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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 21778/Legn.1/2022/Leg.

Dated, Thiruvananthapuram, 2nd December, 2022

The University Laws (Amendment) (No.2) Bill, 2022 together with the Statement of Objects and Reasons and the Financial Memorandum is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

A. M Basheer,
Secretary.



THE UNIVERSITY LAWS (AMENDMENT) (No.2) BILL, 2022

A

BILL

further to amend the Kerala Agricultural University Act, 1971, the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994, the Kannur University Act, 1996, the Kerala Veterinary and Animal Sciences University Act, 2010 and the Kerala University of Health Sciences Act, 2010.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Agricultural University Act, 1971 (33 of 1971), the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996), the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011) and the Kerala University of Health Sciences Act, 2010 (4 of 2011) for the purposes hereinafter appearing ;

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

1. *Short title and commencement.-* (1) This Act may be called the University Laws (Amendment) (No.2) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of Act 33 of 1971.-* In the Kerala Agricultural University Act, 1971 (33 of 1971),

(a) in section 25, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academican of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social



science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he, -

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 27, for sub-section (11), the following sub-section shall be substituted, namely:-



“(11) In the event of occurrence of temporary vacancy in the office of the Vice-Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

3. *Amendment of Act 17 of 1974.*- In the Kerala University Act, 1974 (17 of 1974),-

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted,namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or



(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (18), the following sub-section shall be substituted, namely:-

“(18) In the event of occurrence of temporary vacancy in the office of the Vice-Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

4. *Amendment of Act 5 of 1975.*- In the Calicut University Act, 1975 (5 of 1975),-

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.



(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (18), the following sub-section shall be substituted, namely:-

“(18) In the event of occurrence of temporary vacancy in the office of the Vice- Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

5. *Amendment of Act 12 of 1985.*- In the Mahatma Gandhi University Act, 1985 (12 of 1985),-

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:-



“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability;

or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:



Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (24), the following sub-section shall be substituted, namely:-

“(24) In the event of occurrence of temporary vacancy in the office of the Vice- Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

6. *Amendment of Act 5 of 1994.*- In the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), -

(a) in section 8, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-



(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 24, for sub-section (6), the following sub-section shall be substituted, namely:-

“(6) In the event of occurrence of temporary vacancy in the office of the Vice- Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

7. Amendment of Act 22 of 1996.- In the Kannur University Act, 1996 (22 of 1996),-

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.



(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 12, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) In the event of occurrence of temporary vacancy in the office of the Vice- Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.



8. *Amendment of Act 3 of 2011.*- In the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011),-

(a) in section 9, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:



Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 12, for sub-section (10), the following sub-section shall be substituted, namely:-

“(10) In the event of occurrence of temporary vacancy in the office of the Vice-Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.

9. *Amendment of Act 4 of 2011.*- In the Kerala University of Health Sciences Act, 2010 (4 of 2011),-

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the field of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University.

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may resign his office by an intimation in writing to the Government.



(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,-

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10,-

(i) clause (iii) of sub-section (6) shall be omitted.;

(ii) after sub-section (6), the following sub-section shall be inserted, namely:-

“(6A) In the event of occurrence of temporary vacancy in the office of the Vice-Chancellor, the Chancellor shall authorise the Pro-Vice-Chancellor to discharge the functions of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties. In the absence of the Pro-Vice-Chancellor, the Chancellor shall authorise the Vice-Chancellor of any other University established by State law, with the approval of the Chancellor of the University concerned.”.



STATEMENT OF OBJECTS AND REASONS

The Government of India had constituted a Commission on Centre- State Relations under the chairmanship of Justice Madan Mohan Punchhi on 27th April, 2007. The Commission while examining the position of Governor in the administration of education in a State and the Governor's function as the Chancellor of Universities had stated that the Governor should not be burdened with positions and powers which are not envisaged by the Constitution and which may lead the office to controversies or public criticism. The Commission has also observed that Governor should not be assigned functions casually under any Statute. The Kerala State Higher Education Council also had recommended to appoint well known academicians as the Chancellors of Universities in the State. In this circumstance, the Government have decided to appoint eminent and reputed academicians as the Chancellors of the Universities in the State. The Government have also decided to bring similar provisions in all the university laws regarding the arrangements to be made in the event of temporary vacancy in the office of the Vice-Chancellor. Hence, the Government have decided to make amendments in the University Laws in the State for the said purpose.

2. The Bill seeks to acheive the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

PINARAYI VIJAYAN.

