



Kerala University Laws (Amendment) Bills

For Prelims: Role of Governor in appointment of Governor in State Universities.

For Mains: Kerala University Laws (amendment) Bills.

Why in News?

Recently, Kerala Assembly passes University Laws (amendment) Bills to amend laws relating to the **governance of State universities and remove the [Governor](#) as the Chancellor of State universities.**

What is the Background?

- The Governor and the State Government of Kerala had been at loggerheads for months now.
- It got worse when the Governor **denied assent to the controversial Lok Ayukta (Amendment) and University Laws (Amendment) Bills** earlier passed by the State Assembly.
- The worsening relationship between the State Government and governor reached a tipping point with the [Supreme Court](#) order invalidating APJ Abdul Kalam Technological University (KTU) Vice-Chancellor's (VC) appointment on the grounds **that it violated [University Grants Commission \(UGC\) regulations.](#)**
- Following this, the governor had **sought the resignations of 11 other VCs on the ground that the government had appointed them through the same process** deemed unlawful by the Supreme Court.

What are the University Laws (Amendment) Bills?

- The proposed legislation will **amend the statutes of 14 universities established by legislative Acts in Kerala and remove the Governor as the Chancellor** of those universities.
- The Bills will supplant the **Governor and give the government power to appoint eminent academicians as Chancellors** of various universities, thus ending the Governor's watchdog role in university administration.
- The Bills also provide **provision to limit the term of the appointed chancellor to five years.** However, it also says that the **serving chancellor can be reappointed for another term.**

What stands in Favour and Against the Proposition?

- **Favour**
 - Earlier UGC Guidelines used to be mandatory for Central universities and "partially mandatory and partially directive" for State universities, had been **made legally binding for all universities by way of recent rulings** by the Supreme Court.
 - Such precedence pointed towards a **scenario in which the legislative powers of the Assembly on all subjects on the [Concurrent List \(of the Constitution\)](#) could be undermined** through a subordinate legislation or an executive order issued by the Centre.
 - It is said that the bill was brought in order to avoid legal tangles in future.

▪ **Against:**

- If Chancellors were appointed by the Government, they would be indebted to the ruling front, thus leading to the erosion of Universities' autonomy.
- It may facilitate appointment of people **close to the ruling front**.
 - This will lead to a scenario in which the **governor can appoint only those who are close** to the government.

What is the Procedure for Appointing a Vice-Chancellor under UGC rules?

- According to the UGC Regulations, 2018, the VC of a university, in general, is appointed by the **Visitor/Chancellor, from a panel of three to five names** recommended by the duly constituted Search cum Selection Committee.
- A visitor is empowered to call for a set of fresh names in case of dissatisfaction with the given panel.
- In Indian universities, the **President of India is the ex-officio Visitor of all the Central Universities** and the **Governor of the respective states is the Chancellor of all the state universities**.
- Necessarily this system is not uniform in all the universities. As far as the procedures adopted by different states are concerned, they vary.

What are the Governor's and President's Powers related Universities?

- **State Universities:**
 - 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.

Way Forward

- M. Anandkrishnan Committee, set up by the Kerala State Higher Education Council in 2009, recommended that **universities should have complete autonomy in academic and administrative matters**.
- It is advisable to create statutory structures **that would distance the Governor and Minister for Higher Education from the day-to-day administration** of the universities.
- It is also recommended to immediately **incorporate UGC Regulations, 2010 in the**
- As recommended by the **Punchhi Commission on Centre-State Relations**, the Governor should not be burdened with positions and powers that are not specified in the Constitution and may cause controversy or public criticism.
- Governments should devise 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)

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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