



**REPORT OF THE  
KERALA STATE UNIVERSITY LAW REFORMS  
COMMISSION  
(KSULRC)**

Vol. No: I

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**June 2022**



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## **PREFACE**

The appointment of three Commissions in September 2021, with the laudable objective of preparing a road map for revamping the higher education system in Kerala to make it suitable for the transformation of the State into a knowledge society with a compatible socio-economic structure, was viewed with high expectations by the people of Kerala. By June – July 2022 the reports of all the three Commissions are expected to reach the Government. As the Chairman of the Commission for University Law Reforms, I am greatly honoured to place this Report before the Government for serious consideration and appropriate follow up action.

Our Universities, unfortunately, became “degree giving institutions concentrating on conducting examinations, rather than becoming a system that transmits, generates and interprets knowledge”, as Andre Beteille remarks with great insight. The mandate of the Commission was to propose changes in the legal framework of the Universities, so that Universities become focal points of knowledge generation and transmission. Our findings and recommendations along with specific proposals for amending the existing laws, will be found in the succeeding pages. The first Chapter, which serves as a prologue, contains an elucidation of the approach of the Commission, highlights the major findings and recommendation, and explains their rationale. Since so many amendments to the existing University Acts are proposed, the Commission considers it better to have new Acts, rather than amending Acts, for ten Universities in the State.

The new Acts proposed by the Commission for ten Universities are given in Chapters II to XI. The proposal for a new Act of Private Unaided Colleges is given in Chapter XII. In Chapter XIII, the proposed amendments to the Kerala State Higher Education Council Act, 2007 are laid out. Chapter XIV to XIX contain provisions to be included in University Statutes for implementing same major recommendations of the Commission. Details of the meetings and interactions organized by the Commission are given as an Appendix. Some suggestions, which do not involve any change in the existing law, but are significant for various reasons, are presented as the recommendations of the Commission.

I was really fortunate to have a team of dedicated experts to work with me as members of the Commission. In spite of their very busy schedule, all of them were so seriously involved

in the work of the Commission that our Report bears the imprint of their contributions. To each member I owe a debt of gratitude.

The Commission's work was completed with the help of a small team of researchers under the leadership of Dr. Shafeeque V, Research Officer, Kerala State Higher Education Council, who was the Co-ordinator. Shri. S. Suresh Kumar, Under Secretary, Department of Law, Government of Kerala and Adv. Varun Dev. S, were the other members of the team. Their commitment and readiness to work for long hours were the main reasons which enabled the Commission to complete its task within nine months. The services of Ms. Sajitha U S, who helped in word processing and the staff of the Kerala State Higher Education Council also deserve acknowledgement.

Prof. Rajan Gurukkal, Vice Chairman and Prof. Rajan Varughese, Member- Secretary, Kerala State Higher Education Council, rendered all support to the work of the Commission by placing the entire administrative machinery of the Council at our disposal during the last nine months. Words cannot adequately express the depth of our gratitude to them. We thank Dr. Manulal P Ram & Dr. Priya K. Nair, Research Officers, Kerala State Higher Education Council, for their support and cooperation.

We had meaningful interactions, formal and informal, with the other two Commissions working on closely related themes. To Prof. (Dr.) Shyam B Menon and Prof. (Dr.) C.T. Aravindakumar, Chairmen of the Commissions, and to all the members of the Commissions, we are greatly obliged for their generosity in sharing ideas and their valuable time.

Shri. Pinarayi Vijayan, Hon'ble Chief Minister of Kerala, has always remained a source of inspiration and strength to us. His commitment to the cause of higher education in the State is well known. His inspiring leadership instills a sense of confidence in us that our effort will never be a futile exercise.

Dr. R. Bindu, Hon'ble Minister for Higher Education and Social Justice, has already initiated several decisive steps to improve the quality of higher education in the State. She has been sharing with us her dream of making higher education in Kerala the best in the Country and earning a place among the best in the world. Her constant support and enthusiastic involvement in the work of the Commission made our task, though onerous, look pleasant. On behalf of the Commission, I acknowledge our sincere gratitude to the Hon'ble Minister.

The Office the Hon'ble Minister was enthusiastically supporting the work of the Commission and facilitated the completion of our work within the stipulated time. I record our sense of appreciation and gratitude to them.

Dr. V.Venu, Additional Chief Secretary, in charge of Higher Education Department, was involved in the work of the Commission with a sense of commitment, always ensuring the co-operation and support of his Department. It was really pleasure to associate with Dr. Venu in our work.

Finally, a word of thanks to all stakeholders who had attended the interaction sessions organized by the Commission at Cochin and Thiruvananthapuram.



Thiruvananthapuram  
20 June 2022

**Prof. (Dr.) N.K. Jayakumar**





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# **CHAPTER - I**

## **INTRODUCTION**

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## **CHAPTER – I**

### **Introduction**

#### **01. Introduction**

The Government of Kerala constituted a Commission to formulate proposals for revising the laws applicable to the Universities in Kerala, keeping in view the larger objective of the transformation of Kerala into a knowledge society, with the following members;

1. Dr. N. K. Jayakumar (Chairman),  
Former Vice Chancellor,  
National University of Advanced Legal Studies, Cochin
2. Dr. Gopinath Ravindran.  
Vice Chancellor, Kannur University.
3. Dr. Joy Job Kulavelil,  
Member, Executive Body,  
Kerala State Higher Education Council.
4. Dr. K.Damodaran,  
Principal, Government College, Malappuram
5. Adv. P.C.Sasidharan,  
High Court of Kerala, Ernakulam.

The terms of reference as stated in the Government Order constituting the Commission (G.O.(MS) No.389/2021/H.EDN dated, Thiruvananthapuram 21.09.2021) are as follows:

- (i) To formulate proposals for the revamping of acts, Statutes, ordinances and regulations of Higher Education Institutions to make them suitable for the transformation of Kerala into a knowledge society with a compatible socio-economic structure.
- (ii) To review all acts, Statutes, ordinances and regulations of all Universities in the context of University Grants Commission, All India Council for Technical Education, National Council for Teacher Education regulations and the changing needs of society.

- (iii) To propose amendment in the Kerala State Higher Education Council Act (2007) so as to enable it to attain its stated aims and objectives.
- (iv) To consult all stakeholders and listen to their ideas before arriving at a final draft.
- (v) To propose changes in the rules pertaining to higher education so as to facilitate the functioning of Universities and other Higher Education Institutions according to the new proposals.
- (vi) To draft and submit the acts, model Statutes, model ordinances and model regulations for all universities under the Higher Education Department.
- (vii) To propose draft legislation congruent with the amended proposals for linking the Universities in the creation and democratization of knowledge society and also with other Higher Education Institutions that work towards the same goal.
- (viii) To draft and submit service rules that are specific to teaching and non-teaching staff of Higher Education Institutions
- (ix) To put forward any other proposal for attaining the goals already detailed or any new suggestion that may arise as part of the deliberations of the Commission.

The terms of reference, no doubt, are very ambitious in scope and impose a heavy burden on the Commission.

The complexity of the task becomes more intense when one considers the fact that an enquiry of this magnitude has never been attempted in relation to higher education in the State. Nevertheless, the Commission started its work on a confident note and has drawn up the detailed methodology for carrying out the task assigned to it.

Details about the meetings and interactions organised by the Commission are given in the Appendix.

## **02. The Approach**

Universities are autonomous institutions established by Statute and entitled to function within the framework of that Statute. This autonomous status is very crucial in enabling a University to perform its assigned role in knowledge production and dissemination. Unfortunately respect for University autonomy is gradually being



eroded and the tendency to view Universities as institutions subordinate to the administrative departments of the Government is gathering strength. For instance, even in the Government Order constituting the Commission and prescribing its terms of reference (G.O. (Ms.) No. 389/2021/H.EDN. dated Thiruvananthapuram 20.09.2021) clause 6 of the terms of reference reads as follows:

To draft and submit Acts, model Statutes, model ordinances and model regulations for all Universities under the Higher Education Department.

The use of the expression “Universities under the Higher Education Department” reflects the mindset of the bureaucracy which considers the Universities as institutions under them. The realization that Universities are statutory entities entitled to function autonomously, not under any person or authority including the Government, is the first step required for converting Universities to knowledge generating and transmitting institutions. Let this attitudinal change start from the Higher Education Department itself.

The transformation of the society into a knowledge society necessarily postulates certain prerequisites. The first and foremost among these prerequisites is academic freedom. A knowledge society postulates free thought which is possible only in an academic environment of freedom, without any unnecessary and unreasonable restraints. Academic freedom in our context includes the freedom of the teachers, students and institutions of higher education to function in an academic environment free from unnecessary and unreasonable restraints. How to guarantee academic freedom which is essential for production and dissemination of knowledge and creation of a knowledge society has been a recurrent question that kept on appearing during the deliberations of the Commission. The role of the Universities in this process, upholding their autonomy, but at the same time remaining accountable to society, was a more specific question that the Commission had to address.

A committee headed by Professor M. Anandakrishnan was appointed by the Kerala State Higher Education Council in the year 2011 for making a review of University Acts in the State and to make specific recommendations for modification of the Acts with a view to revamping them.

Two members of the present Commission (Professor N.K. Jayakumar and Dr. Joy Job Kulavelil) who were members of the Committee, took an active part in the deliberations of the Committee and formulation of the report. The present Commission is broadly in agreement with the approach, conclusions and suggestions of the Anandakrishnan Committee. It is therefore considered appropriate to quote in extenso from the report of the committee setting forth the broad principles underlying its recommendations.

- The Act of a University should be such as would provide an appropriate and adequate academic, administrative and governance structure that would enable it to achieve the above goals by performing a variety of functions connected with teaching-learning, research and extension in complementary and integrated manner.
- It is necessary to re-establish the links of university education with societal development, not only by way of long term contributions through creation and dissemination of knowledge but also through direct intervention of the academics in an organized manner in tackling immediate problems confronting society.
- The national goals of enhancing access, quality and equity should inform all attempts to revamp the legal framework of the Universities with a view to maximizing human potential for economic and social development of the State.
- The Act should help strengthen autonomy and accountability of all higher educational institutions, teachers and students, within a framework that would ensure decentralization and democratization of educational administration in such a way as to ensure collective and democratic decision making and effective delegation of academic, financial and administrative powers at appropriate levels.
- The Acts of all universities should provide for laying benchmarks in infrastructure, teaching and learning, research and extension and academic and social accountability of all higher education institutions and personnel as also provisions for mandatory compliance with such benchmarks by the university concerned and all its constituent, affiliated and recognized units.

The roles of the State in the formulation of general policies and of the Government in setting goals in accordance with such policies, fixing targets for specified period for

the realization of such goals and monitoring their implementation by the universities should be recognized while making the legal framework for the institutionalization of autonomy and accountability of universities and other higher educational institutions.

The Commission has tried to elicit comments/suggestions of different stakeholders regarding the possibility of reforming University Laws in an effective manner. In this regard, to incorporate collective and systematic efforts from various areas of expertise, the Commission organised a series of meetings with various stakeholders and also delivered a prepared questionnaire to all the members of University Authorities and Officers of Various Universities to gather their views on the matters concerned. Unfortunately, the Commission received only a limited number of questionnaires in response.

### **03. University Statutes, Ordinances and Regulations**

The first clause in the Terms of Reference of the Commission reads as follows;

- (1) To formulate proposals for the revamping of Acts, Statutes, Ordinances and Regulations to make them suitable for the transformation of Kerala into a knowledge society with a compatible socio-economic structure.

This clause is followed by clause (2) which reads;

- (2) To review all Acts, Statutes, Ordinances and Regulations of all universities in the context of University Grants Commission, All India Council for Technical Education, National Council for Teacher Education regulations and the changing needs of society.

It is pertinent to refer to clause (6) which reads as under;

- (6) To draft and submit the Acts, model Statutes, model Ordinances and model Regulations for all universities under the higher education Department.

It is evident from the above clauses in the Terms of Reference that the Commission is expected to undertake a massive task revamping not only the University Acts of ten Universities in the State, which fall within the scope of its Terms Of Reference, but also the Statutes, Ordinances and Regulations of these Universities. The enormity of the task, purely in quantitative terms is brought out by the fact that Acts, Statutes and Ordinances of the Universities in Kerala runs to over 3400 pages, even if we exclude the Regulations. Keeping in mind the limited time frame and resources allocated to the Commission, it was felt that it may not be possible for the Commission

to do complete justice to this task. Nevertheless, considering the importance of the University Statutes, Ordinances and Regulations in the running of the University administration, it was considered unwise to leave them altogether from the purview of the work.

The Commission after detailed deliberations, came to the conclusion that a pragmatic approach would be to consider on certain important provisions in the University Statutes, Ordinances and Regulations in the light of the proposed amendments in Act, since there may be many provisions in the Statutes, Ordinances and Regulations, which may be inconsistent with the new Acts enacted on the basis of our recommendations. Moreover, even a cursory glance could reveal that many provisions are either outdated or irrelevant. The Commission feels that the functioning of a University could be gravely jeopardised if these provisions are left as they are. We suggest that as a continuation of the work of the Commission, each university may undertake a thorough exercise of revising and updating its Statutes, Ordinances and Regulations in a time bound manner. This may be done under the leadership of the legal advisor and Standing Counsel of each University and the legally qualified personnel available in the University, including its Department of Legal Studies.

In spite of the constraints stated above, the Commission has met a caveat attempt to furnish certain major changes in the First Statute of Kerala University in tune with our proposed Acts, which may serve as guidelines. Though the whole of the Statute is not revised, attempts were made to change major provisions related to the structure and functioning of statutory officers, authorities, procedures of making laws, University finance, Private College and its affiliation, service conditions of the teachers in Private Aided Colleges, and Autonomous Colleges which are inconsistent with the provisions of the proposed Act.

#### **04. Higher Education and the Federal Principles**

The University system that was introduced in India during the colonial rule was rather a replica of the Colonial University administration in which the University plays the role of an affiliating body for colleges. The University's role was mostly confined to designing curricula, holding examinations and awarding degrees. In this model, Universities operate mainly as a governance system with knowledge generation and dissemination being accorded lower priorities or no priority at all. This system prevails

in the Indian Higher Education even today. Any attempt to revamp the legal framework of our Universities so as to make them play a leading role in transforming Kerala to a knowledge society, therefore, needs basic changes in the present system. How far this is possible given the existing scenario of asymmetric power relations in higher education in our country is a moot question. The rapid expansion in higher education over the last 40 years, especially the private sector, is another important factor to be reckoned with.

An analysis on the basis of constitutional principles would find the Union Government and the State Government as organically linked structures working together in the spirit of co-operative federalism. However actual practice shows that an overriding role is always assumed by the Union Government in relation to matters included in the Concurrent List. The Constitution recognizes this by providing that if any provision of law made by the legislature of a State is repugnant to any provision of law made by Parliament which Parliament is competent to enact, the law enacted by Parliament shall prevail and the law made by the State Legislature shall, to the extent of repugnance, be void (Art.254, Constitution of India). With judicial decisions conferring the status of “Law made by Parliament” to even Regulations made by the University Grants Commission, the power of the State Legislatures in the field of Higher Education is further atrophied. [Gambhirdan K Gadhvi VERSUS The State of Gujarat &Ors. Writ Petition (Civil) No.1525 OF 2019Decided on March 03, 2022].

The need for planned development of higher education is the justification to authorize the Union Government to co-ordinate and determine standards in institutions for Higher Education or research and scientific and technical institutions (Entry 66 of List I Schedule VII, Constitution of India), giving in effect considerable power over all aspects of Higher Education to the Union Government. Specifically including “education, including technical education, medical education and Universities” in the Concurrent List as entry 25 by an amendment in 1976 completed the process of centralization of Higher Education in India.

Any proposals for reform of University Laws in our State can only be made with this serious limitation in mind.

Higher Education sector in Kerala consists of different types of institutions. At the University level there are the conventional affiliating type of Universities, campus

based Universities, single discipline Universities with or without centers at different places, and deemed to be Universities. There is one central University and the campus of another central University functioning in the State. Higher education at the college level presents a complex picture with Government colleges, Private Aided Colleges, Private Unaided Colleges and Autonomous colleges (which may be Government or Government aided). As of now, there is no constituent college though there is an enabling provision in the University Act. Following the policy of the State Government no private universities exist in the State at present. Any proposal for revamping the higher education sector in Kerala, especially legal reforms, must take into account these structural complexities.

The Commission is of the view that the sleeping provision regarding constituent colleges in the University Acts must be activated. The Government must seriously consider whether all Government colleges in the State may be converted to constituent Colleges. There are several advantages, academic and administrative, in bringing them under the Universities. The change must take place in a phased manner in order to safeguard the service conditions of teachers and employees. There appears to be no justification for the Government, which must be concerned with larger policy issues in the field of higher education, to be burdened with the role of the manager of colleges. Making all Government colleges constituent colleges, which are part of the University, will definitely serve the interests of teachers, students, colleges and Universities better.

## **05. Private Unaided Colleges**

It is also pertinent to point out that the biggest expansion took place in the case of Private Unaided Colleges (PUC), which are popularly called ‘self financing colleges’, obviously a misnomer. As far as the number of institutions is considered out of a total number of 1504 colleges in the state around 974 institutions are Private Unaided Colleges. If the number of students is taken as an indicator, the number students in the PUC alone comes to around 60% of total students in Higher Education Sector. It is rather unfortunate that in spite of this dominating presence of Private Unaided Colleges in Kerala, at least in quantitative terms, they largely remain outside the legal framework, with practically no representation in the governance structures and remain a no man’s land as far as the norms regarding quality, equity and access are

concerned. How to rope them in and make them partners in the process of knowledge production and dissemination is one of the cardinal issues that must be addressed.

It is seen that this is a challenging problem not only for educational policy makers in our State, but also for the whole country. As an eminent educationist observes:

With governance structures controlled by local politicians and popular pressures, and with increasing budgetary constraints, states find no choice but to continue to expanding Higher Education, including specifically Private Unaided Colleges. In fact in view of severe resource constraints the Union Government gave tacit approval to the States to permit major growth in the number of Unaided Colleges in the states and also at the same time tacitly approved increase in cost recovery through student fees and student loans both in State and Central institutions. The result has been expansion without regard for greater equity or quality. (Jandhyala B G Tilak, Union-State Relations in India's Higher Education, National University of Educational Planning APA Occasional Paper 50, (2017))

The Commission is fully conscious of the dilemma in this context. While bringing Private Unaided Colleges within a regulatory framework similar to that of the Private aided Colleges will go against the very *raison d'être* of Private Unaided Colleges, the other extreme of leaving them totally unregulated will result in a dilution of quality, access and equity. This was one of the most difficult areas which had to be dealt with by the Commission. Ultimately a solution which does not dilute quality and compromise access and equity in higher education is proposed as the basis of a legal framework for Private Unaided Colleges. This is done through linking affiliation to accreditation and providing incentives where the Private Unaided College shows an improvement in accreditation score.

The affiliation granted to a Private Unaided College shall be initially for a period of one year and can be renewed for another five years. Before the expiry of fifth year from the date of granting affiliation, the college shall get itself accredited by the National Accreditation and Assessment Centre (NAAC) or State Assessment and Accreditation Centre (SAAC). Any college obtaining grade B and above in the accreditation shall be granted renewed affiliation for a period of 5 years, and if the

college obtains the B+ or an improved grade in the second accreditation, it shall be granted affiliation for a further period of 5 years.

If the College maintains or improves the grade in the previous accreditation, the University makes an evaluation on the functioning of the college during 15 years and if it is found satisfactory, may consider the college for being granted affiliation for a further period of 10 years. If the college is accredited with A+ in the third accreditation cycle, the University may consider the college for granting permanent affiliation. A Private Unaided College which has been granted permanent affiliation shall be eligible to be considered for autonomous status. Affiliation granted to a course shall continue to remain valid for the whole duration of the course

If in any accreditation the grade obtained by the college is below the grade obtained by it in the previous accreditation, the affiliation granted to the college shall be extended for a period of one year before the end of which period, the college shall get itself re-accredited again.

The Kerala Self-financing College Teaching and Non-teaching staff (Appointment and Conditions of Service) Act, 2021 has not been able to improve the functioning of PUCs, nor has it resulted in any improvement in the service conditions of the Teaching and Non-teaching staff, nor the plight of students. The Commission proposes that the Act of 2021 may be repealed and a new Act, which is given in Chapter XII, be enacted, which the Commission hopes, will result in a qualitative change for the better as far as the PUCs are concerned.

Other than linking affiliation with the accreditation, the Bill proposes that the appointment of teachers shall be made in the order of merit in the rank list by an order in writing of an authority determined by the educational agency for this purpose. The salaries of teachers for a month shall be paid by the Educational Agency by way of cross cheque or draft or by account transfer before the fifth of the succeeding month. The public holidays, casual leave and maternity leave eligible for the teaching and non-teaching employees of Government College or Private aided college shall be applicable to the teaching and non-teaching employees of Private Unaided College. It also recommends Provident Fund and Insurance schemes for the teachers and non teaching staff appointed in Private Unaided Colleges.



The fees leviable for each course in a Private Unaided Colleges shall be fixed by the Government on the recommendation of a Committee consisting of the Chairman of the University Tribunal (Chairman), the Vice chancellor of a University in Kerala, nominated by Government as its member and the Secretary to Government of Kerala, Higher Education Department as its Member Secretary. The Committee while exercising the functions under these provisions shall be assisted by a Chartered Accountant and an expert in infrastructure development, appointed by the Government.

#### **06. Objects of the University**

In the Kerala University Act and other University Acts which did not contain an enumeration of the objects, they were included. The objects of the University shall be to create and preserve and disseminate knowledge and understanding by teaching, research, extension and service and by effective demonstration and influence of its corporate life on society in general. It is an effort to inculcate an empowered work culture among the young generations of students. The objects of the University are carved out in such a manner that it encourages a desire to learn and develop in a holistic manner.

The Commission hopes that these objects will give a sense of direction among higher education institutions and they will promote not only acquisition of knowledge but also create opportunities whereby the learners can upgrade their knowledge, it will also promote the mandates of the Constitution and its ethics in centers of learning. The responsibility of the University to create, preserve and disseminate knowledge was specifically stated. The duty of the University to promote freedom, secularism, equality and social justice was emphasized.

A significant addition to the objects is the specific duty of the University to promote the use of Malayalam as medium of instruction especially in professional and technical education. It is relevant to note that the All India Council for Technical Education (AICTE) and Bar Council of India (BCI) have accepted the role of mother tongue in professional and technical education and recommended that mother tongue be introduced as medium of instruction.

#### **07. Governor as Chancellor**

The Governor is a constitutional functionary appointed by the President under Article 155 of the Constitution of India. It has been authoritatively laid down by the

Supreme Court that the Governor has no discretionary power “except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion” [ see Art. 163 (1) Constitution of India. See also *Samsher Singh v. State of Punjab* AIR 1974 SC 2192].

When the Governor of a State is designated as the Chancellor of a State University by an Act passed by the State Legislative Assembly, he cannot by any stretch of imagination enjoy any discretionary powers unless such powers are granted by Legislation. It is inconceivable how the Governor, who does not possess any discretionary power acting in the capacity of Governor, can exercise any discretionary power when he is acting as Chancellor ex-officio. The Governor as Chancellor ex-officio can exercise only those powers which are conferred on him by the State Legislative Assembly through legislation. It is also relevant in this context to point out that there is no compulsion on the State Government or the State Legislative Assembly to retain the present position of having the Governor as Chancellor ex-officio of State Universities.

Some States have drastically cut down the powers of the Governor as Chancellor, while others like West Bengal and Rajasthan have divested the Governor of the office of Chancellor, vesting that position with the Chief Minister or a Senior academician.

Be that as it may, after considering the issues involved from all possible angles, the Commission is of the view that the present practice of designating the Governor as Chancellor ex-officio may continue, except in the case of National University of Advanced Legal Studies, where the Chief Justice of the High Court is the Chancellor ex-officio, in tune with the practises of the National Law Universities in the country. In the case of other Universities in which the Governor may continue as Chancellor ex-officio, provisions empowering the Chancellor to take decisions on matters requiring legal knowledge and provisions conferring discretionary powers on the Chancellor which may lead to arbitrary or biased decisions are proposed to be changed. In the former case, the University Tribunal, a multi-member expert body consisting of a sitting or former judge of the Supreme Court or High Court as Chairman, a senior lawyer and an experienced academician as members, is entrusted with the decision- making. In the latter category of cases, the Vice Chancellor who is familiar with the ground realities

or the Government which is ultimately accountable to the people is empowered to take appropriate decisions.

The power of the Chancellor to decide whether any proceeding of any of the authorities of the University is in conformity with the Act, Statutes etc. has been taken away. This power will be exercised by the University Tribunal, chaired by sitting or retired Judge of the Supreme Court or High Court, since it is a matter which involves legal expertise.

It has been brought to the attention of the Commission by most of the Universities in the State that there is inordinate delay in getting the assent of the Chancellor for Statutes proposed by the University. This is really a serious issue. As a remedy, we propose the inclusion of a provision whereby the Chancellor's assent to a Statute shall be deemed to have been given on the expiry of 60 days from the date on which it has been submitted to the Chancellor. As far as the power of the Chancellor to refer a Statute back to the Senate, a provision to the effect that if such a Statute is passed by the Senate again, it shall come into effect from the date prescribed by the Senate, has been proposed. These amendments are expected to make the law making power vested in the Universities more effective and meaningful.

Regarding the Ordinance, the Commission is of the view that the provisions in the Cochin University of Science And Technology Act can be extended to the other University Acts. The Senate shall be the authority to give approval for the Ordinances. Every Ordinance made by the Syndicate shall be submitted to the Senate at its next meeting. The Senate shall be competent to propose amendments to any such Ordinance for the consideration of the Syndicate. The Syndicate shall resubmit the Ordinance at the next meeting of the Senate with or without amendments. Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be made only with the prior approval of the Government.

#### **08. The Role of Pro-Chancellor**

The Pro- Chancellor has a dynamic role in the functioning of the University and necessary clauses are proposed to be added so as to make the position of Pro-Chancellor relevant. The Minister who is in charge of the Higher Education shall be the Pro Chancellor of the University.

After deliberations on the role of Pro Chancellor in the University system, the Commission has decided to enhance the role of the Pro Chancellor so as to make it as a guiding role. The Commission suggests the Pro-Chancellor shall have the right to call for any information relating to the academic and administrative affairs of the University and such requisition shall be complied with by the University. The Pro- Chancellor shall have the right to bring any matter, which he considers important or a matter involving the policy of the government, to the attention of the Chancellor or to any authority or officer of the University and seek appropriate action.

The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.

This was needed because, according to University Acts now in force, the Pro-Chancellor has no specific power, except exercising the powers and performing the functions of the Chancellor in his absence.

#### **09. Vice-Chancellor**

The qualifications as well as the mode of appointment of the Vice-Chancellor spelt out in the relevant University Grants Commission Regulations have been incorporated in the Act. For the sake of clarity it was specifically stated that a panel of three names submitted by a majority of the search cum selection committee shall be treated as panel submitted by the Committee.

The Commission recommends to increase the age limit for appointment for the Vice-Chancellor from 60 to 65 in all Universities. This was done mainly because the retirement age of Professors in Central Universities is 65 and the University Grants Commission Regulations stipulate a minimum of 10 years as Professor for appointment as Vice Chancellor. Further, instances of not having sufficient eligible and appropriate candidates were brought to the attention of the Commission and this has created serious issues at times.

In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, or when the Vice Chancellor and the Pro Vice Chancellor are temporarily absent, the Commission recommends that the Syndicate shall select a senior professor of the University from a panel of three names in order of seniority and such selected

person shall exercise the powers and perform the duties of the Vice-Chancellor till the appointment of the Vice-Chancellor.

The Commission made a major recommendation on the emergency power of Vice Chancellor as specified below:

“If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority, body or various councils which, in the ordinary course, would have dealt with the matter for decision in its next meeting , and shall report, at the next session of such authority, body or various councils:

Provided that, in the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the University Tribunal whose decision shall be final.”

#### **10. Pro-Vice Chancellor**

The Commission has noted that, the Vice Chancellor does not get sufficient time to be involved in serious academic matters, because he/she has to deal with many administrative matters that can be dealt with, at lower levels of the hierarchy. In order to help the Vice Chancellor to become more involved in the academic and policy matters of the University, it has been recommended that some power needs to be vested with the Pro Vice-chancellor. The University Acts now in existence do not contain any specific provision on the powers of the Pro-Vice-Chancellor.

The Pro-Vice-Chancellor shall be a full-time salaried officer of the University who has held the post of professor, or principal of a college or an institution with not less than fifteen years teaching or research experience.

Appointing a highly qualified person to the position and maintaining his office at considerable expenses to the University appeared unjustified to the Commission in the absence of specific powers and functions. It is therefore proposed that the Pro-Vice-Chancellor shall be the Chairperson of the Council of Faculty Deans, the Research Council and the Council of Affiliated Colleges. Moreover, the Pro-Vice Chancellor shall exercise the powers ad perform the duties of the Vice-Chancellor in the event of

a temporary vacancy occurring in the Office of the Vice Chancellor or during the temporary absence of the Vice Chancellor. The Commission also recommends more administrative powers for the Pro- Vice Chancellor to ease work load of the Vice Chancellor and also to make the system prompt and more effective.

### **11. Registrar/ Controller of Examinations/ Finance Officer**

The Commission proposes the Registrars of all Universities as the Chief Administrative Officers of the University and he shall be the Ex-Officio Secretary of the Senate, Syndicate and the Academic Council of the University. Many existing University Acts does not have such provisions and the Commission is of the opinion that the presence of the Registrar is vital in the major authorities of the University. Registrar has been included in the finance committee of the University as well.

The position of Registrar has been made structurally clear in the University Acts, so that it will enable the Registrar to function smoothly.

Being the Chief Administrative Officer of the University, the Registrar shall make proper work arrangements in the University so as to avoid duplication and delay in the administration. The Commission received numerous complaints from different stakeholders regarding the delay in the administration and being the Chief Administrative Officer, the Commission expects that the Registrars will play a key role in making the system smooth and effective. Necessary provisions have to be included in the Statutes in this regard.

In the Acts of A P J Abdul Kalam Technological University, Cochin University of Science and Technology, Sree Sankaracharya University Of Sanskrit, Thunchath Ezhuthachan Malayala University, and Sree Narayana guru Open University stipulates the approval of the government for the appointments of Registrar, Controller of Examinations and Finance Officer. The Commission recommends to repeal these provisions. Such provisions are not in harmony with the concept of University autonomy. The Commission therefore has not included these provisions in the Acts proposed.

### **12. More Extensive Use of University Statutes, Ordinances and Regulations**

The concept of University autonomy necessarily involves internal law making. This principle has been recognized in all the University Acts by conferring the power of subordinate legislation on various authorities of the University. Generally, the

Statute making power will be vested in the Senate, while the Syndicate will have the power to make Ordinances and the Academic Council the power to make Regulations. An effective use of these powers will enable the Universities to uphold their autonomy and also to respond to the emerging needs promptly.

The approach of the Commission has been to include matters of detail and provisions which may have to undergo changes in tune with changing needs in the University Statutes so that University will have the power to change them as and when the need arises. At present, a frequently heard objection to the inclusion of any important matter in the University Statutes is the requirement of Chancellor's assent and the practice of the Chancellor keeping statutes in cold storage without giving assent or without disclosing any reason for the delay. As a remedial measure to this situation which has been brought to our notice by practically the representatives of all the Universities, we propose a time limit for giving assent and also a 'deeming' provision, which makes it clear that after the expiry of sixty days from the date on which any Statute passed by the Senate has been submitted to the Chancellor for his assent. Assent shall be deemed to have been given by the Chancellor. In cases where, the Chancellor sent it back to the Senate for reconsideration, the Chancellor is required to state his reasons and then the Senate passes the Statute again, it shall not be necessary to obtain the assent of the Chancellor and the Statute shall come into force from such dates as the Senate may prescribe.

Even though the basic legal framework of the Universities in the State is not proposed to be altered, a large number of amendments are proposed in all University Acts which may, in the long run, produce far reaching consequences. Some of the changes may lead to a rethinking on the vision and mission of the Universities. Others will result in radical changes in the way in which our Universities function. It is therefore proposed that instead of introducing the changes in the form of an amending Act, a new University Act of 2022 for each University, repealing the existing Act may be introduced, for all ten Universities.

It is not our intention to propose a unified Act for all Universities in the State. While many features may be common to all Universities, the historical context in which a particular University was established and the way in which it has developed its own identity over a period of time need to be preserved. Our recommendations are made with this broad objective in mind.

### **13. The Senate**

The composition of the Senate ought to reflect a cross section of the society. so, that the requirements of the stakeholder will be reflected in the administrative decisions of the University. An attempt has been made to reduce the number of members in the Senate of all the Universities in Kerala, without changing its representative character. The representation of teachers, principals and Managers of private unaided colleges has been ensured in the Senates of all the Universities.

The Commission is of the view that the Senate performs a very important function of making institutions of higher education democratically accountable. In furtherance to that principle, a new Senate has been proposed in Sree Sankaracharya University of Sanskrit, Kalady which does not have a Senate at present, and more powers have been conferred to the Senates of Mahatma Gandhi University, Kannur University, Thunchath Ezhuthachan Malayala University and Cochin University of Science and Technology.

The power to make Statutes was uniformly vested in the Senate in all Universities. It will also have the authority to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-third of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council. Annual Report, Financial Accounts and Audit Reports have to be approved by the Senate and the Commission expects that it would enhance the accountability in the system. These powers were originally vested with the Syndicate in most of the Universities.

Radical changes have been proposed in the rules of procedure regulating the meetings of the Senate. At present Senate meet up look like a session of the Legislative Assembly. The politically charged ambience of the Legislature need not be recreated in the Senate which is basically concerned with general policy matters of an academic institution. This is the rationale behind the proposal to exclude provision for adjournment motions and question hour in the Senate.

### **14. Meetings of the Senate**

According to section 19 (1) of the Kerala University Act, 1974 the Senate shall be the supreme authority of the University. In tune with this provision necessary powers and functions vested in the Senate are enumerated in the Act. The Commission, after



due deliberations, came to the conclusion that no major change is required in the composition as well as powers and functions of the Senate, especially since the Kerala University has been functioning with a Senate of varied representation and extensive powers for more than six decades with accent on social accountability. It must be added that we do not propose the same model for all Universities in the State.

It is however felt necessary to introduce certain changes in the way in which meetings of the Senate are conducted at present. The procedural aspects of Senate meeting borrow heavily from legislative procedure, going to the extent of mimicking in practice whatever happens in the Legislative Assembly. It is often forgotten that there is no ruling or opposition party in the Senate, but only members representing various academic or societal interests. Viewed in this background the present practice of conducting Senate meetings as a replica of Legislative Assembly meetings has no rationale and must be done away with.

For this purpose the following changes are proposed in Chapter 5 of the Kerala University First Statutes 1977.

1. Statute 21 which deals with questions and answers may be deleted since any information available in the University may be obtained by any person under the Right to Information Act 2005. Statutes 22 to 26, 27 (ii), and 28 to 35 may also be deleted since they pertain to questions and answers.
2. Statute 37 on adjournment motions may be deleted. At present in every meeting of the Senate, adjournment motions are invariably followed by protest and walk out with the result that academic and administrative matters which deserve serious attention and debate at the meeting are either neglected or side-lined. The media also give disproportionate coverage to adjournment motions and walk outs, which encourages members of the Senate to indulge in such practices.
3. Clauses (vii), (viii), and ( x) of Statute 38 may also be deleted since they may have the effect of adjournment motions.
4. Statute 60 on motion for adjournment may be deleted for reasons stated above.
5. Statute 62 on motion for dissolution may be deleted.
6. For issuing notice for meetings of the Senate and for despatching documents to members, clear provisions permitting online/electronic mode of issuing notice and despatching documents may be included.

### **15. The Syndicate**

The Kerala and Calicut University Acts had similar provisions regarding the constitution as well as powers of the Syndicate. The Senate was conceived as the Supreme Authority of the University and the Syndicate was accountable to the Senate. The Syndicate consisted mostly of members elected from the Senate, with some ex-officio and nominated members. The question whether this system results in over-politicization of University administration, which is turn is alleged to be one of the reasons for the deterioration in academic standards, has been raised and discussed innumerable times without any generally acceptable conclusions. Those who oppose the above view have built up strong arguments based on the need to ensure democratic accountability for institutions of higher education. The recent grading of the Kerala University with A<sup>++</sup> by National Assessment and Accreditation Council (NAAC), the only University in Kerala to obtain that grade and among 10 Universities in the country, prove that academic excellence and democratic accountability are not incompatible, but mutually reinforcing.

Be that as it may, the Commission chose to tread a middle path. The composition, powers and functions of the Syndicate as well as its relationship with the Senate, now prevailing in Kerala and Calicut Universities, is retained without significant changes. However the number of members on Syndicate has been brought down without reducing academic representation to enable the Syndicate to function effectively as chief executive body of the University. In other Universities the Syndicate plays a more independent role with the Senate confined to powers of general supervision and oversight.

For the administrative conveniences, the authority to conduct University Examinations and approve and publish the results thereof has been conferred to the Syndicates of the Calicut and Kerala University. This provision was vested with the Syndicate in all other university Acts. This will help to declare the results and distribute the certificates without delay.

### **16. The Academic Council and Board of Studies**

In the composition and functions of the Academic Council, no significant changes have been made except a minor reduction in the number of the members of Academic Council. But functionally we expect a qualitative improvement as a result

of some changes we propose regarding Deans of Faculties and Deans other than Faculty Deans. The number of Syndicate members other than ex-officio members in Academic Council is reduced to five, so as to, streamline the functions of the Council.

An important point to be noted is that, in order to address the grave issues related to the Equivalence/recognition of certificates of other universities, the Commission suggests certain modifications in the powers of the Academic Council on determining the Equivalence/recognition. In the proposed Acts, the power is modified as follows- 'to lay down the general guidelines for recognition of degrees awarded by other Universities with that of the University'.

The Commission is of the view that, Only one Board of Studies is required for each department of study. The number of members shall be between 10 to 15. The Commission expects

### **17. The Planning and Development Committee**

Many Universities have Planning and Development Committees that has diverse structure and functions. In the present context, it is vital that universities need to have a comprehensive and concrete plan for the long term expansion of the University. The Cochin University of Science And Technology Act already has a Planning Committee in it.

The Commission suggests that every University shall have a Planning and Development Committee which shall be the principal planning body of the University for the planning and development of institutional and infrastructure facilities and to advise the Senate, the Syndicate and the Academic Council on such matters. It has to be a statutory body of the University.

The Planning Committee shall consist of the following members, namely: -

- (a) Vice Chancellor, who shall be the Chairperson;
- (b) Pro Vice Chancellor;
- (c) Registrar;
- (d) One representative of Kerala State Planning Board, nominated by the Vice Chairperson of the Kerala State Planning Board;
- (e) Two Members of the Syndicate, elected among themselves;
- (f) Two experts in fields of planning and development, nominated by the Syndicate;

- (g) Dean of Internal Quality Assurance Cell; and
- (h) Finance Officer, who shall be the Ex Officio Secretary

The major powers includes the preparation of the institutional development plan and monitor the progress of its implementation and to render advise with regard to the implementation of plans approved by the Syndicate, Senate and other bodies.

The Vice Chancellor may issue such orders on the advice of Planning and Development Committee, if it doesn't violate the provisions of Act, Statutes, Ordinance and Regulations of the University. This will avoid the duplication of administrative works and help to make the system more efficient.

### **18. The Council of Faculty Deans**

Council of Faculty Deans provides leadership to the University community for teaching, learning and service to learners. It is responsible to advise the Vice Chancellor in all academic and research matters.

In order to co-ordinate the functioning of Faculty Deans and to enable them to play a more effective role in the Academic Council, a Council of Faculty Deans is proposed to be set up in each University. One of the important functions of the Council is to meet prior to the meeting of the Academic Council and to make its recommendations on items on the agenda of the Academic Council. Questions of Equivalence of degrees, which is a complicated and time-consuming process now, are proposed to be delegated to the Council of Deans. The Academic Council will retain the powers to lay down general norms relating to questions of Equivalence.

It is proposed that the Council of Faculty Deans which shall be responsible for developing policies and procedures which govern instructional programmes and academic life of the University be constituted in the University. It provides a broad based comprehensive approach to planning, coordination, policy formulation, communication and programme decisions within the framework of the University values of exploration, inclusiveness, excellence, integrity, community and accountability.

The Council of Faculty Deans is accountable to the Vice Chancellor. Powers and functions necessary for carrying out the above responsibilities shall be prescribed by Statutes or delegated by the Vice Chancellor.

There shall be a Council of Faculty Deans consisting of the Deans of Faculties in the University.

- i. The Pro- Vice Chancellor shall be the Chairman of the Council.
- ii. A senior Dean nominated by the Vice- Chancellor shall be the Vice Chairman of the Council.
- iii. The Council shall meet once in two months or whenever the chairman considers it necessary.
- iv. The Council shall meet five days before each meeting of the Academic Council. It may make such recommendations as it deems fit on each item on the agenda and place them before the Academic Council.

If in any matter that must normally be decided by the Academic Council, there is need of urgent action, the Vice Chancellor may refer the matter to the Council of Faculty Dean and act according to the recommendations given by the Council. Any such action taken by the Vice Chancellor shall be reported to the Academic Council at its next meeting.

### **19. Deans other than Faculty Deans**

The Commission feels that there must be more academic involvement in the administration of the university. Very often even decisions which do not apparently reveal an academic dimension may have academic implications. University administration, as distinct from administration in a government department, must always take academic aspects into consideration before making decisions. There are also areas of University administration where academic considerations outweigh other considerations. But experience shows that even in such cases academic considerations do not receive adequate attention. If there is better academic involvement in the decision-making process and implementation of decisions, it will necessarily improve the quality of decisions and result in better administration. It is therefore suggested that senior professors of the university shall be designated as Deans in charge of various important areas of University administration, especially those affecting teachers, students and colleges. They must be provided with necessary delegation of powers and administrative support. In the absence of sufficient number of senior professors in the university senior teachers in affiliated colleges may also be considered for appointment as Deans. Another advantage of this proposal is the opportunity it provides to senior

professors who, in due course, may get elevated to responsible positions in the University system.

For the implementation of the above proposal, the following provisions may be incorporated in the University Act / Statutes:

In addition to Deans of faculties, there shall be the following Deans to assist the Vice Chancellor in university administration.

1. Dean of Student Affairs
2. Dean of University Departments
3. Dean of Affiliated Colleges
4. Dean of Teachers Welfare
5. Dean of Internal Quality Assurance

The powers and functions of the Deans as well as the terms and conditions of appointment and service shall be prescribed by Statutes. Some guidelines on the functions of Deans are given below:

### **1. Dean of Student Affairs**

Dean of Student Affairs shall oversee all non-academic student activities. It includes coordinating extra-curricular pursuits of students, resolving issues related to hostel, dining and other recreational and co-curricular facilities. His role is to create infrastructure and atmosphere that will promote balanced and all-round development of students.

The Dean of Student Affairs shall look after the general welfare of the students and also provide appropriate encouragement for sound and fruitful relationship between the intellectual and social life of the students for their growth and development as matured and responsible human beings.

The Dean of Student Affairs, will arrange for guidance of and advice to the students on matters pertaining to:

- Organization and development of students' bodies;
- Counselling and students' guidance facilities;
- Promotion of students' participation in co-curricular and social activities;
- Financial aid to students as per the decision of the University;

- Students – teacher and student – administrative relationships;
- Career advice and campus placement;
- Arranging facilities for the students Educational Tours and Excursions other than those prescribed as part of curriculum.
- Securing facilities for students for further studies in the country and / or abroad, and career advancement, including student exchange programmes.
- Any other problems of the students relating to the University.
- Coordinate the activities of Hostels and the power of shifting a resident from one hostel to another, if deemed necessary.
- Make arrangement with railway / bus concession tickets to students during vacations for educational tours, students’ participation in extra-curricular activities and sports and for home town visits.
- Shall co-ordinate and arrange the disbursement of all financial aids, scholarships, stipends, etc to the students.
- The Dean of Student Affairs shall work for the welfare of the student and also as directed by the Vice Chancellor from time to time.
- Perform such other duties and discharge such other responsibilities, as may be assigned to him by the Vice-Chancellor from time to time.

## **2. Dean of University Departments**

Dean of University Departments has a key role in planning and provisioning for future needs of the University Departments in various domains such as space management and infrastructure, technical and administrative personnel, performance, development, etc. He is also responsible for public relations and communication policies of University Departments.

The Dean of University Departments would receive the recommendations (proposals) from the Board of Studies (BOS) on the academic matters regarding number of seats, introduction of new academic programmes, upgradation of the existing programme structure, course description, amendment of academic rules, etc, duly approved by the Academic Council. The Dean after verifying its feasibility, correctness and uniformity shall submit his comments to the Academic Council for consideration and necessary action.

- Understand, imbibe, strengthen and further the mission of the University.
- Undertake collective visioning with teaching staff in promoting excellence in teaching, research and administration.
- Provide recommendations to the University/Government/Management regarding study leave and other leaves for faculty and staff;
- Provide recommendations to the University on policies and procedures, especially in the academic area;
- Manage non-faculty staff members;
- Develop, lead and encourage the intended goals of the departments in their outreach and public service efforts.
- Apply, obtain and maintain necessary accreditation of courses from appropriate statutory and non-statutory (if needed) organizations;

### **3. Dean of Affiliated Colleges.**

The Dean of Affiliated Colleges provides a leadership role and extends help, guidance and advice to all the affiliated colleges admitted to the privileges of the University. The Dean of Affiliated Colleges is the Principal Advisor to the Vice Chancellor in all matters relating to affiliated colleges. He shall suggest measures for continuously improving the general educational standards of the affiliated colleges.

Dean, Affiliated Colleges shall also have the following functions, viz.,

- coordinating the development and implementing the University's Vision and Goals Statement regarding Affiliated Colleges;
- leading, and coordinating Affiliating colleges strategic planning and curriculum development;
- leading and coordinating the governance of the Affiliated colleges;
- coordinating the professional development of college administrators and staff;
- Monitoring overall productivity in instruction, research, and service responsibilities of Affiliated Colleges;
- providing recommendations to the University/Government/Management regarding academic and administrative improvements related to affiliated colleges;



- advising the University on policies and procedures related to affiliated colleges;
- providing recommendations to the University on policies and procedures, especially in the academic areas related to Affiliated Colleges;
- Coordinating and ensuring cooperation among affiliated Colleges;
- developing, leading, and encouraging formation of Cluster of Colleges.

#### **4. Dean of Teachers' Welfare**

Dean of Teachers' Welfare is responsible for expanding the research of the University by attracting faculty from varied disciplines and is involved in providing administrative support and mentorship to facilitate professional development of faculty members.

- Oversee well-coordinated administration of the Faculty with support from Programme chairs/coordinators and other members of the Faculty including fulltime and adjunct teaching staff, visiting faculty members, practitioners, university officer and administrative staff and Faculty of the University;
- In collaboration with programme chairs/ coordinators and other faculty members prepare, manage and implement budget for Faculty improvement;
- Provide leadership and in coordination with the faculty colleagues generate resources and use them effectively to advance the teaching and research mission and welfare of Teachers;
- Facilitate and support the processes of the programs / courses of study and the Board of studies for various programmes at the faculty;
- Facilitate the appointment / recruitment of programme chairs and programme coordinators and faculty members for the faculty members for the Faculty, reviewing their performance and in the function relating to human resource management;
- Implement with the help, and support from Faculty teaching staff, an annual review of their performance and feedback of courses taught at the Faculty;
- Appraise the Vice Chancellor periodically on matters relating to academics and administration of the Faculty;
- Undertake any duties and deliver any other responsibilities assigned by the Vice Chancellor.

## **5. Dean of Internal Quality Assurance**

Dean of Internal Quality Assurance shall look after all academic programme of the University including the PhD programme. He is involved in coordination of admissions as well as exams, curriculum design and implementation and provision of all required classroom and laboratory facilities. He is responsible for adhering to high academic standards and ensuring overall development of all students.

Dean of Internal Quality Assurance is entrusted with the job to coordinate all activities relating to the assessment and enhancement of academic programmes, academic services as well as non-academic services impacting student welfare and to advise the Vice-Chancellor in the relevant area of responsibility.

Since quality enhancement is a continuous process, the Dean of Internal Quality Assurance will become a part of the University system and work towards realizing the goals of quality enhancement and sustenance.

Dean of Internal Quality Assurance will strive to achieve quality through continuous improvement with cooperation of all stake holders.

The Dean of Internal Quality Assurance shall solicit critical remarks and suggestions from both members of the University system and also general public.

The Dean, Internal Quality Assurance shall ensure timely and efficient performance of academic and extra-curricular activities; maintain quality of academic and research activities; and ensure an error free evaluation procedure

The key responsibilities and duties of the Dean, Internal Quality Assurance shall include:

1. To direct the office of Internal Quality Assurance and Institutional Research
2. To serve as the quality assurance auditor or the University
3. To establish quality assurance standards and methods of measurement relating to:
  - a) Academic quality programmes on the basis of intended Learning Outcome Assessments
  - b) Academic quality on the basis of thesis and internships

The Dean, Internal Quality Assurance shall have to following responsibilities in related to academic accreditations and attestations:

- To promote automation of the University and keep that upgraded from time to time.
- To enable development and application of quality benchmarks/parameters for various academic and administrative activities of the institution.
- To promote and facilitate various academic activities of the University and make them and good practices.
- To facilitate the creation of a learner centric environment conducive to quality education.
- To act as a change agent in the institution so as to ensure quality.
- To initiate the implementation of feedback response from all stakeholders on quality related institutional processes.
- To keep documentation of the various programmes / activities leading to quality improvement.
- Provide guidance and direction to directors and deans so that all departments are maintaining up-to-date records, in an organized fashion, that are necessary for accreditation. This includes, but is not limited to, syllabus for all courses, programme reviews, grading documentation for each course, research records, copies of all publications by members of the University community, promotion and retention records and minutes of all meetings, minutes of all academic council meetings, and Faculty development records.
- Responsible for assisting in all programme reviews and maintaining the necessary documentation of those reviews.
- Upon request, consult with deans on issues regarding achieving quality assurance standards and performing measurements.
- Serve as a member of such working groups as may be set up to manage the preparation for quality audits by other regulatory bodies and accreditation agencies.
- Develop and maintain on Operations Manual for quality assurance and quality management.
- Serve as a non-voting member of Academic Council and on the Academic Council Sub-committee for Quality Assurance.
- Responsible for keeping the Vice Chancellor informed on national and international developments relevant to academic quality and standards and take the

lead in discussion in the institutions on proposals for the improvement of quality processes.

- Prepare for the Vice Chancellor an annual institution-wise quality report on all academic programmes, including research and academic services summarizing the main points and recommendations for the improvement of quality from college reports.
- Contribute fully to the Institution's corporate planning and communications processes and lead the development of the Academic Quality plan.
- To prepare the University for the National and International level assessment and accreditation and monitor accreditation requirements including fulfilment of conditions of any accreditations given.
- Such other duties as may be assigned by the Vice Chancellor.

## **20. Council of Deans other than faculty Deans**

The Council of Deans other the faculty Deans shall be constituted to discuss and advice the University on matters prescribed in the Act and Statutes of the University. The Council of Deans other the faculty Deans shall consist of the following members, namely: -

- a) Pro-Vice Chancellor, who shall be the Chairperson of the Council;
- b) Dean of Student Affairs
- c) Dean of University Departments
- d) Dean of Affiliated Colleges
- e) Dean of Teacher's Welfare
- f) Dean of University Quality Assurance

The Council of Deans other the faculty Deans shall meet once in four months, or whenever the Chairperson considers it necessary. The Vice Chancellor shall have the power to convene a Joint meeting of the Council and the Council of Faculty Deans whenever he considers it necessary or when a request is made by not less than three members of either of the Council. however, it is also provided that a Joint Meeting shall be convened at least once in four months.

## **21. Research Council**

A lot of research takes place in the Universities, either for an academic degree or as externally funded projects. There is no mechanism for monitoring the research

activities taking place in a University and also for evaluating the social impact and contribution to knowledge in different fields. Research remains mostly as an activity in which only the guide and the researcher are involved, taking place within the four walls of a centre or department. Once a thesis is submitted and research degree awarded to a candidate, everybody including the guide and the researcher forgets about it. It is proposed that the Research Council, which will bring together all the research guides of the University and involve them in the process of evaluation and monitoring of research, be constituted in the University by appropriate amendments in the Act and Statutes.

For this purpose the following amendments are proposed;

1. There shall be a Research Council consisting of -
  - a) Five Deans of Faculties nominated by the Vice Chancellor.
  - b) Three teacher members of the Syndicate nominated by the Vice- Chancellor;  
and
  - c) Three external experts who have made substantial contribution in the field of research, of whom one shall be the Director of a recognised centre for research.
2. The term of the Research Council shall be 3 years from the date of constitution.
3. On the basis of inputs received from the Deans of Faculties, Heads of departments, Professors and the Sub-committees constituted by the Council, the Council shall prepare an annual report on the status of research in the University and present it before the Academic Council.
4. The Council shall identify potential areas of research in each subject and bring it to the attention of relevant faculties and supervising teachers.
5. The Council shall ensure that the provisions in the Regulations for the Ph.D. Degree are meticulously followed by each faculty of the University. If the Council finds any lapse in this regard, it shall be brought to the attention of the Faculty concerned and the Vice Chancellor. Such deviations shall then be reported to the Academic Council through annual reports submitted by the Research Council.
6. The Council shall also be involved in the following activities, namely;
  - a) To organise national level research conferences for the scholars and the faculty.

- b) To encourage the faculty and research scholars to publish their research outputs in peer reviewed journals of national and international repute;
- c) To encourage and motivate teachers to take departmental/inter-disciplinary research projects from national and international agencies;
- d) To promote consultancy for issues in research area and also monitor the consultancy services rendered by each research department; and
- e) To arrange endowment/invited lectures on an extensive manner through the research centres in order to familiarise the researchers with innovative research areas.

(1) The Council shall constitute as many Sub Committees, as there are subjects of study in which research takes place. Sub-committees shall consist of all supervising teachers in that subject. In case the number of supervising teachers in the subject area exceeds Twenty Five, more sub committees may be constituted, so that the number of members in one subcommittee does not exceed twenty-five.

(2) The Sub-committee shall scrutinise the doctoral dissertations in the subject for which PhD has been awarded, with reference to the following points;

- a) Social relevance of the research;
- b) Contribution of the research to the advancement of knowledge in the subject;
- c) Findings of the research deserving wider dissemination/publication;
- d) Conclusions and suggestions having policy implications, which must be brought to the attention of policy makers; and
- e) Any other matter which the committees consider relevant and important.

After scrutiny of the dissertations, the sub committees should prepare an annual report and submit it to the Research Council; The Research Council shall present a consolidated report with its comments thereon to the Academic Council. The Research Council shall interact with the principal investigators / directors of the ongoing research projects in the University and submit an annual report to the Vice Chancellor, who shall cause the report to be laid before the Academic Council.

## **22. Cluster of Colleges**

The scheme for setting up clusters of colleges in the state with a view to improving the quality of higher education has been discussed many times in different reports. The Kerala State Higher Education Council has formulated a scheme named

cluster of colleges. Three clusters were constituted by Kerala State Higher Education Council at Thiruvananthapuram, Ernakulum and Kozhikode.

The cluster of colleges has been a long debated concept. in order to promote co-operation among the neighbouring colleges with a view to improving both access and quality of higher education imparted on the state.

The Commission is of the view that the concept of Cluster of Colleges must find a place in the University Acts, with details included in the Statutes.

## **1. Governance Structures**

Three tier system of governance:

- Governing body
- Executive body
- Academic committee

### **1.1 The Governing Body**

The governing body will be responsible for taking policy decisions on behalf of the cluster and for approving the annual budget and audited statement of expenditure and for initiating all new schemes. It shall consist of the following members:

- Principals of partnering colleges
- Management representative of each college
- Elected teacher representatives from colleges
- Elected college union representatives
- State Government nominee
- District Panchayath representative
- Representative from University Syndicate
- Two nominated educationists

### **1.2 Executive Body**

The Executive Body shall be responsible for carrying out the decisions of the Governing Body and for preparing the budget and annual statement of expenditure for the approval of the Governing Body. It shall consist of all the principals of the partnering colleges.

The Chairperson of the Governing Body shall preside over the meetings of the Executive Body and the Member Secretary of the Governing Body shall be the Member Secretary of the Executive Body as well. The executive Body meets at least once in two months. The administration of the college cluster shall be vested in the Executive Body

### **1.3 Academic Committee**

The Academic committee shall be constituted as decided by the Governing Body, observing the principle of equal representation to all partnering colleges and rotation of headship. The functions and responsibilities of the Academic committee would be as decided by the Governing Body. Sub-committees of the Academic committee may also be constituted by the Governing Body for the performance of various functions, as and when required.

**Funds: -** The funds of the college cluster shall include all funds received from the government, UGC and similar funding agencies as also funds collected by the cluster and donations /endowments received.

### **Finance Committee**

The finance committee is constituted as decided by the Governing body observing the principle of equal representation and rotation of headship. Its functions and responsibilities would be decided by the Governing body. Administration of the funds shall be vested in the Finance committee which will be responsible to the Governing body.

## **23. Council of Affiliated Colleges**

The Council of Affiliated Colleges is a statutory body intended to provide a common platform for all the affiliated colleges to come together and discuss on various matters affecting them and place recommendations before various authorities of the University. It will also facilitate a platform to combine efforts for the needed reform of the education management system in affiliated colleges and accelerating the construction of a high-level quality education, upholding the objectives of Access Equity and Excellence.

The Council of Affiliated Colleges is a statutory body consisting of:

- 1) The Pro-Vice-Chancellor – Chairperson;
- 2) Dean of Affiliated Colleges – Vice Chairperson;



- 3) Three Principals from Government colleges, nominated by the Vice Chancellor in consultation with the Syndicate – members;
  - 4) Two Principals and one Manager from Private Aided colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate - members
  - 5) Two Principals and one Manager from Private Un-Aided colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate - members ;
  - 6) Three Principals, one each from Government colleges, Private Aided Colleges and Private Unaided Colleges and one Manager from Professional colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate – members;
  - 7) One member of the Syndicate, nominated by the Syndicate from among themselves – member;
  - 8) The Registrar - Member-Secretary.
- (4) The Council of Affiliated Colleges shall meet at least once in six months on dates to be fixed by the Chairperson and one of such meetings shall be called the annual meeting.
- (2) One-Third of the total number of members of the Council of Affiliated Colleges shall be the quorum for a meeting of the Council.

Colleges are the mainstays of the university. Thus, only when colleges are filled with passion and vitality, can the university pool effort and power to develop dynamically. The Council of Affiliated Colleges shall endeavour to set fresh targets, fulfil new tasks, and take innovative measures to build their colleges in the light of overall analysis of the current situation. .

The Council of Affiliated Colleges, which shall be a forum between University and its affiliated colleges brings together their collective wisdom, united in their common pursuit, reflecting their further understanding of regularities of education development, discipline construction, talents growth and scientific research.

The objectives of the Council of Affiliated Colleges are to:

- Provide a common platform between University and Affiliated Colleges of the University to discuss the issues of development of collegiate education and share the developments in higher education.

- assess and develop collegiate education and its linkage with development of economy and the society.
- Make policy recommendations about the development of colleges in the University and to place them before the concerned authorities of the University;
- Provide an opportunity to Affiliated Colleges and University for exchanging ideas, sharing of experiences, views on the development of higher education and linking it with national and global development;
- To encourage affiliated colleges to organize seminars/national level conferences annually and global conferences occasionally
- Organize leadership development program for Affiliated Colleges and other key personnel for the development of colleges.
- Work for promoting the academic interests of Affiliated Colleges with the objectives of the University.

## **24. Affiliation of Colleges and Courses**

The mushroom growth of low-quality institutions of higher education in the country has been strongly criticized by the Supreme Court of India [The Jawaharlal Nehru Technological University Registrar Vs. Sangam Laxmi Bai Vidyapeet & Ors. Special Leave Petition [C] NO.9718 OF 2018)]. An affiliation system which will effectively control the mushroom growth of low-quality institutions, but encourages the establishment of institutions of higher education which satisfy the criteria of quality and serve the educational needs of the locality. Changes are proposed in the existing affiliation system in tune with the above objectives.

At present the affiliation system in the University functions on an ad hoc basis resulting in concentration of colleges in particular areas or particular subjects without any rationale. The Commission proposes a system which takes into consideration an assessment of educational needs, with the involvement of Kerala State Higher Education Council. The Government will publish lists identifying the areas where new colleges and courses, both aided and unaided, are to be located. Then the University

will invite applications for affiliation and decide on affiliation of colleges and courses on the basis of norms fixed by the University.

## **25. Students' Council**

No major changes are proposed in the composition, powers and duties of the Students' Council, except that the newly created Dean of Students Affairs has been made the Vice Chairman of the Council.

## **26. Rights and their Enforcement**

In order to enable the Universities and Institutions of Higher Education discharge their functions in an effective manner we have to confer rights necessary for them to function in an atmosphere free from anxiety and fear and free from interference from any source. Along with conferring rights on students, teachers and institutions of Higher Education an adequate mechanism for the enforcement of rights is also necessary to instil a sense of confidence in the minds of the stakeholders. With this laudable objective in mind, we propose a charter of rights for students, an enumeration of their grievances and a statutory mechanism at the college, University and state level for redressal of grievances.

Many educationists and even some judges have expressed doubts over conferring democratic rights on students. Some judicial decisions have gone to the extent of banning politics in the campus, without propounding a definition of 'politics'. The correct perspective on this question can be seen in the report of the Lyngdoh Committee (2006) constituted by the MHRD, Government of India as per the direction of the Supreme Court to frame guidelines on Students' Union elections in colleges / Universities. The report recognizes the need for "creation of a space for democratic representation through an effective mechanism that could not only ensure the voicing of grievances and the general welfare of the student populace, but would also provide a healthy learning field for the leaders of tomorrow, while keeping in mind the autonomy of the University in matters of imparting education and maintaining a certain modicum of decorum and discipline on the campus." (Para 6.1)

The report also categorically states that "all Universities and Colleges across the country must ordinarily conduct elections for the appointment of students to student representative bodies" and observes that "the nomination system suffers from several

flaws, and must only be resorted to as an interim measure”. In this regard, this report too suggests concrete measures for protecting the democratic rights of the students.

The recommendations in the report have been made applicable to privately funded institutions also. It must be added that these recommendations of the Lyngdoh Committee were accepted by the Supreme Court for implementation. We have also included provisions to ensure that; -

- (a) every group of students has a right to organize or promote the interests of its members, provided that the purposes of such a group are lawful. Every such group shall have the right to hold meetings, to debate any matter and to engage in lawful and peaceful demonstration;
- (b) All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership;
- (c) All educational institutions of the University shall constitute a formal representative body of students, in which elections shall be held regularly at the beginning of each academic year.

Grievances of students relating to admission, examinations, student amenities, non-transparent and unfair policies in evaluation, discrimination, harassment or victimization, denial of quality education etc. are also enumerated in the Statutes of the University. A grievances redressal mechanism consisting of Collegiate / Departmental Students Grievances Redressal Committee, University Student Grievance Redressal Committee, and University Ombudsperson are also set up to deal with grievances of students. The University Tribunal will also have jurisdiction to intervene in urgent and important cases of alleged violation of students’ rights.

The present Conduct Rules applicable to University teachers is a mechanical application of the Government Servants’ Conduct Rules, which does not take into account the peculiar position of the Teacher as an intellectual and expert, whose academic freedom must be legally recognized and protected. With this perspective in mind the Commission proposes new Conduct Rules for the University teachers. The Commission feels that the new Conduct Rules proposed for University Teachers must ultimately be extended to all college teachers.

The new Conduct Rules proposed by the Commission are given in Chapter XIV. This newly proposed conduct rules ensures the academic dignity of teachers and

also ensure their democratic rights. The Government cannot intervene in their academic autonomy unless it poses challenges to the integrity and security of the nation. These proposed rules enable an environment for the teachers to have fair opinions on the socio-political affairs without ‘arbitrary censorships’.

## **27. Condition of Services of teachers of private aided colleges**

The issues facing the teachers in the private sector has been brought to the attention of the Commission. The instances of victimisation of teachers on false grounds were also reported. Therefore, a new provision is recommended in the conditions of service of teachers of private aided colleges by the Commission. The Vice Chancellor’s prior permission is required to keep a teacher under suspension beyond fifteen days. If the enquiry conducted by the Vice Chancellor found that there are no valid grounds for the suspension, the teacher shall forthwith be reinstated by the educational agency. If the teacher is not actually reinstated, the teacher shall be deemed to have been on duty. It shall then be open to the Director of Collegiate Education to disburse the pay and allowances to the teacher as if he was not suspended and recover the amount so disbursed from the educational agency.

## **28. University Tribunal**

At present there exist an appellate tribunal for settling disputes in University. But it has not been very successful in achieving its objects. One of the most important recommendations of the Commission is to constitute a University Tribunal consisting of:

- a) a person who is or has been a Judge of the Supreme Court or High Court - Chairman;
- b) A person who is an advocate well versed in University Laws and matters related to higher education having not less than 15 years of active practice in the High court -Member; and
- c) an academician who is, or has been, or qualified to be a Vice-Chancellor – Member.

The Government may constitute a Tribunal for one University and subsequently, by notification, confer jurisdiction on the Tribunal under other University Acts.

The Tribunal shall have wide jurisdiction including; -

- i) disputes on the constitution of a University Authority or body;
- ii) disputes between any officers or teachers of the University and the University;
- iii) appeal from any order of the Vice Chancellor;
- iv) appeal against final list published by Government identifying locations, where new colleges or new courses are to be sanctioned;
- v) Petitions filed by students alleging violation of their rights , or demanding redressal of their grievances;
- vi) Disputes on Equivalence of examinations and degrees;
- vii) Appeal from a decision of the Vice Chancellor, on whether a person is disqualified for election or nomination or appointment as a member of any of the authorities of the University.

Some powers are vested in the Chairman, University Tribunal, which include the question whether any proceedings of any of the authorities of the University is in conformity with the Act, Statutes etc., and conducting an inquiry on charges of misappropriation or mismanagement of funds or misbehaviour against the Vice Chancellor or the Pro-Vice Chancellor.

## **29. Territorial limits**

In the contemporary age it is understood that transmission of knowledge doesn't happen only within brick and motor structures. There is a constant flow of knowledge. And Universities must change situations into consideration. It was specifically stated that territorial limits of each University mentioned in the relevant Act shall be only for the purpose of granting affiliation to colleges.

The Commission observes that the provision in certain University Acts that restricts other Universities to run similar courses is against the idea of University itself. This would also weaken the interdisciplinary studies in the university. Hence, the Commission strongly recommends to amend any such provisions that hinder the growth of universities immediately.

A new provision enabling Universities to establish study centres at such other places within and outside the state and also abroad with the prior approval of the Senate and of the concerned Governments has been incorporated, in tune with the changing needs of the time.

### **30. Functioning of University Administration**

The issues in the functioning of the University administration received significant attention from the Commission. Major stakeholders have raised the unnecessary delay in the university services and the problems facing Universities. The Commission understands the present model of university administration is that of the colonial secretariat model and rules similar to that of non academic administration is applied in the University system as well. Any file has to cross a number of tables and authorities many times before issuing of the University order.

The representatives of the university administration who interacted with the Commission also admitted the same and sought Commission's intervention in this regard. Other than the huge hierarchical chart for the file flow, they have pointed the duplication of works at different levels and outdated rules as a major reason for this condition.

The Commission made an earnest attempt to address this issue and believes that the major changes recommended by the Commission in the University Acts would improve the situation. Major changes required in the Statutes are also proposed in this report. However, it is the duty of each University to develop an administrative model that would enable them to offer better service to students and research scholars. The Commission believes that the newly proposed Acts have laid down ample room for doing the same. The larger emphasis of the Commission is to ensure better academic interventions in the decision making of the University.

The Commission recommends a delegated and decentralized form of administration for our University system. It also recommends for the implementation of relevant sections of the Right to Services Act, 2012 in all Universities. The right to service explicates the legal rights of stakeholders in matters of academic and administrative decisions of the University. The Commission expects that all the Universities will make sure that the various dimensions of this Act are implemented without further delay. This will enable stakeholders to get timely services from the University.

One of the reasons for inefficiency in the University administration is the absence of persons with enthusiasm at the middle level. This problem in the Government service was addressed through the establishment of Kerala Administrative Services (KAS). We would place before the Government and the Universities a suggestion to make direct recruitment to a prescribed percentage of posts in the middle management level of all Universities.

The non-teaching staff have a greater role in the process of making the University system more efficient. The Commission received cordial support from the representatives of the non-teaching staff unions. The Commission recommends the University administrations to conduct continuous and regular training programmes for the University employees and making this as mandatory criterion for promotion. The Commission also recommends mandatory examination/test for the employees as an eligibility criterion for the promotion and this shall be conducted by an appropriate agency.

### **31. Audit of Accounts**

One grievance brought to the attention of the Commission by teachers who were directing research projects funded by external agencies was the procedural problems in getting the funds released even after funds sanctioned by the agencies are credited to the University account. An equally persistent complaint was regarding the difficulties and delay involved in getting the project accounts audited. These problems often act as a deterrent for potential researchers to take up research projects. The Commission has examined the issues in detail and resolved to recommend the inclusion of the following provision in the chapter on Finance in the University Acts.

Notwithstanding anything contained in the foregoing provisions, the accounts relating to the funds granted by external funding agencies for specific projects/programmes shall be audited in such manner as may be specified by the funding agency and so audited accounts shall not be subject to the audit by the auditors appointed by the Government.

It has also been resolved to set up a separate account to operate research funds.

### **32. Equivalence of Degrees.**

The Commission received a huge number of complaints regarding the Equivalence/Eligibility certificate issued by the Universities. The Commission



recommends that the recognition of any degree by any University of the state shall be binding on all other Universities in the state. The Academic Council of the University shall have the power to lay down general norms for the Equivalence/Eligibility for the courses. The Vice Chancellor shall have power to issue orders regarding the recognition of the Degrees on the recommendation of the Council of Faculty Deans. The Vice Chancellor shall refer all issues in the matters of granting Equivalence of a degree, diploma, certificate and such other titles awarded by other Universities in India and abroad to the Council of Faculty Deans and the Council of Faculty Deans shall dispose such issues within a period of forty-five days and make their recommendation to the Vice Chancellor. The Vice Chancellor shall implement the decision with or without modifications.

if the Council of Faculty Deans fails to take a decision within the prescribed time, The Vice Chancellor shall refer the matter to the State Level Academic Committee for its decision, and it shall be binding on the University and also if the Council of Faculty Deans is of the opinion that, matter is to be dealt with the State Level Academic Committee, it shall refer the matter to State Level Academic Committee and on receiving such advice, the Vice Chancellor shall act in accordance with it.

If any person is aggrieved by the decision of the Vice Chancellor in this regard, he can approach the State Level Academic Committee and the decision of the State Level Academic Committee shall be final. Necessary changes in the Acts/Statutes have been proposed in this regard.

### **33. Autonomous Colleges**

Some colleges in Kerala had been given autonomous status in keeping with UGC mandates. In order to ensure equity and access, close monitoring of such institutions by government and University is necessary. This is to ensure that autonomous colleges conduct their affairs in tune with the state policy regarding education. The power of the University to declare by notification conferment or extension of autonomous status to a college has been specifically included.

### **34. Delay in Evaluation of Doctoral Dissertations**

A problem brought to the attention of the Commission by research scholars of various Universities is the delay in the evaluation of doctoral dissertations. The Commission was surprised to learn that in some cases the delay exceeds two years. We

propose the inclusion of the following clause in the Research Regulations of all Universities.

“The evaluation process of a doctoral dissertation shall ordinarily be completed in 90 days. In cases where the process takes a longer period, the Research Committee shall make a report explaining the reasons for such delay and submit it to the Research Council. The Research Council after due enquiry shall make a report to the Vice Chancellor clearly stating whether the delay was due to genuine reasons and whether it may be condoned. If the Council finds that the delay was caused by the negligence of any person, it may recommend suitable action against such person”.

### **35. Kerala State Higher Education Council Act, 2007**

The Kerala State Higher Education Council was established in 2007 by enacting Act 22 of 2007. The Council was envisaged as a collective of the Government, Universities, academics and people’s representation in order to forge a synergic relationship among them.

The main objects of the Council were identified as: -

- (i) Ensuring the autonomy and accountability of the Institutions of the Higher Education in the state;
- (ii) Promoting academic excellence and social justice by providing academic input to the State Government for policy formulation and perspective planning ; and
- (iii) Guiding to promote higher education in accordance with the social economic requirements of the state.

For achieving the above objectives, the Council was empowered to establish –

- (i) Centre for Research on Policies in Higher Education;
- (ii) Curriculum Development Centre;
- (iii) Centre for Capacity Building in respect of faculty and educational administrators;
- (iv) State Council for Assessment of Higher Education Institutions;
- (v) Examination Reforms Cell;

(vi) Human Resources Development, Employment and Global Skills Development Cell;

When the present Commission was appointed by Government, one of the terms of reference was to propose amendments to the Kerala State Higher Education Council Act 2007 so as to enable it to attain its stated aims and objectives.

The Commission after detailed deliberations, came to the conclusion that the following changes are required in the Kerala State Higher Education Council Act, 2007, so as to make the Council a more effective institution of coordination of policy formulation in the field of higher education.

1. The number of educationists of repute in the governing council may be increased from the present number of five to eight of whom once shall be a woman and one shall belong to be scheduled caste or scheduled tribe nominated by the Government.
2. By an amendment in 2018, the names of Advisory Council, Executive Council and Governing Council have been changed to Advisory Body, Executive Body and Governing Body. This change has served no useful purpose. Therefore, the original nomenclature may be restored.
3. In the Act there was provision to nominate one member of the Executive Council to the Syndicate of each University in Kerala. Subsequently, in 2018 by an amendment such nominations were changed from syndicate to academic council of each University. The Commission is of the view that the presence of the member of the Executive Council of Kerala State Higher Education Council in the academic council of each University cannot make any impact and his presence is not even noted. Hence, the Commission proposes to reinstate the member of Executive Council of Kerala State Higher Education Council in the University Syndicates.
4. In the Act, a provision to consider and recommend on all issues in the matters of granting Equivalence of a degree, diploma, certificate and such other titles awarded by other Universities in India and abroad with the University on request has been conferred as a function of Kerala State Higher Education Council, which shall deal the matter through State Level Academic Committee.
5. State Level Academic Committee has authority to deal with other academic matters forwarded to it by the Government or University.

6. In Section (4) sub section (2)(n), the Council is authorized to provide common facilities of the entire State by constituting centers namely;
- i) Centre for Research on Policies in Higher Education;
  - ii) Curriculum Development Centre;
  - iii) Centre for Capacity Building in respect of faculty and educational administrators;
  - iv) State Council for Assessment of Higher Education Institutions;
  - v) Examination Reforms Cell;
  - vi) Human Resources Development, Employment and Global Skills Development Cell;

Since other centres may also be needed to fulfil the statutory obligations of the Council, the Commission suggests that the following clause shall be added in Sec.4(2)(n).

(vii) and such other Centres as the Council deems necessary from time to time.

We understand that though not functioning as full- fledged centres, many of the activities to be undertaken under the aegis of the centres are now done by the Council. Since the Act conceives the establishment of centres probably because a high degree of functional autonomy is necessary for a meaningful discharge of their responsibilities, the Council may give priority to the establishment of these centres. The government may then give full support, financially and otherwise; to the Council for this purpose.

The CUSAT has clearly expressed its willingness to the Government , to locate a Centre for Research on Policies in Higher Education in their campus and provide academic and logistic support for its functioning. The Vice Chancellor of CUSAT has addressed a letter to the Chairman of the Commission reiterating the proposal. The Commission feels that the proposal deserves to be seriously considered by the Council and the Government. Since section 30 confers regulation making power on Governing Council of the KSHEC, it can, with the previous approval of the Government, frame regulations “for carrying out all or any of the purposes of this Act.” Similarly, section 31 confers rule making powers to the Government “for carrying out all or any of the purposes of this Act.”

By making rules / regulations in exercise of this power, the Council / Government can bring the Centre into existence. The Commission therefore

recommends that this may be implemented expeditiously so that policy formulation and implementation in higher education in the State will receive an impetus.

Specific recommendations for amendments in the Kerala State Higher Education Council Act ,2007 are given in Chapter XIII.



**CHAPTER - II**

**Proposed**

**Kerala University Act, 2022**

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## **Chapter - II**

### **Proposed Kerala University Act, 2022**

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## Proposed Kerala University Act, 2022

### Preamble -

An Act to enable the University to carry out teaching, research and extension activities suitable for the transformation of Kerala to a knowledge society and in tune with the changing needs of the society.

Be it enacted in the \_\_\_\_\_ Year of the Republic of India as follows: -

### CHAPTER I

#### Preliminary

**1. Short title and commencement.** – (1) This Act may be called the Kerala University Act, 2022.

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

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

**2. Definitions.** – In this Act, unless the context otherwise requires: -

- 1) "Academic Council" means the Academic Council of the University;
- 2) "Academic Council of an Autonomous College" means the Academic Council of an Autonomous College constituted under section 84(1) sub clause (i);
- 3) "Adjunct Professor" means a person engaged by the University or College for a specific period or term and for a specific academic purpose who possesses expertise and professional experience in a particular area of knowledge;
- 4) "Affiliated college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;
- 5) "Autonomous College" means a college conferred with autonomous status by the University Grants Commission and declared as such by the University by notification;
- 6) "Autonomy" means a privilege given to a college to conduct programmes of study, to develop its curriculum and syllabus, to devise teaching, learning and evaluation

and assessment methods, to conduct examinations leading to the award of a degree, diploma, certificate and such other titles and distinctions by the University and publication of the results of the respective programmes of study in accordance with the provisions of Chapter X of the Act;

- 7) "Annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 21 and declared by the Statutes to be the annual meeting of the Senate;
- 8) "Board of Studies" means a Board of Studies of the University;
- 9) "Board of Studies of an Autonomous College" means the Board of Studies for a programme or group of programmes conducted by an Autonomous College constituted under section 84(1) sub clause (ii);
- 10) "Chancellor" means the Chancellor of the University;
- 11) "College" means an institution maintained by, or affiliated to the University in which instruction is imparted in accordance with the provisions of the Statutes, Ordinances and Regulations;
- 12) "Collegiate Student Grievance Redressal Committee" means the Student Grievance Redressal Committee for Affiliated Colleges constituted under the section 39 (2) sub clause (a);
- 13) "Colleges other than private college" means a college established, administered and maintained by the Government owned and controlled societies registered under Societies Registration Act, 1860 (Central Act 21 of 1860) or also under The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act XII Of 1955) or The Kerala Co-Operative Societies Act, 1969 (Act 21 Of 1969);
- 14) "Complaint Redressal Committee of an Autonomous College" means the Complaint Redressal Committee of an Autonomous College constituted under section 84(1) sub clause (iv);
- 15) "Constituent college" or "University college" means a college established or maintained by the University;
- 16) "Course" means a segment of subject matter to be covered in a semester traditionally referred to as paper;
- 17) "Department of the University" means a department constituted by University designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;



- 18) "Department Student Grievance Redressal Committee" means the Student Grievance Redressal Committee for University departments constituted under the section 39 (2) sub clause (b);
- 19) "Educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;
- 20) "Expert Committee of an Autonomous College" means the Expert Committee of an Autonomous College constituted under section section 84(1) sub clause (v);
- 21) "Faculty" means a faculty of the University;
- 22) "Finance Committee of an Autonomous College" means the Finance Committee of an Autonomous college constituted under section section 84(1) sub clause (vi);
- 23) " Finance Committee " means the Finance Committee of the University;
- 24) "Government" means Government of Kerala;
- 25) "Government college" means a college maintained by the Government and affiliated to the University;
- 26) "Governing Body" means the Governing Body of an Autonomous College;
- 27) "Governing Council" means the Governing Council of a Private aided College;
- 28) "Hostel" means a unit of residence for the students of the University or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Act, or the Statutes or Ordinances;
- 29) "Non-teaching staff of the University or a college" means the employee of the University or that of a college, other than teachers;
- 30) "Prescribed" means prescribed by this Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder;
- 31) "Principal" means the head of a college whose appointment has been approved by the University, which includes where there is no Principal, the person who is for the time being duly appointed to act as the principal approved by the University, and in the absence of the principal or the acting principal, as the case may be, a Vice-Principal duly appointed as such with the approval of the University;
- 32) "Private college" means a college maintained by an educational agency other than the Government or a society incorporated by the government or University and affiliated to the University;
- 33) "Private aided college" means a private college which is entitled to receive funds from the Government for payment of salary and allowances to its staff;

- 34) "Private Un-aided college" means a private college which is not entitled to any financial assistance from the Government or the University;
- 35) "Pro-Chancellor" means the Pro Chancellor of the University;
- 36) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- 37) "Programme" means higher education programme pursued for the award of a degree, diploma, certificate and such other titles and distinctions by the University of specified duration;
- 38) "Professional college" means a college offering courses regulated by statutory regulatory bodies;
- 39) "Recognized institution" means an institution for research or special studies, other than an affiliated college, recognized as such by the University;
- 40) "Re-structured programme" means a programme approved by the University by incorporating or substituting inter disciplinary or multi-disciplinary courses to the programme;
- 41) "School" means a multi-disciplinary functional entity to carry out specific academic, research, extension activities and entrepreneurial activities with the involvement of members of one or more department;
- 42) "Senate" means the Senate of the University;
- 43) "State" means the State of Kerala;
- 44) "State Level Academic Committee" means State Level Academic Committee of the Kerala State Higher Education Council;
- 45) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules", means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;
- 46) "Student" means a person duly admitted to and continuing in a college affiliated to the University or in the University or in a recognized institution, in accordance with the regulations for undergoing a course leading to the award of a degree, postgraduate degree, diploma, certificate or other academic distinctions instituted by the University;
- 47) "Students Council" means the Students' Council of the University;
- 48) "Students Grievance Redressal Committee of an Autonomous College" means the Students Grievance Redressal Committee of an Autonomous College constituted under section 84(1) sub clause (vii);
- 49) "Syndicate" means the Syndicate of the University;

- 50) "Teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor or such other person engaged in teaching or supervising research in any of the colleges or recognized institutions and whose appointment has been approved by the University;
- 51) "Teacher of the University" means a person employed as teacher in the University teaching departments or in any institution maintained by the University;
- 52) "University" means the University of Kerala constituted under this Act;
- 53) "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 5;
- 54) "University Fund" means the Kerala University Fund established under sub-section (1) of section 54;
- 55) "University Ombudsperson" means Ombudsperson constituted under section 40;
- 56) University Student Grievance Redressal Committee means University Student Grievance Redressal Committee constituted under section 39(3);
- 57) "University Tribunal" means the University Tribunal constituted under sub-section (1) of section 81; and
- 58) "Vice-Chancellor" means the Vice-Chancellor of the University.

## **CHAPTER II**

### **The University**

**3. The University:** - (1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the University of Kerala.

(2) The University shall be a body corporate having perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The headquarters of the University shall be at Thiruvananthapuram.

**4. Objects of University:** - The objects of the University shall be to create and preserve and disseminate knowledge and understanding by teaching, research, extension and service and by effective demonstration and influence of its corporate life on society in general, and in particular the objects shall be -

- (i) to carry out its responsibility of creation, preservation, and dissemination of knowledge;

- (ii) to promote discipline and the spirit of intellectual inquiry and to dedicate itself as fearless academic community to the sustained pursuit of excellence;
- (iii) to encourage individuality and diversity within a climate of tolerance and mutual understanding;
- (iv) to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to be catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development;
- (v) to extend the benefits of knowledge and skills for development of individuals and society by associating the University closely with local and regional problems of development;
- (vi) to carry out social responsibility as an informed and objective critic, to identify and cultivate talent, to train the right kind of leadership in all walks of life and to help younger generation to develop right attitudes, interests and values;
- (vii) to promote equity and access in higher education;
- (viii) to provide for efficient and responsive administration, scientific management and develop organization of teaching, research and extension;
- (ix) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing higher educational network with use of modern communication media and technologies appropriate for a knowledge society;
- (x) to promote national integration and preserve cultural heritage;
- (xi) to take measures -
  - a) to encourage Malayalam as medium of instruction, governance and communication;
  - b) to encourage extensive use of information and communication technology to enrich and spread Malayalam language and literature; and
  - c) to promote courses of professional and applied nature in Malayalam language in affiliated colleges and the University.
- (xii) to develop work culture and promote dignity of labour through applied components in the syllabi;
- (xiii) to build up financial self-sufficiency by undertaking academic and allied programmes and resource generative services in a cost-effective manner;

- (xiv) to promote academic collaboration and programmes with other universities in India and abroad;
- (xv) to promote better interaction and co-ordination among different universities and colleges by all such means generally to improve the governance of the University and the facilities it provides for higher education;
- (xvi) to generate and promote a sense of self-respect and dignity amongst the weaker sections of the society;
- (xvii) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;
- (xviii) to ensure the academic standards of all colleges and institutions affiliated to the University;
- (xix) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge;
- (xx) to give thrust for the development of indigenous technologies by encouraging research and other academic activities in the related areas;
- (xxi) to improve the learning skills of the students by constantly and continuously improving and upgrading the academic quality and standards of faculty;
- (xxii) to introduce and sustain innovative systematic quality improvement programmes in the field of education; and
- (xxiii) to promote community development activities by suitable extension activities.

**5. Territorial limits:** – (1) The jurisdiction of the University for the purpose of granting affiliation to the colleges shall be limited to the Trivandrum and Quilon Revenue Districts, Adoor and Konni Taluks of Pattanamthitta revenue district and Chethala, Ambalapuzha, Karthikapally, Chengannur and Mavelikkara taluks of Alleppey revenue district of the State.

(2) The University may establish study centres at such other places within the state and at places outside the state and abroad with the prior approval of the Senate and of the concerned Governments.

**6. Powers of the University:** – The University shall have the following powers, namely-

- (i) to provide for instruction and training in such branches of learning as the University may deem fit, and to make provision for research and for the advancement and dissemination of knowledge;
- (ii) to declare by notification conferment or extension of autonomous status to a college which has been conferred or extended such status by the University Grants Commission;
- (iii) to institute degrees, titles, diplomas and other academic distinctions;
- (iv) to hold examination and to confer degrees and other academic distinctions on persons who-
  - (a) shall have pursued a prescribed course of study in a college or department under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or
  - (b) shall have carried on research under prescribed conditions and which has been duly evaluated.
- (v) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;
- (vi) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;
- (vii) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case within a reasonable time;
- (viii) to supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;
- (ix) to recognize hostels which are maintained by bodies other than the University and to withdraw such recognition;
- (x) to exercise such control over the students as will ensure their physical and moral well-being;
- (xi) to constitute a Committee to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges, who may for any reason be aggrieved otherwise than by an act of the Court;

- (xii) to fix the minimum infrastructural facilities that shall be provided in a private unaided college;
- (xiii) to fix the qualification of teachers and non-teaching staff of a private unaided college;
- (xiv) to fix the fees payable to the University and to demand and receive such fees;
- (xv) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognized institutions affiliated to the University;
- (xvi) with the previous sanction of the Government, to regulate the emoluments and pattern and to prescribe the duties and conditions of service of teachers and non-teaching staff in private aided colleges;
- (xvii) to hold and manage endowments and bursaries and to institute and award, fellowships, scholarships, studentships, medals and prizes and to organize exhibitions;
- (xviii) to institute and provide funds wherever necessary for the maintenance of-
  - (a) A Students' Advisory Bureau;
  - (b) An Employment Bureau;
  - (c) A University Union for Students;
  - (d) University Athletic Clubs;
  - (e) The National Cadet Corps;
  - (f) The National Service Scheme;
  - (g) University Extension Boards;
  - (h) Students' Cultural and Debating Societies;
  - (i) A Translation and Publication Bureau; and
  - (j) Co-operative societies and other similar institutions for promoting the welfare of students and employees of the University.
- (xix) to cooperate and collaborate with other Universities or any authorities or associations in India and abroad in such manner and for such purposes as the University may determine;
- (xx) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;

- (xxi) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;
- (xxii) to direct, manage and control all immovable and movable properties transferred to the University by the Government;
- (xxiii) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognized by the University;
- (xxiv) to define the powers and duties of the officers of the University other than the Vice-Chancellor;
- (xxv) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;
- (xxvi) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;
- (xxvii) to affiliate to itself colleges in accordance with the provisions of this Act, and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;
- (xxviii) to institute professorships, associate professorships, assistant professorships and any other teaching and research posts required by the University and to appoint persons to such professorships, associate professorships, assistant professorships and other teaching and research posts;
- (xxix) to establish, maintain and manage hostels;
- (xxx) with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security and rate of interest, to borrow any sum of money from the Central Government, any other Government, the University Grants Commission or any other incorporated body; and
- (xxxi) generally, to do such other acts as may be required to further the aims and purpose of this Act.



**7. University open to all classes and creeds: –**

(1) No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University.

Provided that the University may, in consultations with the Government, affiliate any college or recognize any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

**CHAPTER III****The Chancellor, The Pro- Chancellor and the Officers of the University**

**8. The Chancellor:** – (1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) Whenever the question arises to whether any proceeding of any of the authorities of the University is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws, the Chancellor shall refer the matter to the University Tribunal and, the decision shall be final.

Provided that, before making any such order, the University Tribunal shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(4) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour.

Provided that such charges are proved by an enquiry conducted by the Chairperson of the University Tribunal.

Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(5) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

**9. The Pro-Chancellor:** – (1) The Minister for the time being administering the subject of Higher 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 powers and perform all the functions of the Chancellor.

(3) The Pro-Chancellor may call for any information relating to the academic and administrative affairs of the University and such requisition shall be complied with by the University.

(4) The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.

(5) The Pro-Chancellor shall have the right to bring any matter, which he considers important or a matter involving the policy of the government, to the attention of the Chancellor or to any authority or officer of the University and seek appropriate action.

**10. Officers of the University:** – The following shall be the officers of the University, namely:-

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Registrar;
- (iv) the Controller of Examinations;
- (v) the Finance Officer; and
- (vi) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

**11. The Vice-Chancellor:** - (1) A person possessing the highest level of competence, integrity, morals and institutional commitment shall be appointed as Vice-Chancellor by the Chancellor.

(2) The person to be appointed as Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

(3) The selection for the post of Vice-Chancellor should be through proper identification of a panel of three persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The Committee shall consist of one person nominated by the Senate, one person nominated by the Chancellor on the recommendation of the Government and one person nominated by the Chairperson, University Grants Commission. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Chancellor.

(4) Search-cum-Selection-Committee shall submit the panel of three names within two months from the date of notification constituting the Committee. If the search-cum-Selection Committee is not able to propose a panel unanimously, a panel of three names submitted by the majority of the members shall be treated as panel submitted by the Committee.

(5) The Chancellor shall appoint the Vice Chancellor on the recommendation of the Government, out of the panel of three names recommended by the Search-cum-Selection-Committee.

(6) The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service-related benefits.

(7) No person who is more than sixty-five years of age shall be appointed as Vice-Chancellor.

(8) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment. In the case of reappointment, the provisions in the sub section (3) to (5) shall not be applicable.

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(9) The remuneration payable to, and the other conditions of service of, the Vice-Chancellor shall be prescribed by the Statutes.

(10) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(11) The Vice-Chancellor shall be the Chairperson of the Senate, the Syndicate, the Academic Council, the Students' Council, the Planning and Development Committee and the Finance Committee and shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(12) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, of which the Vice-Chancellor is the Chairperson, he shall have and exercise a casting vote.

(13) It shall be duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(14) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to, the University.

(15) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority, body or various councils which, in the ordinary course, would have dealt with the matter for decision in its next meeting , and shall report, at the next session of such authority, body or various councils.

Provided that, in the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the University Tribunal whose decision shall be final.

(16) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Assistant Registrar.

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.

(17) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(18) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, If he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of the examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(19) Any person nominated by the Vice-Chancellor under sub-section (18) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(20) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

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

(22) 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. If there is no Pro Vice-Chancellor, the procedure laid down in sub section (23) shall be followed for exercising the powers and performing the duties of the Vice-Chancellor.

(23) In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, or when the Vice Chancellor and the Pro Vice-Chancellor are temporarily absent the Syndicate shall select a senior professor of the University from a panel of three names prepared in the order of seniority and such selected person shall exercise the powers

and perform the duties of the Vice-Chancellor till the appointment of the Vice-Chancellor.

(24) In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements as stipulated in sub section (23) for exercising the powers and performing the duties of the Vice-Chancellor.

**12. Pro-Vice-Chancellor:** - (1) The Pro-Vice-Chancellor shall be appointed by the Syndicate on the recommendation of the Vice-Chancellor. The Pro-Vice-Chancellor shall hold office for a period, which is co-terminus with that of the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall be a full-time salaried officer of the University and who has held the post of professor, or principal of a college or an institution with not less than fifteen years teaching or research experience.

(3) The Syndicate shall have power to remove the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour.

Provided that such charges are proved by an enquiry conducted by the Chairperson of the University Tribunal.

Provided further that the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(4) No person who is more than sixty years of age shall be appointed as Pro-Vice-Chancellor.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be as determined by the Statutes.

(6) Subject to the provisions of this Act and the Statutes, Ordinances and Regulations, the powers and duties of the Pro-Vice-Chancellor shall be determined by the Syndicate in consultation with the Vice-Chancellor and the Pro-Vice-Chancellor shall exercise such powers and perform such duties in due course.

**13. The Registrar:** – (1) The Registrar shall be the Chief Administrative Officer of the University.

(2) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(3) The person appointed as Registrar shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

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

(5) The Registrar shall be the Ex-Officio Secretary of the Senate, Syndicate and the Academic Council of the University.

(6) Suits by or against the University shall be instituted by or against the Registrar.

**14. The Controller Examinations:** - (1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(2) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

**15. The Finance Officer:** - (1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(2) The person appointed as Finance Officer shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

(3) The Finance Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

**16. Appointments to be notified:** – The appointments of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations and the Finance Officer shall be notified in the website of the University and also in the Gazette.

## CHAPTER IV

### Authorities of the University

**17. Authorities of the University:** – The following shall be authorities of the University, namely -

- (i) the Senate;
- (ii) the Syndicate;
- (iii) the Academic Council;
- (iv) Planning and Development Committee;
- (v) the Faculties;
- (vi) the Boards of Studies;
- (vii) the Students' Council;
- (viii) the Finance Committee; and
- (ix) Such other Boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

**18. Senate.** – The Senate shall consist of the following members, namely -

#### **Ex-officio members**

- (1) The Chancellor;
- (2) The Pro-Chancellor;
- (3) The Vice-Chancellor;
- (4) The Pro-Vice-Chancellor;
- (5) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (6) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (7) The Director of Collegiate Education;
- (8) The Mayor of Thiruvananthapuram;
- (9) All members of the Syndicate, who are not otherwise members of the Senate;
- (10) Two Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Vice Chancellor by rotation;



- (11) Three Heads of University Departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Vice Chancellor by rotation;
- (12) The Chairperson of the University Union;

**Elected Members**

- (1) One Principal of Government Colleges, elected from among themselves, one Principal of Private aided colleges, elected from among themselves and one Principal of Constituent Colleges elected from among themselves;
- (2) Three members elected by the members of the Legislative Assembly of Kerala from among the members representing electorate of the University area, of whom one shall be a member of a Scheduled Castes / Scheduled Tribes;
- (3) Three members elected by the Teachers of the University from among themselves;
- (4) Five members elected by the Teachers of the Government Colleges from among themselves;
- (5) Eight members elected by the Teachers of Private Aided Colleges from among themselves;
- (6) One member elected by the members of the Local Authorities in the University area from among their themselves;
- (7) One member elected by the registered Trade Unions in the University area designated by Statutes, from among their members;
- (8) Two members elected by the members of the non-teaching staff of the University from among themselves;
- (9) One member elected by the members of the non-teaching staff of the affiliated Colleges from among themselves;
- (10) One member elected by the members of the non-teaching staff of the Government Colleges from among themselves;
- (11) One member elected by the Managers of the Private Aided Colleges in the University area from among themselves;
- (12) Ten members elected by the Members of the General Council of the University Union from among full-time students, of whom one shall be a post-graduate student, one shall be a research Scholar, one shall be the student of a professional college and three shall be women students.

### Other Members

- (1) Not more than Seven members nominated by the State Government representing each field such as (i) recognized Research Institutions (ii) recognized Cultural Associations, (iii) Chambers of Commerce / Industries; (iv) Authors /Journalists; (v) Lawyers; (vi) Sports; and (vii) Linguistic minorities;
- (2) Not more than five members nominated by the Government from the fields of Higher Education for which one shall be a woman and one shall be from Scheduled Castes/ Scheduled Tribes;
- (3) Two members who are Teachers of Private Unaided Colleges, nominated by the Government;
- (4) One Principal of Private Unaided Colleges, nominated by the Government; and
- (5) One Manager of the Private Aided Colleges, nominated by the Government.

**19. Reconstitution of the Senate:** – (1) The Senate shall be reconstituted every four years.

(2) The term of Office of any member referred to in items (10) and (11) under the heading "Ex-officio Members" in section 18 shall be two years from the date of his nomination.

(3) Every member of Senate, other than ex-officio, shall subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate.

Provided that no member nominated or elected in his capacity as a member of a particular Body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate.

Provided Further that term of Office of any member referred to in items (12) under the heading "Ex-officio Members" and items (12) under the heading "Elected Members" in section 18 shall continue until his successor assumes the office.

Provided also that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate ex-officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election

or nomination or whether he will vacate office as such member and become a member ex-officio by virtue of his appointment, and such choice shall be final.

Provided also that the term of office of a member referred to in item (12) under the heading "Elected members" in section 18 shall be one year from the date of his election or nomination, as the case may be.

(4) Notwithstanding anything contained in the first proviso to subsection (3), a Principal elected under item (1), or a teacher of a Government college elected under item (4), or a teacher of a private aided college elected under item (5), or a member of the non-teaching staff of an affiliated college elected under item (9), under the heading "Elected Members" in section 18 shall not cease to be a member of the Senate merely on the ground.

- (a) that he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or
- (b) that the college of which he is the principal or in which he is a teacher or a member of non-teaching staff has been transferred to another University; or
- (c) in the case of a teacher, that he has been promoted as Principal.

(5) Notwithstanding anything contained in this Act or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 18 shall not cease to be a member of the Senate merely on the ground that he has ceased to be employed or normally resident within the territorial limits of the University.

(6) On failure of a member to make the choice under the second proviso to sub-section (3), he shall be deemed to have vacated his office as an elected or nominated member.

(7) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

**20. Powers and functions of the Senate:** - (1) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely -

- (a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;
- (b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

- (c) to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-third of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council.

Provided that no Regulation shall be cancelled or amended by the Senate without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment.

- (d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organize exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations;
- (e) to institute and create the post of professorships, associate professorships, assistant professorships, and such other teaching or research posts as it may deem necessary;
- (f) to establish and maintain such institutions, as it may from time to time deem necessary;
- (g) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University;
- (h) with the previous concurrence of the Government, to regulate the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff in private aided colleges;
- (i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;
- (j) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;
- (k) to confer such honorary degrees and other distinctions in the manner as may be prescribed by Statutes;
- (l) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;

- (m) to award fellowships, scholarships, studentships, bursaries, medals and prizes; and
- (n) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes;

(2) The Senate shall have the power to review the actions of the Syndicate and the Academic Council, where the actions of the Syndicate and the Academic Council are not in accordance with the powers conferred upon it under this Act, the Statutes, the Ordinances or the Regulations and suggest appropriate action.

**21. Meeting of the Senate:** – (1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor, and one of such meetings shall be called the annual meeting.

(2) One-fourth of the total number of members of the Senate shall be the quorum for a meeting of the Senate.

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) When the Chancellor or Pro Chancellor is present, the Chancellor or Pro Chancellor shall preside the meetings of the Senate as the case may be.

(4) The Vice-Chancellor may, whenever he thinks fit and shall, within thirty days of the receipt of a requisition in writing signed by not less than one-third of the total number of members of Senate convene a special meeting of the Senate.

(5) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

**22. The Syndicate:** – The Syndicate shall be the Chief Executive body of the University and shall consist of the following members, namely -

**Ex-officio Members**

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;

- (d) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (e) The Director of Collegiate Education;

#### **Other members**

- (a) Eight members elected by the Senate from among themselves, of whom-
  - (i) three shall be persons who are not teachers, of whom one shall be a person belonging to a Scheduled caste or a Scheduled Tribe;
  - (ii) two principals of colleges, of whom one shall be from a Government college, and other shall be from a private aided college; and
  - (iii) three shall be teachers who are not Principals, of whom one shall be a University teacher, one shall be a teacher of a Government College, and one shall be a teacher of a private aided college.
- (b) One member elected by the Senate from among the members referred to-
  - (i) in item (12) under the heading "Ex-officio Members"; and
  - (ii) in item (12) under the heading "Elected Members".
- (c) Two members nominated by the Government from the fields of Higher Education.
- (d) One member nominated by the Executive Council of the Kerala State Higher Education Council.

**23. Term of office of members of Syndicate:** – (1) Members of the Syndicate other than ex-officio members, shall hold office for a term of four years from the date of their election or nomination, as the case may be.

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such officer unless in the meanwhile, he again becomes a member of that electorate or the holder of that office.

Provided further that the member referred to in item (b) under the heading "Other Members" in section 22 shall hold office for a Period of one year from the date of his election or till he ceases to be a member of the Senate, whichever is earlier.

Provided also that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

Provided also that the term of the Syndicate shall be co-terminus with the term of the Senate.

Provided also that no person other than an ex-officio member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first Proviso to subsection (1), a member of the Syndicate referred to in sub item (ii) of item (a) under the heading "Other Members" in section 22, or referred to in sub-item (iii) of that item who is a teacher of a private aided college or a Government college, shall not cease to be such member merely on the ground that.

- (a) he had been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or
- (b) the college of which he is the principal or in which he is a teacher or a member of the non-teaching staff has been transferred to another University; or
- (c) In the case of a teacher, he has been promoted as principal.

**24. Powers of Syndicate:** – Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely -

- (i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the statutes;
- (ii) to make Ordinances and to amend or repeal the same;
- (iii) to propose Statutes for the consideration of the Senate;
- (iv) to propose for the institution and creation of the post of professorships, associate professorships, assistant professorships, and such other teaching or research posts as it may deem necessary;
- (v) to conduct University Examinations and approve and publish the results thereof;
- (vi) to withhold or cancel the result of any candidate at any University examination;
- (vii) to cancel any degree, diploma title or any other distinction granted to any person in accordance with the provisions of the Statutes;
- (viii) to hold, control and administer the properties and funds of the University;
- (ix) to direct the form, custody and use of the common seal of the University;

- (x) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;
- (xi) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;
- (xii) to appoint teachers and other employees of the University and prescribe their duties;
- (xiii) to create administrative, ministerial and other necessary posts;
- (xiv) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;
- (xv) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;
- (xvi) to award fellowships, scholarships, studentships, bursaries, medals and prizes;
- (xvii) to consider the financial estimates of the University and submit them to the Senate in accordance with provisions of the Statutes made in this behalf;
- (xviii) to co-operate and collaborate with other Universities and authorities in India and abroad in such manner and for such purposes as it may determine;
- (xix) to appoint members to the Boards of Studies;
- (xx) to approve the appointment of teachers in private colleges;
- (xxi) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;
- (xxii) to arrange for and direct the investigation into the affairs of private aided colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them, and in case of disregard of such instructions of University or general government directions, to take steps to suspend or withdraw affiliation or recognition;
- (xxiii) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfer shall be reported to the Senate at its next meetings;
- (xxiv) to exercise the powers of the University under clause (xxvii) of section 6;
- (xxv) to constitute cluster of colleges in accordance with the terms and conditions of such clusters prescribed in this Act and the statutes; and



(xxvi) to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes, the Ordinances, Regulations the Rules, the bye-laws and the orders.

**25. The Academic Council:** – (1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the control and general regulation and be responsible for the maintenance of Standards, of instruction, education and examinations within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(3) The Academic Council shall consist of the following members, namely -

**Ex-officio members**

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Director of Collegiate Education;
- (iv) the Director of Research and Studies;
- (v) the Director of Physical Education;
- (vi) the Directors of Inter University centres;
- (vii) the Deans of Faculties;
- (viii) the Deans other than Deans of Faculties;
- (ix) the Vice-Chairperson of Research Council;
- (x) the General Secretary of the University Union;
- (xi) all the Heads of University Departments of study and research, who are not Deans of faculties;

**Elected Members**

- (i) five members of the Syndicate, who are not otherwise members of the Academic Council, elected from among themselves;
- (ii) two members (other than Deans of Faculties) elected by the principals of professional colleges from among themselves, of whom at least one shall be a principal of a Government professional college;
- (iii) one principal of a government college (Not being a Deans of Faculties) elected by the principals of Government colleges from among themselves;

- (iv) one principal of Private Aided colleges (Not being a Dean of Faculty) elected by the principals of Private Aided colleges from among themselves;

### **Nominated Members**

- (a) one principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Vice Chancellor in consultation with Syndicate;
  - (b) one teacher each of every subject of study (not being a Dean of Faculty or head of a University department or principal) elected by the teachers of that subject from among themselves;
  - (c) one member representing each faculty, elected by the full-time post graduate students of the faculty from among themselves
  - (d) one principal of a Private Un-Aided colleges (Not being a Dean of Faculty) nominated by the Government; and
  - (e) one research scholar who shall be nominated by the Vice Chancellor in consultation with Syndicate.
- (4) Members of the Academic Council, other than the members specified in heading Ex-Officio Members in clauses (i) to (vi) of sub-section (3) shall hold office for a term of four years from the date of their appointment or nomination, as the case may be.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**26. Powers and duties of Academic Council:** – Subject to the provisions of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely -

- (i) to advise the Senate and the Syndicate on all academic matters;
- (ii) to make Regulations and to amend or repeal the same;
- (iii) to prescribe the programmes and courses of studies in the institutions maintained by, or affiliated to, the University or courses conducted by the University in collaboration with other Universities of institutions;
- (iv) to prescribe the qualifications of teachers-
  - a. in colleges; and
  - b. in the institutions maintained by the University.

- (v) to prescribe the qualifications for the admission of students to the various programmes of studies and to the examinations and the conditions under which exemptions may be granted;
- (vi) to make provision for the admission of students to the various programmes in order to maintain standards of education;
- (vii) to make proposals for the instruction and training in such branches of learning as it may think fit;
- (viii) to make and accept proposals for research and advancement and dissemination of knowledge;
- (ix) to make proposals for the institution of professorships, associate professorships, assistant professorships, and other teaching and research posts required by the University;
- (x) to recommend for the institution of fellowships, scholarships, studentships, bursaries, medals, prizes and other Grants;
- (xi) to recommend what degrees, diplomas and other academic distinctions shall be granted by the University;
- (xii) to negotiate with other Universities for the recognition of the examinations of the University with that of the University
- (xiii) and if any dispute arises between universities, to refer the matter to State Level Academic Committee;
- (xiv) to laid down the general guidelines for recognition of degrees awarded by other Universities with that of the University;
- (xv) to co-ordinate teaching and learning in University departments, constituent colleges, affiliated colleges and recognized institutions; and
- (xvi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules or bye-laws.

**27. Planning and Development Committee:** - (1) There shall be a Planning and Development Committee which shall be the principal planning body of the University for the planning and development of institutional and infrastructure facilities and to advise the Senate, the Syndicate and the Academic Council on such matters.

(2) The Planning and Development Committee shall consist of the following members, namely -

- i) Vice Chancellor, who shall be the Chairperson;
- ii) Pro Vice Chancellor;
- iii) Registrar;
- iv) One representative of Kerala State Planning Board, nominated by the Vice Chairperson of the Kerala State Planning Board;
- v) Two Members of the Syndicate, elected from among themselves;
- vi) Two experts in fields of planning and development, nominated by the Syndicate;
- vii) Dean of Internal Quality Assurance Cell; and
- viii) Finance Officer, who shall be the Ex Officio Secretary

(3) The Planning and Development Committee shall be reconstituted in every three years and shall meet at least once in three months.

(4) The quorum for the Planning and Development Committee shall be Six.

**28. Powers and duties of Planning and Development Committee:** - Subject to the provisions of this Act and the Statutes, the Planning and Development Committee shall have the following powers, duties and functions, namely -

- 1 To prepare the institutional development plan and monitor the progress of its implementation;
- 2 To render advise with regard to the implementation of plans approved by the Syndicate, Senate and other bodies;
- 3 To prepare the progress report on the implementation of different institutional development plans and present the same before the Syndicate; and
- 4 Such other matters regarding the planning and development of University assigned to it by the Syndicate

**29. Faculties:** – (1) The University may have such Faculties as may be prescribed by the Statutes from time to time.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such faculty by the Ordinances or Regulations.

(3) Each faculty shall consist of:

- (a) Chairpersons of the Boards of Studies comprised in the faculty;

- (b) two members elected from each Board of Studies; and
- (c) not less than five and more than ten members nominated by the Syndicate; so that, as far as possible, there is representation for all subjects assigned to the Faculty.

(4) Each faculty shall comprise such departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Act, each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) The members of Faculties mentioned in sub-clause (3) shall hold office for a period of three years from their date of nomination or election as the case may be.

**30. Deans of Faculties:** – (1) There shall be a Dean of each Faculty, who shall be nominated by the Vice-Chancellor in consultation with the Syndicate by rotation from among the Heads of University Departments or Professors.

(2) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and bye laws relating to that Faculty.

(3) The Dean of a Faculty shall hold office for a term of three years and shall be eligible for re-nomination for one more time.

**31. Council of Faculty Deans:** - (1) There shall be a Council of Faculty Deans consisting of all Faculty Deans in the University which shall -

- (a) engage in academic strategic planning centered around the University's mission, vision and values;
- (b) review and discuss policies and practices related to curricular issues, faculty affairs, and budgetary matters;
- (c) make recommendations on issues specific to academic and faculty policies and practices; and
- (d) discuss new academic programs and new academic initiatives and recommend them to the Academic Council.

(2) The constitution and powers of the Council of Faculty Deans shall be as may be prescribed by the Statutes.

(3) The Pro Vice Chancellor shall be the chairperson of the Council of Faculty Deans and a senior Dean nominated by the Vice Chancellor shall be the vice Chairperson of the Council.

(4) The Council of Faculty Deans shall meet once in two months, or whenever the Chairperson considers it necessary.

(5) Members of the Council of Faculty Deans shall hold office for a period of three years from the date of their entering into office.

(6) The Council shall meet five days before each meeting of the Academic Council. It may make such recommendations as it deems fit on each item on the agenda of the Academic Council and place them before the Academic Council.

(7) If in any matter that must normally be decided by the Academic Council, there is need of urgent action, the Vice Chancellor may refer the matter to the Council and act according to the recommendations given by the Council. Any such action taken by the Vice Chancellor shall be placed before the Academic Council for ratification at its next meeting.

(8) The Council of Faculty Deans shall have the right to decide on the matters pertaining to the Equivalence or recognition for the degrees of other universities, as per the guidelines prescribed by the Academic Council, forwarded by the Vice Chancellor for their consideration.

**32. Boards of Studies:** – (1) There shall be a Board of Studies attached to each department of study in the University.

Provided however that post-graduate studies in each department may have separate Board of Studies.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

(3) Members of Boards of Studies shall hold office for a period of three years from the date of their entering into office.

**33. Research Council:** - (1) There shall be a Research Council to monitor and give advice to the University on any question regarding research.

(2) The Research Council shall consist of the following members, namely -

- a) five Deans of Faculties nominated by the Vice Chancellor in consultation with the Syndicate;
- b) three teacher members of the Syndicate nominated by the Vice Chancellor in consultation with Syndicate;
- c) Three external experts nominated by the Vice Chancellor who have made substantial contribution in the field of research, of whom one shall be the director of a recognised centre for research; and
- d) One research scholar, who shall be nominated by the Vice Chancellor in consultation with Syndicate.

(3) The Pro-Vice Chancellor shall be the Chairperson of the Research Council. A Senior Dean nominated by the Vice Chancellor shall be the Vice Chairperson.

(4) The powers and functions of the Research Council including the delegation of its powers, shall be prescribed by the Statutes.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**34. Deans other than Faculty Deans:** - (1) In order to enhance academic involvement in important aspects of University administration, the following Deans shall be appointed with specific duties and responsibilities and necessary administrative support.

(2) The Deans shall be appointed by the Vice Chancellor from professors of the University or affiliated colleges in consultation with the Syndicate

(3) The Deans shall hold office for a term of two years and shall be eligible for renomination for one more term.

(4) The duties and responsibilities of each Dean shall be as may be provided by the Statutes from time to time

There shall be the following Deans ;

1. Dean of Student Affairs
2. Dean of University Departments
3. Dean of Affiliated Colleges
4. Dean of Teachers' Welfare
5. Dean of University Quality Assurance.

Provided however that the Vice Chancellor may, in consultation with the Syndicate, identify other areas of University administration, where academic involvement in administration would be helpful in improving the quality of University governance and appoint Deans as per the provisions in sub clauses (2) to (4).

**35. Council of Deans other the faculty Deans: -** (1) There shall be a Council of Deans other the faculty Deans to discuss and advice the University on matters prescribed in the Act and Statutes of the University.

(2) The Council of Deans other the faculty Deans shall consist of the following members, namely -

- a) Pro-Vice Chancellor, who shall be the Chairperson of the Council;
- b) Dean of Student Affairs
- c) Dean of University Departments
- d) Dean of Affiliated Colleges
- e) Dean of Teachers' Welfare
- f) Dean of University Quality Assurance

(3) The powers and functions of the Council of Deans other the faculty Deans including the delegation of its powers, shall be prescribed by the Statutes.

(4) The Council of Deans other the faculty Deans shall meet once in four months, or whenever the Chairperson considers it necessary.

(5) The Vice Chancellor shall convene a Joint meeting of the Council and the Council of Faculty Deans whenever he considers it necessary or when a request is made by not less than three members of either of the Council, provided however that a Joint Meeting shall be convened at least once in four months.

**36. Students' Council. –** (1) There shall be a Students' Council in the University consisting of the following members, namely-

**Ex-officio Members**

- (a) The Vice-chancellor, who shall be the Chairperson of the Council;
- (b) Dean of Student Affairs, who shall be the Vice Chairperson of the Council;
- (c) The Chairperson of the University Union;
- (d) The General Secretary of the University Union;
- (e) The Director, National Cadet Corps;



- (f) The Officer-in charge of the National Service Scheme in the University;
- (g) The Director of Physical Education.

### **Elected Members**

- (a) Ten members, not being members of the Senate or the Academic Council, elected by the members of the General Council of the University Union from among themselves, of whom three shall be women;
- (b) Three members elected from among the full-time students of the departments of the University in such manner as may be prescribed;
- (c) Two members, other than students, elected by the members of the Senate from among themselves;
- (d) One member, other than students, elected by the members of the Syndicate from among themselves;
- (e) One member, other than students, elected by the members of the Academic Council from among themselves;

### **Other Members**

Three students who have distinguished themselves in academic field, sports or fine arts, nominated by the Vice-Chancellor;

(2) A member elected from among the elected student members of the Council shall be the Secretary to the Council.

(3) The members of the Student's Council other than ex-officio members shall hold office for a term of one year from the date of their election or nomination, as the case may be;

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**37. Powers and duties of Student's Council:** – (1) Subject to the provisions of this Act and the Statutes, the Students' Council shall have the following powers, duties and functions, namely-

- (a) to make recommendations to the Syndicate and to the Academic Council in matters affecting the academic work of the students, such as the structure of courses and, the corporate life of the University in so far as it concerns the students, and the co-curricular and extra-curricular activities in the University;

- (b) to make suggestions to the Syndicate and Academic Council in respect of all rules relating to discipline or welfare of the students, sports, working of literary and other societies, management of hostels, student homes and non-resident student centres, extension work, social work, students' health, National Service Scheme and National Cadet Corps and such other matters as may be specified in the Statutes;
- (c) to communicate its views, observations and recommendations to any authority of the University in respect of any matter which concerns the students:

Provided that if any question arises as to whether a matter does or does not concern the students, the question shall be decided by the Chairperson of the Students' Council and his decision shall be final;

- (d) to take such steps as are necessary for the general welfare of students;
- (e) to recommend such steps as are necessary for the general implementation of students' rights enumerated in section 38 of the Act;
- (f) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances or Regulations,

(2) The Vice Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by the Statutes periodical reports detailing the recommendations and suggestions made by the Students' Council and the action taken thereon by the authorities to which such recommendations and Suggestions made by the Student's Council and the action taken thereon by the authorities to which such recommendations and suggestions were made.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**38. Students' Rights:** - (1) Every Student shall have specific rights as may be prescribed by the statutes.

(2) The provisions regarding students' rights shall not be interpreted so as to:

- (a) Deny or restrict any advantage which by reason of a law has been enjoyed by a student;
- (b) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the provisions of any law or well accepted principles or

practice.

(3) Students enjoy within the University all rights and freedoms recognized by law.

(4) Every educational institution shall be liable to observe, promote and protect these rights of students.

**39. Students Grievances:** - (1) There shall be Three-level Students' Grievance redressal mechanism as may be prescribed by the Statutes, for redressal of students grievances enumerated in the Statutes.

(2) The first level for students' grievance redressal mechanism shall consist of -

(a) Collegiate Student Grievance Redressal Committee (CSGRC) for Affiliated Colleges; or

(b) Department Student Grievance Redressal Committee (DSGRC) for Departments of the University.

(3) The University Student Grievance Redressal Committee (USGRC) shall be the second level for Students' Grievance redressal mechanism.

(4) The University Ombudsperson shall be the appellate authority for the matters of students' grievances.

(5) Any students aggrieved by the decision of Ombudsperson may appeal to the University Tribunal.

**40. University Ombudsperson:** - (1) The Ombudsperson shall be a person of eminence in academics or research, who had been Vice- Chancellor of a University or qualified to be appointed as Vice Chancellor

(2) The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under the students' grievance redressal mechanism.

(3) The appointment, functions and duties of Ombudsperson shall be such as may be prescribed by the Statutes.

**41. Finance Committee:** – (1) There shall be a Finance Committee to give advice to the University on any question affecting its finances.

(2) The Finance Committee shall consist of the following members, namely-

(a) the Vice- Chancellor, who shall be the Chairperson of the Finance Committee;

(b) the Pro-Vice-Chancellor;

- (c) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (d) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (e) Registrar;
- (f) one member elected by the members of the Senate from among themselves;
- (g) one member elected by the Members of the Syndicate from among themselves; and
- (h) one member elected by the Members of the Academic Council from among themselves;

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) The powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

**42. Other authorities of University:** – The constitution, powers and duties of such other authorities as may be declared by the Statutes to the authorities of the University, shall be prescribed by the Statutes.

**43. Disqualifications for membership:** – (1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he -

- (a) is of unsound mind; or
- (b) is an undischarged insolvent; or
- (c) has been convicted by a court of law of an offence involving moral turpitude; or
- (d) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination.

Provided that the disqualification of a person under clause (d) shall cease on the expiry of the period for which he has been debarred.

(2) If any question arises as to whether any person is disqualified under sub-section (1), the question shall be referred to the Vice Chancellor and an appeal from the decision of the Vice-Chancellor shall lie before the University Tribunal.

**44. Meetings of the Authorities of the University:** - (1) Meetings of any University authorities or Body constituted under this Act, Statutes, Ordinance and Regulations shall be conducted in online, offline or blended modes.

(2) Notice, agenda papers and minutes of the meeting may be circulated to the members in electronic mode.

## CHAPTER V

### Statutes, Ordinances, Regulations, Rules and Bye-Laws

**45. The Statutes:** - Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely: -

- (a) the powers and duties of the Officers of the University, not specifically provided for in this Act;
- (b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;
- (c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;
- (d) award of degrees, diplomas; titles, certificates and other academic distinctions by the University;
- (e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;
- (f) the holding of convocations to confer degrees;
- (g) the conditions and procedure for affiliation of colleges;
- (h) conferment of honorary degrees;
- (i) the maintenance of the accounts and the preparation and passing of the annual budget of the University; and
- (j) all other matters which by this Act are to be, or may be, prescribed by Statutes.

**46. Procedure for making Statutes:** - (1) The Senate may of its own motion take into consideration the draft of a Statute.

Provided that, in any such case, before the statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub- Section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statutes has been passed by the Senate, it shall be submitted to the Chancellor who may give his assent thereto, or send it back to the Senate for reconsideration within sixty days from the date it has been submitted to the Chancellor.

Provided that, if the Chancellor has not given his assent or sent it back to the Senate for reconsideration within sixty days from the date it has been submitted to the Chancellor, assent shall be deemed to have been given by the Chancellor.

Provided further that, in cases where the Chancellor decides to send it back to the Senate for reconsideration, he shall communicate the reasons for such decision and if the Senate, after reconsideration passes the Statute again, it shall not be necessary to obtain the assent of the Chancellor and the Statutes shall come into force from such date as the Senate may prescribe.

(6) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(7) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

**47. Ordinances:** - Subject to the provisions of this Act and the Statutes the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely -

- (a) the levy of fees in colleges and other institutions except that of private unaided colleges, by the University;
- (b) the residence and discipline of students;
- (c) the workload and pattern of teaching staff in colleges;
- (d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University.

Provided that, no special pay or allowance or extra remuneration of any description whatsoever including ex-gratia payment or other benefits having financial implication shall be granted to any officer, teacher or other employee of the University without the prior approval of the Government.

Provided further that, no such prior approval of the Government shall be necessary for incurring any such expenditure of a non-recurring nature subject to a maximum of ten thousand rupees in the aggregate in the financial year.

- (e) all other matters which by this Act or the Statutes are to be, or may be provided for by the Ordinances.

**48. Procedure for making Ordinances:** - (1) The Syndicate shall have power to make Ordinances in the matter hereinafter provided.

(2) In making Ordinances, the Syndicate shall consult the Board of Studies concerned where such Ordinances affect the appointment and duties of Examiners.

(3) Every Ordinance made by the Syndicate shall be submitted to the Senate at its next meeting. The Senate shall be competent to propose amendments to any such Ordinance for the consideration of the Syndicate. The Syndicate shall resubmit the Ordinance at the next meeting of the Senate with or without amendments.

(4) Every Ordinance shall have effect from the date of its publication in the Gazette or such other date as the Syndicate may direct.

(5) The procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(6) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be made only with the prior approval of the Government.

**49. Regulations:** - Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely-

- (a) the Courses of studies and the conduct of examinations;
- (b) the admission of students to the various courses of study and to the examinations;
- (c) the qualifications of teachers;
- (d) the appointment and prescription of duties of the Boards of Studies and examiners;
- (e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and
- (f) all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

**50. Procedure for making Regulations:** - (1) All Regulations made under this Act shall have effect, from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing regulations shall be prescribed by the Statutes.

**51. Rules, Bye-laws and Orders:** - (1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of the Act, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act, or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

**52. Publication in the Gazette:** - All Statutes, Ordinances and Regulations made under this Act shall be published in the University Website and in the Gazette.



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**CHAPTER VI****Election to the Senate, the Syndicate and the Other Bodies of the University,  
filling up of Vacancies and Resignation, Removal, etc.,  
of Members of Authorities and Bodies**

**53. Election of members to the Senate, Syndicate and other bodies of the University:** - The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such elections shall be by secret ballot.

**54. Filling up of vacancies:** - (1) All vacancies among the members (other than ex-officio members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, within three months, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under subsection (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated as the case may be, would have been entitled to hold office if the vacancy had not occurred.

**55. Resignation or removal of members of any authority or body:** - (1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral turpitude or punished by the University for malpractice connected with any University examination, from the register of registered graduates or remove any such person from membership or any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body the Registrar shall bring the matter to the attention of that authority or body, unless such authority or body is satisfied that there was sufficient cause for the failure of the member to attend the meetings, remove him from its membership.

## CHAPTER VII

### FINANCE

**56. University Fund:** – (1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled, "The Kerala University Fund" and shall be employed for the purposes and in the manner laid down in this Act and the Statutes, Ordinances, Rules, Bye-laws and Orders made thereunder.

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Kerala University Fund shall be lodged in the Government Treasury or with the approval of the Government in any Nationalized Banks or Kerala Bank up to such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Kerala University Fund, as it may deem fit, in Government securities or securities guaranteed by the Governments.

(4) The custody of the Kerala University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, Rules and Bye-laws made in that behalf.

(5) The University shall maintain a separate fund for research activities. This may be the income from the Government of India, Government of Kerala, Central Autonomous Institute, International Research Agencies, Centre for Engineering Research and Development or any other sources.

**57. Grants from Government:** – (1) The University shall receive as grants for its maintenance such sums subject to such conditions as may be fixed by the Government from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

**58. Annual estimates of income and expenditure:** – (1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such dates as, may be prescribed by the Statutes, and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either with or without alterations as it may think fit.

**59. Funds earmarked for a purpose not to be diverted without prior approval of Government:** - (1) The University shall, not without the prior approval of the Government, -

- a) divert funds earmarked for a purpose for any other purpose; or
- b) implement any scheme which involves any matching contribution from the State Government.

(2) The University shall, not implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

**60. Annual Accounts:** – (1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

**61. Annual Report:** – (1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the table of the State Legislative Assembly.

**62. Audit of accounts of the University:** – (1) The Government shall appoint auditors to audit the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government in consultation with the University.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

(8) Notwithstanding anything contained in the foregoing provisions, the accounts relating to the funds granted by external funding agencies for specific projects/programs shall be audited in such manner as may be specified by the funding agency and accounts so audited shall not be subject to audit by the auditors appointed by Government.

## **CHAPTER VIII**

### **Private Colleges and Affiliation of Colleges**

**63. Definitions:** - In this Chapter, -

- (a) "corporate management" means an educational agency which manages more than one private college;
- (b) "unitary management" means an educational agency which manages a private college;

**64. Governing Council for private college under unitary management:** – (1) A unitary management shall constitute, in accordance with the provisions of the Statutes, a governing Council consisting of the following members, namely -

- (a) The Principal of the private college;
- (b) the Manager of the private college;
- (c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;
- (d) a person nominated by the Government;
- (e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent Teachers of the private college from among themselves;
- (f) the Chairperson of the College Union;
- (g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and
- (h) not more than six persons nominated by the unitary management.

(2) The Manager of the private college shall be the Chairperson of the governing Council.

(3) It shall be the duty of the governing Council to advise the unitary management in all matters relating to the administration of the private college, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made there under.

(4) The decisions of the governing Council shall be taken at meetings on the basis of simple majority of the members present and voting.

**65. Governing Council for private colleges under corporate management:** – (1) A corporate management shall constitute a Governing Council for all the private colleges under its management, consisting of the following members, namely -

- (a) one Principal by rotation in such manner as may be prescribed by the Statutes;
- (b) the Manager of the private colleges;
- (c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;
- (d) a person nominated by the Government;
- (e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges; from among themselves;
- (f) a person elected by the Chairmen of the College Unions of all the private colleges, from among themselves;
- (g) one person elected in accordance with such procedure as may be prescribed by the Statute, by the permanent members of the nonteaching staff of all private colleges from among themselves; and
- (h) not more than fifteen persons nominated by the corporate management.

(2) The Manager of the private colleges shall be the Chairperson of the Governing Council.

(3) It shall be the duty of the Governing Council to advice the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, by-laws and orders made there under.

(4) The decisions of the Governing Council shall be taken at meetings on the basis of simple majority of the members present and voting.

**66. Appointment of Manager:**— (1) A unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, in accordance with the bye-laws approved by the University.

(2) The appointment of the manager shall be approved by the University.

(3) The manager of the unitary management or the corporate management shall be removed only with the prior consent of the University.

It shall be the duty of the manager to give effect to the Orders and directions of the University from time to time and that of the unitary management or the corporate management, which are not inconsistent with University Act, Statutes, Regulations or Orders as the case may be.

(4) The manager shall exercise such powers and discharge such duties as prescribed in the bye laws approved by the Syndicate of the University relating to management and administration of the colleges.

Provided that, If the provisions in the approved bye laws have been violated, it will be treated as mismanagement and may also lead to withdrawal of affiliation.

(5) Suits by or against a private college shall be instituted by or against the manager thereof.

(6) If the Manager of a private college is guilty of mismanagement, malpractice, corruption or mal administration, gross negligence of duty or disobedience of instructions issued by the Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(7) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college and the continuance in office of a person declared unfit under

Subsection (6) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

**67. Acts or proceedings of Governing Council not to be invalidated:** – No act or proceeding of a governing Council shall be invalidated merely by reason of-

- (a) any vacancy in, or any defect in the constitution of, the Governing Council; or
- (b) any defect in the appointment of a person acting as a member of the Governing Council; or
- (c) any irregularity in the procedure of the Governing Council not affecting the merits of the case.

**68. Procedure for determining the areas, where new colleges are to be opened: -**

(1) The Government on the recommendation of Kerala State Higher Education Council may, from time to time, prepare two lists for an academic year, one in respect of aided colleges and the other in respect of unaided colleges, identifying the localities where new colleges and new courses are to be sanctioned.

(2) In preparing the lists the government shall take into consideration the following:

- (a) The existing colleges and courses in and around the locality in which new colleges and new courses are to be sanctioned;
- (b) The distance from each of the existing colleges to the area where new colleges are proposed to be sanctioned;
- (c) The educational needs of the locality with reference to the habitation and backwardness of the area; and
- (d) Other matters which it considers relevant and necessary in this connection.

Explanation: - for the removal of doubts it is hereby clarified that it shall not be necessary to prepare the two lists simultaneously and that it shall be open to the government to prepare only one of the lists.

(3) A list prepared by the government under Sub-rule (1) shall be published in the Gazette, inviting objections or representations against such list. Objections, if any, can be filed before the government against the list published within one month from the date of publication of the list.



(4) The government may thereafter conduct enquiries, hear the parties, visit the areas in consultation with Kerala State Higher Education Council and finalise the list and publish the same.

(5) A revision shall lie against the final list published by the government to the University Tribunal.

**69. Affiliation of Colleges:** – (1) The University may invite applications for affiliation for new colleges or for new courses in affiliated colleges in the localities, notified by the Government

(2) The terms and conditions of affiliation of a college or of affiliation to new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

**70. Council of Affiliated Colleges:** - (1) The Council of Affiliated Colleges shall be a body consisting of all colleges affiliated to the University.

(2). The Council of Affiliated Colleges, subject to the provisions of this Act and the Statutes, be responsible for addressing the issues of affiliated colleges and to recommend measures to the Syndicate of the University.

(3). The Council of Affiliated Colleges shall consist of the following members, namely-

- (a) The Pro-Vice-Chancellor - Chairperson
- (b) Dean of Affiliated Colleges – Vice Chairperson
- (c) Three Principals from Government colleges, nominated by the Syndicate – members
- (d) Two Principals and one Manager from Private Aided colleges of the University, nominated by the Syndicate - members
- (e) Two Principals and one Manager from Private Un-Aided colleges of the University, nominated by the Syndicate – members
- (f) Three Principals, one each from Government colleges, Private Aided Colleges and Private Unaided Colleges and one Manager from Professional colleges of the University, nominated by the Syndicate - members
- (g) One member of the Syndicate, nominated by the Syndicate from among themselves – member
- (h) Registrar – member secretary

(4) The Council of Affiliated Colleges shall meet at least once in six months on dates to be fixed by the Chairperson and one of such meetings shall be called the annual meeting.

(5) One-Third of the total number of members of the Council of Affiliated Colleges shall be the quorum for a meeting of the Council.

**71. Functions and duties of the Council of Affiliated Colleges:** - Subject to the provisions of this Act and the Statutes, the Council of Affiliated Colleges shall have the following duties and functions, namely-

- (i) to make recommendations to the Syndicate on matters related to affiliation;
- (ii) to make recommendations on the courses of studies in the institutions affiliated to the University;
- (iii) to recommend measure to improve the quality of education imparted in the affiliated colleges;
- (iv) to make recommendations to the Academic Council , regarding the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;
- (v) to make recommendations to the Academic Council , for the admission of students to the various courses of studies on the basis of merit in order to maintain standards of education;
- (vi) to make recommendations for the instruction and training in such branches of learning as it may think fit;
- (vii) to make recommendations for research and advancement and dissemination of knowledge;
- (viii) to bring to the attention of the authorities the problems faced by affiliated colleges; and
- (ix) to exercise such other powers and perform such other duties as may be conferred to, or imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules, or Bye-laws.

**72. Appointment of teachers in private colleges:** – (1) Notwithstanding anything contained in any law or in any contract or other document, While making appointments by direct recruitment to teaching posts of private aided colleges eligible to receive

salary from the government, Rule 14 to 17 of Kerala State and Subordinate Services Rules, 1958 shall be applicable.

(2) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorized by the Government on the basis of work load approved by the University.

(3) Appointment of principals shall be made by the educational agency through direct recruitment or by promotion as per UGC Regulations as approved by the University from time to time.

(4) For making appointment under this section by direct recruitment the post shall be advertised in such manner as may be prescribed by the Statutes.

(5) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(6) Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(7) Every appointment under this section shall be reported to the University for approval.

(8) Any person aggrieved by any appointment under this section may appeal to the University Tribunal.

**73. Qualifications of Teachers:** – (1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgment, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer before the commencement of this Act shall be deemed to have been made by the authority competent to make such decision or order under this Act as if this Act had been in force at the time when such decision or order was made and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

**74. Probation:** – (1) Teachers of private colleges shall be on probation for a period of one year within a period of two years.

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation. - Probation undergone by a teacher before the commencement of this Act shall be deemed to be probation for the purposes of this Sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Act shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

(4) Any probationer discharged or reverted under under-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency shall confirm the teacher in the post and if the Vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the Probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post.

(8) A probationer who is discharged or reverted under sub-station (6) or who is discharged or reverted before the prescribed period or probation otherwise than on the ground of want of vacancy shall be entitled to appeal against the order of discharge or

reversion to the University Tribunal and the provisions of section 65 shall, the mutatis mutandis apply to such appeals.

**75. Conditions of service of teachers of private colleges:** – (1) Notwithstanding anything contained in any law or in any contract or other document, the conditions of service of teachers of private colleges, whether appointed before or after the commencement of this Act, including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement, shall be such as may be prescribed by the Statutes.

(2) The Educational Agency may at any time place a teacher under suspension.

- (a) when disciplinary proceedings against him are pending; or
- (b) when a case against him in respect of any criminal offence is under investigation or trial;

Provided that no teacher shall be placed under suspension by the Educational agency for a continuous period exceeding 15 days without the previous sanction of the Vice Chancellor.

(3) Where the orders of suspension is made by the educational agency , it shall on the same day report the matter together with reasons for the suspension to the Vice Chancellor.

(4) The Vice Chancellor shall thereupon make a preliminary investigation on the grounds of suspension. If on such investigations the Vice Chancellor is satisfied that there was no valid ground for the suspension, he may direct the educational agency to reinstate the teacher with effect from the date of suspension and thereupon the teacher shall forthwith be reinstated by the educational agency. If the teacher is not actually reinstated the teacher shall be deemed to have been on duty. It shall then be open to the Director of Collegiate Education to disburse the pay and allowances to the teacher as if he was not suspended and recover the amount so disbursed from the educational agency. If on such investigation it is found that there are valid grounds for such suspension, permission may be given to the educational agency to place the teacher under suspension beyond 15 days if necessary. The Vice Chancellor shall pass orders permitting the suspension or otherwise within said 15 days.

(5) Notwithstanding anything contained in sub-section, (4) the Vice Chancellor who permitted the suspension beyond 15 days , may at any time review such permission and

if such authority is satisfied that the teacher under suspension has to be reinstated in service for reasons to be recorded in writing cancel the permission already granted and direct the educational agency to reinstate the teacher in service. On such order, the educational agency shall reinstate the teacher forthwith failing which the provisions in sub-rule (4) will apply in such case. Teacher shall be deemed to have been on duty and entitled for pay and allowances and that the pay and allowance paid to teacher shall be recovered from educational agency.

(6) Any person aggrieved by an order of the Vice-Chancellor under Sub-section (5) may, within a period of thirty days from the date of receipt of order by him, appeal to the University Tribunal.

(7) No disciplinary action shall be taken against a teacher as otherwise provided in the statute.

(8) Any teacher aggrieved by an order passed after the commencement of this Act in any disciplinary proceeding taken against him may, within sixty days from the date on which a copy of such order is served on him or within Sixty days after the University Tribunal has been constituted under his Act, whichever period expires later, appeal to the University Tribunal and the University Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

Provided that the University Tribunal may admit an appeal presented after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(9) Any person who objects to an order passed by the University Tribunal under sub-section (8) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition to the High Court on the ground that the University Tribunal has either decided erroneously, or failed to decide, any question of law.

(10) The provisions of section 5 of the Limitation Act, 1963, shall be applicable to any proceedings under Sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such order on the petition, as it deems fit.

**76. Past disputes relating to service conditions of teachers:** – Notwithstanding anything contained in any law for the time being in force, or any contract, or in any judgment, decree or order of any court or other authority, -

- (a) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided under and in accordance with the provisions of this Act and the Statutes made thereunder;
- (b) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher, which has arisen after the 1st day of August, 1967, and has been disposed of before the commencement of this Act shall, if the management or the teacher applies to the Appellate Tribunal in that behalf within a period of thirty days from such commencement, be reopened and decided under and in accordance with the provisions of this Act and the Statutes made thereunder as if it had not been finally disposed of.

**77. Membership of local authorities etc.:** – (1) A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

(2) A teacher elected or nominated as a member of the Legislative Assembly of the State or of Parliament shall be entitled to treat the period of his membership of the Legislative Assembly or of Parliament as on leave without salary and allowances.

(3) A teacher referred to in Sub-section (2) shall also be entitled to count the period of his membership of the Legislative Assembly or of Parliament for the purposes of pension, seniority and increments.

**78. Non-teaching staff of private colleges:** – The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges. Subject to this, their method of appointment, pay and other conditions of service shall be such as may be prescribed by the Statutes.

**79. Inter University transfer of teacher by an educational agency:** -Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Kerala University and also under the jurisdiction of any other University of Universities in the State, a teacher

appointed by such educational agency to a college within the jurisdiction of another University, may be transferred to any college under the jurisdiction of the Kerala University, subject to the following conditions, namely -

- (a) transfer shall be made only on the written request of the teacher who has completed three years of service;
- (b) transfer shall be made only once during the entire period of service of a teacher;
- (c) transfer shall be made on the basis of the seniority of teachers;
- (d) a teacher transferred under the provisions of this section shall become the junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred;
- (e) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending; and
- (f) a teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

Explanation: For the purpose of this section, “home college option “means option made by a teacher regarding his home college in the University the provisions of the Statutes made under this Act.

**80. Colleges not complying with provisions of this Act:** – (1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act, or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University.

Provided that before disaffiliating a college, the educational agency and the Governing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Act, or of the Statutes, Ordinances, Regulations, bye-laws, orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government.



Provided that before making any such order, the educational agency and the Governing council, as the case may be, shall be given an opportunity of being heard.

## **CHAPTER IX**

### **University Tribunal**

**81. Constitution of University Tribunal:** - (1) The Government shall constitute the University Tribunal for the purposes of this Act.

(2) The University Tribunal shall be appointed by the Government and shall consist of Chairperson and two members.

- (i) A person who is or has been a judge of the Supreme Court or High Court -  
Chairperson
- (ii) A person who is an advocate well versed in University Laws and matters related to higher education having not less than 15 years of active practise in the High Court -Member
- (iii) An academician who is or has been or qualified to be a Vice Chancellor of an University -Member

(3) The term of Office of the University Tribunal shall be Four years from the date of its appointment.

Provided that no person who is more than seventy years of age shall be appointed as a member of the University Tribunal.

(4) The University Tribunal shall have the power to make regulations consistent with the provisions of this Act, with the previous sanction of the Government for regulating its procedure and disposal of its business. The regulations so made shall be published in the Gazette.

(5) The Government shall provide such facilities for the establishment and functioning of the office of the University Tribunal including creation of required posts and appointment thereto.

(6) The University Tribunal shall have the jurisdiction to adjudicate disputes on any of the matter provided in this Act.

(7) The decision of the University Tribunal on a question as to whether a matter is coming under this Act or not shall be final.

(8) The University Tribunal shall, for the purpose of exercising the powers conferred by or under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit;
- (d) issuing commission for the examination of witnesses or for local investigation;
- (e) inspecting any property or thing concerning with any decision to be taken;
- (f) requisitioning of any public record or copy thereof from any court, authority or office;
- (g) any other matter which may be prescribed.

(9) The University Tribunal shall exercise such powers and perform such duties as may be prescribed by the Act and Statutes of the University.

(10) The University Tribunal constituted under this Act may be given additional jurisdiction to discharge the functions of University Tribunal under any other Act by the Government by notification.

**82. Bar of jurisdiction of civil courts:** - No civil court shall have jurisdiction to settle, decide, or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any authority or person under this Act.

## CHAPTER X

### AUTONOMOUS COLLEGES

**83. Date of effect of grant of autonomy:** - An affiliated college authorised under this Chapter to apply for academic autonomy to the University Grants Commission shall be deemed to be an Autonomous College of the University from the date on which the University Grants Commission provided approval of the autonomous status

**84. Authorities of an Autonomous College:** - (1) The following shall be the authorities of an Autonomous College, namely-

- (i) The Academic Council of an Autonomous College;

- (ii) The Board of Studies of an Autonomous College;
- (iii) The Governing body;
- (iv) Complaint Redressal Committee of an Autonomous College;
- (v) The Expert Committee of an Autonomous College;
- (vi) The Finance Committee of an Autonomous College; and
- (vii) The Students Grievance Redressal Committee of an Autonomous College.

(2) Notwithstanding anything contained in this Act or the Statutes, Ordinances or Regulations made under this Act, all matters including the invitations, processing and approval of application for grant of autonomy, the constitution of the authorities in an Autonomous College and their powers and the powers of the University over an Autonomous College shall be dealt with in accordance with the provisions of this Chapter from the date on which the University Grants Commission has granted approval of the autonomous status.

(3) If there is any dispute whether any provision in any existing Statute, Regulation and Ordinances of the University is inconsistent with or has the effect of overriding or contradicting any provision in this Chapter, the decision of the Government shall be final.

(4) All other matters related to the autonomous colleges shall be decided in such terms and in such manner as may be prescribed by the Statutes.

## CHAPTER XI

### Miscellaneous

**85. Equivalence:** - (1) The Vice Chancellor shall refer all issues in the matters of granting Equivalence of a degree, diploma, certificate and such other titles awarded by other Universities in India and abroad to the Council of Faculty Deans and the Council of Faculty Deans shall dispose such issues within a period of forty five days and make their recommendation to the Vice Chancellor. The Vice Chancellor shall implement the decision with or without modifications

Provided that, if the Council of Faculty Deans fails to take a decision within the prescribed time, The Vice Chancellor shall refer the matter to the State Level Academic Committee for its decision, and it shall be binding on the University.

Provided further that, if the Council of Faculty Deans is of the opinion that, matter is to be dealt with the State Level Academic Committee, it shall refer the matter to State Level Academic Committee and on receiving such advice, the Vice Chancellor shall act in accordance with it.

(2) If any person is aggrieved by the decision of the Vice Chancellor, an appeal shall lie before the State Level Academic Committee and the decision of the State Level Academic Committee shall be final.

**86. Power of Government to cause inspection of University:** – (1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops, and equipments and of any institutions maintained, recognized or approved by, or affiliated to the University and also of the work conducted by the University, and to cause enquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub -section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made,

by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

**87. Appointment of Commission to inquire into the working of University: – (1)**

The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairperson and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on

-

- (i) the working of the University during the period to which the inquiry relates;
- (ii) the financial position of the University including the financial position of its colleges and departments;
- (iii) any change to be made in the provisions of this Act or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and
- (iv) Such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and the recommendation of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

**88. Power of Government to make rules: – (1)** The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the

expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule 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 rule.

**89. Conditions of service:** – (1) Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned, be referred to the University Tribunal for decision, and thereupon, the provisions of section 73 and the regulations made by the Tribunal under the said section shall mutatis mutandis apply to the decision of such disputes.

**90. Pension, insurance and provident fund:** – With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and Provident Fund and for such other benefits as it may deem fit, in such manner as may be prescribed by the Ordinances.

**91. Proceedings of the University and bodies not to be invalidated by vacancies:** – No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Act or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

**92. Proceedings of the Senate, Syndicate and Academic Council:** – The Registrar shall forward to the Government within 15 days of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meeting,

**93. Dispute as to the constitution of University authority or body:** – If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a 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 may be referred by the Vice Chancellor to the University Tribunal and shall be so referred, if not less than twenty-five members of the Senate so require, and the tribunal shall, decide the question so referred . An appeal shall lie before the High Court.

**94. Report on affiliated colleges:** – The Vice-Chancellor shall, at the end of every four years from the commencement of this Act, submit a report to the Government on the conditions of affiliated colleges.

**95. Protection of acts and orders:** – All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers, shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders made thereunder.

**96. Institutions affiliated to University:** – (1) All Colleges existing in the University area immediately before the commencement of this Act shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future, maintenance and control.

**97. Reservation of appointments:** - In making appointments by direct recruitment to posts in any class or category under the University or to posts of teaching or non-teaching staff in the University, the University shall mutates mutandis observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time and communal rotation shall be followed category -wise treating all the Departments as one unit

**98. Transitory provisions:** – (1) Any officer or authority of the University of Kerala exercising any power or performing any duty under the Kerala University Act, 1974, immediately before the commencement of this Act. shall for a period of nine months from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is later, continue

to exercise such powers or perform such duties, as the case may be, so far as such powers or duties are not inconsistent with the provisions of this Act.

Provided that the Officers and Employees appointed under the Kerala University Act, 1974 and holding office immediately before the commencement of this Act shall be entitled to hold office for the full term of his appointment as if this Act had not been passed.

(2) The Statutes, Ordinances, Regulations, Rules, Bye-laws and Orders in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders framed under this Act.

(3) All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the University of Kerala constituted under the Kerala University Act, 1974 and all liabilities legally subsisting against the said University.

**99. Right to University Services:** - Notwithstanding anything contained in this Act, Statutes and Ordinances of the University, the Kerala State Right to Services Act, 2012 (Act 18 of 2012) shall be applicable to the University.

**100. First Statutes and Ordinances:** – Notwithstanding anything contained in this Act, the first Statutes and the first Ordinances of the University shall be made by the Government.

**101. Removal of difficulties:** - (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University, or otherwise in giving effect to the provisions of this Act the Government may by order do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order 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 order.

**102. Repeal:** – The Kerala University Act, 1974 (9 of 1974), is hereby repealed.



## **Chapter - III**

### **Proposed**

# **A.P.J. Abdul Kalam Technological University Act, 2022**

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## **Chapter - III**

### **Proposed A.P.J. Abdul Kalam Technological University Act, 2022**

Preamble

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## **Proposed A.P.J. Abdul Kalam Technological University Act, 2022**

An Act to reorganize the A.P.J. Abdul Kalam Technological University for the promotion of technical education in the State of Kerala.

**Preamble.** - Whereas, it is expedient to enable and reorganize, the University for the promotion of technical education in the State of Kerala and for making it suitable for the transformation of Kerala to a knowledge society and in tune with the changing needs of the society and for matters connected therewith or incidental thereto;

Be it enacted in the \_\_\_\_\_ Year of the Republic of India as follows: -

### **CHAPTER I**

#### **Preliminary**

**1. Short title and commencement.** - (1) This Act may be called the A.P.J. Abdul Kalam Technological University Act, 2022.

(2) It shall be deemed to have come into force on the \_\_\_\_\_.

**2. Definitions.** - In this Act, unless the context otherwise requires,-

1. "Academic Council" means the Academic Council of the University;
2. "Academic Council of an Autonomous College" means the Academic Council of an Autonomous College constituted under section 74(1) sub clause (i);
3. "Adjunct Professor" means a person engaged by the University or College for a specific period or term and for a specific academic purpose who possesses expertise and professional experience in a particular area of knowledge;
4. "Affiliated college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;
5. "AICTE" means the All-India Council for Technical Education established under the All-India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
6. "Authorities" means the authorities of the University as provided in section 21;

7. "Autonomous College" means a college conferred with autonomous status by the University Grants Commission and declared as such by the University by notification;
8. "Autonomy" means a privilege given to a college to conduct programmes of study, to develop its curriculum and syllabus, to devise teaching, learning and evaluation and assessment methods, to conduct examinations leading to the award of a degree, diploma, certificate and such other titles and distinctions by the University and publication of the results of the respective programmes of study in accordance with the provisions of Chapter VIII of the Act;
9. "Annual meeting" means one of the ordinary meetings of the Board of Governors held every year under sub-section (1) of section 25 and declared by the Statutes to be the annual meeting of the Board of Governors;
10. "Board of Governors" means the Board of Governors of the University;
11. "Board of Studies" means a Board of Studies of the University;
12. "Board of Studies of an Autonomous College" means the Board of Studies for a programme or group of programmes conducted by an Autonomous College constituted under section 74 (1) sub clause (ii);
13. "Chancellor" means the Chancellor of the University;
14. "College" means an institution maintained by, or affiliated to the University in which instruction is imparted in accordance with the provisions of the Statutes, Ordinances and Regulations;
15. "Collegiate Student Grievance Redressal Committee" means the Student Grievance Redressal Committee for Affiliated Colleges constituted under the section 42 (2) sub clause (a);
16. "Complaint Redressal Committee of an Autonomous College" means the Complaint Redressal Committee of an Autonomous College constituted under section 74(1) sub clause (iv);
17. "Constituent college" or "University college" means a college established or maintained by the University;
18. "Course" means a segment of subject matter to be covered in a semester traditionally referred to as paper.
19. "Dean (Academic)" means the Dean (Academic) of the University;
20. "Dean (Research)" means the Dean (Research) of the University;

21. "Department of the University" means a department constituted by University designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;
22. "Department Student Grievance Redressal Committee" means the Student Grievance Redressal Committee for University departments constituted under the section 42 (2) sub clause (b);
23. "Educational agency" means any person or body of persons who or which establishes and maintains a private engineering college or more than one private engineering colleges;
24. "Engineering college" means an institution and affiliated institutions offering and conducting engineering courses at undergraduate, graduate, postgraduate and research level and functions in accordance with the rules, guidelines and procedures of, and with the approval of, the AICTE and in accordance with the provisions of this Act, Statutes, Ordinances and Regulations;
25. "Engineering course or courses" means a engineering course or course at undergraduate, graduate, postgraduate or research level conducted by an engineering college;
26. "Expert Committee of an Autonomous College" means the Expert Committee of an Autonomous College constituted under section section 74(1) sub clause (v);
27. "Faculty" means a faculty of the University;
28. "Finance Committee of an Autonomous College" means the Finance Committee of an Autonomous college constituted under section section 74(1) sub clause (vi);
29. " Finance Committee " means the Finance Committee of the University;
30. "Government" means Government of Kerala;
31. "Government college" means a college maintained by the Government and affiliated to the University;
32. "Governing Body" means the Governing Body of an Autonomous College;
33. "Hostel" means a unit of residence for the students of the University or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Act, or the Statutes or Ordinances;
34. "Non-teaching staff of the University or a college" means the employee of the University or that of a college, other than teachers;

35. "Officer" means an officer of the University specified in Chapter III of this Act or any other person designated as an officer by the Statutes;
36. "Orders" means the Orders issued by the University;
37. "Ordinances" means the Ordinances made by the University in accordance with the provisions of this Act;
38. "Prescribed" means prescribed by this Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder;
39. "Principal" means the head of a college whose appointment has been approved by the University, which includes where there is no Principal, the person who is for the time being duly appointed to act as the principal approved by the University, and in the absence of the principal or the acting principal, as the case may be, a Vice-Principal duly appointed as such with the approval of the University;
40. "Private college" means a college maintained by an educational agency other than the Government or a society incorporated by the government or University and affiliated to the University;
41. "Private aided college" means a private college which is entitled to receive funds from the Government for payment of salary and allowances to its staff;
42. "Private Un-aided college" means a private college which is not entitled to any financial assistance from the Government or the University;
43. "Pro-Chancellor" means the Pro Chancellor of the University;
44. "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
45. "Programme" means higher education programme pursued for the award of a degree, diploma, certificate and such other titles and distinctions by the University of specified duration;
46. "Professional college" means a college offering courses regulated by statutory regulatory bodies;
47. "Recognized institution" means an institution for research or special studies, other than an affiliated college, recognized as such by the University;
48. "Regular college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes which provide instructions in accordance with the provisions of the Statutes, Ordinances and Regulations;
49. "Regulations" means the Regulations of the University made under this Act;
50. "Registrar" means the Registrar of the University;

51. "Re-structured programme" means a programme approved by the University by incorporating or substituting inter disciplinary or multi-disciplinary courses to the programme;
52. "Scheduled Castes" shall have the same meaning assigned to it in clause (24) of article 366 of the Constitution of India;
53. "Scheduled Tribes" shall have the same meaning assigned to it in clause (25) of article 366 of the Constitution of India;
54. "School" means a multi-disciplinary functional entity to carry out specific academic, research, extension activities and entrepreneurial activities with the involvement of members of one or more department;
55. "Board of Governors" means the Board of Governors of the University;
56. "State" means the State of Kerala;
57. "State Level Academic Committee" means State Level Academic Committee of the Kerala State Higher Education Council;
58. "Statutes" means the Statutes of the University made under this Act;
59. "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules", means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;
60. "Student" means a person duly admitted to and continuing in a college affiliated to the University or in the University or in a recognized institution, in accordance with the regulations for undergoing a course leading to the award of a degree, postgraduate degree, diploma, certificate or other academic distinctions instituted by the University;
61. "Students Council" means the Students' Council of the University;
62. "Students Grievance Redressal Committee of an Autonomous College" means the Students Grievance Redressal Committee of an Autonomous College constituted under section 74(1) sub clause (vii);
63. "Syndicate" means the Syndicate of the University;
64. "Teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor or such other person engaged in teaching or supervising research in any of the colleges or recognized institutions and whose appointment has been approved by the University;

65. "Teacher of the University" means a person employed as teacher in the University teaching departments or in any institution maintained by the University;
66. "Unitary management" means an educational agency which manages one private college;
67. "University" means the A.P.J. Abdul Kalam Technological University constituted under this Act;
68. "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;
69. "University Fund" means the Technological University Fund established under sub-section (1) of section 58;
70. "University Grants Commission" means the University Grants Commission established by the University Grants Commission Act, 1956 (Central Act 3 of 1956);
71. "University Ombudsperson" means Ombudsperson constituted under section 43;
72. University Student Grievance Redressal Committee means University Student Grievance Redressal Committee constituted under section 42(3);
73. "University Tribunal" means the University Tribunal constituted under sub-section (1) of section 47; and
74. "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER II

### The University

**3. Establishment and incorporation of the University:** - (1) There shall be established a University by the name "A.P.J. Abdul Kalam Technological University", which shall consist of a Chancellor, a Pro-Chancellor, a Vice-Chancellor, a Pro-Vice Chancellor, a Board of Governors, Syndicate, an Academic Council, Research Council and other authorities and officers as provided in this Act.

(2) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold properties both movable and immovable, and after obtaining previous sanction of the Government in writing, to lease, sell or otherwise transfer, for the bona fide need of the University or for a purpose

aiming at its development, any movable or immovable property which may have become vested in it or have been acquired by it for the purpose of the University and to borrow moneys from the State Government, Central Government or any other State Government or from any legally constituted body corporate and to contract and to do all other things necessary for the purposes of this Act.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or any other person authorised by him in this behalf and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(5) The University shall be both a teaching and affiliating University.

(6) The headquarters of the University shall be at Thiruvananthapuram.

**4. Territorial Limits:** - (1) The territorial limits of the University shall extend to the whole of the State of Kerala.

(2) Any Engineering college or Institution situated in the State, complying with the criteria prescribed under this Act, Statutes and Ordinances for affiliation, including but not confined to availability of faculty, administrative machinery, infrastructure (buildings, laboratories etc.) which will be laid down by the University from time to time under the provisions of this Act, can be affiliated to the University as,-

(i) regular college, or

(ii) autonomous college, or

(iii) college with academic autonomy, or

(iv) institution, as the case may be.

(3) The University may establish study centres at such other places within the state and at places outside the state or abroad with the prior approval of the Board of Governors and of the concerned Governments.

**5. Objects of the University:** - The objects of the University shall be as follows, namely: -

(a) to give leadership to the technology related policy formulation and planning of engineering education of the State;

- (b) to improve the academic standards of the graduate, postgraduate and research programmes in engineering sciences, technology and management;
- (c) to ensure the academic standards of all colleges and institutions affiliated to the University;
- (d) to advance and disseminate learning and knowledge in engineering sciences and allied fields by fostering and promoting engineering research;
- (e) to design new courses and curricula based on the advances in accordance with the norms laid down by the AICTE from time to time;
- (f) to act as the nodal agency for linkages in the field of engineering sciences, technology and management with other national and international institutions;
- (g) to promote interdisciplinary, multidisciplinary or intra disciplinary education and research in courses of various programmes and fields related to it;
- (h) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge;
- (i) to impart training with the use of modern communication media and technologies for the development of skills appropriate for a learning society in the context of innovations, research and discovery by establishing educational network related to engineering sciences;
- (j) to give thrust for the development of indigenous technologies by encouraging research and other academic activities in the related areas;
- (k) to substantially increase enrolment in Postgraduate education and research programmes in the colleges and institutions with the aim of promoting engineering research, development and innovation;
- (l) to support the establishment of Centres of excellence for multidisciplinary applied research in specific thematic areas;
- (m) to improve the learning skills of the students by constantly and continuously improving and upgrading the academic quality and standards of faculty;
- (n) to introduce and sustain innovative systematic quality improvement programmes in the field of technical education;



(o) to give assistance for innovation in the field of engineering sciences, technology, management and institution level management programmes in the State;

(p) to promote community development activities by suitable extension activities;(q) to take measures:

- a) to encourage Malayalam as medium of instruction, governance and communication;
- b) to encourage extensive use of information and communication technology to enrich and spread Malayalam language and literature; and
- c) to promote courses of professional and applied nature in Malayalam language in affiliated colleges and the University.

(r) to carry out its responsibility of creation, preservation, and dissemination of knowledge;

(s) to promote discipline and the spirit of intellectual inquiry and to dedicate itself as fearless academic community to the sustained pursuit of excellence;

(t) to encourage individuality and diversity within a climate of tolerance and mutual understanding;

(u) to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to be catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development;

(v) to develop work culture and promote dignity of labour through applied components in the syllabi;

(w) to build up financial self-sufficiency by undertaking academic and allied programmes and resource generative services in a cost-effective manner;

(x) to promote academic collaboration and programmes with other universities in India and abroad;

(y) to promote better interaction and co-ordination among different universities and colleges by all such means generally to improve the governance of the university and the facilities it provides for higher education;

(z) to generate and promote a sense of self-respect and dignity amongst the weaker sections of the society; and

(za) to promote new ideas, business incubation and development of employment efficiency in Engineering college.

**6. Admission to the University:** - (1) Subject to the provisions of this Act and the Statutes, and in compliance with the principles of reservation in force from time to time, admission to the University shall be open to all citizens of India, persons of Indian origin and foreign citizens who satisfy such criteria as may be prescribed subject to the provisions of any law for the time being in force:

Provided that nothing in this section shall be deemed to require the University to admit to any course of study any person who does not meet the prescribed academic standards for admission or to retain on the rolls of the University any person whose academic records are below the minimum standards required for the award of a degree, postgraduate degree or diploma or certificate or whose personal conduct is prejudicial to the rights and privileges of other students and staff of the University or to admit to any course of study larger than the number of students that can be accommodated with the available facilities of the University as determined by the Academic Council.

(2) Subject to the provisions of sub-section (1), the Government may give direction to the University to reserve in colleges seats for the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes and other special categories as may be notified from time to time and candidates from other States and Union Territories in India:

Provided that no such person shall be entitled to be admitted to any course under the University unless he meets the minimum required standards for admission to such course as laid down by the University.

**7. Powers and functions of the University:** - The University shall have the following powers and functions, namely: -

(i) to provide instruction and research in such branches of engineering sciences, management and technology and interdisciplinary areas related to them as the University may think fit, and to facilitate for the advancement of learning and dissemination of knowledge in such branches;

(ii) to provide for instruction and research in basic sciences and humanities in so far as it relates to the furtherance of knowledge in interdisciplinary areas;

- (iii) to lay down the norms and standards for the establishment, maintenance, administration, supervision and recognition of colleges and centres maintained by the University;
- (iv) to affiliate to itself institutions as constituent colleges or autonomous colleges or regular colleges or colleges with academic autonomy in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges obtained in violation of Statutes of the University;
- (v) to confer academic autonomy to affiliated colleges, institutions or a department of the affiliated colleges or institutions or a department maintained by the University;
- (vi) to determine criteria for affiliation with the University and to grant affiliation to the programmes and courses conducted by an affiliated college or institution; and
- (vii) to issue no-objection certificate for obtaining recognition from A.I.C.T.E or University Grants Commission to the programmes and courses that complies specific criteria.
- (viii) to establish, maintain and administer colleges or other centres of learning or centres for conducting research programmes or institutions necessary to carry out the objectives of the University;
- (ix) to hold examinations and to confer degrees, postgraduate degrees, diplomas, certificates and other academic distinctions to persons who, -
  - (a) shall have pursued a prescribed course of study in the University or any college or institutions thereunder and shall have passed the prescribed examinations of the University unless exempted therefrom in the manner prescribed; or
  - (b) shall have carried on research satisfactorily under conditions as may be prescribed and which has been duly evaluated;
- (x) to confer honorary degrees and other distinctions in accordance with the conditions that may be prescribed in the Statutes;
- (xi) to withhold or withdraw or cancel degree, postgraduate degree, diploma, certificates or other distinctions under conditions that may be prescribed by the Statutes after giving the persons affected a reasonable opportunity of being heard;
- (xii) to fix the fees payable to the University;

(xiii) to establish, maintain and administer hostels and to recognise hostels which are not under the management of the University and to suspend or withdraw such recognition;

(xiv) to create various categories of posts in the University and in colleges and Centres maintained by the University with the prior approval of the Government and to prescribe by Statutes the scales of pay for such posts and to prescribe their qualifications and methods of appointment and to make appointments to such posts to which appointments are not to be made through the Kerala Public Service Commission;

(xv) to control and regulate admission of students for various courses of study in colleges, Departments or Centres maintained by the University;

(xvi) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;

(xvii) to institute and award fellowships, travelling fellowships, scholarships, studentships, medals and prizes for teachers and students of the University and affiliated colleges;

(xviii) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;

(xix) to augment the resources of the University by exploring or innovating the activities such as research, development, consultancy, training programmes or by providing services to industry, trade or any other non-governmental organisations;

(xx) to recommend to the Government to take over, in the public interest, the management of colleges or institutions where irregularities or dereliction of criminal nature by the management of such college or institution are prima facie evident to the committee of enquiry appointed by the University;

(xxi) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;

(xxii) to lay down service conditions including code of conduct, workload, norms of performance appraisal and such other instructions or directions for teachers of affiliated colleges and University teachers as, in the opinion of the University, may be necessary in academic matters;

(xxiii) to define the powers and duties of the officers of the University other than the Vice-Chancellor;

(xxiv) to exercise control over the students of the University, to secure their standard of education, welfare, discipline and health and to exercise control for similar purposes over the students of affiliated colleges through such colleges;

(xxv) to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise and to invest such endowments, donations or funds in any manner that the University may deem fit and to institute scholarships, medals etc. from such funds subject to the condition that any donation from a foreign country, foreign foundation or any person in such country or foundation shall be accepted by the University only in accordance with the rules and guidelines of the Central Government and the State Government;

(xxvi) to acquire and hold any property, movable or immovable, which may become vested in it for the purposes of the University by way of purchase, grant, testamentary disposition or otherwise and to demise, alienate or otherwise dispose of all or any of the properties belonging to the University for bona fide purposes only of the University and also to do all other acts incidental or appertaining to a body corporate;

Provided that the prior permission of the Government shall be obtained for the purpose of grant of demise or to alienate or otherwise dispose of the immovable properties.

(xxvii) to borrow money with or without security, for such purposes as may be approved by the Government, from the Central Government, the AICTE, or other incorporated bodies subject to the provisions of this Act;

(xxviii) to make Statutes, Ordinances and Regulations and to amend, modify or repeal the same;

(xxix) generally, to do such other acts as may be required for the furtherance of the objects and purposes of this Act.

**8. Appointment of teaching and non-teaching staff:** - (1) Subject to the provisions of this Act and the Statutes made thereunder, the appointments to the posts which are not to be made through the Kerala Public Service Commission shall be made by the University.

(2) In making appointments to the teaching and non-teaching posts, the University shall, mutatis mutandis, observe the provisions of clauses (a), (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, and communal rotation shall be followed category-wise treating all the departments as one unit.

(3) The teaching-non-teaching staff may be given appointment on deputation basis to the similar posts in the University in such manner as may be prescribed.

### CHAPTER III

#### The Chancellor, Pro-Chancellor and Officers of the University

**9. The Chancellor:** - (1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Board of Governors, and at any convocation of the University.

(3) Whenever the question arises to whether any proceeding of any of the authorities of the University is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws, the Chancellor shall refer the matter to the University Tribunal and, the decision shall be final:

Provided that, before making any such order, the University Tribunal shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(4) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by the Chairperson of the University Tribunal:

Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(5) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

**10. The Pro-Chancellor:** - (1) The Minister for the time being administering the subject of Higher 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 powers and perform all the functions of the Chancellor.

(3) The Pro-Chancellor may call for any information relating to the academic and administrative affairs of the University and such requisition shall be complied with by the University.

(4) The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.

(5) The Pro-Chancellor shall have the right to bring any matter, which he/she considers important or a matter involving the policy of the government, to the attention of the Chancellor or to any authority or officer of the University and seek appropriate action.

**11. Officers of the University:** - The following shall be the officers of the University, namely-

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Registrar;

(iv) the Finance Officer;

(v) the Controller of Examinations;

(vi) the Dean (Research);

(vii) the Dean (Academic);

(viii) such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

**12. The Vice-Chancellor:** - (1) A person possessing the highest level of competence, integrity, morals and institutional commitment shall be appointed as Vice-Chancellor by the Chancellor.

(2) The person to be appointed as Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University or ten years of experience in reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

(3) The selection for the post of Vice-Chancellor should be through proper identification of a Panel of 3 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The Committee shall consist of one person nominated by the Syndicate, one person nominated by the Chancellor on the recommendation of the Government and one person nominated by the Chairperson, University Grants Commission. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Chancellor.

(4) Search-cum-Selection-Committee shall submit the panel of three names within two months from the date of notification constituting the Committee. If the search-cum-Selection Committee is not able to propose a panel unanimously, a panel of three names submitted by the majority of the members shall be treated as panel submitted by the Committee.

(5) The Chancellor shall appoint the Vice Chancellor on the recommendation of the Government, out of the panel of three names recommended by the Search-cum-Selection - Committee.

(6) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment. In the case of reappointment, the provisions in the sub section (3) to (5) shall not be applicable.

(7) No person who is more than sixty-five years of age shall be appointed as Vice-Chancellor.

(8) In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, or when the Vice Chancellor and the Pro Vice Chancellor are temporarily absent the



syndicate shall select a senior professor of the University from a panel of three names in order of seniority and such selected person shall exercise the powers and perform the duties of the Vice-Chancellor till the appointment of the Vice-Chancellor.

(9). In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements as stipulated in sub section (7) for exercising the powers and performing the duties of the Vice-Chancellor.

(10) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(11) The remuneration payable to, and other conditions of service of, the Vice-Chancellor shall be such as may be prescribed by Statutes.

(12) Such sumptuary allowance as the Government may approve from time to time or as prescribed by Statutes, shall be placed at the disposal of the Vice-Chancellor.

(13) The Vice-Chancellor may, by writing under his hand addressed to the Chancellor, after giving one month's notice,, resign from his office and shall cease to hold that office on the acceptance of the resignation by the Chancellor or on the date of expiry of the said notice period, whichever is earlier.

**13. Powers of the Vice-Chancellor:** - (1) The Vice-Chancellor shall be the principal academic and executive officer of the University. He shall be responsible for the development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

(2) The Vice-Chancellor shall have the power, to convene meetings of any of the authorities, bodies or committees, as and when he considers that such meeting is necessary.

(3) The Vice-Chancellor shall ensure that the directions issued by the Board of Governors are strictly complied with or implemented.

(4) It shall be the duty of the Vice-Chancellor to ensure that the actions of the University are carried out in accordance with the provisions of this Act, Statutes, Ordinances and Regulations and that the decisions of the authorities, bodies and committees are not inconsistent with this Act, Statutes, Ordinances or Regulations.

(5) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority, body or various councils which, in the ordinary course, would have dealt with the matter for decision in its next meeting , and shall report, at the next session of such authority, body or various councils.

Provided that, in the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the University Tribunal whose decision shall be final.

(6) Where any matter is required to be regulated by Statutes or Regulations but no Statutes or Regulations have been made in that behalf, the Vice-Chancellor shall, for the time being, regulate the matter by issuing such directions as the Vice-Chancellor thinks necessary, and shall, as soon as may be, submit them before the Board of Governors or other authority or body concerned for approval.

(7) The Vice-Chancellor shall appoint the University teachers based on the recommendations of the Selection Committee constituted for the said purpose in such manner as may be prescribed by Statutes and with the approval of the Syndicate.

(8) The Vice-Chancellor shall appoint all officers of the University of and above the rank of Deputy Registrar based on the recommendations of the Selection Committee constituted in such manner as may be prescribed by Statutes and with the approval of the Syndicate.

(9) The Vice-Chancellor shall have the financial power to make expenditure subject to the limit fixed by the Statutes.

(10) As the Chairperson of the authorities or bodies or committees of the University, the Vice-Chancellor shall have, subject to the approval of the Syndicate, the power to suspend a member from the meeting of the authority, body or committee for obstructing or stalling the proceedings or for indulging in behaviour unbecoming of a member and shall report the matter accordingly to the Board of Governors.

(11) Subject to the provisions of the Statutes and Ordinances and the approval of the Syndicate, the Vice-Chancellor shall have the power to suspend, discharge, dismiss or

otherwise take any disciplinary action against the staff of the University after giving them reasonable opportunity to defend their part.

(12) The Vice-Chancellor in consultation with Syndicate shall appoint the members of all Committees and Boards in accordance with the Statutes, unless specified in this Act.

(13) The Vice-Chancellor shall place before the Board of Governors and Syndicate a report of the work done by the University periodically as provided under the Statutes.

(14) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon the Vice-Chancellor by or under this Act and Statutes.

**14. Appointment, powers and duties of the Pro-Vice-Chancellor:** - (1) The Syndicate shall, appoint a person recommended by the Vice-Chancellor who is working in the field of engineering technology and having qualifications as may be prescribed by Statutes as the Pro-Vice-Chancellor and he shall be a whole-time salaried officer of the University.

(2) No person who is more than sixty years of age shall be appointed as Pro-Vice-Chancellor.

(3) The term of appointment of the Pro-Vice-Chancellor shall be co terminus with that of the Vice Chancellor and shall be eligible for re appointment

Provided that no person who is more than sixty years of age shall be eligible for reappointment.

(4) The salary and other allowances of the Pro-Vice-Chancellor shall be such as may be prescribed by the Statutes;

(5) Subject to the provisions of this Act and Statutes, the powers, responsibilities and duties of the Pro-Vice-Chancellor shall be as may be determined by the Vice-Chancellor from time to time and the Pro-Vice-Chancellor shall exercise such powers and perform such responsibilities and duties.

**15. The Registrar:** – (1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of Four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by the Statutes.

(2) The person appointed as Registrar shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1)

(3) The Registrar shall be the Chief administrative officer of the University and the Ex-officio Secretary of the Board of Governors, Syndicate and Academic Council.

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

(4) Suits by or against the University shall be instituted by or against the Registrar.

**16. The Controller Examinations:** - (1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of Four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and on such terms and conditions as may be prescribed by the Statutes.

(2) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1)

**17. The Finance Officer:** - (1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of Four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(2) The person appointed as Finance Officer shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1)

(3) The Finance Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

**18. Appointment, powers and functions of the Dean (Academic) and Dean (Research):** - (1) There shall be a Dean (Academic) and a Dean (Research). The Syndicate shall appoint one person as Dean (Academic) and one person as Dean (Research) from a panel of three persons each recommended to each category by the Selection Committee, with the Vice-Chancellor as the Convenor, determined by the Syndicate, as may be prescribed by Statutes, and they shall be full time salaried officers and shall work directly under the superintendence, direction and control of the Vice-Chancellor. The Dean (Academic) and Dean (Research) shall be the academic officers

of the University responsible for implementation of the academic policies and research policies, respectively, as approved by the Syndicate in respect of academic development, maintenance of standards of teaching and training of teachers and research within the faculties. The terms and condition of service and distribution of work shall be such as may be prescribed by Statutes. The Dean (Academic) shall convene the Academic Council as and when necessary.

(2) The Deans shall be responsible for the academic development and research development of the Faculty of the affiliated colleges and Centres of the University and shall ensure proper implementation of the decisions of the Board of Governors, Syndicate and Academic Council in respect of the matters under the purview of the Dean.

(3) Subject to the superintendence, direction and control of the Vice-Chancellor, the Deans shall, after taking such advice as the Dean thinks necessary, decide upon the grievances of students regarding the enrolment, eligibility, migration, scholarships, researchships, studentships or feeships and terms of admission to University examinations.

**19. All officers of the University to be public servants:** - All salaried officers, teachers, members of the authorities, committees or bodies of the University and other staff of the University shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

**20. Appointments to be notified:** - The appointment of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations, the Finance Officer, Dean (Academic) and the Dean (Research) shall be notified by the University in the Gazette.

## **CHAPTER IV**

### **Authorities of the University**

**21. Authorities of the University:** - The following shall be the Authorities of the University, namely:-

- (i) The Board of Governors;
- (ii) The Syndicate;
- (iii) The Academic Council;

- (iv) The Research Council;
- (v) The Board of Studies;
- (vi) The Finance Committee;
- (vii) The Planning and Development Committee; and
- (viii) The Students Council;

such other bodies of the University as may be designated by Statutes to be the authorities of the University.

**22. The Board of Governors:** - (1) The Board of Governors shall consist of the following members, namely: -

**Ex-officio Members**

- (i) The Chancellor;
- (ii) The Pro-Chancellor;
- (iii) The Secretary to Government in-charge of the-Higher Education Department, Government of Kerala or an officer not below the - rank of a Joint Secretary to the Government authorised by him;
- (iv) The Secretary to Government in-charge of the Finance Department, Government of Kerala or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (v) Vice-Chancellor;
- (vi) Pro-Vice-Chancellor;
- (vii) The Director of Technical Education, Government of Kerala;
- (viii) Dean (Academic);
- (ix) Dean (Research);
- (x) One Director of the Indian Institute of Technology, nominated by the Government;
- (xi) The Director, Vikram Sarabhai Space Centre or such an officer authorised by him;
- (xii) The Director, Indian Institute of Space Science and Technology;
- (xiii) The Director, Indian Institute of Science Education and Research;
- (xiv) The Director, National Institute of Technology, Kozhikode;

(xv) Members of Syndicate who are not otherwise be the members of Board of Governors.

(xvi) Chairperson of the University Students Union;

### **Elected Members**

(i) Five members elected by the Members of the Legislative Assembly from among themselves, of whom one shall be a woman and one shall belong to the Scheduled Castes or Scheduled Tribes;

(ii) Six representatives of the students of the University, elected by the students from among themselves as may be prescribed by the Statutes, of whom three shall be from Government engineering colleges, one shall be from Private aided engineering colleges, one shall be from Government controlled self-financing engineering colleges and one shall be from private self-financing engineering colleges; of the said members, one shall be a post graduate student, one shall be a woman and one shall belong to the Scheduled Castes or Scheduled Tribes;

(iii) Nine representatives from teachers from colleges affiliated to the University, of whom three persons shall be from Government Colleges, two persons from Private aided colleges, two persons from Government controlled self-financing colleges and two persons from Private un-aided colleges as may be prescribed by Statutes. One person from Government Colleges shall be a woman.;

### **Nominated Members**

(i) One eminent Industrialist nominated by the Government;

(ii) Principals of two Engineering colleges nominated by the Government, of whom one shall be from Government/ Private Aided sector;

(iii) Three eminent academicians with post-doctoral publications working in national level technological institutions, nominated by the Government, of whom one shall be a woman;

(v) Heads or Managers of three engineering colleges, nominated by the Government, of whom one shall be from Private aided college, one shall be from Government controlled self-financing college and one shall be from private self-financing college;

(vi) One member, nominated by the Government, from among non-teaching staff;

(vii) Six members from the field of science, industry and higher education nominated by the Government of whom one shall be a woman and one shall belong to Scheduled Castes or Scheduled Tribes.

**23. Reconstitution of the Board of Governors:** - (1) The Board of Governors shall be reconstituted every four years.

(2) Every member of the Board of Governors, other than an Ex-officio member, shall, subject to the provisions of this Act and the Statutes and Ordinances, hold office until the reconstitution of the Board of Governors.

(3) The term of office of a member nominated to fill a casual vacancy shall be for the remaining period of the term of office of the member in whose place he has been nominated.

(4) Notwithstanding anything contained in this section, an outgoing member shall, unless the Government otherwise directs, continue in office until another person is nominated as a member in his place.

(5) The members of the Board of Governors shall be entitled to such allowances, if any, from the University as may be prescribed by Statutes:

Provided that any person who becomes a member of the Board of Governors under this section by virtue of his office shall cease to be a member of the same on the termination of his office.

**24. Powers, functions and duties of the Board of Governors:** - (1) The Board of Governors shall have the power to review the actions of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Act, the Statutes, the Ordinances or the Regulations, and shall also exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be examined and decided by the University Tribunal and his decision thereon shall be final.

(2) Save as otherwise expressly provided in this Act, the Board of Governors shall have the following powers, namely:



- (i) to provide for instruction and research in such branches of engineering sciences, management and technology, and interdisciplinary areas related to them as the University may think fit, and for the advancement of learning and dissemination of knowledge in such branches;
- (ii) to provide for instruction and research in basic sciences and humanities in so far as it relates to the furtherance of knowledge in interdisciplinary areas;
- (iii) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;
- (iv) to cancel or amend any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council;
- (v) to approve and lay down norms and standards for affiliating colleges as regular colleges or autonomous colleges or constituent colleges or colleges with academic autonomy of the University;
- (vi) to affiliate to itself institutions as constituent colleges or autonomous colleges or regular colleges or colleges with academic autonomy in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;
- (viii) to establish and maintain and manage such institutions, Departments, Centres, institutes of research as it may, from time to time, deem necessary, subject to the provisions of this Act;
- (ix) to confer such honorary degrees and other distinctions in the manner as may be prescribed by Statutes;
- (x) to withhold or withdraw or cancel any degree, postgraduate degrees, diploma, title or any other distinction granted to any person, in accordance with the provisions of the Statutes, after giving the persons affected a reasonable opportunity of being heard;
- (xi) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Act, the Statutes, the Ordinances and the Regulations;
- (xii) to create posts in the University, constituent colleges and Centres maintained by the University, in accordance with clause (ix) of section 42, for teaching, research and

administration, to fix qualifications for such posts and to appoint persons to such posts in accordance with the provisions of this Act and the Statutes;

(xiii) to lay down qualification of teachers and non-teaching staff of private colleges and approve the appointment of teachers and non-teaching staff in such colleges;

(xiv) to augment the resources of the University by exploring or innovating activities such as research, development, consultancy, training programmes by providing services to clients from industry, trade or any other non-government organisations;

(xv) to prescribe the powers and duties of the officers of the University other than the Vice-Chancellor in addition to powers conferred on such officers by the Act;

(xvi) to acquire and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate:

Provided that the prior permission of the Government shall be obtained to demise, alienate or otherwise dispose of the immovable properties;

(xvii) to recommend to the Government to take over, in the public interest, the management of colleges or institutions where irregularities or omissions of criminal nature by the management of such college or institution are prima-facie evident to the committee of enquiry appointed by the University;

(xviii) to review and take such action as it may deem fit on the annual report and the annual accounts of the University placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(xix) to borrow money with or without security for such purpose as may be approved by the Government, from the Central Government, the AICTE or other incorporated bodies subject to the provisions of this Act;

(xx) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

**25. Meetings of the Board of Governors:** - (1) The Board of Governors shall meet at least once in four months on the dates to be fixed by the Vice-Chancellor in the manner decided by the Board of Governors and it may be through video conferencing.

(2) One third of the total number of members shall be the quorum for a meeting of the Board of Governors:

Provided that such quorum shall not be required for a convocation of the University or a meeting of the Board of Governors convened to confer degrees, titles or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit, convene a meeting of the Board of Governors and he shall, upon a requisition in writing signed, by not less than one-half of the total number of members of the Board of Governors, convene a special meeting of the Board of Governors.

(4) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered in the meeting.

(5) The meetings of the- Board of Governors shall be presided over by the Vice-Chancellor in the absence of the Chancellor and in his absence the Pro-Vice-Chancellor shall preside over the meeting, provided in the absence of the Vice-Chancellor, more than two consecutive meetings of the Board shall not be held.

**26. The Syndicate:** - (1) The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:-

**Ex-officio Members**

- (i) The Vice-Chancellor;
- (ii) The Pro-Vice-Chancellor;
- (iii) The Secretary to Government in charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (iv) The Secretary to Government in charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (v) The Director of Technical Education;
- (vi) Dean (Research);
- (vii) Dean (Academic);

**Nominated Members**

- (i) One members nominated by the Government from among the Members of Legislative Assembly, who are members of the Board of Governors;
- (ii) One member nominated by the Government from among the Principals of the Engineering Colleges in the Board of Governors;
- (iii) One member nominated by the Government from among the representatives of the students in the Board of Governors;

Provided that where the election of representatives of students has not been completed as per the Statutes, the Government may, -till the completion of election nominate one student of a Government engineering college affiliated to the University.

- (iv) Two members nominated by the Government from among the teachers in the Board of Governors;
- (v)–One member nominated from the Executive Council of Kerala State Higher Education Council.

#### **Other Members**

- a) Three members nominated by the Government from the field of Higher education, industry and commerce, of whom one shall be from Scheduled Caste / Scheduled Tribes.
- (2) The Vice-Chancellor shall be the Chairperson of the Syndicate and the Registrar shall be the ex-officio Secretary of the Syndicate.

**27. Meetings of the Syndicate:** - (1) The Executive Committee shall meet as often as decided by the Vice-Chancellor but at least once in two months on the dates to be fixed by the Vice-Chancellor. The quorum for a meeting of the Syndicate shall be one half of its total number of members.

- (2) The Registrar shall convene the meetings of the Syndicate at such place and on such date and time as may be directed by the Vice-Chancellor.

**28. Term of office of members of the Syndicate:** - The members of the Syndicate, other than ex-officio members, shall hold office for a term of four years from the date of their nomination. The term of office of other members of the Syndicate shall be co-terminus with the office they hold.

**29. Powers, functions and duties of the Syndicate:** - (1) Subject to the provisions of this Act and the Statutes, the executive powers of the University, including the general superintendence and control over the institutions of the University, shall be vested in the Syndicate.

(2) Subject to the provisions of this Act and the Statutes, the Committee shall have the following powers, namely: -

- (i) to make Ordinances in conformity with this Act and the Statutes made thereunder and to amend or repeal the same;
- (ii) to propose Statutes for the consideration of the Board of Governors;
- (iii) to propose norms and standards for affiliating colleges as regular colleges or autonomous colleges or constituent colleges of the University;
- (iv) to establish, maintain and administer hostels and to recognise hostels not managed by the University and to suspend or withdraw such recognition;
- (v) to exercise control over the students of the University, to secure their health, well being and discipline and to exercise through the affiliated colleges control for similar purposes over the students of affiliated colleges;
- (vi) to control-and regulate admission of students for various courses of study in colleges, departments, or centres maintained by the University;
- (vii) to conduct University examinations and approve and publish the results thereof;
- (viii) to fix the fees payable to the University and to demand and receive such fees;
- (ix) to accept endowments, bequests, donations and transfers of any movable or immovable properties to the University on its behalf:

Provided that all such endowments, bequests, donations and transfers shall be reported to the Board of Governors at its next meeting;

- (x) to receive funds for collaboration programmes from foreign agencies subject to the rules and regulations of the Central Government and State Government in that behalf;
- (xi) to direct for the management and control of all immovable and movable properties transferred to the University by the Government;

- (xii) to consider the financial estimates of the University and submit them to the Board of Governors in accordance with the provisions of the Statutes made in this behalf;
- (xiii) to direct the form, custody and use of the common seal of the University;
- (xiv) to arrange for and direct the investigation into the affairs of affiliated colleges, to issue instructions for maintaining their efficiency, for ensuring academic and administrative resources, infrastructural facility, academic performance, performance of teachers of these colleges and in the case of private colleges ensure payment of adequate salaries and service conditions to the members of the staff and in case of disregard of such instructions, to modify the conditions of affiliation or take such steps as it deems proper in that behalf;
- (xv) to define the powers and duties of the officers of the University other than those provided in this Act;
- (xvi) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;
- (xvii) to exercise such other powers and perform such other functions as may be prescribed by this Act, the Statutes and the Ordinances;
- (xxviii) to constitute cluster of colleges in accordance with the terms and conditions of such clusters prescribed in this Act and the statutes;
- (xxix) to grant degrees, postgraduate degrees, diplomas, certificates or other distinctions to persons who have pursued a prescribed course of study under the conditions prescribed in the Statutes;
- (xxx) to lay down the terms and conditions of service of the employees of the University subject to the provisions of the law in force made by the Central Government or State Government;
- (xxxi) to co-operate or collaborate with any other University, institution, authority or organization for research and advisory services and to enter into appropriate arrangement with other Universities, institutions, authorities, or organizations to conduct courses and for such purposes as the situation may demand;
- (xxxii) to lay down the service conditions, including code of conduct and the workload and norms of performance appraisal of the teachers of private colleges and constituent colleges;

**30. Constitution of the Academic Council:** - (1) The Academic Council shall be the principal academic body of the University responsible for the maintenance of standards of instruction, education, training, research and examinations and shall be constituted by the Board of Governors for every two academic years.

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

(i) Vice-Chancellor, ex-officio Chairperson;

(ii) Pro-Vice-Chancellor;

(iii) One Principal each nominated by the Syndicate from each of the category of Government engineering college, Private aided engineering college, College other than private college and private unaided engineering college affiliated to the University; of whom one shall be a woman. In the absence of woman qualified to be included in the lists, those who belong to other categories shall be considered;

(iv) One teacher each, not below the rank of professors nominated by the Syndicate, from each of the category of Government engineering college, Private aided engineering college, Government controlled self-financing college and private self-financing engineering college, affiliated to the University; of whom one shall be a woman and one shall belong to the Scheduled Castes or Scheduled Tribes. In the absence of woman or those belonging to Scheduled Castes or Scheduled Tribes qualified to be included in the lists, for the places earmarked for those categories, those belonging to other category or categories shall be considered;

(v) One eminent industrialist, nominated by the Syndicate;

(vi) Two eminent academicians working in institutes of national repute, nominated by the Syndicate;

(vii) Dean (Academic);

(viii) Dean (Research);

(ix) Vice-Chairman, Kerala State Higher Education Council or a member of the Council authorized by him;

(x) Two student representatives of the Board of Governors, nominated by the Syndicate, of whom one shall be a graduate student and one shall be a post graduate student; of whom one shall be a woman.

(3) The Registrar shall be the ex-officio Secretary of the Academic Council.

**31. Meetings of the Academic Council:** - The Academic Council shall meet as often as decided by the Vice-Chancellor but at least once in Four months on dates to be fixed by the Vice-Chancellor. The quorum for a meeting of the Academic Council shall be one third of its total members. The meetings of the Academic Council shall be convened by the Dean (Academic) as directed by the Vice-Chancellor.

**32. Term of office of members of Academic Council:** - The term of office of the nominated members of the Academic Council shall be two consecutive academic years and shall terminate at the end of second academic year. The term of office of other members of the Academic Council shall be co-terminus with the office they hold in the University or such authority of the University.

**33 Powers, functions and duties of the Academic Council:** - Subject to the provisions of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely: -

- (i) to advise the Board of Governors and Syndicate on all academic matters;
- (ii) to make regulations in conformity with this Act, Statutes and Ordinances made thereunder and to amend and repeal the same;
- (iii) to make proposals for research and advancement and dissemination of knowledge;
- (iv) to prescribe the courses of studies in the colleges, institutions maintained by or affiliated to the University;
- (v) to prescribe the qualifications for admission of students to the various branches of studies and to the examinations with the approval of Syndicate;
- (vi) to submit to the Board of Governors and Syndicate the proposals regarding institution of degrees, postgraduate degrees, diplomas, certificates and other academic distinctions;
- (vii) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University;
- (viii) to recommend to the Board of Governors, conferment of autonomous status on University institutions, departments, affiliated colleges and institutions in accordance



with the provisions of the Ordinances and policies of the State Government in this regard;

(ix) to submit to the Board of Governors feasibility reports on academic programmes recommended by the Board of Governors at its last annual meeting;

(x) to exercise such other powers and perform such other duties as may be conferred on it under this Act or the Statutes, Ordinances and Regulations made thereunder.

**34. Constitution of Research Council:** - There shall be a Research Council consisting of, -

(i) The Vice-Chancellor—Chairperson;

(ii) The Pro-Vice Chancellor – Vice Chairperson;

(iii) The Vice-Chairman, Kerala State Higher Education Council —Ex-officio Member;

(iv) The Director, Indian Institute of Technology, Chennai —Ex-officio Member;

(v) The Vice-Chancellor of a University established by State law nominated by the Government —Ex-officio Member;

(vi) The Director, Technical Education -- Ex-officio Member;

(vii) Three teachers having Ph.D. and minimum ten years of teaching experience from affiliated colleges, nominated by the Board of Governors on the recommendation of the Vice-Chancellor;

(viii) Three student representatives nominated by the Board of Governors from research students of the University or affiliated colleges, of whom one shall be a woman;

(ix) Three eminent persons nominated by the Board of Governors from research institutions or academic institutions at national level;

(x) Dean (Research) - Member Secretary.

(2) The Research Council shall meet at such times as decided by the Vice-chancellor:

Provided that meeting shall be convened at least once in two months.

(3) The quorum of meeting of the Research Council shall be one third of its total members. The Dean (Research) shall convene the meeting of the Research Council under the direction of the Vice-Chancellor.

(4) The term of office of the nominated members of the Research Council shall be two consecutive academic years and it shall expire at the end of the second academic year.

(5) The term of office of other members of the Research Council shall be co-terminus with the office they hold in the University or such authority of the University.

**35. Powers, duties and functions of Research Council:** - (1) Subject to the provisions of this Act and the Statutes, the University shall carry out research throughout the State to address the major problems of Technical Education, Engineering and Technology and Allied Sciences for the purposes of aiding the development of technical education and for the benefit of the mankind.

(2) The University through its Research Council shall be the principal agency to control over research activities with the following powers, functions and duties, namely: -

(i) to co-ordinate the research activities in the affiliated Colleges of the University;

(ii) to create an atmosphere that encourages research;

(iii) to provide mentoring to researchers in the various affiliated colleges;

(iv) to establish academic-industrial interaction and bridge the gap between them to meet the fast-growing research and development needs of industry;

(v) to interact with various national and international research bodies;

(vi) to improve the status of research in affiliated Colleges in the State to the national level;

(vii) to undertake research activities and development projects offered by agencies such as Indian Space Research Organization, Defence Research and Development Organisation, Council for Scientific and Industrial Research, Department of Science and Technology, All India Council for Technical Education, University Grants Commission, Department of Bio Technology and INFOSYS;

(viii) to obtain funds and infrastructural support for research and development activities from funding agencies;

(ix) to identify potential researchers and provide seed money to obtain research funding;

(x) to organise Kerala State Technological Congress;

(xi) to promote a University based Research Park;

(xii) to provide consultancy services through the colleges and institutions of the University;

(xiii) to motivate and support students and faculty in the affiliated Colleges to translate their ideas and innovative developments;

(xiv) to publish periodicals, bulletin, journal, etc. related to Engineering research;

(xv) to provide expert opinion, consultancy, testing and certification and technical support in all areas of engineering and technology to various agencies and organizations.

**36. Board of Studies:** — (1) There shall be a Board of Studies for each branch of studies, as decided by the Syndicate.

(2) The constitution and powers of Board of Studies shall be as prescribed by the Statutes,

**37. Finance Committee:** — (1) There shall be a Finance Committee, to advice on any issues related to financial matters of the University, with a person having specific qualifications appointed by the Syndicate, as its Chairman.

(2) Subject to the provisions of this Act, the constitution, powers, functions and procedures for delegation of powers of Finance Committee shall be as prescribed by Statutes.

**38. Planning and Development Committee:** - (1) There shall be a Planning and Development Committee which shall be the principal planning body of the University for the planning and development of institutional and infrastructure facilities and to advise the Board of Governors, the Syndicate and the Academic Council on such matters.

(2) The Planning Committee shall consist of the following members, namely: -

(a) Vice Chancellor, who shall be the Chairperson;

(b) Pro Vice Chancellor;

(c) Registrar;

(d) One representative of Kerala State Planning Board, nominated by the Vice Chairperson of the Kerala State Planning Board;

(e) Two Members of the Syndicate, elected among themselves;

- (f) Two experts in fields of planning and development, nominated by the Syndicate; and
- (g) Finance Officer, who shall be the Ex Officio Secretary
- (3) The Planning and Development Committee shall be reconstituted in every three years and shall meet at least once in three months.
- (4) The quorum for the Planning and Development Committee shall be Six.

**39. Powers and duties of Planning and Development Committee:** - Subject to the provisions of this Act and the Statutes, the Planning and Development Committee shall have the following powers, duties and functions, namely: -

1. To prepare the institutional development plan and monitor the progress of its implementation
2. To render advise with regard to the implementation of plans approved by the Syndicate, Board of Governors and other bodies;
3. To prepare the progress report on the implementation of different institutional, and present the same before the Syndicate
4. Such other matters regarding to the planning and development of University assigned to it by the Syndicate

**40. Students Council:** — (1) There shall be a Students Council for the University for dealing with the matters relating to welfare of students. (2) Subject to the provisions of this Act, the constitution, powers, functions and procedures for delegation of powers of Students Council shall be as prescribed by Statutes.

**41. Students' Rights:** - (1) Every Student shall have specific rights as may be prescribed by the statutes.

- (2) The provisions regarding students' rights shall not be interpreted so as to:
  - (a) Deny or restrict any advantage which by reason of a law has been enjoyed by a student;
  - (b) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the provisions of any law or well accepted principles or practice.
- (3) Students enjoy within the University all rights and freedoms recognized

by law.

(4) Every educational institutions shall be liable to observe , promote and protect these rights of Students

**42. Students Grievances:** - (1) There shall be Three-level Students' Grievance redressal mechanism as may be prescribed by the statutes.

(2) The first level for students' grievance redressal mechanism, and shall consist of-

(a) Collegiate Student Grievance Redressal Committee (CSGRC) for Affiliated Colleges; or

(b) Department Student Grievance Redressal Committee (DSGRC) for Departments of the University.

(3) The University Student Grievance Redressal Committee (USGRC) shall be the second level for Students' Grievance redressal mechanism.

(4) The University Ombudsperson shall be the appellate authority for the matters of students' grievances.

(5) Any students aggrieved by the decision of Ombudsperson may appeal to the University Tribunal.

**43. University Ombudsperson:** - (1) The Ombudsperson shall be a person of eminence in academics or research, who had been Vice- Chancellor of a University or Qualified to be appointed as Vice Chancellor

(2) The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under the students' grievance redressal mechanism.

(3) The Appointment, Functions and Duties of Ombudsperson shall be such as may be prescribed by the Statutes.

**44. Other Committees:** - The board of Governors shall have the power to constitute committees like Board of Studies, Board of Examinations, Planning Committee, Students Council etc. for the purposes of achieving the objects of this Act, and in that committee, unless otherwise provided in this Act or the Statutes, the members of the authorities and such other members as board may think fit may be included.

**45. Provisions relating to membership in Authorities:** - (1) Save as otherwise provided in this Act, any casual vacancy among the members, other than ex-officio

members of any authority of the University shall be filled, within 60 days, by the person or body who or which nominated that person and the person nominated to casual vacancy shall be a member of such authority or body for the remaining period for which the person whose place he fills would have been a member.

(2) The Board of Governors may remove any person from membership of any authority or body of the University on the ground that such person has been convicted of an offence involving moral turpitude:

Provided that no order for removal shall be passed against any person without giving him an opportunity of being heard.

(3) Any person who is a member of any authority of the University, other than the Board of Governors or the Syndicate, as a representative of another body, whether of the University or not, shall retain his seat in the authority or body only so long as he continues to be a member of the body by which he was nominated and thereafter till his successor is duly nominated.

(4) If any question arises as to whether any person has been duly nominated or he is entitled to be a member of such authority of the University, the question shall be referred to the University Tribunal whose decision thereon shall be final.

**46. Meetings of the Authorities of the University:** - (1) Meeting of any University authorities or Body constituted under this Act, Statutes, Ordinance and Regulations shall be conducted in online, offline or blended modes.

(2) Notice, agenda paper and minutes of the meeting may be circulated to the members in electronic mode.

**47. Constitution of University Tribunal:** - (1) The Government shall constitute a University Tribunal for the purposes of this Act.

(2) The University Tribunal shall be appointed by the Government and shall consist of Chairperson and two members.

- (i) A person who is or has been a judge of the Supreme Court or High Court -  
Chairperson
- (ii) A person who is an advocate well versed in University Laws and matters related to higher education having not less than 15 years of active practise in the High court -Member

- (iii) An academician who is or has been or qualified to be a Vice Chancellor of a University -Member

(3) The term of Office of the University Tribunal shall be Four years from the date of its appointment.

Provided that no person who is more than seventy years of age shall be appointed as a member of the University Tribunal.

(4) The University Tribunal shall have the power to make regulations consistent with the provisions of this Act, with the previous sanction of the Government for regulating its procedure and disposal of its business. The regulations so made shall be published in the Gazette.

(5) The Government shall provide such facilities for the establishment and functioning of the office of the University Tribunal including creation of required posts and appointment thereto.

(6) The University Tribunal shall have the jurisdiction to adjudicate disputes on any of the matters provided in this Act.

(7) The decision of the University Tribunal on a question as to whether a matter is coming under this Act or not shall be final.

(8) The University Tribunal shall, for the purpose of exercising the powers conferred by or under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely: —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit;
- (d) issuing commission for the examination of witnesses or for local investigation;
- (e) inspecting any property or thing concerning with any decision to be taken;
- (f) requisitioning of any public record or copy thereof from any court, authority or office;
- (g) any other matter which may be prescribed.

(9) The University Tribunal shall exercise such powers and perform such duties as may be prescribed by the Act and Statutes of the University.

(10) The University Tribunal constituted under this Act may be given additional jurisdiction to discharge the functions of University Tribunal under any other Act by the Government by notification

**48. Savings of validity:** - (1) No act or proceedings of any authority or body of the University shall be invalid merely by reason of any defect in the constitution of such authority or body or the existence of any vacancy or by reason of any person whose tenure is questionable, has participated in the proceedings.

(2) Save as otherwise provided in this Act, all acts done and orders issued in good faith by the University or any authority or body of the University shall be final and no suit shall be instituted against the University or such authority or body in any Civil Court for anything done or purported to have been done in pursuance of this Act, the Statutes, Ordinances and the Regulations made thereunder.

(3) No suit or prosecution or any other inquiry against the Vice-Chancellor shall be initiated except with the prior permission of the Chancellor.

(4) No suit, prosecution or other proceedings shall lie against any officer or other employees of the University for any act done or purported to be done under this Act, or the Statutes or the Ordinances or the Regulations without the previous sanction of the Board of Governors.

**49. Prohibition of officers and employees in accepting remuneration:** - No officer or employee of the University shall, from any source, accept any remuneration save as may be provided for in the Statutes.

## CHAPTER V

### Statutes, Ordinances, Regulations and Orders

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

- (i) the powers and duties of the officers of the University;
- (ii) the constitution, powers and duties of the authorities of the University not specifically provided for in this Act;



- (iii) the procedure for appointment, selection and nomination of members of the Board of Governors, the Syndicate, the Academic Council and other authorities or bodies of the University and all such other matters, relating to these authorities or bodies, as may be necessary or desirable to provide;
- (iv) conferment of honorary degrees, titles and distinction and holding convocation;
- (v) the establishment and maintenance of the University, departments, institutions, constituent colleges, institutions of higher learning, centres for research or specialised studies and hostels;
- (vi) the principles governing the seniority and service conditions of the staff of the University;
- (vii) the provision for disqualifying members of the authorities, bodies or committees of the University;
- (viii) conferring autonomy to a college, department of a college or department of a University or its laboratories and centres and recognition of institutions;
- (ix) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, the provision of pension, gratuity and provident fund, the procedure of appointment, the manner of termination of their services, wherever applicable, as approved by the State Government including periodic assessment of teachers, officers and other staff who belong either to the University or the private colleges which are affiliated to the University or constituent colleges of the University;
- (x) application of funds of the University for furtherance of the objectives of the University;
- (xi) conditions and. procedure for the affiliation of colleges or for withdrawing the affiliation of colleges;
- (xii) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organizations;
- (xiii) provision of reservation of adequate number of posts of teachers, officers and other staff of the University and affiliated colleges, for the members of the Scheduled Castes and Scheduled Tribes and Socially and Educationally Backward Classes in accordance with the constitutional provisions and policy of the State Government;

(xiv) disciplinary action against teachers, officers and other staff of the University, affiliated colleges and recognised institutions, other than the private unaided colleges, and the colleges or the institutions managed and maintained by the State Government or Central Government or Local Authorities;

(xv) the taking over or transferring, in public interest, of the management of a college or institution by the University and the conditions for such taking over or transferring, subject to the approval of the State Government;

(xvi) the establishment and maintenance of hostels;

(xvii) the manner of filling vacancies among members of any authority unless otherwise specified in this Act;

(xviii) the remuneration and conditions of service of the Vice-Chancellor;

(xix) any matter as may be prescribed by Statutes or which is necessary to give effect to the provisions of this Act.

**51. Procedure for making Statutes:** - (1) The Board of Governors may of its own motion take into consideration the draft of a Statute:

Provided that, in any such case, before the statute is passed, the Board of Governors shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Board of Governors the draft of any Statute for consideration and such draft shall be considered by the Board of Governors at its next meeting.

(3) The Board of Governors may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part together with amendments which the Board of Governors may suggest.

(4) After any draft returned by the Board of Governors under sub- Section (3) has been further considered by the Syndicate, together with any amendment suggested by the Board of Governors, it shall be again presented to the Board of Governors with the report of the Syndicate thereon, and the Board of Governors may then deal with the draft in any manner it thinks fit.

(5) Where any Statutes has been passed by the Board of Governors, it shall be submitted to the Chancellor who may give his assent thereto, or send it back to the Board of Governors for reconsideration within sixty days from the date it has been submitted to the Chancellor.

Provided that, if the Chancellor has not given his assent or sent it back to the Board of Governors for reconsideration within sixty days from the date it has been submitted to the Chancellor, assent shall be deemed to have been given by the Chancellor.

Provided further that, in cases where the Chancellor decides to send it back to the Board of Governors for reconsideration, he shall communicate the reasons for such decision and if the Board of Governors, after reconsideration passes to statutory again, it shall not be necessary to obtain the assent of the Chancellor and the statutes shall come into force from such date as the Board of Governors may prescribe.

(5) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Board of Governors.

(6) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Board of Governors without the previous approval of the Government.

**52. Ordinances:** - Subject to the conditions prescribed by or under this Act, the Syndicate may make Ordinances, to provide for all or any of the following matters, namely:-

(i) the conditions under which students shall be admitted to courses of study and to the examinations of the University and shall be eligible for the award of degree, postgraduate degree, diploma, certificate and other academic distinctions;

(ii) the fees to be charged for enrolment of students for attending such courses in the University and that for admission to the examinations leading to degrees, postgraduate degrees, diplomas, certificates and other academic distinctions, and for registration of graduates and any other type of fees to be charged;

(iii) the conditions of residence, conduct and discipline of the students of the University, and action to be taken against them for breach of discipline or misconduct, including the following: -

- (a) use of unfair means at an examination or abetment thereof;
- (b) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination or by any officer or authority of the University; or
- (c) disorderly or otherwise objectionable conduct, whether within or outside the University;
- (iv) the conditions governing the appointment and duties of examiners;
- (v) the conduct of examinations and other tests and the manner in which the candidates may be assessed or examined by the examiners;
- (vi) the classification of teachers, staff strength in various departments, workload of teachers and other staff in the University departments and affiliated colleges;
- (vii) the inspection of affiliated colleges, institutions and hostels;
- (viii) the mode of execution of contracts or agreements by or on behalf of the University;
- (ix) the rules to be observed and enforced by affiliated colleges and institutions regarding transfer of students wherever necessary;
- (x) all other matters which, by or under this Act or Statutes, are to be or may be, provided by Ordinances; and
- (xi) generally, all matters for which provision is, in the opinion of the Board of Governors, necessary for the exercise of the powers conferred or the performance of the duties imposed on any authority of the University under this Act or Statutes.

**53. Procedure for making Ordinances:** - (1) The Syndicate shall have power to make Ordinances in the matter hereinafter provided.

(2) In making Ordinances, the Syndicate shall consult the Board of Studies concerned where such Ordinances affect the appointment and duties of Examiners.

(3) Every Ordinance made by the Syndicate shall be submitted to the Board of Governors at its next meeting. The Board of Governors shall be competent to propose

amendments to any such Ordinance for the consideration of the Syndicate. The Syndicate shall resubmit the Ordinance at the next meeting of the Board of Governors with or without amendments.

(4) Every Ordinance shall have effect from the date of its publication in the Gazette and or such other date as the Syndicate may direct.

(4) The procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(5) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be made only with the prior approval of the Government.

**54. Regulations:** - (1) Subject to the provisions of this Act, the Statutes and Ordinances and the approval of the Board of Governors, the Academic Council may make regulations in the manner prescribed by Statutes, providing for all or any of the following matters, namely: -

(i) the branches of studies and the conduct of examinations;

(ii) fixing of number of working days, number of actual days of instructions, holidays other than Sundays, vacation and terms in academic year;

(iii) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(iv) all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by the Regulations.

(2) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Board of Governors during its next succeeding meeting.

**55. Orders:** - Any authority or body shall, subject to the previous approval of the Board of Governors, have the power to make orders not inconsistent with this Act, the Statutes, Ordinances and Regulations, for the guidance and working of the Boards and Committees and other bodies constituted under the provisions of this Act, the Statutes, the Ordinances and the Regulations and for regulating the procedure and conduct of business at the meetings of any authority of the University and providing for all matters solely concerning such authority or body.

**56. Publication in the Gazette:** - All Statutes, Ordinances and Regulations made under this Act shall be published by the University in the Gazette.

**57. Power to make rules:** - (1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in- which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule 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 rule.

## CHAPTER VI

### Finance

**58. University Fund:** - (1) All grants and loans received from the Government, the Government of India, University Grants Commission, the AICTE and from any other source, all revenues of the University, all fees. received, all income such as rent and profits derived from properties and funds vested in the University, all endowments and donations received in accordance with law, all other miscellaneous receipts of the University and-' deposits, remittances and service of funds, received in connection with the affairs of the University shall form one consolidated fund by name "The Technological University Fund" and shall be utilised for the purposes and in the manner laid down in this Act and in the Statutes, Ordinances, Regulations and Orders:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Technological University Fund shall be lodged in such Nationalized banks or Kerala Bank or invested in such manner as the Syndicate may, with the approval of the State Government, fix.

(3) The University may invest such part of the moneys in the Technological University Fund, as it deems fit, in Government securities or securities guaranteed by the Government of India.

(4) The custody of the Technological University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes and Ordinances made in that behalf.

(5) The Technological University Fund shall be used towards meeting the expenses of the University including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

(6) The University shall maintain a separate fund for research activities. This may be the income from the Government of India, Government of Kerala, Central Autonomous Institute, International Research Agencies, Centre for Engineering Research and Development or any other sources.

**59. Budget:** - (1) The annual budget estimates along with the financial statements of the University for ensuing financial year shall be prepared by the Finance Officer and presented to Syndicate where it shall be discussed and final approved version shall be presented to the Board of Governors for consideration.

(2) The Board of Governors shall forward copies of financial estimates or statements as approved to the Government.

(3) The financial year of the University shall be same as that applicable to the Government.

**60. Internal Audit:** - (1) The accounts of the University shall be audited at least once every year and in any case within six months of the closure of the financial year by the auditors appointed by the Board of Governors from amongst the firms of Chartered Accountants whose partners have no interest in any of the authorities or affairs of the University.

(2) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be placed before the Board of Governors and submitted to the Chancellor and the Government.

**61. Annual accounts and audit:** - (1) The annual account of the University shall be prepared by the Finance Officer under the direction of the Syndicate.

(2) The Government shall appoint auditors to conduct the audit of - the accounts of the University and the institutions under the management of the University at regular intervals.

(3) The Auditor shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(4) The University shall bear the cost of the audit as fixed by the Government.

(5) After completing the audit for a year or for any short period or for any transaction or series of transactions, the Auditor shall send a report to the University and a duplicate copy thereof to the Government.

(6) The Syndicate shall publish the annual accounts together with the annual report thereon and copies of such accounts and audit report shall be placed before the Board of Governors and after receiving the approval of the Board of Governors, it shall be submitted to the Government on or before the 1st day of March of the succeeding year.

(7) Immediately on receipt of the annual report under sub-section (6), the Government shall, cause the same to be laid on the Table of the Legislative Assembly, if it is in session, and if it is not in session, it shall be caused to be laid in the next session immediately following the receipt of such accounts.

(8) The Auditors shall, in the report under sub-section (5) satisfy all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of a loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(9) The Auditors shall also report on any other matter related to the accounts of the University as may be required by the Government.

(10) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

(11) Notwithstanding anything contained in the foregoing provisions, the accounts relating to the funds granted by external funding agencies for specific projects/programs shall be audited in such manner as may be specified by the funding agency and so audited accounts shall not be subject to audit by the auditors appointed by Government.

**62. Annual report: -** (1) The Annual report of the University shall be prepared under the direction of the Syndicate and published after obtaining the approval of the Board of Governors and it shall be submitted to the Government on or before the 15th day of September of the succeeding year.



(2) Immediately on receipt of the annual report under sub-section (1), the Government shall, cause the same to be laid on the Table of the Legislative Assembly, if it is in session, and if it is not in session, it shall be caused to be laid in the next session immediately following the receipt of such report.

## **CHAPTER VII**

### **Permission, Affiliation and Recognition of Colleges**

**63. Affiliation and recognition:** - (1) The University can affiliate any of the Engineering Colleges or Institutions imparting education in technology owned by Government of Kerala or Government controlled societies, Private aided Colleges and Private unaided Colleges, which, before the date of commencement of this Act remained affiliated to the different Universities, except Deemed Universities in the State of Kerala, provided they meet the criteria prescribed under this Act, Ordinances and Statutes for affiliation, including but not confined to availability of faculty, administrative machinery, infrastructure (buildings, laboratories etc.) which will be laid down by the University from time to time under the provisions of this Act. Such colleges meeting the specified criteria can be affiliated to the University as (i) regular colleges or (ii) autonomous colleges (iii) colleges with academic autonomy or (iv) institutions. The affiliation of such institutions to other Universities in the State except Deemed Universities, shall stand transferred to the University on and from the date of commencement of this Act, subject to the conditions that the affiliation of these colleges or institutions in respect of the students admitted to Engineering courses shall continue till those batches of students complete their courses, the examinations of all such students shall be conducted by the Universities to which they were attached, degrees, postgraduate degrees or diplomas or other distinctions shall be awarded by such Universities:

Provided that the institutions in the technological branch maintained by other Universities of the State as their departments or their respective constituent colleges or the engineering colleges or teaching institutions under the deemed universities and the National Institutes established by the Central Government shall not come under the jurisdiction of the University.

(2) The Educational Agency applying for affiliation or recognition and whose college or institution has been granted affiliation or recognition, shall give and comply with the following undertaking: -

(i) that the provisions of this Act, or any other Acts passed by the State Legislature related to Engineering field in the State, rules made thereunder and Statutes, Ordinances, Regulations, standing orders and directions of the University shall be observed;

(ii) that there shall be a separate Governing Body or Managing Council for an affiliated college or group of colleges receiving financial assistance from the Government or the University;

(iii) that the number of students admitted for courses of study shall not exceed the limits prescribed from time to time, by the University, the Government, Central or State Councils or authorities in the concerned discipline as the case may be;

(iv) that there shall be suitable and adequate physical facilities such as building, laboratories, libraries, equipments required for teaching and research, hostel and other infrastructure facilities as the case may be, prescribed by Statutes, Ordinances and Regulations;

(v) that the financial resources of the college or institution shall be such as to make due provision for its continued maintenance and working;

(vi) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as may be prescribed by the University and which shall be sufficient to make due provision for courses of study, teaching or training or research, efficiently;

(vii) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the University;

(viii) that the directions and orders issued by the Chancellor, Vice-Chancellor and other officers of the University in exercise of the powers conferred on them under the provisions of this Act, Statutes, Ordinances and Regulations or any other Acts passed by the State Legislature in this regard, shall be complied with;

(ix) that, there shall be no transfer of the management or ownership of the college without previous sanction of the University;

(x) that the college or institution shall not be closed without previous sanction of the University;

(xi) that in the event of disaffiliation or de-recognition or closure of the college or institution, all the assets of the college or institution including building and equipment which have been constructed or created out of the amount paid as a grant-in-aid by the Government or the University Grants Commission shall vest in the Government.

**64. Procedure for determining the areas, where new colleges are to be opened: -**

(1) The Government on the recommendation of Kerala State Higher Education Council may, from time to time, prepare two lists for an academic year, one in respect of Private aided colleges and the other in respect of Private unaided colleges, identifying the localities where new colleges and new courses are to be sanctioned

(2) In preparing the lists the government shall take into consideration the following:

a) The existing colleges and courses in and around the locality in which new colleges and new courses are to be sanctioned;

(b) The distance from each of the existing colleges to the area where new colleges are proposed to be sanctioned;

(c) The educational needs of the locality with reference to the habitation and backwardness of the area; and

(d) Other matters which it considers relevant and necessary in this connection.

Explanation: - for the removal of doubts it is hereby clarified that it shall not be necessary to prepare the two lists simultaneously and that it shall be open to the government to prepare only one of the lists.

(3) A list prepared by the government under Sub-rule (1) shall be published in the Gazette, inviting objections or representations against such list. Objections, if any, can be filed before the government against the list published within one month from the date of publication of the list.

(4) The government may thereafter conduct enquiries, hear the parties, visit the areas in consultation with Kerala State Higher Education Council and finalise the list and publish the same.

(5) Any revision shall lie against the final list published by the government to the University Tribunal.

**65. Procedure for permission:** - (1) The University shall prepare a perspective plan for educational development for the location of institutions of higher learning in a manner ensuring equitable distribution of facilities for higher education in Engineering having due regard, in particular, to the needs of unserved and under developed areas within the jurisdiction of the University. Such plan shall be prepared by the Academic Council and got approved by the Syndicate and shall be placed before the Board of Governors. It shall be updated every five years.

(2) No application for opening a new college or institution of higher learning which is not in conformity with such plan, shall be considered by the University.

(3) No student shall be admitted by the college or institution unless the first time affiliation has been granted by the University to the college or institution.

(4) The rules and procedure for affiliation of a college or institution to the University shall be as prescribed by Statutes.

**66. Governing Body of affiliated college:** - (1) There shall be a separate Governing Body for every affiliated college or institution, consisting of the members as may be prescribed by the Statutes. There shall be a Managing Council for a group of affiliated colleges under a corporate management, consisting of members as may be prescribed by the Statutes.

(2) The powers and duties of the Governing Body or Managing Council shall be as provided in this Act or as may be prescribed by the Statutes.

**67. Continuation of affiliation:** - (1) The affiliated college or recognised institution may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily six months prior to the date of expiry of such affiliation or recognition. The University shall follow the procedure prescribed in Statutes, for grant of continuation of affiliation.

(2) The affiliated college or recognised institution may apply for affiliation or recognition for additional courses of study and the same shall be considered by the University following the procedures or rules prescribed in this regard in the Statutes.

(3) An affiliated college with at least six years standing as an affiliated college may apply for permanent affiliation in the manner as may be prescribed in the Statutes and the University shall consider such applications in such manner as may be prescribed.

**68. Granting of academic autonomy:** - (1) A University department or institution affiliated as Regular college may apply to the University for grant of Academic Autonomy. The institution or college with Academic Autonomy may constitute its authorities or bodies and exercise the powers and perform the functions and carry out the academic activities of the institution independently. The department or institution or college with Academic Autonomy may prescribe its own courses of study, evolve its own teaching methods and hold examinations and tests for students receiving instruction in it with the objectives of promoting academic freedom on the part of teachers and students which are essential to the fostering and development of an intellectual climate conducive to the pursuit of scholarship and excellence. The degrees and distinctions to students of such institutions will be awarded by the University.

(2) For the purpose of granting academic autonomy to any of the colleges affiliated to the University, the provisions contained in Chapter VIII B of the Kerala University Act, 1974 (17 of 1974) shall, mutatis mutandis, be applicable and the Vice-Chancellor of the University shall also include in the Autonomy Approval Committee relating to the grant of autonomy under the said Chapter and the words and expressions used in the said Chapter shall have the same meaning as defined in the said Act.

**69. Withdrawal of affiliation:** - (1) If an affiliated college or recognised institution fails to comply with the conditions of affiliation or recognition as provided in this Act or Statutes or fails to comply with the directions of the University or State Government or does not allow the local governing body or managing councils as provided in this Act or Statutes to function properly, or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the University or the standards laid down by the Ordinance or Statutes, the University can take action against such institutions under this Act including withdrawal of the affiliation granted to the college or institution, after giving notice to the Principal of the College or institution and the

educational agencies running the college or Institution, regarding the reasons for such withdrawal of affiliation and considering the reply given by the Principal of the college or educational agency.

(2) The rules and procedure for withdrawal of affiliation shall be such as may be prescribed by Statutes.

**70. Closure of colleges etc:** - (1) No management of an affiliated college or recognised institution shall be allowed to close down the college or recognised institution without prior permission of the University and State Government.

(2) The procedure to close down an affiliated college shall be such as may be prescribed by the Statutes.

**71. Council of Affiliated Colleges:** - (1) The Council of Affiliated Colleges shall be a body consisting of all colleges affiliated to the University.

(2). The Council of Affiliated Colleges, subject to the provisions of this Act and the Statutes, be responsible for addressing the issues of affiliated colleges and to recommend measures to the Syndicate of the University.

(3). The Council of Affiliated Colleges shall consist of the following members, namely:-

(a) The Pro-Vice-Chancellor – Chairperson;

(b) The Dean of Affiliated colleges– Vice Chairperson;

(c). Three Principals from Government colleges, nominated by the Syndicate – members;

(d). Two Principals and one Manager from Private Aided colleges of the University, nominated by the Syndicate – members;

(e). Two Principals and one Manager from Private Un-Aided colleges of the University, nominated by the Syndicate – members;

(f). One member of the Syndicate, nominated by the syndicate from among themselves – member;

(g) The Registrar – member secretary.

(4) The Council of Affiliated Colleges shall meet at least once in six months on dates to be fixed by the Chairperson and one of such meetings shall be called the annual meeting.

(2) One-Third of the total number of members of the Council of Affiliated Colleges shall be the quorum for a meeting of the Council.

**72. Functions and duties of the Council of Affiliated Colleges:** - Subject to the provisions of this Act and the Statutes, the Council of Affiliated Colleges shall have the following duties and functions, namely: -

- (i). to make recommendations to the Syndicate on matters related to affiliation;
- (ii). to make recommendations on the courses of studies in the institutions affiliated to the University;
- (iii). to recommend measure to improve the quality of education imparted in the affiliated colleges;
- (iv). to make recommendations to the Academic Council, regarding the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted
- (v). to make recommendations to the Academic Council, for the admission of students to the various courses of studies on the basis of merit in order to maintain standards of education;
- (vi). to make recommendations for the instruction and training in such branches of learning as it may think fit;
- (vii). to make recommendations for research and advancement and dissemination of knowledge;
- (viii). to bring to the attention of the authorities the problems faced by affiliated colleges; and
- (ix) to exercise such other powers and perform such other duties as may be conferred to imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules, or Bye-laws

## CHAPTER VIII

## AUTONOMOUS COLLEGES

**73. Date of effect of grant of autonomy:** - An affiliated college authorised under this Chapter to apply for academic autonomy to the University Grants Commission shall be deemed to be an Autonomous College of the University from the date on which the University Grants Commission provided approval of the autonomous status

**74. Authorities of an Autonomous College:** - (1) The following shall be the authorities of an Autonomous College, namely: —

- (i) The Academic Council of an Autonomous College;
- (ii) The Board of Studies of an Autonomous College;
- (iii) The Governing body.
- (iv) Complaint Redressal Committee of an Autonomous College;
- (v) The Expert Committee of an Autonomous College;
- (vi) The Finance Committee of an Autonomous College;
- (vii) The Students Grievance Redressal Committee of an Autonomous College”.

(2) Notwithstanding anything contained in this Act or the Statutes, Ordinances or Regulations made under this Act, all matters including the invitations, processing and approval of application for grant of autonomy, the constitution of the authorities in an Autonomous College and their powers and the powers of the University over an Autonomous College shall be dealt with in accordance with the provisions of this Chapter from the date on which the University Grants Commission has granted approval of the autonomous status.

(3) If there is any dispute whether any provision in any existing Statute, Regulation and Ordinances of the University is inconsistent with or has the effect of overriding or contradicting any provision in this Chapter, the decision of the Government shall be final.

(4) All other matters related to the autonomous colleges shall be decided in such terms and in such manner as may be prescribed by the Statutes.



## CHAPTER IX

### Enrolment, Degrees and Convocations

**75. Teaching, training and research:** - All graduate or post-graduate instruction, teaching, training and research shall normally be conducted within the University, affiliated colleges and the recognised institutions in the manner as may be prescribed by the Statutes.

**76. Enrolment of students:** - A person to be enrolled as a student of the University shall possess such qualifications and fulfill such conditions as may be prescribed by the Statutes.

**77. Disciplinary powers and discipline among students:** - (1) All powers relating to discipline and disciplinary action in relation to the students of the University departments and institutions and colleges, maintained by the University, shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may, by order, delegate all or any of his powers under this Act as he deems fit, to such other officers or body as he may nominate or create in that behalf.

## CHAPTER X

### Miscellaneous

**78. Equivalence:** -(1) The Vice Chancellor shall refer all issues in the matters of granting Equivalence of a degree, diploma, certificate and such other titles awarded by other Universities in India and abroad to the Council of Faculty Deans and the Council of Faculty Deans shall dispose such issues within a period of forty five days and make their recommendation to the Vice Chancellor. The Vice Chancellor shall implement the decision with or without modifications

Provided that, if the Council of Faculty Deans fails to take a decision within the prescribed time, The Vice Chancellor shall refer the matter to the State Level Academic Committee for its decision, and it shall be binding on the University.

Provided further that, if the Council of Faulty Deans is of the opinion that, matter is to be dealt with by the State Level Academic Committee, it shall refer the matter to State Level Academic Committee and on receiving such advice, the Vice Chancellor shall act in accordance with it.

(2) If any person is aggrieved by the decision of the Vice Chancellor, an appeal shall lie before the State Level Academic Committee and the decision of the State Level Academic Committee shall be final.

**79. Power of Government to cause inspection of University:** – (1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops, and equipments and of any institutions maintained, recognized or approved by, or affiliated to the University and also of the work conducted by the University, and to cause enquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Board of Governors and to the Syndicate.

(4) The Government may, after considering the views of the Board of Governors and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub -section (5) shall be submitted with the opinion of the Board of Governors thereon and within such time as the Government may direct.

(7) Where the Board of Governors or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Board of Governors or the Syndicate in the matter, issue such directions as they may think fit, and the Board of Governors and the Syndicate shall comply with such directions.

**80. Appointment of Commission to inquire into the working of University :** – (1) The Government may at any time and shall, at the expiration of ten years from the

commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairperson and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on-

- (i) the working of the University during the period to which the inquiry relates;
- (ii) the financial position of the University including the financial position of its colleges and departments;
- (iii) any change to be made in the provisions of this Act or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and
- (iv) Such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Board of Governors for consideration and report.

(4) Immediately after the Board of Governors has considered the report and the recommendation of the Commission and submitted its report to the Government, the Government shall consider the report of the Board of Governors and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

**81. Power of Government to make rules:** – (1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule 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 rule.

**82. Conditions of service:** – (1) Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned, be referred to the University Tribunal for decision, and thereupon, the provisions of section 73 and the regulations made by the Tribunal under the said section shall *mutatis mutandis* apply to the decision of such disputes.

**83. Pension, insurance and provident fund:** – With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and Provident Fund and for such other benefits as it may deem fit, in such manner as may be prescribed by the Ordinances.

**84. Proceedings of the University and bodies not to be invalidated by vacancies:** – No act or proceeding of the Board of Governors, the Syndicate, the Academic Council or other body constituted under this Act or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

**85. Proceedings of the, Board of Governors, Syndicate and Academic Council:** – The Registrar shall forward to the Government within 15 days of the date of any meeting of the Board of Governors or the Syndicate or the Academic Council copies of the proceedings of such meeting,

**86. Dispute as to the constitution of University authority or body:** – If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a 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 may be referred by the Vice Chancellor to the University Tribunal and shall be so referred, if not less than twenty-five members of the Board of

Governors so require, and the tribunal shall, decide the question so referred . An appeal shall lie before the High Court

**87. Report on affiliated collages:** – The Vice-Chancellor shall, at the end of every four years from the commencement of this Act, submit a report to the Government on the conditions of affiliated colleges.

**88. Protection of acts and orders:** – All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers, shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders made thereunder.

**89. Institutions affiliated to University:** – (1) All Colleges existing in the University area immediately before the commencement of this Act shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future, maintenance and control.

(3) Notwithstanding anything contained in this Act and the Statutes, Ordinances or Regulations made thereunder, any student who immediately prior to the date of commencement of this Act studying for a degree in Engineering in any of the Universities specified in the Schedule to this Act be conferred degrees in Engineering of the respective Universities if he qualifies in such examination.

**90. Reservation of appointments:** - In making appointments by direct recruitment to posts in any class or category under the University or to posts of teaching or non-teaching staff in the University, the University shall mutatis mutandis observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time. and communal rotation shall be followed category -wise treating all the Departments as one unit

**91. Transitory provisions:** – (1) Any officer or authority of the Kerala Technological University exercising any power or performing any duty under the Kerala Technological University Act, 1996, immediately before the commencement of this

Act. shall for a period of nine months from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is later, continue to exercise such powers or perform such duties, as the case may be, so far as such powers or duties are not inconsistent with the provisions of this Act:

Provided that the Officers and Employees appointed under the Kerala Technological University Act, 1996 and holding office immediately before the commencement of this Act shall be entitled to hold office for the full term of his appointment as if this Act had not been passed.

(2) The Statutes, Ordinances, Regulations, Rules, Bye-laws and Orders in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders framed under this Act.

(3) All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the Kerala Technological University constituted under the Kerala Technological University Act, 1996 and all liabilities legally subsisting against the said University.

**92. Right to University Services:** - Notwithstanding anything contained in this Act, Statutes and Ordinances of the University, the Kerala State Right to services act ,2012 (Act 18 of 2012) shall be made applicable

**93. First Statutes and Ordinances:** – Notwithstanding anything contained in this Act, the first Statutes and the first Ordinances of the University shall be made by the Government.

**94. Removal of difficulties:** - (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University, or otherwise in giving effect to the provisions of this Act the Government may by order do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of

fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order 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 order.

**95. Repeal:** – (1) Notwithstanding the A.P.J. Abdul Kalam Technological University Act, 2015 (17 of 2015) is hereby repealed.





## **Chapter - IV**

### **Proposed Mahatma Gandhi University Act, 2022**



## **Chapter -IV**

### **Proposed Mahatma Gandhi University Act, 2022**

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## Proposed Mahatma Gandhi University Act, 2022

An Act to enable the University at Kottayam by the name Mahatma Gandhi University.

Preamble. - Whereas the Mahatma Gandhi University Act was enacted in 1985 to reorganize teaching and affiliating University in the State to provide for the urgent development of higher education in the areas comprised in the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State;

And Whereas it is now considered necessary to revamp the Act for making it suitable for the transformation of Kerala to a knowledge society and in tune with the changing needs of society.

Be it enacted in the \_\_\_\_\_ Year of the Republic of India as follows: -

### CHAPTER I

#### Preliminary

**1. Short title and commencement:** - (1) This Act may be called the Mahatma Gandhi University Act, 2022.

(2) It shall be deemed to have come into force on the \_\_\_\_\_.

**2. Definitions:** - In this Act, unless the context otherwise requires: -

- (1) "Academic Council" means the Academic Council of the University;
- (2) "Academic Council of an Autonomous College" means the Academic Council of an Autonomous College constituted under section 87(1) sub clause (i);
- (3) "Adjunct Professor" means a person engaged by the University or College for a specific period or term and for a specific academic purpose who possesses expertise and professional experience in a particular area of knowledge;
- (4) "Affiliated college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

- (5) “Autonomous College” means a college conferred with autonomous status by the University Grants Commission and declared as such by the University by notification;
- (6) “Autonomy” means a privilege given to a college to conduct programmes of study, to develop its curriculum and syllabus, to devise teaching, learning and evaluation and assessment methods, to conduct examinations leading to the award of a degree, diploma, certificate and such other titles and distinctions by the University and publication of the results of the respective programmes of study in accordance with the provisions of Chapter X of the Act;
- (7) "Annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 21 and declared by the Statutes to be the annual meeting of the Senate;
- (8) "Board of Studies" means a Board of Studies of the University;
- (9) “Board of Studies of an Autonomous College” means the Board of Studies for a programme or group of programmes conducted by an Autonomous College constituted under section 87(1) sub clause (ii);
- (10) "Chancellor" means the Chancellor of the University;
- (11) "College" means an institution maintained by, or affiliated to the University in which instruction is imparted in accordance with the provisions of the Statutes, Ordinances and Regulations;
- (12) “Collegiate Student Grievance Redressal Committee” means the Student Grievance Redressal Committee for Affiliated Colleges constituted under the section 39 (2) sub clause (a);
- (13) “Colleges other than private college" means a college established, administered and maintained by the Government owned and controlled societies registered under Societies Registration Act, 1860 (Central Act 21 of 1860) or also under The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act XII Of 1955) or The Kerala Co-Operative Societies Act, 1969 (Act 21 Of 1969);
- (14) “Complaint Redressal Committee of an Autonomous College” means the Complaint Redressal Committee of an Autonomous College constituted under section 84(1) sub clause (iv);
- (15) "Constituent college" or "University college" means a college established or maintained by the University;

- (16) "Course" means a segment of subject matter to be covered in a semester traditionally referred to as paper.
- (17) "Department of the University" means a department constituted by University designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;
- (18) "Department Student Grievance Redressal Committee" means the Student Grievance Redressal Committee for University departments constituted under the section 39 (2) sub clause (b);
- (19) "Educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;
- (20) "Expert Committee of an Autonomous College" means the Expert Committee of an Autonomous College constituted under section section 87(1) sub clause (v);
- (21) "Faculty" means a faculty of the University;
- (22) "Finance Committee of an Autonomous College" means the Finance Committee of an Autonomous college constituted under section section 87(1) sub clause (vi);
- (23) " Finance Committee " means the Finance Committee of the University;
- (24) "Government" means Government of Kerala;
- (25) "Government college" means a college maintained by the Government and affiliated to the University;
- (26) "Governing Body" means the Governing Body of an Autonomous College;
- (27) "Governing Council" means the Governing Council of a Private aided College;
- (28) "Hostel" means a unit of residence for the students of the University or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Act, or the Statutes or Ordinances;
- (29) "Non-teaching staff of the University or a college" means the employee of the University or that of a college, other than teachers;
- (30) "Prescribed" means prescribed by this Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder;
- (31) "Principal" means the head of a college whose appointment has been approved by the University, which includes where there is no Principal, the person who is for the time being duly appointed to act as the principal approved by the University, and in the absence of the principal or the acting principal, as the case

- may be, a Vice-Principal duly appointed as such with the approval of the University;
- (32) "Private college" means a college maintained by an educational agency other than the Government or a society incorporated by the government or University and affiliated to the University;
  - (33) "Private aided college" means a private college which is entitled to receive funds from the Government for payment of salary and allowances to its staff;
  - (34) "Private Un-aided college" means a private college which is not entitled to any financial assistance from the Government or the University;
  - (35) "Pro-Chancellor" means the Pro Chancellor of the University;
  - (36) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
  - (37) "Programme" means higher education programme pursued for the award of a degree, diploma, certificate and such other titles and distinctions by the University of specified duration;
  - (38) "Professional college" means a college offering courses regulated by statutory regulatory bodies;
  - (39) "Recognized institution" means an institution for research or special studies, other than an affiliated college, recognized as such by the University;
  - (40) "Re-structured programme" means a programme approved by the University by incorporating or substituting inter disciplinary or multi-disciplinary courses to the programme;
  - (41) "School" means a multi-disciplinary functional entity to carry out specific academic, research, extension activities and entrepreneurial activities with the involvement of members of one or more department;
  - (42) "Senate" means the Senate of the University;
  - (43) "State" means the State of Kerala;
  - (44) "State Level Academic Committee" means State Level Academic Committee of the Kerala State Higher Education Council;
  - (45) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules", means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;
  - (46) "Student" means a person duly admitted to and continuing in a college affiliated to the University or in the University or in a recognized institution, in accordance with the regulations for undergoing a course leading to the award of

- a degree, postgraduate degree, diploma, certificate or other academic distinctions instituted by the University;
- (47) "Students Council" means the Students' Council of the University;
- (48) "Students Grievance Redressal Committee of an Autonomous College" means the Students Grievance Redressal Committee of an Autonomous College constituted under section 87(1) sub clause (vii);
- (49) "Syndicate" means the Syndicate of the University;
- (50) "Teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor or such other person engaged in teaching or supervising research in any of the colleges or recognized institutions and whose appointment has been approved by the University;
- (51) "Teacher of the University" means a person employed as teacher in the University teaching departments or in any institution maintained by the University;
- (52) "University" means the Mahatma Gandhi University constituted under this Act;
- (53) "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 5;
- (54) "University Fund" means the Mahatma Gandhi University Fund established under sub-section (1) of section 56;
- (55) "University Ombudsperson" means Ombudsperson constituted under section 40;
- (56) University Student Grievance Redressal Committee means University Student Grievance Redressal Committee constituted under section 39(3);
- (57) "University Tribunal" means the University Tribunal constituted under sub-section (1) of section 84; and
- (58) "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER II

### The University

**3. The University:** -(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the Mahatma Gandhi University.

(2) The University shall be a body corporate having perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The headquarters of the University shall be at Kottayam.

**4. Objects of University:** - The objects of the University shall be to create and preserve and disseminate knowledge and understanding by teaching, research, extension and service and by effective demonstration and influence of its corporate life on society in general, and in particular the objects shall be -

- (i) to carry out its responsibility of creation, preservation, and dissemination of knowledge;
- (ii) to promote discipline and the spirit of intellectual inquiry and to dedicate itself as fearless academic community to the sustained pursuit of excellence;
- (iii) to encourage individuality and diversity within a climate of tolerance and mutual understanding;
- (iv) to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to be catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development;
- (v) to extend the benefits of knowledge and skills for development of individuals and society by associating the University closely with local and regional problems of development;
- (vi) to carry out social responsibility as an informed and objective critic, to identify and cultivate talent, to train the right kind of leadership in all walks of life and to help younger generation to develop right attitudes, interests and values;
- (vii) to promote equity and access in higher education;
- (viii) to provide for efficient and responsive administration, scientific management and develop organization of teaching, research and extension;
- (ix) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing higher educational network with use of modern communication media and technologies appropriate for a knowledge society;
- (x) to promote national integration and preserve cultural heritage;

- (xi) to take measures -
  - a) to encourage Malayalam as medium of instruction, governance and communication;
  - b) to encourage extensive use of information and communication technology to enrich and spread Malayalam language and literature; and
  - c) to promote courses of professional and applied nature in Malayalam language in affiliated colleges and the University.
- (xii) to develop work culture and promote dignity of labour through applied components in the syllabi;
- (xiii) to build up financial self-sufficiency by undertaking academic and allied programmes and resource generative services in a cost-effective manner;
- (xiv) to promote academic collaboration and programmes with other universities in India and abroad;
- (xv) to promote better interaction and co-ordination among different universities and colleges by all such means generally to improve the governance of the University and the facilities it provides for higher education;
- (xvi) to generate and promote a sense of self-respect and dignity amongst the weaker sections of the society;
- (xvii) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;
- (xviii) to ensure the academic standards of all colleges and institutions affiliated to the University;
- (xix) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for upgrading knowledge;
- (xx) to give thrust for the development of indigenous technologies by encouraging research and other academic activities in the related areas;
- (xxi) to improve the learning skills of the students by constantly and continuously improving and upgrading the academic quality and standards of faculty;
- (xxii) to introduce and sustain innovative systematic quality improvement programmes in the field of education; and
- (xxiii) to promote community development activities by suitable extension activities.

**5. Territorial limits:** – (1) The jurisdiction of the University shall extend to the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey

revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State.

(2) The University may establish study centres at such other places within the state and at places outside the state and abroad with the prior approval of the Senate and of the concerned Governments.

**6. Powers of the University:** – The University shall have the following powers, namely

-

- (i) to provide for instruction and training in such branches of learning as the University may deem fit, and to make provision for research and for the advancement and dissemination of knowledge;
- (ii) to declare by notification conferment or extension of autonomous status to a college which has been conferred or extended such status by the University Grants Commission;
- (iii) to institute degrees, titles, diplomas and other academic distinctions;
- (iv) to hold examination and to confer degrees and other academic distinctions on persons who-
  - (a) shall have pursued a prescribed course of study in a college or department under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or
  - (b) shall have carried on research under prescribed conditions and which has been duly evaluated.
- (v) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;
- (vi) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;
- (vii) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case within a reasonable time;
- (viii) to maintain, supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;



- (ix) to recognize hostels which are maintained by bodies other than the University and to withdraw such recognition;
- (x) to exercise such control over the students as will ensure their physical and moral well-being;
- (xi) to constitute a Committee to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges, who may for any reason be aggrieved otherwise than by an act of the Court;
- (xii) to fix the minimum infrastructural facilities that shall be provided in a private unaided college;
- (xiii) to fix the qualification of teachers and non-teaching staff of a private un-aided college;
- (xiv) to fix the fees payable to the University and to demand and receive such fees;
- (xv) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognized institutions affiliated to the University;
- (xvi) with the previous sanction of the Government, to regulate the emoluments and pattern and to prescribe the duties and conditions of service of teachers and non-teaching staff in private aided colleges;
- (xvii) to hold and manage endowments and bursaries and to institute and award, fellowships, scholarships, studentships, medals and prizes and to organize exhibitions;
- (xviii) to institute and provide funds wherever necessary for the maintenance of -
  - (a) A Students' Advisory Bureau;
  - (b) An Employment Bureau;
  - (c) A University Union for Students;
  - (d) University Athletic Clubs;
  - (e) The National Cadet Corps;
  - (f) the National Service Scheme;
  - (g) University Extension Boards;
  - (h) Students' Cultural and Debating Societies;
  - (i) A Translation and Publication Bureau; and
  - (j) Co-operative societies and other similar institutions for promoting the welfare of students and employees of the University.

- (xix) to cooperate and collaborate with other Universities or any authorities or associations in India and abroad in such manner and for such purposes as the University may determine;
- (xx) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;
- (xxi) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;
- (xxii) to direct, manage and control all immovable and movable properties transferred to the University by the Government;
- (xxiii) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognized by the University;
- (xxiv) to define the powers and duties of the officers of the University other than the Vice-Chancellor;
- (xxv) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;
- (xxvi) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;
- (xxvii) to affiliate to itself colleges in accordance with the provisions of this Act, and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;
- (xxviii) to institute professorships, associate professorships, assistant professorships and any other teaching and research posts required by the University and to appoint persons to such professorships, associate professorships, assistant professorships and other teaching and research posts;
- (xxix) to establish, maintain and manage hostels;
- (xxx) with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the

Government as to security and rate of interest, to borrow any sum of money from the Central Government, any other Government, the University Grants Commission or any other incorporated body; and

(xxxi) generally, to do such other acts as may be required to further the aims and purpose of this Act.

**7. University open to all classes and creeds:** – (1) No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University.

Provided that the University may, in consultations with the Government, affiliate any college or recognize any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

### **CHAPTER III**

#### **The Chancellor, The Pro- Chancellor and the Officers of the University**

**8. The Chancellor:** – (1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) Whenever the question arises to whether any proceeding of any of the authorities of the University is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws, the Chancellor shall refer the matter to the University Tribunal and, the decision shall be final.

Provided that, before making any such order, the University Tribunal shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(4) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour.

Provided that such charges are proved by an enquiry conducted by the Chairperson of the University Tribunal.

Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(5) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

**9. The Pro-Chancellor:** – (1) The Minister for the time being administering the subject of Higher 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 powers and perform all the functions of the Chancellor.

(3) The Pro-Chancellor may call for any information relating to the academic and administrative affairs of the University and such requisition shall be complied with by the University.

(4) The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.

(5) The Pro-Chancellor shall have the right to bring any matter, which he considers important or a matter involving the policy of the government, to the attention of the Chancellor or to any authority or officer of the University and seek appropriate action.

**10. Officers of the University:** – The following shall be the officers of the University, namely -

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Registrar;
- (iv) the Controller of Examinations;
- (v) the Finance Officer; and

- (vi) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

**11. The Vice-Chancellor:** – (1) A person possessing the highest level of competence, integrity, morals and institutional commitment shall be appointed as Vice-Chancellor by the Chancellor.

(2) The person to be appointed as Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

(3) The selection for the post of Vice-Chancellor should be through proper identification of a panel of three persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The Committee shall consist of one person nominated by the Senate, one person nominated by the Chancellor on the recommendation of the Government and one person nominated by the Chairperson, University Grants Commission. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Chancellor.

(4) Search-cum-Selection-Committee shall submit the panel of three names within two months from the date of notification constituting the Committee. If the search-cum-Selection Committee is not able to propose a panel unanimously, a panel of three names submitted by the majority of the members shall be treated as panel submitted by the Committee.

(5) The Chancellor shall appoint the Vice Chancellor on the recommendation of the Government, out of the panel of three names recommended by the Search-cum-Selection-Committee.

(6) The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service-related benefits.

(7) No person who is more than sixty-five years of age shall be appointed as Vice-Chancellor.

(8) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment. In the case of reappointment, the provisions in the sub section (3) to (5) shall not be applicable.

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(9) The remuneration payable to, and the other conditions of service of, the Vice-Chancellor shall be prescribed by the Statutes.

(10) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(11) The Vice-Chancellor shall be the Chairperson of the Senate, the Syndicate, the Academic Council, the Students' Council, the Planning and Development Committee and the Finance Committee and shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(12) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, of which the Vice-Chancellor is the Chairperson, he shall have and exercise a casting vote.

(13) It shall be duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(14) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to, the University.

(15) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority, body or various councils which, in the ordinary course, would have dealt with the matter for decision in its next meeting , and shall report, at the next session of such authority, body or various councils.

Provided that, in the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the University Tribunal whose decision shall be final.

(16) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Assistant Registrar.

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.

(17) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(18) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, If he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of the examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(19) Any person nominated by the Vice-Chancellor under sub-section (18) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(20) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

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

(22) 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. If there is no Pro Vice-Chancellor, the procedure laid down in sub section (23) shall be followed for exercising the powers and performing the duties of the Vice-Chancellor.

(23) In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, or when the Vice Chancellor and the Pro Vice-Chancellor are temporarily absent the Syndicate shall select a senior professor of the University from a panel of three names prepared in the order of seniority and such selected person shall exercise the powers and perform the duties of the Vice-Chancellor till the appointment of the Vice-Chancellor.

(24) In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements as stipulated in sub section (23) for exercising the powers and performing the duties of the Vice-Chancellor.

**12. Pro-Vice-Chancellor:** - (1) The Pro-Vice-Chancellor shall be appointed by the Syndicate on the recommendation of the Vice-Chancellor. The Pro-Vice-Chancellor shall hold office for a period, which is co-terminus with that of the Vice-Chancellor.

(2) The Pro-Vice-Chancellor shall be a full-time salaried officer of the University and who has held the post of professor, or principal of a college or an institution with not less than fifteen years teaching or research experience.

(3) The Syndicate shall have power to remove the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by the Chairperson of the University Tribunal;

Provided further that the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(4) No person who is more than sixty years of age shall be appointed as Pro-Vice-Chancellor.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be as determined by the Statutes.

(6) Subject to the provisions of this Act and the Statutes, Ordinances and Regulations, the powers and duties of the Pro-Vice-Chancellor shall be determined by the Syndicate



in consultation with the Vice-Chancellor and the Pro-Vice-Chancellor shall exercise such powers and perform such duties in due course.

**13. The Registrar:** – (1) The Registrar shall be the Chief Administrative Officer of the University.

(2) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(3) The person appointed as Registrar shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

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

(5) The Registrar shall be the Ex-Officio Secretary of the Senate, Syndicate and the Academic Council of the University.

(6) Suits by or against the University shall be instituted by or against the Registrar.

**14. The Controller Examinations:** - (1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(2) The person appointed as Controller of Examinations shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

**15. The Finance Officer:** - (1) The Finance Officer shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for a period of four years from the date on which he enters upon his office or till he completes the age of fifty-six years, whichever is earlier and, on such terms, and conditions as may be prescribed by the Statutes.

(2) The person appointed as Finance Officer shall be eligible for re-appointment for one more term subject to the provisions in sub-section (1).

(3) The Finance Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

**16. Appointments to be notified:** – The appointments of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations and the Finance Officer shall be notified in the website of the University and also in the Gazette.

## CHAPTER IV

### Authorities of the University

**17. Authorities of the University:** – The following shall be authorities of the University, namely -

- (i) the Senate;
- (ii) the Syndicate;
- (iii) the Academic Council;
- (iv) Planning and Development Committee;
- (v) the Faculties;
- (vi) the Boards of Studies;
- (vii) the Students' Council;
- (viii) the Finance Committee; and
- (ix) Such other Boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

**18. Senate:** - The Senate shall consist of the following members, namely -

#### Ex-officio members

- (1) The Chancellor;
- (2) The Pro-Chancellor;
- (3) The Vice-Chancellor;
- (4) The Pro-Vice-Chancellor;
- (5) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (6) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (7) The Director of Collegiate Education;

- (8) All members of the Syndicate, who are not otherwise members of the Senate;
- (9) Two Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Vice Chancellor by rotation;
- (10) Three Heads of University Departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Vice Chancellor by rotation;
- (11) The Chairperson of the University Union;

**Elected Members**

- (1) One Principal of Government Colleges, elected from among themselves, one Principal of Private aided colleges, elected from among themselves and one Principal of Constituent Colleges elected from among themselves;
- (2) Three members elected by the members of the Legislative Assembly of Kerala from among the members representing electorate of the University area, of whom one shall be a member of a Scheduled Castes / Scheduled Tribes;
- (3) Three members elected by the Teachers of the University from among themselves;
- (4) Five members elected by the Teachers of the Government Colleges from among themselves;
- (5) Eight members elected by the Teachers of Private Aided Colleges from among themselves;
- (6) Three members elected by the Mayors of Municipal Corporations, the Chairperson of municipalities and the Presidents of Panchayats within the University area from among themselves, of whom one shall be the Mayor of a Municipal Corporation or the Chairperson of a municipality.
- (7) One member elected by the registered Trade Unions in the University area designated by Statutes, from among their members;
- (8) Two members elected by the members of the non-teaching staff of the University from among themselves;
- (9) One member elected by the members of the non-teaching staff of the affiliated Colleges from among themselves;
- (10) One member elected by the members of the non-teaching staff of the Government Colleges from among themselves;

- (11) One member elected by the Managers of the Private Aided Colleges in the University area from among themselves;
- (12) Ten members elected by the Members of the General Council of the University Union from among full-time students, of whom one shall be a post-graduate student, one shall be a research Scholar, one shall be the student of a professional college and three shall be women students.

### **Other Members**

- (1) All the Syndicate members, who are not otherwise be members of Senate. Not more than Seven members nominated by the State Government representing each field such as (i) recognized Research Institutions (ii) recognized Cultural Associations, (iii) Chambers of Commerce / Industries; (iv) Authors /Journalists; (v) Lawyers; (vi) Sports; and (vii) Linguistic minorities;
- (2) Not more than five members nominated by the Government from the fields of Higher Education for which one shall be a woman and one shall be from Scheduled Castes/ Scheduled Tribes;
- (3) Two members who are Teachers of Private Unaided Colleges, nominated by the Government;
- (4) One Principal of Private Unaided Colleges, nominated by the Government; and
- (5) One Manager of the Private Aided Colleges, nominated by the Government.

**19. Reconstitution of the Senate:** – (1) The Senate shall be reconstituted every four years.

(2) The term of Office of any member referred to in items (9) and (10) under the heading "Ex-officio Members" in section 18 shall be two years from the date of his nomination.

(3) Every member of Senate, other than ex-officio, shall subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate.

Provided that no member nominated or elected in his capacity as a member of a particular Body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate.

Provided Further that term of Office of any member referred to in items (11) under the heading "Ex-officio Members" and items (12) under the heading "Elected Members" in section 18 shall continue until his successor assumes the office.

Provided also that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate ex-officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or whether he will vacate office as such member and become a member ex-officio by virtue of his appointment, and such choice shall be final.

Provided also that the term of office of a member referred to in item (12) under the heading "Elected members" in section 18 shall be one year from the date of his election or nomination, as the case may be.

(4) Notwithstanding anything contained in the first proviso to subsection (3), a Principal elected under item (1), or a teacher of a Government college elected under item (4), or a teacher of a private aided college elected under item (5), or a member of the non-teaching staff of an affiliated college elected under item (9), under the heading "Elected Members" in section 18 shall not cease to be a member of the Senate merely on the ground -

- (a) that he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or
- (b) that the college of which he is the principal or in which he is a teacher or a member of non-teaching staff has been transferred to another University; or
- (c) in the case of a teacher, that he has been promoted as Principal.

(5) Notwithstanding anything contained in this Act or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 18 shall not cease to be a member of the Senate merely on the ground that he has ceased to be employed or normally resident within the territorial limits of the University.

(6) On failure of a member to make the choice under the second proviso to sub-section (3), he shall be deemed to have vacated his office as an elected or nominated member.

(7) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

**20. Powers and functions of the Senate:** - (1) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely -

- a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;
- b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;
- c) to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-third of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council:

Provided that no Regulation shall be cancelled or amended by the Senate without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

- d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organize exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations;
- e) to establish and maintain such institutions, as it may from time to time deem necessary;
- f) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;
- g) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;
- h) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;

- i) to recommend to the Government the recognition of any local area within the University area as a University centre;
- j) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes; and
- k) to institute and create the post of professorships, associate professorships, assistant professorships, and such other teaching or research posts as it may deem necessary.

(2) The Senate shall have the power to review the actions of the Syndicate and the Academic Council, where the actions of the Syndicate and the Academic Council are not in accordance with the powers conferred upon it under this Act, the Statutes, the Ordinances or the Regulations and suggest appropriate action.

**21. Meeting of the Senate:** – (1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor, and one of such meetings shall be called the annual meeting.

(2) One-fourth of the total number of members of the Senate shall be the quorum for a meeting of the Senate.

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) When the Chancellor or Pro Chancellor is present, the Chancellor or Pro Chancellor shall preside the meetings of the Senate as the case may be.

(4) The Vice-Chancellor may, whenever he thinks fit and shall, within thirty days of the receipt of a requisition in writing signed by not less than one-third of the total number of members of Senate convene a special meeting of the Senate.

(5) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

**22. The Syndicate:** – The Syndicate shall be the Chief Executive body of the University and shall consist of the following members, namely -

**Ex-officio Members**

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;

- (c) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (d) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (e) The Director of Collegiate Education;

#### **Other members**

- (a) Two Deans of Faculties of the University, nominated by the Vice Chancellor, by rotation in the order of seniority, in every two years.
- (b) Two principals of colleges affiliated to the University of whom one shall be from the Government College, and one shall be from private aided college nominated by the Government.
- (c) Three teachers nominated by the Government of whom at least one shall be from Government College and One shall be from Private aided college.
- (d) One member of the Legislative Assembly who been elected in Senate, representing any of the Constituencies within the territorial jurisdiction of the University, nominated by the Government;
- (e) A research scholar or a post-graduate student of the University, nominated by the Government;
- (f) One member nominated by the Executive Council of the Kerala State Higher Education Council from among its members.
- (g) Two Experts from the field of higher education nominated by the Government.

**23. Term of office of members of Syndicate:** - (1) Members of the Syndicate other than ex-officio members, shall hold office for a term of four years from the date of their election or nomination, as the case may be.

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such officer unless in the meanwhile, he again becomes a member of that electorate or the holder of that office.

Provided further that a member other than ex-officio member shall, notwithstanding the expiration of his term, continue to hold office until his successor is nominated.



Provided also that no person other than an ex-officio member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in item (c) or in item (d) under the heading "Other Members" in section 22 shall not cease to be such member merely on the ground that -

- (i) he had been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or
- (ii) the college of which he is the principal or in which he is a teacher or a member of the non-teaching staff has been transferred to another University; or
- (iii) in the case of a teacher, he has been promoted as principal.

(3) the members of the Syndicate nominated by the Government shall hold office during the pleasure of the Government.

**24. Powers of Syndicate:** – Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely: -

- (i) (i). to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;
- (ii) (ii). to make ordinances and to amend or repeal the same;
- (iii) (iii). to hold, control and administer the properties and funds of the University;
- (iv) (iv). to direct the form, custody and use of the common seal;
- (v) (v). to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;
- (vi) (vi). to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;
- (vii) to award fellowships, scholarships, studentships, bursaries, medals and prizes and to organize exhibitions,
- (viii) to appoint teachers and other employees of the University and prescribe their duties.
- (ix) to create administrative, ministerial and other necessary posts:

- (x) Provided that no post shall be created by the Syndicate without prior approval of the Government if creation of such post involves expenditure in excess of the budgetary provision.
- (xi) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;
- (xii) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;
- (xiii) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;
- (xiv) to conduct University examinations and approve and publish the results thereof;
- (xv) to appoint members to the Boards of Studies;
- (xvi) to approve the appointment of teachers in private colleges;
- (xvii) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;
- (xviii) to arrange for and direct the investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them, and in case of disregard of such instructions of University or general government directions, to take steps to suspend or withdraw affiliation or recognition.
- (xix) to withhold or cancel the result of any candidate at any University examination;
- (xx) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfer shall be reported to the Senate at its next meeting;
- (xxi) to exercise the powers of the University under clause (xxvii) of section 6;
- (xxii) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University;
- (xxiii) to regulate, with the previous concurrence of the Government the emoluments and prescribe the duties and conditions of service of teachers and nonteaching staff of private colleges;
- (xxiv) to prepare the budget according to the provisions of the Statutes;

- (xxv) to cancel any degree, diploma, title or any other distinction granted to any person, in accordance with the provisions of the Statutes;
- (xxvi) to appoint committees and to delegate to them such functions as it may deem fit;
- (xxvii) to make Statutes regulating the method of election to the authorities of the University, the procedure of the meeting of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;
- (xxviii) to recommend to the Government the recognition of any local area within the University area as a university center;
- (xxix) to co-operate and collaborate with other Universities and other authorities in such manner and for such purposes as it may determine;
- (xxx) to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes, the Ordinances, Regulations, the rules, the bye-laws and the orders
- (xxxi) to constitute cluster of colleges in accordance with the terms and conditions of such clusters prescribed in this Act and the statutes

**25. The Academic Council:** – (1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the control and general regulation and be responsible for the maintenance of Standards, of instruction, education and examinations within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

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

**Ex-officio members**

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Director of Collegiate Education;
- (iv) the Director of Research and Studies;
- (v) the Director of Physical Education;

- (vi) the Directors of Inter University centres;
- (vii) the Deans of Faculties;
- (viii) the Deans other than Deans of Faculties;
- (ix) the Vice-Chairperson of Research Council;
- (x) the General Secretary of the University Union;
- (xi) all the Heads of University Departments of study and research, who are not Deans of faculties.

### **Elected Members**

- (i) five members of the Syndicate, who are not otherwise members of the Academic Council, elected from among themselves;
- (ii) two members (other than Deans of Faculties) elected by the principals of professional colleges from among themselves, of whom at least one shall be a principal of a Government professional college;
- (iii) one principal of a government college (Not being a Deans of Faculties) elected by the principals of Government colleges from among themselves;
- (iv) one principal of Private Aided colleges (Not being a Dean of Faculty) elected by the principals of Private Aided colleges from among themselves.

### **Nominated Members**

- (i) one principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Vice Chancellor in consultation with Syndicate;
- (ii) one teacher each of every subject of study (not being a Dean of Faculty or head of a university department or principal) elected by the teachers of that subject from among themselves;
- (iii) one member representing each faculty, elected by the full-time post graduate students of the faculty from among themselves;
- (iv) one principal of a Private Un-Aided colleges (Not being a Dean of Faculty) nominated by the Government; and
- (v) one research scholar who shall be nominated by the Vice Chancellor in consultation with Syndicate.

(4) Members of the Academic Council, other than the members specified in heading Ex-Officio Members in clauses (i) to (vi) of sub-section (3) shall hold office for a term of four years from the date of their appointment or nomination, as the case may be.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**26. Powers and duties of Academic Council:** – Subject to the provisions of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely -

- (i) to advise the Senate and the Syndicate on all academic matters;
- (ii) to make Regulations and to amend or repeal the same;
- (iii) to prescribe the programmes and courses of studies in the institutions maintained by, or affiliated to, the University or courses conducted by the University in collaboration with other Universities of institutions;
- (iv) to prescribe the qualifications of teachers-
  - a. in colleges; and
  - b. in the institutions maintained by the University.
- (v) to prescribe the qualifications for the admission of students to the various programmes of studies and to the examinations and the conditions under which exemptions may be granted;
- (vi) to make provision for the admission of students to the various programmes in order to maintain standards of education;
- (vii) to make proposals for the instruction and training in such branches of learning as it may think fit;
- (viii) to make and accept proposals for research and advancement and dissemination of knowledge;
- ~~(ix)~~ to make proposals for the institution of professorships, associate professorships, assistant professorships, and other teaching and research posts required by the University;
- (x) to recommend for the institution of fellowships, scholarships, studentships, bursaries, medals, prizes and other Grants;
- (xi) to recommend what degrees, diplomas and other academic distinctions shall be granted by the University;
- (xii) to negotiate with other Universities for the recognition of the examinations of the University with that of the University;
- (xiii) Provided that, if any dispute arises between universities, the matter shall be referred to State Level Academic Committee and the decision shall be final.

- (xiv) to lay down the general guidelines for recognition of degrees awarded by other Universities with that of the University;
- (xv) to co-ordinate teaching and learning in University departments, constituent colleges, affiliated colleges and recognized institutions; and
- (xvi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules or bye-laws.

**27. Planning and Development Committee:** - (1) There shall be a Planning and Development Committee which shall be the principal planning body of the University for the planning and development of institutional and infrastructure facilities and to advise the Senate, the Syndicate and the Academic Council on such matters.

(2) The Planning and Development Committee shall consist of the following members, namely-

- (a) Vice Chancellor, who shall be the Chairperson;
- (b) Pro Vice Chancellor;
- (c) Registrar;
- (d) One representative of Kerala State Planning Board, nominated by the Vice Chairperson of the Kerala State Planning Board;
- (e) Two Members of the Syndicate, elected from among themselves;
- (f) Two experts in fields of planning and development, nominated by the Syndicate;
- (g) Dean of Internal Quality Assurance Cell; and
- (h) Finance Officer, who shall be the Ex Officio Secretary

(3) The Planning and Development Committee shall be reconstituted in every three years and shall meet at least once in three months.

(4) The quorum for the Planning and Development Committee shall be Six.

**28. Powers and duties of Planning and Development Committee:** - Subject to the provisions of this Act and the Statutes, the Planning and Development Committee shall have the following powers, duties and functions, namely -

1. To prepare the institutional development plan and monitor the progress of its implementation;

2. To render advise with regard to the implementation of plans approved by the Syndicate, Senate and other bodies;
3. To prepare the progress report on the implementation of different institutional development plans and present the same before the Syndicate; and
4. Such other matters regarding the planning and development of University assigned to it by the Syndicate.

**29. Faculties:** – (1) The University may have such Faculties as may be prescribed by the Statutes from time to time.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such faculty by the Ordinances or Regulations.

(3) Each faculty shall consist of:

- (a) Chairpersons of the Boards of Studies comprised in the faculty;
- (b) two members elected from each Board of Studies; and
- (c) not less than five and more than ten members nominated by the Syndicate; so that, as far as possible, there is representation for all subjects assigned to the Faculty;

(4) Each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Act, each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) The members of Faculties mentioned in sub-clause (3) shall hold office for a period of three years from their date of nomination or election as the case may be.

**30. Deans of Faculties:** – (1) There shall be a Dean of each Faculty, who shall be nominated by the Vice-Chancellor in consultation with the Syndicate by rotation from among the Heads of University Departments or Professors.

(2) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and bye laws relating to that Faculty.

(3) The Dean of a Faculty shall hold office for a term of three years and shall be eligible for re-nomination for one more time.

**31. Council of Faculty Deans:** - (1) There shall be a Council of Faculty Deans consisting of all Faculty Deans in the University which shall -

- a) engage in academic strategic planning centered around the University's mission, vision and values;
- b) review and discuss policies and practices related to curricular issues, faculty affairs, and budgetary matters;
- c) make recommendations on issues specific to academic and faculty policies and practices; and
- d) discuss new academic programs and new academic initiatives and recommend them to the Academic Council.

(2) The constitution and powers of the Council of Faculty Deans shall be as may be prescribed by the Statutes.

(3) The Pro Vice Chancellor shall be the chairperson of the Council of Faculty Deans and a senior Dean nominated by the Vice Chancellor shall be the vice Chairperson of the Council.

(4) The Council of Faculty Deans shall meet once in two months, or whenever the Chairperson considers it necessary.

(5) Members of the Council of Faculty Deans shall hold office for a period of three years from the date of their entering into office.

(6) The Council shall meet five days before each meeting of the Academic Council. It may make such recommendations as it deems fit on each item on the agenda of the Academic Council and place them before the Academic Council.

(7) If in any matter that must normally be decided by the Academic Council, there is need of urgent action, the Vice Chancellor may refer the matter to the Council and act according to the recommendations given by the Council. Any such action taken by the Vice Chancellor shall be placed before the Academic Council for ratification at its next meeting,

(8) The Council of Faculty Deans shall have the right to decide on the matters pertaining to the Equivalence or recognition for the degrees of other universities, as per the guidelines prescribed by the Academic Council, forwarded by the Vice Chancellor for their consideration.



**32. Boards of Studies:** – (1) There shall be a Board of Studies attached to each department of study in the University.

Provided however that post-graduate studies in each department may have separate Board of Studies.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

(3) Members of Boards of Studies shall hold office for a period of three years from the date of their entering into office.

**33. Research Council:** - (1) There shall be a Research Council to monitor and give advice to the University on any question regarding research.

(2) The Research Council shall consist of the following members, namely -

- a) five Deans of Faculties nominated by the Vice Chancellor in consultation with the Syndicate;
- b) three teacher members of the Syndicate nominated by the Vice Chancellor in consultation with Syndicate;
- c) Three external experts nominated by the Vice Chancellor who have made substantial contribution in the field of research, of whom one shall be the director of a recognised centre for research; and
- d) One research scholar, who shall be nominated by the Vice Chancellor in consultation with Syndicate.

(3) The Pro-Vice Chancellor shall be the Chairperson of the Research Council. A Senior Dean nominated by the Vice Chancellor shall be the Vice Chairperson.

(4) The powers and functions of the Research Council including the delegation of its powers, shall be prescribed by the Statutes.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**34. Deans other than Faculty Deans:** - (1) In order to enhance academic involvement in important aspects of University administration, the following Deans shall be appointed with specific duties and responsibilities and necessary administrative support.

(2) The Deans shall be appointed by the Vice Chancellor from professors of the University or affiliated colleges in consultation with the Syndicate.

(3) The Deans shall hold office for a term of two years and shall be eligible for renomination for one more term.

(4) The duties and responsibilities of each Dean shall be as may be provided by the Statutes from time to time.

There shall be the following Deans;

1. Dean of Student Affairs
2. Dean of University Departments
3. Dean of Affiliated Colleges
4. Dean of Teachers' Welfare
5. Dean of University Quality Assurance.

Provided however that the Vice Chancellor may, in consultation with the Syndicate, identify other areas of University administration, where academic involvement in administration would be helpful in improving the quality of University governance and appoint Deans as per the provisions in sub clauses (2) to (4).

**35. Council of Deans other the faculty Deans: -** (1) There shall be a Council of Deans other the faculty Deans to discuss and advice the University on matters prescribed in the Act and Statutes of the University.

(2) The Council of Deans other the faculty Deans shall consist of the following members, namely -

- a) Pro-Vice Chancellor, who shall be the Chairperson of the Council;
- b) Dean of Student Affairs
- c) Dean of University Departments
- d) Dean of Affiliated Colleges
- e) Dean of Teachers' Welfare
- f) Dean of University Quality Assurance

(3) The powers and functions of the Council of Deans other the faculty Deans including the delegation of its powers, shall be prescribed by the Statutes.

(4) The Council of Deans other the faculty Deans shall meet once in four months, or whenever the Chairperson considers it necessary.

(5) The Vice Chancellor shall convene a Joint meeting of the Council and the Council of Faculty Deans whenever he considers it necessary or when a request is made by not less than three members of either of the Council, provided however that a Joint Meeting shall be convened at least once in four months.

**36. Students' Council:** – (1) There shall be a Students' Council in the University consisting of the following members, namely -

**Ex-officio Members**

- (a) The Vice-chancellor, who shall be the Chairperson of the Council;
- (b) Dean of Student Affairs, who shall be the Vice Chairperson of the Council;
- (c) The Chairperson of the University Union;
- (d) The General Secretary of the University Union;
- (e) The Director, National Cadet Corps;
- (f) The Officer-in charge of the National Service Scheme in the University;
- (g) The Director of Physical Education.

**Elected Members**

- (a) Ten members, not being members of the Senate or the Academic Council, elected by the members of the General Council of the University Union from among themselves, of whom three shall be women;
- (b) Three members elected from among the full-time students of the departments of the University in such manner as may be prescribed;
- (c) Two members, other than students, elected by the members of the Senate from among themselves;
- (d) One member, other than students, elected by the members of the Syndicate from among themselves;
- (e) One member, other than students, elected by the members of the Academic Council from among themselves.

**Other Members**

Three students who have distinguished themselves in academic field, sports or fine arts, nominated by the Vice-Chancellor;

(2) A member elected from among the elected student members of the Council shall be the Secretary to the Council.

(3) The members of the Student's Council other than ex-officio members shall hold office for a term of one year from the date of their election or nomination, as the case may be.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**37. Powers and duties of Student's Council:** – (1) Subject to the provisions of this Act and the Statutes, the Students' Council shall have the following powers, duties and functions, namely -

- (a) to make recommendations to the Syndicate and to the Academic Council in matters affecting the academic work of the students, such as the structure of courses and, the corporate life of the University in so far as it concerns the students, and the co-curricular and extra-curricular activities in the University;
- (b) to make suggestions to the Syndicate and Academic Council in respect of all rules relating to discipline or welfare of the students, sports, working of literary and other societies, management of hostels, student homes and non-resident student centres, extension work, social work, students' health, National Service Scheme and National Cadet Corps and such other matters as may be specified in the Statutes;
- (c) to communicate its views, observations and recommendations to any authority of the University in respect of any matter which concerns the students.

Provided that if any question arises as to whether a matter does or does not concern the students, the question shall be decided by the Chairperson of the Students' Council and his decision shall be final.

- (d) to take such steps as are necessary for the general welfare of students;
- (e) to recommend such steps as are necessary for the general implementation of students' rights enumerated in section 38 of the Act;
- (f) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances or Regulations.

(2) The Vice Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by the Statutes periodical reports detailing

the recommendations and suggestions made by the Students' Council and the action taken thereon by the authorities to which such recommendations and Suggestions made by the Student's Council and the action taken thereon by the authorities to which such recommendations and suggestions were made.

Provided that the student who ceases to hold office in the capacity of student shall continue till his successor assumes office.

**38. Students' Rights:** - (1) Every Student shall have specific rights as may be prescribed by the statutes.

(2) The provisions regarding students' rights shall not be interpreted so as to.

- a) Deny or restrict any advantage which by reason of a law has been enjoyed by a student;
- b) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the provisions of any law or well accepted principles or practice.

(3) Students enjoy within the University all rights and freedoms recognized by law.

(4) Every educational institution shall be liable to observe, promote and protect these rights of students.

**39. Students Grievances:** - (1) There shall be Three-level Students' Grievance redressal mechanism as may be prescribed by the Statutes for redressal of students grievances enumerated in the Statutes.

(2) The first level for students' grievance redressal mechanism shall consist of -

- (a) Collegiate Student Grievance Redressal Committee (CSGRC) for Affiliated Colleges; or
- (b) Department Student Grievance Redressal Committee (DSGRC) for Departments of the University.

(3) The University Student Grievance Redressal Committee (USGRC) shall be the second level for Students' Grievance redressal mechanism.

(4) The University Ombudsperson shall be the appellate authority for the matters of students' grievances.

(5) Any students aggrieved by the decision of Ombudsperson may appeal to the University Tribunal.

**40. University Ombudsperson:** - (1) The Ombudsperson shall be a person of eminence in academics or research, who had been Vice- Chancellor of a University or qualified to be appointed as Vice Chancellor.

(2) The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under the students' grievance redressal mechanism.

(3) The appointment, functions and duties of Ombudsperson shall be such as may be prescribed by the Statutes.

**41. Finance Committee:** – (1) There shall be a Finance Committee to give advice to the University on any question affecting its finances.

(2) The Finance Committee shall consist of the following members, namely -

- (a) the Vice- Chancellor, who shall be the Chairperson of the Finance Committee;
- (b) the Pro-Vice-Chancellor;
- (c) The Secretary to Government in-charge of the Finance Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (d) The Secretary to Government in-charge of the Higher Education Department or an officer not below the rank of a Joint Secretary to Government authorised by him;
- (e) Registrar;
- (f) one member elected by the members of the Senate from among themselves;
- (g) one member elected by the Members of the Syndicate from among themselves; and
- (h) one member elected by the Members of the Academic Council from among themselves.

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) The powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

**42. Other authorities of University:** – The constitution, powers and duties of such other authorities as may be declared by the Statutes to the authorities of the University, shall be prescribed by the Statutes.

**43. Disqualifications for membership:** – (1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he -

- (a) is of unsound mind; or
- (b) is an undischarged insolvent; or
- (c) has been convicted by a court of law of an offence involving moral turpitude; or
- (d) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination.

Provided that the disqualification of a person under clause (d) shall cease on the expiry of the period for which he has been debarred.

(2) If any question arises as to whether any person is disqualified under sub-section (1), the question shall be referred to the Vice Chancellor and an appeal from the decision of the Vice-Chancellor shall lie before the University Tribunal.

**44. Meetings of the Authorities of the University:** - (1) Meetings of any University authorities or Body constituted under this Act, Statutes, Ordinance and Regulations shall be conducted in online, offline or blended modes.

(2) Notice, agenda papers and minutes of the meeting may be circulated to the members in electronic mode.

## CHAPTER V

### Statutes, Ordinances, Regulations, Rules and Bye-Laws

**45. The Statutes:** - Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely -

- (a) the powers and duties of the Officers of the University, not specifically provided for in this Act;
- (b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;
- (c) the procedure for election of members of the Senate, the Syndicate, the Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;

- (d) award of degrees, diplomas; titles, certificates and other academic distinctions by the University;
- (e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;
- (f) the maintenance of a register of registered graduates;
- (g) the holding of convocations to confer degrees;
- (h) the conditions and procedure for affiliation of colleges;
- (i) the conferment of honorary degrees;
- (j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;
- (k) the procedure for disciplinary action against the employees and the manner of termination of service of such employees;
- (l) the procedure for arbitration in case of dispute between employees or students of the University;
- (m) the procedure for appeal to the Syndicate by any employee or student against the action of any officer or authority of the University;
- (n) the constitution of grievance committee for the employees and students and the terms of reference to be made to it by them;
- (o) the principles governing seniority of service of employees;
- (p) the participation of the students and research scholars in the affairs of the University;
- (q) the establishment and abolition of Faculties, Department, hostel etc.;
- (r) the delegation of powers vested in the various authorities and officers of the University;
- (s) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (t) all other matters which by this Act are to be or may be, prescribed by Statutes.

**46. Procedure for making Statutes:** - (1) The Senate may of its own motion take into consideration the draft of a Statute.

Provided that, in any such case, before the statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.



(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub- Section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statutes has been passed by the Senate, it shall be submitted to the Chancellor who may give his assent thereto, or send it back to the Senate for reconsideration within sixty days from the date it has been submitted to the Chancellor.

Provided that, if the Chancellor has not given his assent or sent it back to the Senate for reconsideration within sixty days from the date it has been submitted to the Chancellor, assent shall be deemed to have been given by the Chancellor.

Provided further that, in cases where the Chancellor decides to send it back to the Senate for reconsideration, he shall communicate the reasons for such decision and if the Senate, after reconsideration passes the Statute again, it shall not be necessary to obtain the assent of the Chancellor and the Statutes shall come into force from such date as the Senate may prescribe.

(5) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(6) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

**47. Ordinances:** - Subject to the provisions of this Act and the Statutes the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely-

- (a) the levy of fees in colleges and other institutions except that of private unaided colleges, by the University;
- (b) the residence and discipline of students;
- (c) the workload and pattern of teaching staff in colleges
- (d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University:

Provided that, no special pay or allowance or extra remuneration of any description whatsoever including ex-gratia payment or other benefits having financial implication shall be granted to any officer, teacher or other employee of the University without the prior approval of the Government:

Provided further that, no such prior approval of the Government shall be necessary for incurring any such expenditure of a non-recurring nature subject to a maximum of ten thousand rupees in the aggregate in the financial year.

- (e) all other matters which by this Act or the Statutes are to be, or may be provided for by the Ordinances.

**48. Procedure for making Ordinances:** - (1) The Syndicate shall have power to make Ordinances in the matter hereinafter provided.

(2) In making Ordinances, the Syndicate shall consult the Board of Studies concerned where such Ordinances affect the appointment and duties of Examiners.

(3) Every Ordinance made by the Syndicate shall be submitted to the Senate at its next meeting. The Senate shall be competent to propose amendments to any such Ordinance for the consideration of the Syndicate. The Syndicate shall resubmit the Ordinance at the next meeting of the Senate with or without amendments.

(4) Every Ordinance shall have effect from the date of its publication in the Gazette and or such other date as the Syndicate may direct.

(4) The procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(5) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be made only with the prior approval of the Government.

**49. Regulations:** - Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely-

- (1) the Courses of studies and the conduct of examinations;
- (2) the admission of students to the various courses of study and to the examinations;
- (3) the qualifications of teachers;
- (4) the appointment and prescription of duties of the Boards of Studies and examiners;
- (5) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and
- (6) all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

**50. Procedure for making Regulations:** - (1) All Regulations made under this Act shall have effect, from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

Provided that no such Regulation or repeal of a Regulation which involves expenditure shall be made by the Academic Council without the prior approval of the Government.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing regulations shall be prescribed by the Statutes.

**51. Rules, Bye-laws and Orders:** - The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of the Act, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act, or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

**52. Publication in the Gazette:** - All Statutes, Ordinances and Regulations made under this Act shall be published in the University Website and in the Gazette.

## CHAPTER VI

### **Election to the Senate, the Syndicate and the Other Bodies of the University, filling up of Vacancies and Resignation, Removal, etc., of Members of Authorities and Bodies**

**53. Election of members to the Senate, Syndicate and other bodies of the University:** - The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such elections shall be by secret ballot.

**54. Filling up of vacancies:** - (1) All vacancies among the members (other than ex-officio members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, within three months, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under subsection (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated as the case may be, would have been entitled to hold office if the vacancy had not occurred.

**55. Resignation or removal of members of any authority or body:** - (1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral turpitude or punished by the University for malpractice connected with any University examination, from the register of registered graduates or remove any such person from membership or any authority or body of the

University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body the Registrar shall bring the matter to the attention of that authority or body, unless such authority or body is satisfied that there was sufficient cause for the failure of the member to attend the meetings, remove him from its membership.

## CHAPTER VII

### FINANCE

**56. University Fund:** – (1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled, "The Mahatma Gandhi University Fund" and shall be employed for the purposes and in the manner laid down in this Act and the Statutes, Ordinances, Rules, Bye-laws and Orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Mahatma Gandhi University Fund shall be lodged in the Government Treasury or with the approval of the Government in any Nationalized Banks or Kerala Bank up to such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Mahatma Gandhi University Fund, as it may deem fit, in Government securities or securities guaranteed by the Governments.

(4) The custody of the Mahatma Gandhi University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, Rules and Bye-laws made in that behalf.

(5) The University shall maintain a separate fund for research activities. This may be the income from the Government of India, Government of Kerala, Central Autonomous Institute, International Research Agencies, Centre for Engineering Research and Development or any other sources.

**57. Grants from Government:** – (1) The University shall receive as grants for its maintenance such sums subject to such conditions as may be fixed by the Government from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

**58. Annual estimates of income and expenditure:** – (1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such dates as, may be prescribed by the Statutes, and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either with or without alterations as it may think fit.

**59. Funds earmarked for a purpose not to be diverted without prior approval of Government:** - (a) The University shall, not without the prior approval of the Government -

- (i) divert funds earmarked for a purpose for any other purpose; or
- (ii) implement any scheme which involves any matching contribution from the State Government.

(b) The University shall, not implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

**60. Annual Accounts:** – (1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

**61. Annual Report:** – (1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the table of the State Legislative Assembly.

**62. Audit of accounts of the University:** – (1) The Government shall appoint auditors to audit the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government in consultation with the University.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to

the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

(8) Notwithstanding anything contained in the foregoing provisions, the accounts relating to the funds granted by external funding agencies for specific projects/programs shall be audited in such manner as may be specified by the funding agency and so audited accounts shall not be subject to audit by the auditors appointed by Government.

## CHAPTER VIII

### Private Colleges and Affiliation of Colleges

**63. Definitions:** - In this Chapter, -

- (a) "corporate management" means an educational agency which manages more than one private college;
- (b) "unitary management" means an educational agency which manages a private college.

**64. Governing Council for private college under unitary management:** – (1) A unitary management shall constitute, in accordance with the provisions of the Statutes, a governing Council consisting of the following members, namely -

- (a) The Principal of the private college;
- (b) the Manager of the private college;
- (c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;
- (d) a person nominated by the Government;
- (e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent Teachers of the private college from among themselves;
- (f) the Chairperson of the College Union;



- (g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and
  - (h) not more than six persons nominated by the unitary management.
- (2) The Manager of the private college shall be the Chairperson of the governing Council.
- (3) It shall be the duty of the governing Council to advise the unitary management in all matters relating to the administration of the private college, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made there under.
- (4) The decisions of the governing Council shall be taken at meetings on the basis of simple majority of the members present and voting.

**65. Governing Council for private colleges under corporate management:** – (1) A corporate management shall constitute a Governing Council for all the private colleges under its management, consisting of the following members, namely -

- (a) one Principal by rotation in such manner as may be prescribed by the Statutes;
  - (b) the Manager of the private colleges;
  - (c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;
  - (d) a person nominated by the Government;
  - (e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges; from among themselves;
  - (f) a person elected by the Chairmen of the College Unions of all the private colleges, from among themselves;
  - (g) one person elected in accordance with such procedure as may be prescribed by the Statute, by the permanent members of the nonteaching staff of all private colleges from among themselves; and
  - (h) not more than fifteen persons nominated by the corporate management.
- (2) The Manager of the private colleges shall be the Chairperson of the Governing Council.

(3) It shall be the duty of the Governing Council to advise the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, by-laws and orders made there under.

(4) The decisions of the Governing Council shall be taken at meetings on the basis of simple majority of the members present and voting.

**66. Appointment of Manager:** – (1) A unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, in accordance with the bye-laws approved by the University.

(2) The appointment of the manager shall be approved by the University.

(3) The manager of the unitary management or the corporate management shall be removed only with the prior consent of the University.

It shall be the duty of the manager to give effect to the Orders and directions of the University from time to time and that of the unitary management or the corporate management, which are not inconsistent with University Act, Statutes, Regulations or Orders as the case may be.

(4) The manager shall exercise such powers and discharge such duties as prescribed in the bye laws approved by the Syndicate of the University relating to management and administration of the colleges.

Provided that, If the provisions in the approved bye laws have been violated, it will be treated as mismanagement and may also lead to withdrawal of affiliation.

(5) Suits by or against a private college shall be instituted by or against the manager thereof.

(6) If the manager of a private college is guilty of mismanagement, malpractice, corruption or mal administration, gross negligence of duty or disobedience of instructions issued by the Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(7) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college and the continuance in office of a person declared unfit under Subsection (6) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

**67. Acts or proceedings of Governing Council not to be invalidated:** – No act or proceeding of a governing Council shall be invalidated merely by reason of -

- (a) any vacancy in, or any defect in the constitution of, the Governing Council; or
- (b) any defect in the appointment of a person acting as a member of the Governing Council; or
- (c) any irregularity in the procedure of the Governing Council not affecting the merits of the case.

**68. Procedure for determining the areas, where new colleges are to be opened: -**

(1) The Government on the recommendation of Kerala State Higher Education Council may, from time to time, prepare two lists for an academic year, one in respect of aided colleges and the other in respect of unaided colleges, identifying the localities where new colleges and new courses are to be sanctioned.

(2) In preparing the lists the government shall take into consideration the following:

- a) The existing colleges and courses in and around the locality in which new colleges and new courses are to be sanctioned;
- b) The distance from each of the existing colleges to the area where new colleges are proposed to be sanctioned;
- c) The educational needs of the locality with reference to the habitation and backwardness of the area; and
- d) Other matters which it considers relevant and necessary in this connection.

Explanation: - for the removal of doubts it is hereby clarified that it shall not be necessary to prepare the two lists simultaneously and that it shall be open to the government to prepare only one of the lists.

(3) A list prepared by the government under Sub-rule (1) shall be published in the Gazette, inviting objections or representations against such list. Objections, if any, can be filed before the government against the list published within one month from the date of publication of the list.

(4) The government may thereafter conduct enquiries, hear the parties, visit the areas in consultation with Kerala State Higher Education Council and finalise the list and publish the same.

(5) A revision shall lie against the final list published by the government to the University Tribunal.

**69. Affiliation of Colleges:** – (1) The University may invite applications for affiliation for new colleges or for new courses in affiliated colleges in the localities, notified by the Government.

(2) The terms and conditions of affiliation of a college or of affiliation to new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes.

**70. Council of Affiliated Colleges:** - (1) The Council of Affiliated Colleges shall be a body consisting of all colleges affiliated to the University.

(2) The Council of Affiliated Colleges, subject to the provisions of this Act and the Statutes, be responsible for addressing the issues of affiliated colleges and to recommend measures to the Syndicate of the University.

(3) The Council of Affiliated Colleges shall consist of the following members, namely-

- (a) The Pro-Vice-Chancellor – Chairperson;
- (b) Dean of Affiliated Colleges – Vice Chairperson;
- (c) Three Principals from Government colleges, nominated by the Vice Chancellor in consultation with the Syndicate – members;
- (d) Two Principals and one Manager from Private Aided colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate - members
- (e) Two Principals and one Manager from Private Un-Aided colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate - members ;
- (f) Three Principals, one each from Government colleges, Private Aided Colleges and Private Unaided Colleges and one Manager from Professional colleges of the University, nominated by the Vice Chancellor in consultation with the Syndicate – members;

- (g) One member of the Syndicate, nominated by the Syndicate from among themselves – member;
- (h) The Registrar - Member-Secretary.

(4) The Council of Affiliated Colleges shall meet at least once in six months on dates to be fixed by the Chairperson and one of such meetings shall be called the annual meeting.

(5) One-Third of the total number of members of the Council of Affiliated Colleges shall be the quorum for a meeting of the Council.

**71. Functions and duties of the Council of Affiliated Colleges:** - Subject to the provisions of this Act and the Statutes, the Council of Affiliated Colleges shall have the following duties and functions, namely-

- (i) to make recommendations to the Syndicate on matters related to affiliation;
- (ii) to make recommendations on the courses of studies in the institutions affiliated to the University;
- (iii) to recommend measure to improve the quality of education imparted in the affiliated colleges;
- (iv) to make recommendations to the Academic Council, regarding the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;
- (v) to make recommendations to the Academic Council, for the admission of students to the various courses of studies on the basis of merit in order to maintain standards of education;
- (vi) to make recommendations for the instruction and training in such branches of learning as it may think fit;
- (vii) to make recommendations for research and advancement and dissemination of knowledge;
- (viii) to bring to the attention of the authorities the problems faced by affiliated colleges; and
- (ix) to exercise such other powers and perform such other duties as may be conferred to, or imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules, or Bye-laws.

**72. Appointment of teachers in private colleges:** – (1) Notwithstanding anything contained in any law or in any contract or other document, while making appointments by direct recruitment to teaching posts of private aided colleges eligible to receive salary from the government, Rule 14 to 17 of Kerala State and Subordinate Services Rules, 1958 shall be applicable.

(2) Appointments to the posts eligible to receive salary from the Government shall be made only against posts sanctioned by the Government or by such officers as may be authorized by the Government on the basis of work load approved by the University.

(3) Appointment of principals shall be made by the educational agency through direct recruitment or by promotion as per UGC Regulations as approved by the University from time to time.

(4) For making appointment under this section by direct recruitment the post shall be advertised in such manner as may be prescribed by the Statutes.

(5) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(6) Every appointment under this section shall be made by a written order of the manager in such forms as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(7) Every appointment under this section shall be reported to the University for approval.

(8) Any person aggrieved by any appointment under this section may appeal to the University Tribunal.

**73. Qualifications of Teachers:** – (1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgment, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer before the commencement of this Act shall be deemed to have been made by the authority competent to make such decision or order under this Act as if this Act had

been in force at the time when such decision or order was made and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

**74. Probation:** – (1) Teachers of private colleges shall be on probation for a period of one year within a period of two years.

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation. - Probation undergone by a teacher before the commencement of this Act shall be deemed to be probation for the purposes of this Sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Act shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

(4) Any probationer discharged or reverted under sub-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency shall confirm the teacher in the post and if the Vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the Probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post.

(8) A probationer who is discharged or reverted under sub-station (6) or who is discharged or reverted before the prescribed period or probation otherwise than on the ground of want of vacancy shall be entitled to appeal against the order of discharge or reversion to the University Tribunal and the provisions of section 65 shall, the mutatis mutandis apply to such appeals.

**75. Conditions of service of teachers of private colleges:** – (1) Notwithstanding anything contained in any law or in any contract or other document, the conditions of service of teachers of private colleges, whether appointed before or after the commencement of this Act, including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement, shall be such as may be prescribed by the Statutes.

(2) The Educational Agency may at any time place a teacher under suspension.

- (a) when disciplinary proceedings against him are pending; or
- (b) when a case against him in respect of any criminal offence is under investigation or trial.

Provided that no teacher shall be placed under suspension by the educational agency for a continuous period exceeding 15 days without the previous sanction of the Vice Chancellor.

(3) Where the orders of suspension are made by the educational agency, it shall on the same day report the matter together with reasons for the suspension to the Vice Chancellor.

(4) The Vice Chancellor shall thereupon make a preliminary investigation on the grounds of suspension. If on such investigations the Vice Chancellor is satisfied that there was no valid ground for the suspension, he may direct the educational agency to reinstate the teacher with effect from the date of suspension and thereupon the teacher shall forthwith be reinstated by the educational agency. If the teacher is not actually reinstated the teacher shall be deemed to have been on duty. It shall then be open to the Director of Collegiate Education to disburse the pay and allowances to the teacher as if he was not suspended and recover the amount so disbursed from the educational agency. If on such investigation it is found that there are valid grounds for such suspension, permission may be given to the educational agency to place the teacher



under suspension beyond 15 days if necessary. The Vice Chancellor shall pass orders permitting the suspension or otherwise within said 15 days.

(5) Notwithstanding anything contained in sub-section, (4) the Vice Chancellor, who permitted the suspension beyond 15 days, may at any time review such permission and if such authority is satisfied that the teacher under suspension has to be reinstated in service for reasons to be recorded in writing cancel the permission already granted and direct the educational agency to reinstate the teacher in service. On such order, the educational agency shall reinstate the teacher forthwith failing which the provisions in sub-rule (4) will apply in such case. Teacher shall be deemed to have been on duty and entitled for pay and allowances and that the pay and allowance paid to teacher shall be recovered from educational agency.

(6) Any person aggrieved by an order of the Vice-Chancellor under Sub-section (5) may, within a period of thirty days from the date of receipt of order by him, appeal to the University Tribunal.

(7) No disciplinary action shall be taken against a teacher as otherwise provided in the statute.

(8) Any teacher aggrieved by an order passed after the commencement of this Act in any disciplinary proceeding taken against him may, within sixty days from the date on which a copy of such order is served on him or within Sixty days after the University Tribunal has been constituted under his Act, whichever period expires later, appeal to the University Tribunal and the University Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

Provided that the University Tribunal may admit an appeal presented after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(9) Any person who objects to an order passed by the University Tribunal under sub-section (8) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition to the High Court on the ground that the University Tribunal has either decided erroneously, or failed to decide, any question of law.

(10) The provisions of section 5 of the Limitation Act, 1963, shall be applicable to any proceedings under Sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such order on the petition, as it deems fit.

**76. Disciplinary powers of Educational Agency over teachers of Private Aided Colleges:** - (1) The Educational Agency may at any time place a teacher of a Private aided College under suspension when any disciplinary proceedings are proposed to be taken against him or when such disciplinary proceedings are pending.

(2) A teacher of a Private aided College who is detained in custody whether on a criminal charge or otherwise for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the Educational Agency and shall remain under suspension until further orders.

(3) When a teacher of a private aided college is suspended for a period exceeding fifteen days, the matter together with the reasons for the suspension, shall be reported to the Vice Chancellor.

(4) Any disciplinary proceedings against a teacher of a private aided college by the educational agency shall be completed within a period of three months or within such further period as may be allowed by the Vice Chancellor.

(5) No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(6) Any teacher aggrieved by an order imposing on him any of the following penalties, namely:-

- (a) withholding of increment;
- (b) recovery from pay of any pecuniary loss caused to the institution or the monetary value equivalent to the amount of increment order to be withheld;
- (c) reduction to a lower rank in the seniority list or to a lower grade or post;
- (d) removal from service;
- (e) compulsory retirement from service; and
- (f) dismissal from service.

may, within sixty days from the date on which a copy of such order is served on him, appeal to the University Tribunal on any one or more of the following grounds, namely:-

- (i) that there is want of good faith in passing the order;
- (ii) that the order is intended to victimize the appellant;
- (iii) that in passing the order, the educational agency has been guilty of a basic error or violation of the principles of natural justice; and
- (iv) that the order is not based on any material or is perverse:

Provided that the University Tribunal may admit an appeal presented after the expiration of the said period of sixty days if it is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(7) On receipt of an appeal under sub-section (6), the University Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary pass such order thereon as it may deem fit including an order of reinstatement of the teacher concerned.

(8) Any order passed by the University Tribunal under sub section (7) may be executed through the Subordinate Judges Court having jurisdiction over the area in which the private college is situated as if it were a decree passed by that court.

(9) Any person who objects to an order passed by the University Tribunal under subsection (7) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition accompanied by court fee stamps of the value of ten rupees to the High Court on the ground that the University Tribunal has either decided erroneously or failed to decide any question of law.

(10) The provision of section 5 of the Limitation Act, 1963 (Central Act 36 of 1973), shall be applicable to any proceedings under sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such orders on the petition, as it deems fit.

**77. Disciplinary powers of Government over teachers of Private Colleges:** - (1) Notwithstanding anything contained in this Act or in the Statutes, Ordinances or Regulations and subject to such rules as may be made by Government in this behalf,

the Government or such officer not below the rank of Deputy Director of Collegiate Education, as may be authorized by the Government in this behalf, shall have power to take disciplinary proceedings against a teacher of a private college and to impose upon him all or any of the penalties specified by or under this Act.

Provided that before exercising the powers under this sub section, the Government or the authorized Officer, as the case may be, shall intimate the manager regarding the circumstances requiring disciplinary action against the teacher concerned and give the manager a reasonable opportunity of taking disciplinary action and the Government or the authorized Officer, as the case may be, shall take disciplinary action against the teacher only if the manager fails to take appropriate disciplinary action.

(2). The Government or the officer authorized under sub-section (1), as the case may be, may suspend a teacher of a private college when any disciplinary proceedings is proposed to be taken against him under that sub-section or when such disciplinary proceedings are pending.

**78. Past disputes relating to service conditions of teachers:** – Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgment decree or order of any court or other authority any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided under and in accordance with the provisions of this Act and the Statutes made thereunder.

**79. Membership of local authorities etc.:** – A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

**80. Non-teaching staff of private colleges:** – (1) The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

(2). Subject to the provisions of sub-section (1), the method of appointment, pay and other conditions of service of the non-teaching staff of private colleges shall be such as may be prescribed by the Statutes.

**81. Inter University transfer of teacher by an educational agency:** -Notwithstanding anything to the contrary contained in any law for the time being in force, where an educational agency has colleges under the jurisdiction of the Mahatma Gandhi University and also under the jurisdiction of any other University of Universities in the State, a teacher appointed by such educational agency to a college within the jurisdiction of another University, may be transferred to any college under the jurisdiction of the Mahatma Gandhi University, subject to the following conditions, namely -

- (a) transfer shall be made only on the written request of the teacher who has completed three years of service;
- (b) transfer shall be made only once during the entire period of service of a teacher;
- (c) transfer shall be made on the basis of the seniority of teachers;
- (d) a teacher transferred under the provisions of this section shall become the junior most in the colleges under the educational agency in the University irrespective of his service in the University from which he was transferred;
- (e) transfer is to be made as and when vacancy arises in any of the colleges under the educational agency in the University, provided no home college option by any teacher against the said vacancy is pending; and
- (f) a teacher who is transferred under the provisions of this section shall be eligible for home college option and shall be treated as teacher of the University with all benefits that are enjoyed by the existing teachers, provided the services rendered by such teacher outside the University shall not be considered as outside service while exercising home college option.

Explanation: For the purpose of this section, “home college option “means option made by a teacher regarding his home college in the University the provisions of the Statutes made under this Act.

**82. Code of Conduct for teachers of affiliated Colleges:** - (1) The Government shall, in consultation with the University and the representative of the teachers, frame a Code of Conduct to be observed by the teachers of Government and private colleges.

(2). Any teacher of a Government or private college who contravenes any of the provisions of the Code of Conduct shall be liable for disciplinary action which may involve the imposition of a major penalty.

**83. Colleges not complying with provisions of this Act:** – (1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act, or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University.

Provided that before disaffiliating a college, the educational agency and the Governing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Act, or of the Statutes, Ordinances, Regulations, bye-laws, orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government.

Provided that before making any such order, the educational agency and the Governing council, as the case may be, shall be given an opportunity of being heard.

## CHAPTER IX

### University Tribunal

**84. Constitution of University Tribunal:** - (1) The Government shall constitute the University Tribunal for the purposes of this Act.

(2) The University Tribunal shall be appointed by the Government and shall consist of Chairperson and two members.

- (i) A person who is or has been a judge of the Supreme Court or High Court – Chairperson.
- (ii) A person who is an advocate well versed in University Laws and matters related to higher education having not less than 15 years of active practise in the High Court – Member.
- (iii) An academician who is or has been or qualified to be a Vice Chancellor of an University – Member.

(3) The term of Office of the University Tribunal shall be Four years from the date of its appointment.

Provided that no person who is more than seventy years of age shall be appointed as a member of the University Tribunal.

(4) The University Tribunal shall have the power to make regulations consistent with the provisions of this Act, with the previous sanction of the Government for regulating its procedure and disposal of its business. The regulations so made shall be published in the Gazette.

(5) The Government shall provide such facilities for the establishment and functioning of the office of the University Tribunal including creation of required posts and appointment thereto.

(6) The University Tribunal shall have the jurisdiction to adjudicate disputes on any of the matters provided in this Act.

(7) The decision of the University Tribunal on a question as to whether a matter is coming under this Act or not shall be final.

(8) The University Tribunal shall, for the purpose of exercising the powers conferred by or under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit;
- (d) issuing commission for the examination of witnesses or for local investigation;
- (e) inspecting any property or thing concerning with any decision to be taken;
- (f) requisitioning of any public record or copy thereof from any court, authority or office;
- (g) any other matter which may be prescribed.

(9) The University Tribunal shall exercise such powers and perform such duties as may be prescribed by the Act and Statutes of the University.

(10) The University Tribunal constituted under this Act may be given additional jurisdiction to discharge the functions of University Tribunal under any other Act by the Government by notification.

**85. Bar of jurisdiction of civil courts:** - No civil court shall have jurisdiction to settle, decide, or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any authority or person under this Act.

## CHAPTER X

### Autonomous Colleges

**86. Date of effect of grant of autonomy:** - An affiliated college authorised under this Chapter to apply for academic autonomy to the University Grants Commission shall be deemed to be an Autonomous College of the University from the date on which the University Grants Commission provided approval of the autonomous status.

**87. Authorities of an Autonomous College:** - (1) The following shall be the authorities of an Autonomous College, namely -

- (i) The Academic Council of an Autonomous College;
- (ii) The Board of Studies of an Autonomous College;
- (iii) The Governing body;
- (iv) Complaint Redressal Committee of an Autonomous College;
- (v) The Expert Committee of an Autonomous College;
- (vi) The Finance Committee of an Autonomous College; and
- (vii) The Students Grievance Redressal Committee of an Autonomous College.

(2) Notwithstanding anything contained in this Act or the Statutes, Ordinances or Regulations made under this Act, all matters including the invitations, processing and approval of application for grant of autonomy, the constitution of the authorities in an Autonomous College and their powers and the powers of the University over an Autonomous College shall be dealt with in accordance with the provisions of this Chapter from the date on which the University Grants Commission has granted approval of the autonomous status.



(3) If there is any dispute whether any provision in any existing Statute, Regulation and Ordinances of the University is inconsistent with or has the effect of overriding or contradicting any provision in this Chapter, the decision of the Government shall be final.

(4) All other matters related to the autonomous colleges shall be decided in such terms and in such manner as may be prescribed by the Statutes.

## CHAPTER XI

### Miscellaneous

**88. Equivalence:** - (1) The Vice Chancellor shall refer all issues in the matters of granting Equivalence of a degree, diploma, certificate and such other titles awarded by other Universities in India and abroad to the Council of Faculty Deans and the Council of Faculty Deans shall dispose such issues within a period of forty five days and make their recommendation to the Vice Chancellor. The Vice Chancellor shall implement the decision with or without modifications.

Provided that, if the Council of Faculty Deans fails to take a decision within the prescribed time, The Vice Chancellor shall refer the matter to the State Level Academic Committee for its decision, and it shall be binding on the University.

Provided further that, if the Council of Faculty Deans is of the opinion that, matter is to be dealt with by the State Level Academic Committee, it shall refer the matter to State Level Academic Committee and on receiving such advice, the Vice Chancellor shall act in accordance with it.

(2) If any person is aggrieved by the decision of the Vice Chancellor, an appeal shall lie before the State Level Academic Committee and the decision of the State Level Academic Committee shall be final.

**89. Power of Government to cause inspection of University:** – (1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops, and equipments and of any institutions maintained, recognized or approved by, or affiliated to the University and also of the work conducted by the University, and to cause enquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section(1).

(6) A report under sub -section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

**90. Appointment of Commission to inquire into the working of University: – (1)**

The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairperson and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on-

- (i) the working of the University during the period to which the inquiry relates;
- (ii) the financial position of the University including the financial position of its colleges and departments;

- (iii) any change to be made in the provisions of this Act or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and
- (iv) such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and the recommendation of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

**91. Power of Government to make rules:** – (1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule 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 rule.

**92. Conditions of service:** – (1) Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned, be referred to the University Tribunal for decision, and thereupon, the provisions of section 73 and

the regulations made by the Tribunal under the said section shall mutatis mutandis apply to the decision of such disputes.

**93. Pension, insurance and provident fund:** – With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and Provident Fund and for such other benefits as it may deem fit, in such manner as may be prescribed by the Ordinances.

**94. Proceedings of the University and bodies not to be invalidated by vacancies:** – No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Act or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

**95. Proceedings of the Senate, Syndicate and Academic Council:** – The Registrar shall forward to the Government within 15 days of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meeting,

**96. Dispute as to the constitution of University authority or body:** – If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a 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 may be referred by the Vice Chancellor to the University Tribunal and shall be so referred, if not less than twenty-five members of the Senate so require, and the tribunal shall, decide the question so referred . An appeal shall lie before the High Court

**97. Report on affiliated colleges:** – The Vice-Chancellor shall, at the end of every four years from the commencement of this Act, submit a report to the Government on the conditions of affiliated colleges.

**98. Protection of acts and orders:** – All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers, shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders made thereunder.

**99. Institutions affiliated to University:** – (1) All Colleges existing in the University area immediately before the commencement of this Act shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future, maintenance and control.

**100. Reservation of appointments:** - In making appointments by direct recruitment to posts in any class or category under the University or to posts of teaching or non-teaching staff in the University, the University shall mutates mutandis observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time. and communal rotation shall be followed category -wise treating all the Departments as one unit.

**101. Transitory provisions:** – (1) Any officer or authority of the Mahatma Gandhi University exercising any power or performing any duty under the Mahatma Gandhi University Act, 1985, immediately before the commencement of this Act. shall for a period of nine months from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is later, continue to exercise such powers or perform such duties, as the case may be, so far as such powers or duties are not inconsistent with the provisions of this Act.

Provided that the Officers and Employees appointed under the Mahatma Gandhi University Act, 1985 and holding office immediately before the commencement of this Act shall be entitled to hold office for the full term of his appointment as if this Act had not been passed.

(2) The Statutes, Ordinances, Regulations, Rules, Bye-laws and Orders in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, Regulations, Rules, Bye-laws or Orders framed under this Act.

(3) All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the Mahatma Gandhi University constituted under the Mahatma Gandhi University Act, 1985 and all liabilities legally subsisting against the said University.

**102. Right to University Services:** - Notwithstanding anything contained in this Act, Statutes and Ordinances of the University, the Kerala State Right to Services Act, 2012 (Act 18 of 2012) shall be applicable to the University.

**103. First Statutes and Ordinances:** – Notwithstanding anything contained in this Act, the first Statutes and the first Ordinances of the University shall be made by the Government.

**104. Removal of difficulties:** - (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University, or otherwise in giving effect to the provisions of this Act the Government may by order do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order 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 order.

**105. Repeal:** – The Mahatma Gandhi University Act, 1985 (12 of 1985), is hereby repealed.



