

THE KERALA OPEN UNIVERSITY
Bill (Draft)

THE KERALA OPEN UNIVERSITY BILL 2018

A BILL

To establish and incorporate an Open University in the State of Kerala for the introduction and promotion of open university and distance education systems in the educational pattern of the State and for the co-ordination and determination of standards in such systems and for matters connected their after or incidental thereof.

Preamble:- WHEREAS, It is expedient to establish and incorporate an open university for the introduction and promotion of Open University and distance education system in the educational pattern of the State of Kerala and for the ordination and determination of standards in each system and for matter connected there with or incidental thereto;

Be it enacted by the Kerala State Assembly Parliament in the Sixty Eighth Year of the Republic of India as follows:

1. Short title and commencement.— (1) This Act may be called the Kerala Open University Act, 2018.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

2. Definition.—In this Act, and the Statutes made hereunder, unless the context otherwise requires.

- (a) “Academic Council” means the Academic Council of the University;
- (b) “Board of Management” means the Board of Management of the University;
- (c) “Distance education systems” means the system of imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (d) “Employee” means any person appointed by the University, and includes teachers and other academic staff of the University;
- (e) “Finance Committee” means the Finance Committee of the University
- (f) ‘Government’ means the Government of Kerala.
- (g) “Regional Centre” means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;
- (h) “Regulations” means the Regulations made by any authority of the University under this Act for the time being in force;
- (i) “School” means a School of Studies of the University;
- (j) “State” means, the State of Kerala.

- (k) “Statutes” and “Ordinances” mean, respectively, the Statutes and Ordinances of the University for the time being in force;
- (l) “Student” means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
- (m) “Study Centre” means a centre established, maintained or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;
- (n) “Teachers” means Professors, Readers, Lecturers and such other persons as may be designated as such by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;
- (o) “University” means the Kerala Open University established under this Act;
- (p) “Vice-Chancellor” and “Pro-Vice-Chancellor” mean, respectively, the Vice-Chancellor and a Pro-Vice-Chancellor of the University.
- 3. *Establishment & Incorporation of Open University.***— (1) There shall be established a University by the name of “the Kerala Open University”.
- (2) The headquarters of the University shall be at Thiruvananthapuram and it may establish or maintain, Regional Centres and Study Centres at such other places in State as it may deem fit.
- (3) The first Vice-Chancellor, the first Pro-Vice-Chancellors and the first members of the Board of Management, the Academic Council and the all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of “the Kerala Open University”.
- (4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- 4. *Territorial limits.***—Notwithstanding anything contained in any other law for the time being in force, on the coming in to force of this Act, the territorial jurisdiction of the University shall extend to the whole of the state of Kerala
- 5. *The objects of the University.***— (1) The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education systems in the educational pattern of the State and to coordinate and determine the standards in such systems, and the University shall, in organising its activities, have due regard to the objects specified below, namely:-
- (2) The University shall endeavour through education, research, training and extension to play a positive role in the development of the country, and, based on the rich heritage of the country, to promote and advance the culture of the people of India and its human resources. Towards this end, it shall:

- (a) strengthen and diversify the degree, certificate and diploma courses related to the needs of employment and necessary for building the economy of the country on the basis of its natural and human resources;
- (b) provide access to higher education for large segments of the population, and in particular, the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;
- (c) promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavours;
- (d) provide an innovative system of university level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in new fields of knowledge;
- (e) contribute to the improvement of the educational system in India by providing a non-formal channel complementary to the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software developed by the University;
- (f) provide education and training in the various arts, crafts and skills of the country, raising their quality and improving their availability to the people;
- (g) provide or arrange training of teachers required for such activities or institutions;
- (h) provide suitable post-graduate courses of study and promote research;
- (i) undertake research programmes particularly with reference to specific areas within the overall control of Kerala's culture, heritage, language and literature
- (j) provide the counselling and guidance to its students; and
- (k) promote national integration and the integrated development of the human personality through its policies and programmes.

(3) The University shall strive to fulfill the above objects by a diversity of means of distance and continuing education, and shall function in cooperation with the existing Universities and Institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education which matches contemporary needs.

6. Power of the University.— (1) The University shall have the following powers, namely:-

- (i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research;
- (ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;
- (iii) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have pursued a course of study or conducted research in the manner

- laid down by the Statutes and Ordinances;
- (iv) to confer degrees or other distinctions in the manner laid down by the Statutes;
 - (v) to determine the manner in which distance education in relation to the academic programmes of the University may be organised;
 - (vi) to institute professorships, readerships, lecturerships and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students, and to appoint persons to such professorships, readerships, lecturerships and other academic positions;
 - (vii) to co-operate with, and seek the co-operation of other universities and institutions of higher learning, professional bodies and organisations for such purposes as the University considers necessary;
 - (viii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
 - (ix) to establish and maintain such Regional Centres as maybe determined by the University from time to time;
 - (x) to establish, maintain or recognise Study Centres in the manner laid down by Statutes;
 - (xi) to provide for the preparation of instructional materials, including films. cassettes, tapes, video cassettes and other software;
 - (xii) to organise and conduct refresher courses, contact classes workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;
 - (xiii) to recognise examinations of, or periods of study (whether in full or part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;
 - (xiv) to make provision for research and development in educational technology and related matters;
 - (xv) to create administrative, ministerial and other necessary posts and to make appointments thereto;
 - (xvi) to receive benefactions. donations and gifts and to acquire. hold, maintain and dispose of any property movable or immovable, including trust and Government property, for the purposes of the University;
 - (xvii) to borrow, with the approval of the Central Government whether on the security of the property of the University or otherwise, money for the purposes of the University;
 - (xviii) to enter into, carry out, vary or cancel contracts;
 - (xix) to demand and receive such fees and other charges as may be laid down by the Ordinances;
 - (xx) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees. including their codes of conduct;

- (xxi) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
 - (xxii) to appoint, either on contract or otherwise. visiting Professors, Emeritus Professors, Consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the University;
 - (xxiii) to recognise persons working in other universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;
 - (xxiv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;
 - (xxv) to make arrangements for the promotion of the general health and welfare of the employees;
 - (xxvi) to cancel or withdraw any degree, diploma or title or any other distinction granted to any person for specific reasons to be recorded.
 - (xxvii) to do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.
7. (1) ***The University Open to all classes.***— irrespective of the gender race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate there at, or to enjoy or exercise any privilege thereof.
- (2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of persons belonging to the Scheduled Castes or Scheduled Tribes.
8. ***The Chancellor .***— (1)The Governor of Kerala shall be the Chancellor of the University.
- (2) Subject to the provisions of sub-sections (3) and (4),the Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any Regional Centres, a Study Centres and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.
- (3) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, such representations to him as it may consider necessary.
- (4) After considering the representations, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the results of the inspection or inquiry and the views of the Chancellor and the advice tendered by him upon the action to be taken thereon.

(7) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board of Management does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Chancellor may, by an order in writing, annul any proceedings of the University which is not in conformity with this Act, the Statutes or the Ordinances;

(10) Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Chancellor shall have such other powers as may be specified by the Statutes.

9. *The Pro-Chancellor.*— (1) The Minister for the time being administering the subject of education in the State shall 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 the power and perform all the functions of the Chancellor.

(3) The Pro-Chancellor shall exercise such other powers and performs such other functions of the Chancellor as the Chancellor may by order in writing delegate to the pro-chancellor and such delegation may subject to the such restrictions as may be specify in such order.

10. *The Vice-Chancellor.*— (1) The Vice Chancellor shall be appointed by the Chancellor on the advice of the search committee consisting of a nominee of the Chancellor, a representative of the Govt. and nominee of the Board of Management:

Provided that no person who is an employee of the University or of any Govt. College / Private College or Member of any authority of Universities shall be nominated to be member of the committee.

(2) The nominee of the Chancellor shall be the Chairman of the search committee and committee shall make its recommendations within a period of three months.

(3) In case the Committee fails to make a unanimous recommendation, the Vice-Chancellor shall be appointed from among the person mentioned in the panels.

(4) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office or until he attains the age of sixty five Years, whichever is earlier, and shall not be eligible for reappointment.

(5) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First Vice - Chancellor shall be appointed by the Govt. for a period not exceeding four Years on such terms and conditions as may be specified in the order.

(6) The Vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(7)The Vice-Chancellors may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action on the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(8) The Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interests of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Visitor, as the case maybe, under this sub-section.

(9) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

11. Powers & Functions of the Vice Chancellor.— (1)The Vice-Chancellor shall be *ex-officio* Chairman of the Board of Management, the Academic Council, and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any other authority or other body of the University, but shall not be entitled to vote there at unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered,

- (i) to grant leave to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during his absence;
- (ii) to make necessary arrangements for discharging the functions of an officer whose position falls vacant due to resignation, retirement, death or any other reason till regular appointment to such positions is made.

Provided that arrangement made under sub-clause (ii) of Clause (6) may be for a period not exceeding 6 months at a time and further extension exceeding 6 months is to be reported to the Board and permission obtained.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the statutes and ordinance and if he so desires, delegate such powers to another officer of the University.

(8) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:

- (i) to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;
- (ii) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University;
- (iii) to make short-term appointments for a period not exceeding six months at a time, of such persons as may be considered necessary for the functioning of the University;
- (iv) to arrange for the establishment and maintenance of Regional and Study Centres at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

12. The Pro-Vice-chancellor.— (1) The Pro-Vice-Chancellor shall be appointed by the Board of Management on the recommendation of the Vice-Chancellor:

Provided that the Board of Management may, on the recommendation of the Vice-Chancellor, appoint a Professor or a Director of a School/Division to perform the functions of a Pro-Vice-Chancellor in addition to his own functions as a Professor or a Director of a School/ Division.

(2) The term of office of a Pro-Vice-Chancellor shall be four years and he shall be eligible for re-appointment:

Provided that a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years:

(3) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First Vice Chancellor shall be appointed by the Govt. for a period not exceeding four Years on such terms and conditions as may be specified in the order.

(4) The Pro-Vice Chancellor may exercise such powers and perform such functions as may be prescribed by the statutes or as may be delegated to him by the Vice Chancellor.

13. The Director.— The Director shall be appointed by the Board of Management on recommendation of the selection committee and in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

14. The Registrar.— (1) The Registrar shall be appointed by the Board of Management on recommendation of the selection committee, on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Registrar empowered by the Board of Management shall have the power to enter into, and sign, agreements and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such functions as may be prescribed by the Statutes.

(4) Notwithstanding anything contained in this Act or in the Statutes or Ordinances, the First Vice Chancellor shall be appointed by the Govt.

15. Controller of the Examinations.— (1) The Controller of Examinations shall be a full-time officer of the University and shall be appointed by the Vice Chancellor with the approval of the Board of Management in accordance with the statutes.

(2) The Controller of Examinations shall be responsible for the timely conduct of examinations and publication of results and for the timely award of mark sheets and degree certificates.

(3) It shall be the duty of the Controller of Examinations to maintain the secrecy of question papers, identity of externally evaluates and such other matters of confidential nature in connection to the conduct of the examinations.

(4) The Controller of Examinations shall be responsible for the maintenance of the record of the examinations and other assessments with regard to the students.

(5) The Controller of Examinations shall be appointed for a term not exceeding four years and shall be entitled for emoluments and other service conditions as may be prescribed by the statutes.

16. The Finance Officer.—The Finance Officer shall be appointed by the Vice Chancellor with be approval of Board of Management in accordance with the statutes on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

17. Other Officers.— The manner of appointment, emoluments, powers and duties of the other officers of the University shall be prescribed by the Statutes.

18. Authority of the Universities.—

1. The Board of Management;
2. The Academic Council;
3. The Schools of Studies;
4. The Finance Committee; and
5. Such other authorities as may be declared by the Statutes to be the authorities of the University.

19. The Board of Management.— (1) The Board of Management shall be the principal executive body of the University.

(2) The Board of Management shall consist of the following members, namely.

- (i) Vice-Chancellor;
- (ii) The Secretary to Govt. who is in charge the Higher Education Department.
- (iii) Pro-Vice-Chancellor
- (iv) Member of Parliament representing the area where the university Head Quarters is situated.
- (v) One Member of Legislative Assembly to be nominated by the Speaker.
- (vi) The Vice Chairman of the Kerala State Higher Education Council
- (vii) Three employees of the University who shall be nominated by the Vice-Chancellor, of which one shall be from the Directors of Schools of Studies, and the other two from the teachers and other academic staff other than the Directors of Schools;
- (viii) Three persons, who are not employees of the University, to be nominated by the Chancellor, representing the following areas of specialization:
- (ix) Three eminent educationists, of whom one shall be a women and other one shall be from Scheduled Castes or Scheduled Tribes.
 - (a) One person representing Commerce/Industry; and
 - (b) One expert on Distance Education; and
 - (c) One person who has knowledge of, or experience in, media/ communication field.

(3) Members of the Board of Management, other than ex-officio members, shall hold office

for a term of three years.

Provided, however, that persons nominated/appointed from the University shall hold office for a term of two years.

(4) The term of office of members of the Board of Management shall commence from the date of appointment, or nomination, as the case may be.

(5) Seven members of the Board of Management shall form the quorum for a meeting of the Board.

20. Powers and functions of the Board of Management.— (1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes have the following powers, namely:

- (a) to create teaching and other academic posts subject to any order issued in this regard by the Government and to define the functions and conditions of service of Professors, Readers, Lecturers and other teachers and other academic staff employed by the University;
- (b) to prescribe qualifications for teachers and other academic staff;
- (c) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendations of the Selection Committees constituted for the purpose;
- (d) to approve appointments to temporary vacancies of any academic staff;
- (e) to specify the manner of appointment to temporary vacancies of academic staff;
- (f) to provide for the appointment of visiting Professors, Emeritus Professors, Fellows, artists and writers and determine the terms and conditions of such appointments.
- (g) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agents as may be considered fit;
- (h) to invest any money belonging to the University, including any unapplied income as it thinks fit or in the purchase of immovable property for the Universities, provided that no action under this clause shall be taken without consulting the Finance Committee;
- (i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto;
- (j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;
- (k) to transfer or accept transfers of any immovable or movable property or to accept endowments or donation on behalf of the University.

- (l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved;
- (m) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;
- (n) to make, amend or repeal statutes, ordinance either on its motion or on the motion of any of the authority of the Universities.
- (o) to delegate any of its powers to the Vice-Chancellor, Pro-Vice-Chancellors, Registrars, the Finance Officer or any other officer, employee or authority of the University, or to a committee appointed by it;
- (p) to institute fellowships, scholarships, studentships; and to decide what degrees, diplomas and other academic distinctions shall be granted by the University.
- (q) To arrange for and direct inspection of any study centres, institution or project under the university.
- (r) To establish, maintain and manage schools and research projects and other institutions and activities required for achieving the objects of the university.
- (s) To order enquiry to any irregularly brought to its notice and to suspend, discharge, dismiss or take disciplinary action against the teachers and staff of the university, after giving them reasonable opportunity to defend themselves.
- (t) To check the audit of the annual accounts of the university and finalize the audited accounts and financial statements.
- (u) To approve the annual budget of the university
- (v) To conduct university examinations and approve and publish results.
- (w) To withhold or cancel the results of any examinations or the result of any candidate, if the situation warrant such action.

21. The Academic Council.— (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

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

- (i) The Vice-Chancellor - Ex-officio Chairman;
- (ii) The Pro- Vice-Chancellor- Ex-officio Member;
- (iii) The Member –Secretary of the Kerala State Higher Education Council – Ex-officio.
- (iv) Directors of Schools of studies - Ex-officio members;
- (v) Three Professors, three Readers and three Lecturers, other than Director of Schools of Studies, to be nominated by the Board of Management on the recommendations of the

Vice-Chancellor on a rotation basis according to seniority:

Provided that while making these nominations, the principle of rotation among schools and also among disciplines within the Schools shall be taken into account;

- (vi) Librarian (*Ex-officio Member*)
- (vii) Director, Academic Coordination Division shall be the Member-Secretary of the Academic Council.
- (viii) Not less than ten persons who are not employees of the University, co-opted by the Academic Council for their special knowledge including representatives of employers' organisations, industries, trade and commerce, academic and professional organisation, communication field etc.. and
- (ix) Two members from among the academics other than teachers, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor.
- (x) The Registrar

(3) The members of the Academic Council, other than ex-officio members, shall hold office for a term of two years from the date of their appointment or co-option, as the case may be.

(4) Ten members of the Academic Council shall form the quorum for a meeting.

22. Powers of the Academic Council.— Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it under the Statutes, shall have the following powers, namely:

- (a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation or research or improvement in academic standards;
- (b) to design and formulate appropriate programmes and activities of the University and to advise the Board of Management or any matter for the fulfillments of the objective of the University.
- (c) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and to take appropriate action thereon; and
- (d) to frame such Regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, including discipline, Admissions, award of fellowships and studentships, fees and other academic requirements.
- (e) To prescribe courses of the study in the schools of studies
- (f) To approve the topic of research and research projects
- (g) To prescribe the qualifications for admission of the students to various courses of study.

23. The Schools of Studies.— (1) There shall be such number of Schools of Studies as the University may determine from time to time from the following schools of studies, namely:-

- i. School of Humanities;
- ii. School of Social Sciences
- iii. School of Sciences;
- iv. School of Education;
- v. School Continuing Education;
- vi. School of Engineering and Technology;
- vii. School of Management Studies;
- viii. School of Health Sciences;
- ix. School of Computer and Information Sciences;
- x. School of Agriculture;
- xi. School of Law;
- xii. School of Journalism and New Media Studies;
- xiii. School of Gender and Development Studies;
- xiv. School of Tourism, Hospitality, Service Sectoral Management;
- xv. School of Interdisciplinary and Trans-disciplinary Studies;
- xvi. School of Social Work;
- xvii. School of Vocational Education and Training;
- xviii. School of Extension and Development Studies;
- xix. School of Foreign Languages;
- xx. School of Translation Studies and Training;
- xxi. School of Performing and Visual Arts; and
- xxii. Such other Schools as may be set-up by the Statutes

(2) Every School of Studies, hereinafter called “School”, shall have a Board, which shall comprise of the following:

- (a) Director of the School – Chairman (ex-officio)
- (b) All Professors of the disciplines assigned to the School of Studies, as may be determined by the Academic Council, from time to time (ex-officio);
- (c) At least four Readers/Lecturers assigned to the School, nominated by the Vice-Chancellor;
- (d) Not more than four Professors/ Readers/Lecturers from disciplines not assigned to the School, nominated by the Vice-Chancellor; and
- (e) Not more than five persons, who are not the employees of the University, co-opted by the Board for their specialised knowledge in any discipline assigned to the School or in any allied branch of knowledge.

(3) All members of the Board, other than the ex-officio members, shall hold office for a term of two years. The term of members will commence from such date as may be notified.

(4) The Board of a School shall have the powers to perform the following functions:

- (i) To organise developmental and research work in the School;
- (ii) To approve the course structure of the academic programmes of the School, in accordance with the directions of the Academic Council,
- (iii) To prepare the syllabus in accordance with the course structure for the approval of the Academic Council
- (iv) To recommend to the Vice-Chancellor names of course writers, examiners and moderators for different courses on the proposal of the Director of the School prepared in consultation with the Professors of the disciplines assigned to the School;
- (v) To formulate proposals for orientation programmes for course writers in collaboration with other Schools;
- (vi) To formulate proposals for orientation programmes/summer Schools for tutors and counsellors;
- (vii) To prepare general instructions for counselling to students for different programmes;
- (viii) To review methodologies adopted for preparation of educational materials for the courses in the disciplines assigned to the School, to evaluate the educational material, and to make suitable recommendations to Academic Council;
- (ix) To review, from time to time the courses already in use with the assistance of outside experts, if necessary, and to make such changes in the courses, as may be required;
- (x) To review the facilities of the Study Centres and arrangements for Laboratory/ field work periodically, as may be determined by the School;
- (xi) To perform all other functions, which may be prescribed by the Act, the Statutes, the Ordinances and to consider all such matters, as may be referred to it by the Board of Management, the Academic Council or the Vice-Chancellor; and
- (xii) To delegate to the Director or to any other member of the Board or to a Committee such general or specific powers, as may be decided upon by the School, from time to time.

(5) The Board shall meet, as and when necessary, but shall meet at least twice a year. One-third of the total membership of the Board shall form a quorum for a meeting of the School

24. The Finance Committee.— (1) The Finance Committee shall consist of the following members, namely:

- i. The Vice-Chancellor (ex-officio);
- ii. The Pro-Vice-Chancellor of the University (ex-officio);
- iii. A Director of School of the University by rotation according to seniority (ex-officio);
- iv. One person to be appointed by the Board of Management, from among its members other than an employee of the University;
- v. one person, who is not an employee of the University nominated by the Board of Management.

vi. two persons to be nominated by the Government.

(2) The Finance Officer shall be ex-officio Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.

(3) All the members of the Finance Committee, other than the ex officio members, shall hold office for a term of three years from the dates on which they become members of the Committee.

(4) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.

(5) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.

(6) All proposals relating to revision of grade, up gradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments, and thereafter submitted to the Board of Management within the overall ceiling fixed by the Committee.

(8) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University, and no expenditure shall be incurred by the University in excess of the limits so fixed.

(9) To prepare the annual budget of the University and place it before the Board of Management.

(10) The Finance Committee may exercise such other powers and functions as may be prescribed by the Statutes.

25. Selection Committee.— (1) There shall be Selection Committees for making recommendations to the Board of Management for appointments to the posts of Professors, Readers, Lecturers and other academic staff and heads of institutions maintained by the University.

(2) The Selection Committees for appointment to the post of Professors, Readers, Lecturers and the academic staff shall consist of the following members, **namely**:

(a) The Vice-Chancellor:

(b) The Pro-Vice-Chancellor

(c) A person nominated by the Chancellor: and

(d) Three experts not in the service of the University to be nominated by the Vice-Chancellor in such manner as may be specified in the Ordinances.

(e) The Director of the School/Division/Centre concerned/Professor of the Discipline nominated by the Vice-Chancellor.

(ii) The Selection Committees for the appointment of Registrars and Finance Officer and Director of School, shall consist of the following members, namely:

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) A person nominated by the Chancellor;
- (d) Two members of the Board of Management nominated by it; and
- (e) One person not in the service of the University nominated by the Board of Management.

(3) The quorum for a meeting of a Selection Committee shall be four, which will include at least two experts in the case of the Selection Committee mentioned in the Statute and the quorum for the meeting of the Selection Committee mentioned in Clause (ii) shall be there.

(4) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(5) If the Board of Management is unable to accept the recommendations made by a Selection Committee, it shall record its reasons for such non-acceptance and submit the case to the Chancellor for final orders

26. *Special Mode of Appointment.*— (1) Notwithstanding anything contained in Section 26, the Board of Management may invite a person of high academic distinction and professional attainments to accept the post of a Professor or a Reader or equivalent academic post in the University on such terms and conditions as it may deem fit, and appoint the person to such post.

(2) The Board of Management may appoint a teacher or any other academic staff working in any other university or organisation for teaching or for undertaking a project or any work on such terms and conditions as may be determined by the Board in accordance with the manner specified by the Ordinances.

27. *Appointment for a fixed tenure.*— The Board of Management may appoint a person selected in accordance with the procedure laid down in the Statutes for a fixed tenure on such terms and conditions as it may deem fit.

28. *Recognized Teachers.*— (1) The qualifications for recognition of persons working in other universities, institutions or organisations as teachers shall be prescribed by the Ordinances.

(2) The manner of recognising teachers, the period of recognition and withdrawal of recognition shall be prescribed by the Ordinances.

29. *Committees.*— (1) Any authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees, persons who are not members of such authority.

(2) Any committee appointed under subsection (1) may deal with any subject delegated to it subject to the subsequent confirmation by the authority appointing it.

30. Terms and Conditions of Service and Code of Conduct of the Teachers and Other Academic Staff of the University .— (1) All the teachers and other academic staff of the University shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes and the Ordinances.

(2) Nature of duties—Every teacher shall take part in the activities of the University and perform such duties as may be required by, and in accordance with the Act, Statutes and Ordinances framed there under and in particular his duties shall be:

- (a) Preparation of the course material, content editing and scrutiny, linguistic editing etc. from the point of view of requirements of distance education and liaison of the work of outside experts associated;
- (b) His academic duties shall be to give guidance, and instruction to, students in the form of counselling, conducting of tutorials, seminars, practical and assessment/examination/evaluation and such other work assigned to him relevant to the academic activities of the University by its competent authority. He shall not ordinarily remain absent from work without prior permission or grant of leave;
- (c) A teacher in the University shall fully and enthusiastically participate in the academic life of the University;
- (d) Every teacher shall be required to submit a personal appraisal report at the end of each year in the manner prescribed in the Ordinances.

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

- (a) The emoluments and other conditions of the Vice Chancellor service of the and the powers and functions that may be exercised and performed by him;
- (b) the manner of appointment of Pro-Vice-Chancellors, Directors, Registrars, the Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;
- (c) the constitution of the Board of Management and other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;
- (d) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;
- (e) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

- (f) the principles governing the seniority of service of the employees of the University;
- (g) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;
- (h) the procedure for the settlement of disputes between the employees or students of the University, and the University;
- (i) the co-ordination and determination of standards in the open University and distance education systems and the allocation and disbursement of grants to Colleges and other universities and institutions;
- (j) all other matters which by the Act are to be, or may be, provided by the Statutes.

32. Procedure for Making Statutes.— (1) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes:

Provided that the Board of Management shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(2) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for re-consideration in the light of the observations, if any, made by him.

(3) A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has been assented to by the Chancellor.

(4) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may make new or additional Statutes or amend or repeal the Statutes, during the period of three years immediately after the commencement of this Act.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

33. Procedure for Making First Statutes.— The first statute of the University shall be made by the Government by notification in the Gazette and shall continue in force until amended or suspended by Statutes made by the Board of Management in accordance with the Act.

34. Ordinance.— (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:

- (a) the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships awards and the like;
- (b) the conduct of examinations, including the terms and conditions and appointment of examiners;
- (c) the levy of fees in the University
- (d) any other matter which by this Act or the Statutes is to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

35. Regulations.—The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

36. The University Fund.— (1) There shall be a fund for the University to be called the University Fund, which shall include,

- (a) any contribution or grant made by the State Government
- (b) any contribution or grant made by the Central Government
- (c) any bequests, donations, endowments or other grants made by the private individuals or institutions or Trusts, public or private
- (d) income received by the University from fees and charges
- (e) amounts borrowed by the University; and
- (f) amounts received from any other sources

(2) All money in the fund shall be kept in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries or in a Scheduled Bank upto such limits as may be fixed by the Government.

(3) The University may invest such part of the money in the fund as the Board of Management may decide in the Government securities or securities guaranteed by the Government of India.

(4) The custody of the fund, the payment of money therein, the withdrawal of money therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances or Regulations

37. Annual Report.— (1) The Annual Report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfillment of its objects.

(2) The Annual Report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.

(3) A copy of the Annual Report, as prepared under sub-section (1) shall also be submitted to the State Government which shall, as soon as may be, cause the same to be laid before State Assembly.

38. Annual Accounts.— (1) The Annual Accounts and the balance sheet of the University shall be prepared under the directions of the Board of Management and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Chancellor along with the observations, if any, of the Board of Management.

(3) Any observations made by the Chancellor on the Annual Accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Chancellor.

(4) A copy of the accounts together with the audit report, as submitted to the Chancellor, shall also be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Assembly.

(5) The audited Annual Accounts, after having been laid before the State Assembly, shall be published in the Gazette.

39. Conditions of the Service of the Employee.— (1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

40. Provident Fund and Pension Scheme.— The University shall constitute for the benefit of the employees such provident or pension funds or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

41. Settlement of Certain Disputes.— If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

42. Filling of Casual Vacancies.— (1) All the casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, elects or co-opts the members whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the remainder of the term for which the person whose place he fills would have been a member.

(2) No act or proceedings of any authority or any other body shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

43. Protection of Action Taken in Good Faith.— No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the Statutes or the Ordinances.

44. Power to Remove Difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Kerala Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

45. Statutes, Ordinances and Regulations to be Laid before the State Legislative Assembly.— (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before the state Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, State Assembly agree in making any modification in the Statute, Ordinance or Regulation or State Assembly agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation 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 Statute, Ordinance or Regulation.