



Tamil Nadu Bill on Vice Chancellor in 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 **Tamil Nadu Assembly** passed two Bills that seek to **transfer the Governor's power in appointing Vice-Chancellors (VC)** of 13 state universities to the state government.

- Earlier, the Maharashtra and West Bengal Governments have made similar provisions vis-a-vis **the governor appointing Vice-Chancellor of the Universities.**
- In Karnataka, Jharkhand and Rajasthan, state laws underline the need for concurrence between the state and the Governor.
- The terms **“concurrence” or “consultation”** are absent from state legislation in most cases.

What are the Highlights of the two Bills?

- The Bills passed in Tamil Nadu stress that **“every appointment of the Vice-Chancellor shall be made by the Government from out of a panel of three names”** recommended by a **search-cum-selection committee.**
- Currently, the Governor, in his **capacity as the Chancellor of state universities,** has the power to pick a VC from the shortlisted names.
- The Bills also seek to empower the **state government to have the final word on the removal of VCs, if needed.**
- Removal will be carried out **based on inquiries by a retired High Court judge** or a bureaucrat who has served at least as a Chief Secretary.

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.
 - Recently, the University Grants Commission has released **Academic Collaboration between Indian and Foreign Higher Education Institutions to offer Joint Degree, Dual Degree, and Twinning Programmes Regulations, 2022.**
 - Under these regulations collaborating institutes will be allowed to offer three kinds of programmes — twinning, joint degrees and dual degrees.
- 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.

What is the view of Judiciary in this matter?

- The **Supreme Court** in various judgment held that any appointment as a Vice Chancellor contrary to the provisions of the **UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto”.**
- In case of any conflict between state legislation and central legislation, central legislation shall prevail, as the education’ is in the **Concurrent List of the Seventh Schedule** of the Constitution.

What is the Role of Governors in 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.
- **Case of 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 is 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 authorize inspections of academic and non-academic aspects of the universities and to institute inquiries.

Source: IE

PDF Refernece URL: <https://www.drishtias.com/printpdf/tamil-nadu-bill-on-vice-chancellor-in-universities>