Fifteenth Kerala Legislative Assembly Bill No. 149

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

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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 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 reappointment 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:

- (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.
- $\mbox{(1B)}$ 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:

- (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.
- $\ensuremath{(1B)}$ The person appointed as the Chancellor shall be eligible for reappointment 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:

- (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 reappointment 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:

- (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 reappointment 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:

- (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 reappointment 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.
- - (a) is declared as an undischarged insolvent; or
- (b) becomes incapable of continuing as such, due to physical or mental disability; or
- $% \left(c\right) =\left(c\right) \left(c\right) +c$ (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:

- (b) in section 12, for sub-section (l), 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.
- - (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:

- (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.
- - (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 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 circucumstance, 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.

EXTRACT FROM THE KERALA AGRICULTURAL **UNIVERSITY ACT, 1971**

(33 OF 1971)

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

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27. The Vice-Chancellor.—(1)

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(11) In the event of a temporary vacancy or permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall make necessary arrangements in consultation with the Pro-Chancellor for exercising the powers and performing the duties of the Vice-Chancellor until a Vice-Chancellor appointed under the provisions of this Act assumes office.

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EXTRACT FROM THE KERALA UNIVERSITY ACT, 1974 (17 OF 1974)

7. The Chancellor.—(1) The Governor of Kerala shall, by virtue of his office,

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be u	ie Chancellor of the	University.		
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	10. The Vice-Chan	cellor.—(1)	**	*

(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

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EXTRACT FROM THE CALICUT UNIVERSITY ACT, 1975 (5 OF 1975)

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	e Chancellor.—(1) The Governor cellor of the University.	of Kerala shall, by vin	rtue of his office
**	**	**	**
10. <i>Th</i>	e Vice-Chancellor.—(1)	**	**
**	**	**	**

(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

EXTRACT FROM THE MAHATMA GANDHI UNIVERSITY ACT, 1985 (12 OF 1985)

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	e Chancellor.—(1) The Governor ncellor of the University.	of Kerala shall, by vii	rtue of his office,
**	**	**	**
10. <i>Ti</i>	he Vice-Chancellor.—(1)	**	**
**	**	**	**

(24) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Pro-Vice-Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor and in the event of temporary vacancies occurring in the offices of the Vice-Chancellor and the Pro-Vice-Chancellor or where the Vice-Chancellor and the Pro-Vice-Chancellor are temporarily absent, the senior most Professor in the University shall exercise the powers and perform the duties of the Vice-Chancellor.

EXTRACT FROM THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT ACT, 1994

(5 OF 1994)

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8. <i>The</i>	Chancellor.—(1) The Governor	of Kerala shall, by virt	tue of his office,
be the Chanc	cellor of the University.		
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24. Th	e Vice-Chancellor.—(1)	**	**
**	**	**	**

(6) In the event of temporary vacancy occurring in the Office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Pro-Vice-Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor or perform the routine duties of the Vice-Chancellor, as the case may be.

EXTRACT FROM THE KANNUR UNIVERSITY ACT, 1996 (22 OF 1996)

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7. <i>T</i>	The Chancelle	or.—(1) The	Governor	of Kerala	shall,	by virt	ue of	his	office
be the Ch	ancellor of the	he University	у.						

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12. Vacancy in the office of Vice-Chancellor.—(1) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is absent, the Pro-Vice-Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor.

EXTRACT FROM THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY ACT, 2010

(3 OF 2011)

9. The Chancellor.—(1) The Governor of Kerala shall, by virtue of his office,

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be the Chancel	lor of the University.		
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12. <i>The</i> 1	Vice-Chancellor.—(1)	**	**
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(10) When any temporary vacancy occurs in the office of Vice-Chancellor or if the Vice-Chancellor is, by reason of illness, absence or for any other reason, unable to exercise the powers and perform the duties of his office, the Chancellor shall make necessary arrangements for exercising the powers of the Vice-Chancellor.

EXTRACT FROM THE KERALA UNIVERSITY OF HEALTH SCIENCES ACT, 2010

(4 OF 2011)

7. The Chancellor.—(1) The Governor of Kerala shall, by virtue of his office,

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be the Ch	ancellor and the Head of the University	•		
**	**	**		**
10. 4	Appointment of Vice-Chancellor.—(1)	**	**	
**	**	**		**

- (6) In any of the following circumstances, the existence whereof shall solely be judged by the Chancellor, the Chancellor may appoint any suitable person to act as the Vice-Chancellor for a term not exceeding six months in the aggregate,—
- (i) where the committee appointed under sub-section (1) is unable to recommend any name within the time -limit specified by the Chancellor;
- (ii) where the vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise, and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) to (4) above;
- (iii) where the vacancy in the office of the Vice-Chancellor occurs temporarily because of leave, illness or other causes;
 - (iv) where the term of Vice-Chancellor has expired; or
 - (v) where there is any other emergency.

The person so appointed shall cease to hold such office on the date on which the Vice-Chancellor resumes office or the persons duly appointed as the Vice-Chancellor in accordance with the provisions of sub-sections (1) to (4), assumes office.

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