

## **Kerala University Act, 1974**

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## **Kerala University Act, 1974**

An Act to provide for the reorganisation of the University of Kerala  
Whereas it is expedient to reorganise the University of Kerala with a view to establishing a teaching, residential and affiliating University for the southern districts of the State of Kerala; BE it enacted in the Twenty-fifth Year of the Republic of India as follows:-

### CHAPTER 1 PRELIMINARY

#### **1. Short Title And Commencement :-**

- (1) This Act may be called the Kerala University Act, 1974.
- (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) "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;
- (3) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 20 and declared by the Statutes to be the annual meeting of the Senate;
- (4) "Appellate Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 65;
- (5) "Board of Studies" means a Board of Studies of the University;
- (6) "Chancellor" means the Chancellor of the University;
- (7) "college" means an institution maintained by, or affiliated to the University in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;
- (8) "department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;
- (9) "educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;
- (10) "faculty" means a faculty of the University;
- (11) "Government college" means a college maintained by the Government and affiliated to the University;
- (12) "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;
- (13) "non-teaching staff" of the University or a college means the employees of the University or that college, other than teachers;
- (14) "prescribed" means prescribed by this Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder;
- (15) "principal" means the head of a college;

- (16) " private college" means a college maintained by an educational agency other than the Government or the University and affiliated to the University;
- (17) "Pro-Chancellor" means the Pro-Chancellor of the University;
- (18) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (19) "recognized institution" means an institution for research or special studies, other than an affiliated college, recognized as such by the University;
- [\*\*\*\*\*]
- (21) "Senate" means the Senate of the University;
- (22) "State" means the State of Kerala;
- (23) " Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" means respectively the " Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;
- (24) "student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognized institutions;
- (25) "Students Council" means the Students Council of the University;
- (26) "Syndicate" means the Syndicate of the University;
- (27) "teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor or such other person imparting instruction or supervising research in any of the colleges or recognized institutions and whose appointment has been approved by the University;
- (28) "teacher of the University" means a person employed as teacher in any institution maintained by the University;
- (28A)"un-aided college" means a private college which is not entitled to any financial assistance from the Government or the University;
- (29)"University" means the University of Kerala constituted under this Act;
- (30)"University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;
- (31) "University Fund" means the Kerala University Fund established under sub-section (1) of section 45;
- (32) "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER 2

### 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 have perpetual succession and a common seal, and shall sue and be sued by the said name.

#### **4. Territorial Limits :-**

(1) The jurisdiction of the University shall extend to the Revenue Districts of Trivandrum, Quilon, Alleppey, Kottayam, Idukki and Ernakulam of the State.

(2) No educational institution situated beyond the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

#### **5. 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;

(ia) to confer academic autonomy to an affiliated college/department of an affiliated college or university department.]

(ii) to institute degrees, titles, diplomas and other academic distinctions;

(iii) to hold examinations and to confer degrees and other academic distinctions on persons who-

(a) shall have pursued a prescribed course of study in a college 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;

(iv) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(v) to grant diplomas, certificates or other distinctions to persons

who shall have pursued a prescribed course of study under prescribed conditions;

(vi) to withdraw or cancel degrees, titles, diplomas, certificates of other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case;

(vii) to supervise and control the residence and discipline of students of the university, colleges and recognized institutions and to make arrangements for promoting their health and general welfare;

(viii) to recognize hostels which are maintained by bodies other than the university and to withdraw such recognition;

(ix) to exercise such control over the students as will ensure their physical and moral well-being;

(x) to constitute a Board 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;

(xa) to fix the minimum infrastructural facilities that shall be provided in an un-aided college;

(xb) to fix the qualification of teachers and non-teaching staff of an un-aided college.]

(xi) to fix the fees payable to the University and to demand and receive such fees;

(xii) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognized institutions affiliated to the University;

(xiii) 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 colleges;

(xiv) to hold and manage endowments and bursaries and to institute and award, fellowships, scholarships, studentships, medals and prizes and to organize exhibitions;

(xv) 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 Corps;

(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;
- (xvi) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;
- (xvii) 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;
- (xviii) 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;
- (xix) to direct, manage and control all immovable and movable properties transferred to the University by the Government;
- (xx) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institution recognized by the University;
- (xxi) to define the powers and duties of the officers of the University other than the Vice-Chancellor;
- (xxii) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;
- (xxiii) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;
- (xxiv) to affiliate to itself colleges in accordance with the provisions of this Act, and the Statutes, Ordinances and Regulations and to withdraw affiliations of colleges;
- (xxv) to institute professorships, readerships, lectureships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lectureships and other teaching and research posts;
- (xxvi) to establish, maintain and manage hostels;
- (xxvii) 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

(xxviii) generally to do such other acts as may be required to further the aims and purposes of this Act.

## **6. 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 consultation 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 Caste or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

(2) In making appointments by direct recruitment to posts in any class or category in each department under the University, or to posts of 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 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

## **CHAPTER 3**

### **THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE UNIVERSITY**

## **7. 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) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws.

Provided that, before making any such order, the Chancellor 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, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(5) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(6) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(7) An appeal under sub-section (6 ) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.

(8) The Chancellor shall before passing any order on an appeal under sub-section (6), refer the matter for advice to a Tribunal appointed by him for the purpose.

(9) The Chancellor shall have power to remove the Vice-Chancellor or the Pro- Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehavior:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor or 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.

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

## **8. The Pro-Chancellor :-**

(1) The Minister for the time being administering the subject of 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.

## **9. 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.

#### **10. The Vice-Chancellor :-**

(1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of a Committee appointed by him consisting of three members, one elected by the Senate, one nominated by the Chairman of the University Grants Commission and the third nominated by the Chancellor. The Chancellor shall appoint one of the members of the Committee to be its convener. The Committee shall make its recommendation within a period of three months of its appointment.

(2) In case the Committee appointed under sub-section (1) is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among the panel of three names submitted to him by the Committee within the period specified in the preceding sub-section.

(3) In case the Committee fails to make a unanimous recommendation as provided in sub-section (1) or to submit a panel as provided in sub-section (2), each member of the Committee may submit a panel of three names to the Chancellor and the Vice-Chancellor shall be appointed from among the persons mentioned in the panels.

(4) Non-submission of the panel under sub-section (3) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

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

(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 :

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

(7) The remuneration payable to, and the other conditions of service of, the Vice-Chancellor shall be determined by the Chancellor.]

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

(9) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, the Students Council 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.

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

(11) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this 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.

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

(13) If at any time except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Act the Vice-Chancellor may take such action as he deems fit, and shall, at the next session of the Syndicate or the Academic Council, as the case may be, report the action taken by him to that authority for such action as it may consider necessary.

(14) 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 Deputy Registrar:

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

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

(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made there under, 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.

(15B) Any person nominated by the Vice-Chancellor under sub-section (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.]

(16) 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 Ordinances, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

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

(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

(19) In the event of a permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of the Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

### **11. The Pro-Vice-Chancellor :-**

(1) The Chancellor may, if he considers it necessary, appoint a Pro-Vice-Chancellor [\*\*\*]

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

(3) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Pro-Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.

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

(6) Subject to the provisions of this Act and the Statutes, Ordinances and Regulations, the powers and functions of the Pro-Vice-Chancellor shall be determined by the Chancellor in consultation with the Vice-Chancellor.

### **12. The Registrar :-**

(1) The Registrar shall be a whole-time salaried officer of the

University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

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

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

### **13. The Controller Of Examinations :-**

(1) The Controller of Examinations shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

(2) The Controller of Examinations shall exercise such powers and perform such duties as may be prescribed by the Statutes.

### **14. 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 such period and on such terms as may be prescribed by the Statutes.

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

### **15. 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 Gazette.

## **CHAPTER 4**

### **AUTHORITIES OF THE UNIVERSITY**

### **16. Authorities Of The University :-**

The following shall be authorities of the University, namely:-

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

## **17. 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 Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him.
- (6) The Director of Public Instruction.
- (7) The Director of Collegiate Education.
- (8) The Secretary to Government or the Additional Secretary to Government, General Education Department, to be nominated by the Government.
- (9) The Secretary to Government or the Additional Secretary to Government, Higher Education Department, to be nominated by the Government.]
- (9a) The Secretary to Government, Information Technology Department or an officer of the Information Technology Department not below the rank of Joint Secretary, nominated by him.]
- (10) The Director of Technical Education.
- (11) The Chairman, State Advisory Board of Education.
- (12) The Mayor of Trivandrum.
- (13) Seven Heads of University departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.
- (14) Four 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 Chancellor by rotation.
- (15) The Chairman of the University Union.

Elected Members

- (1) Seven Principals elected from among themselves, of whom two shall be from among Principals of Government Colleges, one from among Principals of professional colleges and one from among Principals of junior colleges.

[\*\*\*\*\*]

- (3) Six 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 Caste.

(4) Three members elected by the Teachers of the University from among themselves.

(5) Five members elected by the Teachers of Government Colleges from among themselves.

(6) Sixteen members elected by the Teachers of Private Colleges from among themselves.

(7) One member elected by the members of the local authorities of each District in the University area from among themselves.

(8) Two members elected by the registered Trade Unions in the University area designated by Statutes, from among their members.

(9) One member elected by the members of the non-teaching staff of the University from among themselves.

(10) Three members elected by the members of the non-teaching staff of the affiliated colleges from among themselves, of whom one shall be a member of the non-teaching staff of a Government College.

(11) Four members elected by the managers of the private 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 one shall be a lady student.

#### Life members

Persons who were life members of the Senate of the Kerala University immediately before the commencement of this Act shall be deemed to be life members of the Senate under this Act.

#### Other Members

(1) Two headmasters of High Schools and two Teachers of Schools, situated within the University area, nominated by the Chancellor.

(2) Not more than nine members nominated by the Chancellor representing

(i) recognized research institutions;

(ii) recognized cultural associations;

(iii) chambers of commerce;

(iv) industries;

(v) authors;

(vi) journalists;

(vii) lawyers;

(viii) sports; and



(ix) linguistic minorities.

(3) Four students nominated by the Chancellor, one having outstanding academic ability in humanities, one having outstanding ability in science, one having outstanding ability in sports and one having outstanding ability in fine arts.

[(4) Not more than four experts nominated by the Government from the fields of Information Technology and Bio-technology.]

### **18. 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 (13) and (14) under the heading "Ex-Officio Members" in section 17 shall be two years from the date of his nomination.

(3) Every member of the Senate, other than ex-officio and life-members, 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 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 (1) under the heading "Elected Members" in section 17 or a member referred to in item (3) under the heading "Other Members" in that section shall be one year from the date of his election or nomination, as the case may be.

(3A) Notwithstanding anything contained in the first proviso to sub-section (3); a principal elected under item (1), or a teacher of a Government college elected under item (5), or a teacher of a private college elected under item (6), or a member of the non-teaching staff of an affiliated college elected under item (10), under

the heading "Elected Members" in section 17 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 the non-teaching staff has been transferred to another University; or

(c) in the case of a teacher, that he has been promoted as principal.]

(3B) Notwithstanding anything contained in this Act or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 17 shall 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.]

(4) 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.

(5) 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.

### **19. Powers And Functions Of The Senate :-**

(1)The Senate shall be the supreme authority of the University and shall have the power to review the action 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 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 decided by the Chancellor and his decision shall be final.

(2) 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-thirds 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 professorships, readerships, lecturerships, 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 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 cancel any degree, diploma, title or any other distinction granted to any person in accordance with the provisions of the Statutes;

(k) to appoint Committees and to delegate to them such functions of the Senate as it may deem fit;

(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 recommend to the Government the recognition of any local area within the University area as a University Centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

## **20. 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-fifth 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) 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-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

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

## **21. 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, Higher Education or an officer not below the

rank of a Joint Secretary nominated by him.

(d) The Director of Public Instruction.

(e) The Director of Collegiate Education.]

(f) The Secretary to Government, Information Technology Department or an officer of the Information Technology Department not below the rank of a Joint Secretary, nominated by him.]

Other Members

(a) [Thirteen members] elected by the Senate from among themselves, of whom (i) seven 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 shall be Principals of first grade colleges, of whom one shall be the principal of a Government College, and (iii) four shall be teachers who are not Principals, of whom one shall be a University teacher and one shall be a teacher

of a Government College.

(b) One member elected by the Senate from among the members referred to -

(i) in item (15) under the heading "Ex-officio Members";

(ii) in item (12) under the heading "Elected Members"; and

(iii) in item (3) under the heading "Other Members"; in section 17.

(c) The members referred to in item (4) under the heading "Other Members" in section 17, nominated by Government]

## **22. 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 office 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 21 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 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 sub-section (1), a member of the Syndicate referred to in sub-item (ii) of item (a) under the heading "Other Members" in section 21, or referred to in sub-item (iii) of that item who is a teacher of a private college or a Government college, shall not cease to be such member merely on the ground that-

(a) he has 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.]

## **23. 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 hold, control and administer the properties and funds of the University;
- (v) to direct the form, custody and use of the common seal of the University;
- (vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;
- (vii) 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;
- (viii) to appoint teachers and other employees of the University and prescribe their duties;
- (ix) to create administrative, ministerial and other necessary posts;
- (x) 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;
- (xi) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;
- (xii) to award fellowships, scholarships, studentships, bursaries, medals and prizes;
- (xiii) to exercise supervision and control over the residence and discipline of students;
- (xiv) to consider to financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;
- (xv) to conduct University Examinations and approve and publish the results thereof;
- (xvi) to appoint members to the Boards of Studies;
- (xvii) to approve panel of examiners and to fix their remuneration;
- (xviii) to approve the appointment of teachers in private colleges;
- (xix) to delegate any of its powers to the Vice-Chancellor or to a

committee appointed from among its members;

(xx) 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 to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;

(xxi) to withhold or cancel the result of any candidate at any University examination;

(xxii) 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;

(xxiii) to exercise the powers of the University under clause (xxvii) of section 5;

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

### **23A. Special Power Of The Syndicate :-**

Notwithstanding anything contained in this Act, the Syndicate shall exercise all the powers and perform all the functions of the Senate except the power of review under sub-section (1) of section 19 till the reconstitution of the Senate]

### **24. The Academic Council :-**

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:-

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor;

(c) the Director of Public Instruction;

(d) the Director of Technical Education;

(e) the Director of Collegiate Education;

(f) the Director of Research and Studies;

- (g) the Director of Physical Education;
  - (h) the Deans of Faculties;
  - (i) the General Secretary of the University Union;
  - (j) all the Heads of University Departments of study and research, who are not Deans of Faculties;
  - (k) all members of the Syndicate who are not otherwise members of the Academic Council;
  - (l) five members (other than Deans of Faculties) of whom at least one shall be a principal of a Government professional college, elected by the principals of professional colleges from among themselves;
  - (m) seven members (other than Deans of Faculties) of whom at least one shall be a principal of a Government college, elected by the principals of first grade colleges, other than colleges of oriental languages, from among themselves;
  - (n) two members (other than Deans of Faculties) elected by the principals of junior colleges from among themselves;
  - (o) one principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Chancellor by rotation according to seniority;
  - (p) one member 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;
  - (q) one headmaster and one teacher of secondary school in the University area nominated by the Chancellor;
  - (r) one member representing each faculty, elected by the full-time post graduate students of the faculty from among themselves;
  - (s) five external experts to be nominated by the Chancellor.
- (4) Members of the Academic Council, other than the members specified in clauses (a) to (g) 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 a person who has become a member of the Academic Council in the capacity of a student shall cease to hold office on his ceasing to be a student.

## **25. 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 courses of studies in the institutions maintained by, or affiliated to, the University;
- (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 courses 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 courses of studies on the basis of merit, 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 proposals for research and advancement and dissemination of knowledge;
- (ix) to make proposals for the institution of professorships, readerships, lecturerships and other teaching and research posts required by the University;
- (x) to make proposals for the institution of fellowships, traveling fellowships, scholarships, studentships, medals and prizes;
- (xi) to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University;
- (xii) 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;
- (xiii) to arrange for the co-ordination of studies and teaching in affiliated colleges and recognized institutions;
- (xiv) 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.

## **26. 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) the Chairman 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;
- (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.

## **27. Deans Of Faculties :-**

- (1) There shall be a Dean of each faculty , who shall be nominated by the Chancellor in consultation with the Vice-Chancellor.]
- (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 two years and shall be eligible for [re-nomination.]

## **28. 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.

## **29. Students Council :-**

- (1) There shall be a Students Council in the University.
- (2) The Students Council shall consist of the following members, namely:-
- Ex-officio Members
- (a) The Vice-Chancellor who shall be the Chairman of the Council.
  - (b) The Chairman of the University Union.
  - (c) The General Secretary of the University Union.

- (d) The Director, National Cadet Corps.
- (e) The Officer-in-charge of the National Service Scheme in the University.
- (f) The Director of Physical Education.
- (g) The Director of Youth Affairs who shall be the Vice-Chairman of the Council.

#### 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 two 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 elected by the members of the Syndicate from among themselves.
- (e) One member elected by the members of the Academic Council from among themselves.

#### Other Members

Five students who have distinguished themselves in academic field sports or fine arts, nominated by the Vice-Chancellor after giving due consideration to the representation of special interest.

(3) A member nominated by the Vice-Chancellor in consultation with the Chairman of the University Union from among the elected Student members of the Council shall be the Secretary to the Council.

(4) The members of the Students 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.

### **30. Powers And Duties Of Students 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 pattern of instruction, 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 the 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 Chairman 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 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 were made.

### **31. 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 Chairman;

(b) the Pro-Vice-Chancellor, if any;

(c) one member elected by the members of the Senate from among themselves;

(d) one member elected by the members of the Syndicate from among themselves;

(e) one member elected by the members of the Academic Council from among themselves;

(f) the Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him;

(g) the Secretary to government, Higher Education or an officer not below the rank of Joint Secretary nominated by him.

(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.

### **32. 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.

### **33. 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 below twenty-five years of age; or

(b) is of unsound mind or a deaf-mute; or

(c) is an undischarged insolvent; or

(d) has been convicted by a court of law of an offence involving moral delinquency; or

(e) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination:

Provided that clause (a) shall not apply to a person elected or nominated in the capacity of a student to any of the said authorities:

Provided further that the disqualification of a person under clause (e) 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 Chancellor and his decision thereon shall be final.

## **CHAPTER 5**

### **STATUTES, ORDINANCES, REGULATIONS, RULES AND BYE-LAWS**

### **34. The Statutes :-**

Subject to the provisions of this Act, the Statute 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 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) conferment of honorary degrees;

(j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(k) all other matters which by this Act are to be, or may be, prescribed by Statutes.

### **35. 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 a 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 refer the Statute back to the Senate for further consideration or assent thereto or withhold his assent.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) 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.

(8) 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.

### **36. 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, by the University; .

(b) the residence and discipline of students;

(c) the work load 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; and

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

### **37. Procedure For Making Ordinances :-**

(1) All Ordinances made under this Act shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during its next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

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

(4) No Ordinance involving expenditure shall be valid or come into force until assented to by the Chancellor.

### **38. 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 Acts, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

### **39. 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.

### **40. 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.

#### **41. Publication In The Gazette :-**

All Statutes, Ordinances and Regulations made under this Act shall be published in the Gazette.

#### **CHAPTER 6**

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

#### **42. 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.

#### **43. 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, as soon as may be, 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 sub-section (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.

#### **44. 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 delinquency 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 of 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, he shall cease to be a member of such authority or body and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority or body may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

#### CHAPTER 7

#### FINANCE

### **45. 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 there under:

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 the State Bank of India or its subsidiaries upto 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 Government of India.

(4) The custody of the Kerala University Fund, the payment of

moneys therein, the withdrawal of moneys there from and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

#### **46. 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.

#### **47. 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 without alterations or with such alterations as it may think fit.

#### **48. 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.

#### **49. 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.

## **50. Audit Of Accounts Of The University :-**

(1) The Government shall appoint auditors to 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.

(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.

## **CHAPTER 8**

### **PRIVATE COLLEGES AND AFFILIATION OF COLLEGES**

## **51. 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;

## **52. Governing Body For Private College Under Unitary Management :-**

(1) A unitary management shall constitute in accordance with the provisions of the Statutes a governing body 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 chairman 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 chairman of the governing body.

(3) It shall be the duty of the governing body 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 body shall be taken at meetings on the basis of simple majority of the members present and voting.

## **53. Managing Council For Private Colleges Under Corporate :-**

management

(1) A corporate management shall constitute a managing 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 Chairman 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 Statutes, by the permanent members of the non-teaching staff of all the 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 chairman of the managing council.
- (3) It shall be the duty of the managing 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, bye-laws and orders made there under.
- (4) The decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

#### **54. 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, under its management within the University area.
- (2) The appointment or removal of the manager shall be intimated to the University by the unitary management or the corporate management, as the case may be.
- (3) It shall be the duty of the manager to give effect to the decisions of the unitary management or the corporate management, as the case may be.
- (4) The manager shall exercise such powers and discharge such duties as may be delegated to him by the unitary management or the corporate management, as the case may be.
- (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 sub-section (6) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

#### **55. Acts Or Proceedings Of Governing Body Or Managing Council Not To Be Invalidated :-**

No act or proceeding of a governing body or managing council shall be invalidated merely by reason of-

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

#### **56. Affiliation Of Colleges :-**

(1) An application for affiliation to the University of any college [or for affiliation in new courses in any affiliated college] shall be sent by the educational agency to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college or of affiliation in 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:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within

which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.]

(3) Without prejudice to the generality of the provisions of sub-section (2), Statutes may provide for the pattern of staff, scales of pay and terms and conditions of service of members of the staff and admission and selection of students for courses and examinations.

## **57. Appointment Of Teachers In Private Colleges :-**

(1) 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.]

(1A)] Appointments to the lowest grade of teacher in each department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointment of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.

(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum-fitness.

(4) Appointments to the posts, other than those referred to in [sub-section (1A)] and (2), shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, on the basis of seniority-cum-fitness, or, if none among them is fit for promotion, by direct recruitment.

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

(6) Notwithstanding anything contained in this Act, the Statutes, Ordinances and Regulations made thereunder,-

(a) a person appointed as teacher in a private college in a temporary vacancy on or after the 14th day of March, 1974 and continuing as such, shall be appointed as teacher in any permanent vacancy or any temporary vacancy of longer duration that may arise, after such appointment in the temporary vacancy, in the private college or, as the case may be, any of the private colleges



under the management of the educational agency within the University area;

(b) a teacher relieved from a private college on or after the 14th day of March, 1974 due to the abolition of a course of study in that private college or the cessation of the period for which he was appointed or for any other reason except disciplinary action against him, shall be given preference in the matter of , future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area;

(c) Any dispute arising or pending between the management of a private college and the teacher of that college, in respect of any matter coming under clause (a) or (b) shall be decided in accordance with the provisions of this Act and the Statutes made there under.

Explanation.- Where the number of claimants under clause (a) or clause (b) is more than the number of vacancies, the order of preference for appointment shall be in accordance with the date of first appointment of the claimants under the educational agency within the University area.]

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

(8) 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.

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

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

## **58. 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.

### **59. Probation :-**

(1) Teachers of private colleges shall be of 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-section (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 Appellate Tribunal and the provisions of section 60 shall, mutatis mutandis apply to such appeals.

## **60. 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) No teacher of a private college shall be kept under suspension by the educational agency except when disciplinary proceedings are initiated against him.

(3) When a teacher of a private 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 initiated under sub-section (2) shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor after hearing the parties concerned.

(5) Any person aggrieved by an order of the Vice-Chancellor under sub-section (4) may, within a period of thirty days from the date of receipt of order by him, appeal to the Appellate Tribunal.

(6) 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.

(7) 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 Appellate Tribunal has been constituted under this Act, whichever period expires later, appeal to the Appellate Tribunal and the Appellate 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 Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(8) Any order passed by the Appellate Tribunal under sub-section (7) may be executed through the Subordinate Judges Court having jurisdiction over the area in which the private college is situate as if it were a decree passed by that court.

(9) Any person who objects to an order passed by the Appellate Tribunal under sub-section (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 Appellate 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.

(12) Where the High Court passes any order under sub-section (11) the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

## **61. 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,-

(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.

## **62. 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.

## **63. 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.

## **64. Transfer Of Teachers To Other Universities :-**

(1) Where an educational agency has colleges under the jurisdiction of the Kerala University and also under the jurisdiction of the Calicut University, the educational agency shall within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers of who have opted to work under the jurisdiction of the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section, he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

#### **65. Constitution Of Appellate Tribunal :-**

(1) The Government shall constitute an Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall be a judicial officer not below the rank of District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of the 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 remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

#### **66. 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.

#### **67. Private Colleges To Comply With Provisions Of Chapter Within Six Months :-**

All private colleges existing in the University area immediately before the commencement of this Act and affiliated to the University shall, within a period of six months from such commencement, comply with the provisions of this Chapter.

#### **68. 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 body or managing 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 body or managing council, as the case may be, shall be given an opportunity of being heard.

Chapter : VIIIA - UN-AIDED COLLEGES
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### **69. Special Provisions In Respect Of Un-Aided Colleges :-**

Notwithstanding anything contained in this Act, or the Statutes, Ordinances, Regulations, rules, bye-laws or orders.-

(a) the scales of pay and other conditions of service of the teaching and non-teaching staff of un-aided colleges; and

(b) the admission and selection of and the fees payable by students in such colleges, shall be determined from time to time, by the Government on the basis of the recommendations of a Committee constituted by the Government consisting of -

(i) one of the Vice-Chancellors of the Universities in the State, nominated by the Government;

(ii) the Secretary to Government, Higher Education Department (who shall be the convenor of the Committee); and

(iii) the Director of Collegiate Education.]

#### CHAPTER 9

#### MISCELLANEOUS

### **70. 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.

## **71. 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 chairman 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 there under 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 recommendations 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.

## **72. 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.

## **73. 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 Appellate Tribunal for decision, and thereupon, the provisions of section 65 and the regulations made by the Tribunal under the said section shall mutatis mutandis apply to the decision of such disputes.

#### **74. 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.

#### **75. 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.

#### **76. Proceedings Of The Senate, Syndicate And Academic Council :-**

The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meeting.

#### **77. 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 to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require, and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

#### **78. 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.

#### **79. 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 there under.

#### **80. 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.

#### **80A. Duty Of Teachers, Etc., In Connection With University Examinations :-**

(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,-

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-

Chancellor, to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.- Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purpose of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,-

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate 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 deems fit.]

## **81. Section 81 :-**

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## **82. Transitory Provisions :-**

(1) Any officer or authority of the University of Kerala exercising any power or performing any duty under the Kerala University Act, 1969, 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 there under, 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 Vice-Chancellor appointed under the Kerala University Act, 1969 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) Notwithstanding anything contained in section 65, the Appellate Tribunal constituted under the Kerala University Act, 1969 and existing at the commencement of this Act shall, till the date on which the members thereof would have held office if this Act had not been passed, be deemed to have been constituted under this Act.

(3) 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.

(4) 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, 1969 and all liabilities legally subsisting against the said University, which have not passed on to the Calicut University on the basis of area-wise or purpose-wise division, shall pass to the University constituted under this Act.

### **83. 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.

### **84. Repeal :-**

The Kerala University Act, 1969 (9 of 1969), is hereby repealed.