Fifteenth Kerala Legislative Assembly Bill No. 150

THE UNIVERSITY LAWS (AMENDMENT) (No. 3) BILL, 2022

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THE UNIVERSITY LAWS (AMENDMENT) (No. 3) BILL, 2022

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BILL

further to amend the Cochin University of Science and Technology Act, 1986, the Kerala University of Fisheries and Ocean Studies Act, 2010, the Thunchath Ezhuthachan Malayala University Act, 2013, the A.P.J. Abdul Kalam Technological University Act, 2015, the SreeNarayanaGuru Open University Act, 2021, and the Kerala University of Digital Sciences, Innovation and Technology Act, 2021.

Preamble.—WHEREAS, it is expedient further to amend the Cochin University of Science and Technology Act, 1986 (31 of 1986), the Kerala University of Fisheries and Ocean Studies Act, 2010 (5 of 2011), Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013), A.P.J. Abdul Kalam Technological University Act, 2015 (17 of 2015), the SreeNarayanaGuru Open University Act, 2021 (1 of 2021), and the Kerala University of Digital Sciences, Innovation and Technology Act, 2021 (10 of 2021) for the purposes hereinafter appearing;

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

- 1. *Short tilte and commencement.*—(1) This Act may be called the University Laws (Amendment) (No. 3) Act, 2022.
 - (2) It shall come into force at once.
- 2. *Amendment of Act 31 of 1986.*—In the Cochin University of Science and Technology Act, 1986 (31 of 1986),—
- (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:

- (b) in section 11, for sub-section (16), the following sub-section shall be substituted, namely:—
- "(16) 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 5 of 2011*.—In the Kerala University of Fisheries and Ocean Studies Act, 2010 (5 of 2011),—
- (a) in section 31, 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 $\ensuremath{\mathsf{court}}$
- (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 33, 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.".

- 4. *Amendment of Act 24 of 2013*.—In the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013),—
- (a) in section 26, 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
- $\mbox{\ensuremath{(c)}}$ 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 29,—
- (i) in sub-section (9), for the words "temporary or permanent" the word "permanent" shall be substituted;
- (ii) after sub-section (9), the following sub-section shall be inserted, 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."
- 5. *Amendment of Act 17 of 2015.*—In the A.P.J. Abdul Kalam Technological University Act, 2015 (17 of 2015),—
- (a) in section 10, 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
- $\mbox{\ensuremath{\mbox{(c)}}}$ 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 13,—
 - (i) in sub-section (7) clause (iii) shall be omitted;
- (ii) after sub-section (7), the following sub-section shall be inserted, namely:—
- "(7A) 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 1 of 2021.*—In the Sree NarayanaGuru Open University Act, 2021 (1 of 2021),—
- (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
- $\mbox{\ \ }$ (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 11,—
 - (i) in sub-section (6) clause (iii) 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."
- 7. *Amendment of Act 10 of 2021.*—In the Kerala University of Digital Sciences, Innovation and Technology Act, 2021 (10 of 2021),—

- "(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
- $\mbox{(c) becomes of unsound mind and stands so declared by a competent } \\$
- (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 11, 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."

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 cirucumstance, 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 COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT, 1986 (31 OF 1986)

be th	be the Chancellor of the University.				
	**	**	**	**	
	11. The Vice-Chanc	ellor.—(1)	**	**	

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

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(16) 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 Pro-Vice-Chancellor are temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

EXTRACT FROM THE KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES ACT, 2010 (5 OF 2011)

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office, be the Chancellor of the University.				
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	33. The Vice-Chance	ellor.—(1)	**	**

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

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(11) In the event of a temporary vacancy occurs in the Office of the 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 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.

EXTRACT FROM THE THUNCHATH EZHUTHACHAN MALAYALA UNIVERSITY ACT, 2013 (24 OF 2013)

office, be the Ch	ancellor of the University	<i>i</i> .	
**	**	**	**
29. The Vio	ce-Chancellor.—(1)	**	**

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

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(9) In the event of a temporary or permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall make necessary interim arrangements till the vacancy is duly filled in accordance with the provisions of sub-section (2) and such interim arrangements shall not ordinarily continue for more than three months.

EXTRACT FROM THE A.P.J. ABDUL KALAM TECHNOLOGICAL UNIVERSITY ACT, 2015 (17 OF 2015)

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offic	e, be the Chancellor	of the University.		
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	13. The Vice-Chance	ellor.— (1)	**	**

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

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- (7) 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 Pro-Vice-Chancellor of this University or the Secretary to Government, Higher Education Department, recommended by the Government, to be the Vice-Chancellor for a period of not exceeding six months in the aggregate, namely:—
- (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 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 (1) to (5);
- (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; or
 - (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.

EXTRACT FROM THE SREENARAYANAGURU OPEN UNIVERSITY ACT, 2021 (1 OF 2021)

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be th	e Chancellor of the U	Iniversity.		
	**	**	**	**
	11. The Vice-Chance	ellor.—(1)	**	**

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

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- (6) Where the vacancy of the Vice-Chancellor arises in any of the following circumstances, the Chancellor may appoint the Vice-Chancellor of any other University established by State law or professor of this University as 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:

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

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EXTRACT FROM THE KERALA UNIVERSITY OF DIGITAL SCIENCES, INNOVATION AND TECHNOLOGY ACT, 2021 (10 OF 2021)

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be the Chancellor of the University.				
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	11. The Vice-Chance	ellor.—(1)	**	**

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8. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his Office.

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(10) In the event that a temporary vacancy occurs in the post of Vice-Chancellor due to any unforeseen or casual reason or if the Vice-Chancellor has to be temporarily abstained himself from the said position, the Chancellor may appoint the Vice-Chancellor of any other University or the Secretary of Electronics and Information Technology Department, as recommended by the Government, to be the Vice-Chancellor, for a period of not exceeding six months, in the aggregate.

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