

Draft Amendments Recommendations on University Laws (Third Amendment) Act, 2014

The Autonomous Colleges were established in the state of Kerala as per the University Laws (Third Amendment) Act, 2014 passed by the Kerala State Legislature. The Acts of Kerala, Mahatma Gandhi, Kannur and Calicut Universities have been amended in this regard. Now, an amendment of the Act is proposed at a time when the UGC has published a new Regulation- University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018.

Most of the clauses in the Regulation issued by the UGC can be adopted in the amendment so as to give statutory backing to such regulations. With this purpose and for conferring academic autonomy to colleges in the present socio-economic scenario, The University Laws may be amended on the following lines:

Following major amendments are suggested in the Kerala University Act as a model to all other University Laws.

1. Academic Council, being an important authority with regard to all academic matters like conduct of examination, prescription of course of study etc., it is very important that the students, the primary stakeholders are to be included in the constitution of Academic Council of an Autonomous College. It may also be noted that students' representatives are already there in the Academic Councils of every university.

In the present situation, Academic Councils do have four teachers from colleges representing different departments not below the rank of Associate Professor, nominated by the Director of Collegiate Education in the case of Government Colleges and by the Principal in the case of other than a Government College are included. The method is by mere nominations. As for giving more democratic structure to the Academic Council, the teachers are to be elected. For that purpose, the following amendments are suggested in the Section 69 E:

- (i) in section 69 E, in subsection (2), for Clause ©, the following clause shall be substituted, -

“(c), four permanent teachers of colleges representing the different departments to be elected from among themselves.

(ii) after Clause (f), the following Clause shall be added:

“(g) General Secretary to be nominated by the Principal.

2. Governing Council, being an important authority with regard all matters of an Autonomous Colleges., it is very important that the students, primary stakeholders are to be included in the constitution of Governing Council of an Autonomous Colleges. And the teachers included in the Governing Council are to be elected from among them and shall not be mere nominations. It may also be noted that students representatives are already there in the Syndicates of all universities.

- (i) In section 69I, in sub section (2),for clause (c), the following clause shall be substituted namely:-

“(c) Three permanent teaches having not less than 8 years of service to be elected from among themselves for a period of 2 years, provided that such teachers shall not eligible to hold for more than two consecutive terms.

- (ii) after clause (f), the following clauses shall be added to ensure the democratic nature of the Governing Council.

“(g), the Students Union Chairman to be nominated by the principal, provided that he/she shall vacate the office when a new Chairman is elected.

Similar amendments are also required in clause (b) and addition of clause (g) in subsection of 4 of Section 69I.

3. The existing provision in section 69 N is that Controller of Examinations shall be a person not below the rank of Associate Professor and having experience of not less than two years in a department offering Post Graduate course of study. In most of the Autonomous Colleges, there may not be sufficient Associate Professor and even in cases where Associate Professors are available they may not be having experience in department offering Post Graduate courses. As such, that provision has to be modified:

- (i) in section 69N, in sub section (i), for the words “shall appoint a person not below the rank of an Associate Professor, with experience of not less than two years as the Head of a Department offering Post Graduate Course of study in a Government College or a college other than an Unaided College”, the words “shall appoint a permanent teacher having not less ten years of service”, shall be substituted.

After section 65 N, the following section shall be inserted.

“69 NA (i). **Grievance Redressal Cell.**- there shall be a redressal cell in every Autonomous College to look into students’ grievances on teaching, learning, evaluation, conduct of examination and declaration of results shall be created.

(ii)- The Grievance Redressal Cell of an Autonomous Colleges shall consist of following members, namely:-

- (a) the Principal, who shall be the Chairman of the Cell
- (b) Two senior most teachers, of whom one shall be a woman to be nominated by the Principal.
- (c) the Students Union Chairman
- (d) PTA president

(iii)- the Grievance Redressal Cell shall enquire into any complaint or petition regarding teaching, learning, evaluation, conduct of examination and declaration of results and take a decision after hearing the complainant.

4. Amendment of Section 69 P. –

1. as there is an apparent contradiction between the provisions in Section 69 F and 69P, the opening sentence of sub section (i) of 69P may be amended as follows:-

In section 69P, in subsection (i) for the words “Subject to the provisions of this Chapter and the provisions of the Statutes, Ordinances, Regulations, bye-laws and rules made there under,” the words “Subject to the provisions of this Chapter” shall be substituted.

2A. In sub section (3), for the words “thirty working days”, the words “One hundred and eighty days” shall be substituted.

2B. in the second proviso for the words “thirty working days”, the words “Ninety days” shall be substituted.

Similar amendments are also required on above lines in all other University Acts