9) The University shall either comply with the instruction issued by the Government under sub-section (8) or place the matter before the Chancellor for his orders and the orders issued by the Chancellor shall be final.

(10) The University shall furnish such information relating to the administration of the University as the Government may require.

63. *Removal of 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 shall be issued under this section after the expiry of three years from the date of commencement of this Act.

64. *Approval of certificates, diplomas, degrees, post graduate degrees, research degrees and other academic distinctions awarded by the University.*—The University shall make declaration as may be necessary in respect of the equivalency of a certificate, diploma, degree, post graduate degree, research degree or other academic distinction duly obtained by a student after

registering in any course of study and on completion of such course of study conducted by this University under the provisions of this Act and rules, Statutes, Ordinances and Regulations made thereunder, with a course of study conducted by any University established by law and conducted courses of study in a regular system. Such declaration shall be considered as an approval for higher education, employment or skill by the Government or other institutions.

65. *Residence of students.*—Students shall reside in accommodations maintained by the University or which have been approved by the University for the study of students subject to such conditions as may be prescribed by Statutes.

66. *Duties of authorities.*—(1) It shall be the duty of every authority or body or officer of the University to ensure that the interests of the University are duly safeguarded.

(2) If it is found that a damage or loss has been caused to the University by any action on the part of any authority or body or officer of the University not in conformity with the provisions of this Act, Statutes, Ordinances or Regulations, made thereunder except when done in good faith, or any failure so as to act in conformity thereof, by wilful neglect or default on it or his part, such damage or loss shall be liable to be recovered from the authority or body or from the officer concerned, as the case may be, jointly or severally, in accordance with the procedure prescribed by Statutes.

67. *Chancellor to decide disputes.*—If any question arises regarding the interpretation of this Act or any Statutes, Ordinances or Regulations as to whether a person who has been duly appointed or nominated or co-opted is entitled to be a member of any authority or body of the University, the matter may be referred, on petition by the person directly affected or authority or body or *suo motu* by the Vice-Chancellor to the Chancellor, who shall after taking such advice as deemed necessary, decide the question in consultation with the Government and such decision shall be final.

68. *Protection of acts done in good faith.*—All acts done or orders passed in good faith by the University or any of its officers, authorities or bodies shall, subject to the other provisions of this Act, be final and accordingly no suit or other

legal proceedings shall be instituted against or maintained or damages claimed from the University or its officers, authorities or bodies for anything done or orders passed, or purporting to have been done or passed in good faith and in pursuance of the provisions of this Act and Statutes, Ordinances and Regulations made thereunder.

69. *Delegation of power.*—Subject to the provisions of this Act and Statutes, Ordinances and Regulations made thereunder any officer or authority of the University may, by order, delegate any of its powers, except the power to make Statutes, Ordinances and Regulations to any other officer or authority of the University subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

70. *Proceedings of the University not to be invalidated.*—No act or proceeding of the University or any authority or any body shall be deemed to be invalid at any time merely on the ground that,—

(i) any of the members of any such authority or body are not duly elected, appointed, nominated or co-opted or for any other reason are not available to take office at the time of the constitution of authority or body or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more vacancies in the offices of members thereof; or

(ii) there is any irregularity in the procedure of any such authority or body not affecting the merits of the matter under consideration.

CHAPTER 9

TRANSITORY PROVISIONS

71. *Nomination of first authorities.*—Notwithstanding anything contained in this Act all the first authorities of the University shall be nominated by the Government as soon as, may be after the date of commencement of this Act and may be continued for a period of six months from the date of such nomination or till the constitution of the said authorities in accordance with the provisions of this Act, whichever is earlier.

72. *Matters relating to students who are studying and who intend to study through distance education or through private registration.*—(1) Notwithstanding anything contained in this Act or other University laws in the State, in the case of a student who intends to pursue admission to a course of study through distance education or through private registration on and from the date of commencement of this Act, such student shall not be given admission to such courses of study in any other University other than the University established by this Act:

Provided that, where a student has registered in a course of study for certificate, diploma, degree, post graduate degree, research degree or other academic distinction in any University established in the State, such student shall have the right to appear for the examination of the University concerned and if he qualifies such examination, shall have the right to obtain certificate, diploma, degree, post graduate degree, research degree or other academic distinction, as the case may be, of the University concerned.

(2) Notwithstanding anything contained in this Act or Statutes or Regulations made thereunder, in the case of a student who has registered for a course of study and are continuing the study through distance education or private registration in any University in the State immediately prior to the date of commencement of this Act, the University concerned shall have the responsibility to make arrangements for the completion of study on the basis of the laws applicable to the University concerned.

73. *Transitional Provisions.*—(1) It shall be the duty of the first Vice-Chancellor appointed under this Act to make arrangements for constituting the authorities of the University within six months from the date of commencement of this Act or such longer period not exceeding two years as the Government may, by notification direct.

(2) Notwithstanding anything contained in this Act and until an authority or body is duly constituted under this Act, the first Vice-Chancellor may appoint any officer or any body temporarily for six months or till the constitution of the said authorities under the provisions of this Act, whichever occurs earlier, for such period to exercise any powers and perform duties of such authorities or body.

(3) The Government shall temporarily or permanently arrange the movable and immovable properties required for the establishment and functioning of this University, Regional Centres and Study Centres from any University established by State law or from the institutions under the control of such University, in consultation with the University concerned on the basis of such conditions.

74. *Repeal and Saving.*—(1) The Sree Narayanaguru Open University Ordinance, 2020 (45 of 2020) is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS

Currently only three Universities namely Kerala, Calicut and Kannur offer academic programmes through the distance education system in the State. The Mahatma Gandhi University had stopped the distance education since 2015. At present approximately two lakhs students seek higher education through distance education in the State. The Guidelines issued by the U.G.C provides for ensuring quality of higher education require National Assessment and Accreditation Council score of 3.26 out of 4 for conducting distance education. The Kerala, Calicut and Kannur Universities in the State have no sufficient score for conducting distance education. In the above circumstances, a Special Officer was appointed by the Government for submitting a report regarding the possibilities of establishing an Open University for distance education. The Government have examined the recommendations of the Special Officer and considers that the establishment of an Open University is inevitable to impart higher education through distance education and for skill development by deviating from the educational system existing in the State, utilising modern technological methods in all areas of knowledge at different levels. Hence it is decided to set up an Open University by the name "the Sree Narayanaguru Open University" with headquarters at Kollam.

2. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Sree Narayanaguru Open University Ordinance, 2020 was promulgated by the Governor of Kerala on

the 23rd day of September, 2020 and the same was published in the Kerala Gazette Extraordinary No. 2182 dated 25th day of September, 2020 as Ordinance No. 45 of 2020.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 31st day of December, 2020 and ended on the same day itself.

4. The Bill seeks to replace Ordinance No. 45 of 2020 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Clause 56 of the Bill provides for the constitution of a Fund by name "the Sree Narayanaguru Open University Fund". The University Fund is consisted with all incomes, grants and loans received from the Central Government, State Government, University Grants Commission and other agencies of the Government and fees of the University and some other incomes and profits of the university. Sub-clause (6) of clause 56 of the Bill provides that the University Fund shall be used towards meeting the expenses of the university including expenses incurred in the exercise of its powers and performing its duties under this Act.

2. The teaching and non teaching employees required for the functioning of the University can be appointed on redeployment basis from the study schools for distance education of the Kerala University, the Calicut University, the Mahatma Gandhi University and Kannur University. An estimated annual recurring expenditure of rupees one crore sixty three lakhs fifty one thousand six hundred (1,63,51,600) as additional financial liability is expected from the Consolidated Fund towards salary (except allowances) for the posts which are unavailable through redeployment. Further financial liability will be there for the functioning of the University and for the implementation of various projects. At present the non recurring expenditure required for acquisition of land for the establishment of the University and for the construction of building cannot be estimated. Therefore the non recurring expenditure that may have to be incurred from the Consolidated Fund of the State through this cannot be accurately estimated at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (7) of clause 3 of the Bill seeks to empower the University to prescribe by Statutes, Ordinances or Regulations the manner of conducting teaching, training, research, examination and evaluation.

2. Item (ii) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the manner of awarding of certificates, diplomas, degrees, post graduate degrees, research degrees and other academic distinctions.

3. Item (iii) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the conferring of honorary degrees and other academic distinctions.

4. Item (iv) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the conditions to withhold, withdraw or cancel certificate, diploma, degree, post graduate degree, research degree, honorary degree or other academic distinction.

5. Item (viii) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the conferring of fellowships, scholarships, prizes and other awards.

6. Item (ix) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the manner of establishing, maintaining or abolishing the Regional Centres, Study Centres and academic institutions.

7. Item (xii) of clause 6 of the Bill seeks to empower the University to prescribe by Statutes the scale of pay, qualification and method of appointment to the various categories of posts in the University, Regional Centres and Study Centres.

8. Item (xx) of clause 6 of the Bill seeks to empower the University to prescribe the fees and other sums payable to the University by the Ordinances.

9. Item (xxiv) of clause 6 of the Bill seeks to empower the University to prescribe by Ordinances the approval of those who are in service in other Universities, higher educational institutions, organisations and institutions as teacher or director of the school of studies of the University.

10. Item (xxvii) of clause 6 of the Bill seeks to empower the University to make Statutes, Ordinances and Regulations and to amend, modify or repeal the same.

11. Sub-clause (2) of clause 7 of the Bill seeks to empower the University to make special provision for appointment, membership or admission for women, those belonging to marginalized group or backward classes or Scheduled Caste or Scheduled Tribes.

12. Sub-clause (7) of clause 11 of the Bill seeks to empower the University to prescribe by Statutes the salary payable to, and other conditions of service of the Vice-Chancellor.

13. Sub-clause (8) of clause 11 of the Bill seeks to empower the University to prescribe by Statutes the sumptuary allowance.

14. Sub-clause (6) of clause 12 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointment of teachers and employees of the University.

15. Sub-clause (8) of clause 12 of the Bill seeks to empower the University to prescribe by Statutes the limit of financial power of the Vice-Chancellor.

16. Sub-clause (14) of clause 12 of the Bill seeks to empower the University to prescribe by Statutes the occasions and manner of delegation of powers and duties vested in the Vice-Chancellor to any other officer of the University temporarily.

17. Sub-clause (4) of clause 13 of the Bill seeks to empower the University to prescribe by Statutes the salary and other conditions of service of the Pro-Vice-Chancellor.

18. Sub-clause (1) of clause 14 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of appointment of the Registrar.

19. Sub-clause (8) of clause 14 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of the Registrar.

20. Sub-clause (1) of clause 15 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of the appointment of the Finance Officer.

21. Sub-clause (4) of clause 15 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of the Finance Officer.
22. Sub-clause (1) of clause 16 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of the appointment of the Controller of Examinations.
23. Sub-clause (3) of clause 16 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of the Controller of Examinations.
24. Sub-clause (1) of clause 17 of the Bill seeks to empower the University to prescribe by Statutes the terms and conditions of the appointment of the Cyber Controller.
25. Sub-clause (3) of clause 17 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of the Cyber Controller.
26. Sub-clause (3) of clause 18 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointing the Director of the Regional Centre.
27. Sub-clause (5) of clause 18 of the Bill seeks to empower the University to prescribe by Statutes the powers, duties, salary and conditions of service of Director of the Regional Centre.
28. Clause 19 of the Bill seeks to empower the University to prescribe by Statutes the appointing authority, method of appointment, salary, conditions of service, powers and duties of other officers of the University.
29. Sub-clause (7) of clause 22 of the Bill seeks to empower the University to prescribe by Statutes the allowances payable to a member of the Senate.
30. Sub-clause (5) of clause 23 of the Bill seeks to empower the University to prescribe by Statutes the procedures of the meeting of the Senate.
31. Clause 24 of the Bill seeks to empower the University to prescribe by Statutes the other powers and duties of the Senate.
32. Item (i) under the heading Nominated Members of Clause 25 of the Bill seeks to empower the University to prescribe by Statutes the nomination of one person from among the Heads of School of Studies to the Syndicate.

33. Sub-clause (7) of clause 26 of the Bill seeks to empower the University to prescribe by Statutes the allowances payable to a member of the Syndicate.

34. Sub-clause (5) of clause 27 of the Bill seeks to empower the University to prescribe by Statutes the procedures for the meeting of the Syndicate.

35. Item (xv) of sub-clause (3) of clause 28 of the Bill seeks to empower the University to prescribe by Statutes or Ordinances the other powers and duties to be performed by the Syndicate.

36. Item (i) under the heading nominated members of sub-clause (2) of clause 29 of the Bill seeks to empower the University to prescribe by Statutes the manner of nomination of teachers of the University in School of Studies.

37. Sub-clause (3) of clause 30 of the Bill seeks to empower the University to prescribe by Statutes the procedures of the meeting of the Academic Council.

38. Item (iv) of clause 32 of the Bill seeks to empower the University to prescribe by Statutes the academic qualification for registering courses of study.

39. Sub-clause (3) of clause 34 of the Bill seeks to empower the University to prescribe by Statutes the procedures of the meeting of the Finance Council.

40. Sub-clause (3) of clause 38 of the Bill seeks to empower the University to prescribe by Statutes the procedures for meeting of the Cyber Council.

41. Clause 40 of the Bill seeks to empower the University to prescribe by Statutes, Ordinances and Regulations the powers and duties of the Cyber Council.

42. Sub-clause (1) of clause 41 of the Bill seeks to empower the University to prescribe by Statutes the manner of appointing the Head of School of Studies.

43. Sub-clause (2) of clause 43 of the Bill seeks to empower the University to prescribe by Statutes the procedures of the meeting of the Board of School of Studies.

44. Sub-clause (2) of clause 45 of the Bill seeks to empower the University to prescribe by Statutes and Regulations the other powers and duties of the Board of School of Studies.

45. Sub-clause (2) of clause 46 of the Bill seeks to empower the University to prescribe by Statutes the powers and duties of any other authority of the University.

46. Sub-clause (5) of clause 47 of the Bill seeks to empower the University to prescribe by Statutes the constitution of the selection committee.

47. Sub-clause (7) of clause 47 of the Bill seeks to empower the University to prescribe by Statutes the qualifications, method of appointment, conditions of service of the posts created in the University.

48. Sub-clause (3) of clause 48 of the Bill seeks to empower the University to prescribe by Statutes the qualification, method of appointment and conditions of service of temporary posts in the University.

49. Item (x) of clause 49 of the Bill seeks to empower the University to prescribe by Statutes any matter for giving effect to the provisions of this Bill.

50. Sub-clause (1) of clause 50 of the Bill seeks to empower the Government to make the First Statutes of the University.

51. Sub-clause (1) of clause 51 of the Bill seeks to empower the Vice-chancellor to make the First Ordinances of the University.

52. Sub-clause (1) of clause 53 of the Bill seeks to empower the Academic Council to make regulations in the manner prescribed by Statutes.

53. Clause 60 of the Bill seeks to empower the Government to make rules, by notification in the Gazette.

54. Clause 63 of the Bill seeks to empower the Government to issue order to remove such difficulty where any difficulty arises in giving effect to the provisions of this Bill.

55. Clause 65 of the Bill seeks to empower the Government to prescribe conditions for residing in accommodations maintained by the University or which have been approved by the University for the study of students.

56. Sub-clause (2) of clause 66 of the Bill seeks to empower the University to prescribe by Statutes the procedure for recovering such damage or loss from any authority, body or officer of the University for the damage or loss caused to the University by wilful neglect or default.

57. The matters in respect of which Rules, Statutes, Ordinances and Regulations may be made, or notifications may be issued, are matters of procedure and are of routine or administrative in nature. Further, the rules so made are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

DR. K. T. JALEEL.

NOTES ON CLAUSES

Clause 2.—This clause seeks to define certain words and phrases used in the Bill.

Clause 3.—This clause seeks to provide for the establishment and incorporation of the University by name the Sree Narayanaguru Open University.

Clause 4.—This clause seeks to provide the territorial limit of the University.

Clause 5.—This clause seeks to explain the objects of the University.

Clause 6.—This clause seeks to provide the powers and duties of the University.

Clause 7.—This clause seeks to provide that the University shall be open to all classes and creeds.

Clause 8.—This clause seeks to provide that the Governor of Kerala shall be the Chancellor of the University.

Clause 9.—This clause seeks to provide that the Minister in charge of Higher Education in the State shall be the Pro-Chancellor of the University.

Clause 10.—This clause seeks to specify various officers of the University.

Clause 11.—This clause seeks to provide for the appointment, term of office etc. of the Vice-Chancellor of the University.

Clause 12.—This clause seeks to provide for the powers and duties of the Vice-Chancellor.

Clause 13.—This clause seeks to provide for the appointment, powers and duties of the Pro-Vice-Chancellor.

Clause 14.—This clause seeks to provide for the appointment, powers and duties of the Registrar.

Clause 15.—This clause seeks to provide for the appointment, powers and duties of the Finance Officer.

Clause 16.—This clause seeks to provide for the appointment, powers and duties of the Controller of Examinations.

Clause 17.—This clause seeks to provide for the appointment, powers and duties of the Cyber Controller.

Clause 18.—This clause seeks to provide for the appointment, powers and duties of Directors of Regional Centres.

Clause 19.—This clause seeks to provide for the appointing authority, method of appointment, salary, conditions of service, powers and duties of other officers of the University.

Clause 20.—This clause seeks to specify various authorities of the University.

Clause 21.—This clause seeks to specify members of the Senate.

Clause 22.—This clause seeks to provide for the reconstitution of the Senate.

Clause 23.—This clause seeks to provide for the meetings of the Senate.

Clause 24.—This clause seeks to provide for the powers and duties of the Senate.

Clause 25.—This clause seeks to specify members of the Syndicate

Clause 26.—This clause seeks to provide for the reconstitution of the Syndicate.

Clause 27.—This clause seeks to provide for the meetings of the Syndicate

Clause 28.—This clause seeks to provide for the powers and duties of the Syndicate.

Clause 29.—This clause seeks to provide for the constitution of the Academic Council and its members.

Clause 30.—This clause seeks to provide for the meetings of the Academic Council.

Clause 31.—This clause seeks to provide for the term of office of the members of the Academic Council.

Clause 32.—This clause seeks to provide for the powers and duties of the Academic Council.

Clause 33.—This clause seeks to provide for the constitution of the Finance Council and its members.

Clause 34.—This clause seeks to provide for the meetings of the Finance Council.

Clause 35.—This clause seeks to provide for the term of office of the members of the Finance Council.

Clause 36.—This clause seeks to provide for the powers and duties of the Finance Council.

Clause 37.—This clause seeks to provide for the constitution of the Cyber Council and specifying its members.

Clause 38.—This clause seeks to provide for the meetings of the Cyber Council.

Clause 39.—This clause seeks to provide for the term of office of the members of the Cyber Council.

Clause 40.—This clause seeks to provide for the powers and duties of the Cyber Council.

Clause 41.—This clause seeks to provide for the constitution of the Schools of Study.

Clause 42.—This clause seeks to provide for the constitution of the Board of School of Studies.

Clause 43.—This clause seeks to provide for the meetings of the Board of School of Studies.

Clause 44.—This clause seeks to provide for the term of office of the members of the Board of School of Studies.

Clause 45.—This clause seeks to provide for the powers and duties of the Board of School of Studies.

Clause 46.—This clause seeks to provide for other authorities of the University.

Clause 47.—This clause seeks to provide for the creation of various posts in the University and its qualification, method of appointment and conditions of service.

Clause 48.—This clause seeks to provide for temporary appointments in the University.

Clause 49.—This clause seeks to provide for the making of Statutes.

Clause 50.—This clause seeks to provide for the First Statutes of the University and procedure for making Statutes.

Clause 51.—This clause seeks to provide for the making of Ordinances of the University.

Clause 52.—This clause seeks to provide for the procedure for making Ordinances.

Clause 53.—This clause seeks to provide for the making of Regulations.

Clause 54.—This clause seeks to provide for issuing orders.

Clause 55.—This clause seeks to provide for the publication of Statutes, Ordinances and Regulations in the Gazette

Clause 56.—This clause seeks to provide for the constitution of the University Fund.

Clause 57.—This clause seeks to provide for the preparation of the annual budget of the University.

Clause 58.—This clause seeks to provide for the preparation and auditing of annual accounts of the University.

Clause 59.—This clause seeks to provide for the preparation of annual report of the University.

Clause 60.—This clause seeks to provide for power to make Rules.

Clause 61.—This clause seeks to provide for the general power of the Government over the University.

Clause 62.—This clause seeks to provide power of the Government for causing inspection and inquiry by the Government.

Clause 63.—This clause seeks to provide for removal of difficulties.

Clause 64.—This clause seeks to provide for the approval of the certificates, diplomas, degrees, post graduate degrees, research degrees and other academic distinctions awarded by the University.

Clause 65.—This clause seeks to provide for the residence of the students.

Clause 66.—This clause seeks to provide for the duties of the authorities.

Clause 67.—This clause seeks to provide that the Chancellor shall decide the disputes regarding qualification of persons to be appointed as members of authority or body of University or with respect to the interpretation of Statutes, Ordinances or Regulations.

Clause 68.—This clause seeks to provide for the protection of acts done in good faith.

Clause 69.—This clause seeks to provide for delegation of power of the University.

Clause 70.—This clause seeks to provide that the proceedings of the University shall not be invalidated.

Clause 71.—This clause seeks to provide for the nomination of all the first authorities of the University.

Clause 72.—This clause seeks to provide for the matters relating to students who are studying and who intend to study through distance education or through private registration.

Clause 73.—This clause seeks to provide for transitional provisions.

Clause 74.—This clause seeks to provide for repealing the Sree Narayanaguru Open University Ordinance, 2020 (45 of 2020) and for saving things done and actions taken under that.
