



Governor's Role in the Universities

For Prelims: Tamil Nadu Bill on Vice Chancellor in Universities, Role of Governor in appointment of Governor in State Universities

For Mains: Role of Governor in Center-State Relations

Why in News?

Recently, the Kerala High Court **restrained the Governor of the state in his capacity as Chancellor of universities**, from passing final orders on the show cause notices he issued to Vice-Chancellors of eight universities.

- The Governor **had issued the notices to the Vice-Chancellors citing violation of [University Grants Commission \(UGC\)](#) norms** in their appointment.

What are the Governor's Powers related Universities?

- **State Universities:**
 - In most cases, the **Governor of the state is the ex-officio chancellor of the universities in that state.**
 - While as Governor he functions with the aid and advice of the Council of Ministers, as Chancellor he acts independently of the Council of Ministers and takes his **own decisions on all University matters.**
- **Central Universities:**
 - Under the **Central Universities Act, 2009**, and other statutes, the **President of India shall be the Visitor of a central university.**
 - With their role limited to presiding over convocations, Chancellors in central universities are titular heads, who are appointed by the President in his capacity as Visitor.
 - The **Vice Chancellor too are appointed by the Visitor from panels** of names picked by search and selection committees formed by the Union government.
 - The **Act adds that the President, as Visitor, shall have the right to authorise inspections of academic** and non-academic aspects of the universities and also to institute inquiries.

What is the Original Intent of Making Governors hold the Office of Chancellor?

- The original intent of making Governors hold the office of Chancellor and vesting some statutory powers on them was to **insulate universities from political influence.**
- **Recommendations of Commission:**
 - **Sarkaria Commission:**
 - [Justice R.S. Sarkaria Commission](#) **noted the use of discretion** by some Governors in some university appointments had come in for criticism.
 - It **acknowledged the distinction between the Governor's constitutional role and the statutory role** performed as a Chancellor, and also underlined that the

Chancellor is not obliged to seek the government's advice.

- **M.M. Punchhi Commission:**

- Noting that the **Governor should not be “burdened with positions and powers**, which may expose the office to controversies or public criticism, it advised against conferring statutory powers on the Governor.

What is the UGC's role in this?

- Education comes under the [Concurrent List](#), but entry 66 of the Union List — “coordination and determination of standards in institutions for higher education or research and scientific and technical institutions” gives the Centre substantial authority over higher education.
- The [University Grants Commission](#) **plays that standard-setting role**, even in the case of appointments in universities and colleges.
- According to the **UGC (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018**, the “Visitor/Chancellor” — mostly the **Governor** in states — **shall appoint the VC out of the panel of names** recommended by search-cum-selection committees.
- **Higher educational institutions**, particularly those that **get UGC funds, are mandated to follow its regulations**.
- These are usually followed without friction in the case of central universities but are sometimes resisted by the states in the case of state universities.

Way Forward

- The **time may have come for all States to reconsider having the Governor** as the Chancellor.
- However, **they should also find alternative means of protecting university autonomy** so that ruling parties do not exercise undue influence on the functioning of universities.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q1. With reference to the Legislative Assembly of a State in India, consider the following statements: (2019)

1. The Governor makes a customary address to Members of the House at the commencement of the first session of the year.
2. When a State Legislature does not have a rule on a particular matter, it follows the Lok Sabha rule on that matter.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

- Article 176(1) of the Constitution of India enjoins that the Governor shall address both the Houses assembled together at the commencement of the first Session after each general election to the Assembly and at the commencement of the first session of each year and inform the Legislature of the causes of its Summons. **Hence, statement 1 is correct.**
- Article 208 deals with the Rules of Procedure in State Legislatures. It states that:
 - (1) A House of the Legislature of a State may make rules for regulating subject to the

provisions of this Constitution, its procedure and the conduct of its business.

- (2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be.
- So, in case, when there is no rule on a particular subject in the State Legislature, under a convention since colonial times, state legislatures follow the rules of the Lok Sabha. **Hence, statement 2 is correct. Therefore, option (c) is the correct answer.**

Q2. Consider the following statements: (2018)

1. No criminal proceedings shall be instituted against the Governor of a State in any court during his term of office.
2. The emoluments and allowances of the Governor of a State shall not be diminished during his term of office.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Exp:

- Article 361 of the Indian Constitution provides certain immunities to the President of India and the Governor of the States:
 - No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office. **Hence, statement 1 is correct.**
 - No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office.
 - No civil proceedings against the President, or the Governor, shall be instituted during his term of office in any court in respect of any act done by him in his personal capacity. However, after giving two months' notice, civil proceedings can be instituted against him during his term of office in respect of his personal acts done before or after entering the office.
- Article 158 states that the emoluments and allowances of the Governor shall not be diminished during his term of office. **Hence, statement 2 is correct. Therefore, option (c) is the correct answer.**

Mains

Q. Whether the Supreme Court Judgment (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine. **(2018)**

Q. Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. **(2022)**

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