

Mahatma Gandhi University Act, 1985

12 of 1985

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Mahatma Gandhi University Act, 1985

12 of 1985

An Act to establish and incorporate a University at Kottayam by the name [Mahatma Gandhi] University. WHEREAS it is considered necessary to establish a new teaching and affiliating University in the State to provide for the urgent development of higher education in the areas comprised in the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State; BE it enacted in the Thirty-sixth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

- (1) This Act may be called the [Mahatma Gandhi University Act] 1985.
- (2) It shall be deemed to have come into force on the 2nd day of October, 1983.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (1). "Academic council" means the Academic Council of the University;
- (2). "affiliated college" means 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 Senate;
- (4). "Appellate Tribunal" means the Appellate Tribunal constituted

under sub-section (1) of section 69;

(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). "junior college" means a college imparting instructions in Pre-Degree courses only;

(14). "non teaching staff of the University or a college means the employees of the University or that college, other than teachers;

(15). "prescribed" means prescribed by the Statutes, Ordinances, Regulations, rules or bye-laws made under this Act;

(16). "principal means the head of a college;

(17). "private college means a college maintained by an educational agency other than the Government or the University and affiliated to the University;

(18). [xxxxxxxxxxxxxxxxx]

(19). "Professional college" means a college in which instruction is given in any of the following subjects, namely:-

1. Engineering and Technology;
2. Allopathic Medicine and Para Medical Courses;
3. Dental Medicine;
4. Ayurvedic Medicine;
5. Homeopathic Medicine;
6. Law; and
7. Education;

(20). "Pro-Vice Chancellor" means the Pro-Vice Chancellor of the University;

(21). "recognized institution" means an institution for research or

special studies, other than an affiliated college, recognized as such by the University;

(22).[xxxxxxxxxxxxxxxxxxxxxxxxxxxx]

(23). "senate" means the Senate of the University;

(24). "State" means the State of Kerala;

(25). "Statutes", "ordinances", "Regulations", "bye-laws", and "rules" means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;

(26). "student" means a part-time or full time student receiving instruction or carrying on research in any of the colleges or recognized institutions;

(27). "Students Council" means the Students Council of the University;

(28). "Syndicate" means the Syndicate of the University;

(29). "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;

(30). "teacher of the University" means a person employed as teacher in any institution maintained by the University;

[" (30A) un-aided college means a private college which is not entitled to any financial assistance from the Government or the University;";]

(3 1). "University" means the [Mahatma Gandhi University] constituted under this Act;

(32)."University Area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;

(33)."University Fund" means the[Mahatma Gandhi University Fund] established under sub-section (1) of section 46;

(34). "Vice Chancellor" means the Vice-Chancellor of the University.

CHAPTER 2

THE UNIVERSITY

3. The University :-

(1) The Chancellor, [xxxxx] 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 corporated [by the name of the Mahatma Gandhi University.]

(2). The headquarters of the University shall be at Kottayam.

(3). 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 Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State

(2). 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 :-

Subject to the provisions of this Act, 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 or 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 maintain, 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 any 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---

1. a Students Advisory Bureau;

2. an employment Bureau;

3. a University Union for Students;

4. University Athletic Clubs;

5. the National Cadet Corps;

6. the National Service Corps

7. University Extension Boards;

8. Students Cultural and Debating Societies;

9. a Translation and Publication Bureau; and

10. 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 institutions recognized by the University;

(xxi). to define the powers and duties of the officers of the University other than those provided in this Act;

(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 affiliation of colleges;

(xxv). to institute professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships 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, or any other incorporated body; and

(xxviii). generally to do such other acts for carrying out the purposes of this Act.

6. University Open To All Classes And Creeds :-

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 recognise any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

CHAPTER 3

THE CHANCELLOR [xxxxx] 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 [xxxx] at any convocation of the University.

(3). All the authorities of the University shall be subordinate to the Chancellor.

(4). 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.

(5). 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.

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

(7). 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.

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

(9). The Chancellor shall, before passing any order on an appeal under sub-section (7) refer the matter for advice to a Tribunal appointed by him for the purpose.

(10). 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 misbehaviour:

Provided that such charges are provided 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.

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

8. Section 8 :-

[xxx]

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 Examination

[(ivA) The Deans of Faculties;]

(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 recommendation as hereinafter provided of a Committee appointed by him for the purpose (hereinafter referred to as the Committee).

(2). The Committee shall consist 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:

Provided that no person holding any office under the University shall be nominated as a member of the Committee.

(3). The Chancellor shall appoint one of the members of the Committee to be its convener.

(4). The Committee shall make its recommendation within [a period of five months of its appointment or within such further period not exceeding one month, as the Chancellor may specify in this behalf.]

(5). In case the Committee unanimously recommends the name of only one person, the Chancellor shall appoint that person to be the Vice Chancellor.

(6). In case the Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by the committee within the period [specified in or under sub-section (4)]

(7). In case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6), the Vice Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by a majority of the members of the Committee within the period [specified in or under sub-section (4)].

(8). Non-submission of a name under sub-section (7) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(9). [No person shall hold office of the Vice-Chancellor beyond the age of sixty-Five years]

(10). The Vice Chancellor shall [subject to sub-section (9)] hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment:

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

[(11) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be such as may be prescribed by the Statutes.]

(12) The Vice-Chancellor shall be the principal academic and executive officer of the University and all the Officers of the University shall be under his administrative control.

(13) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, [xxx] 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.

(14). 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.

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

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

(17). 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 taken 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 [and that authority may, after considering the action taken by the Vice-Chancellor is of the view that such action shall not have been taken by him, refer the matter to the Chancellor whose decision thereon shall be final.]

(18). 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.

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

(20). Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that 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.

(21). Any person nominated by the Vice-Chancellor under subsection (20) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(22). 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 proceedings which is not in conformity with such provisions.

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

(24). In the event of a temporary vacancy occurring in the office of the Vice chancellor, or where the Vice-Chancellor is temporarily absent, the Pro-Vice Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor [and the event of temporary vacancies occurring in the officers of the Vice-Chancellor and the Pro-Vice Chancellor or where the Vice-Chancellor and the Pro-Vice-Chancellor are temporarily absent the seniormost professor in the University shall exercise the powers and perform the duties of the Vice chancellor]

(25). 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 [from among a panel of names submitted to him by the Vice-Chancellor]

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

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

[(4) The appointment of the Pro-Vice-Chancellor shall be coterminus with that of the Vice-Chancellor.]

(5) [The salary and the other conditions of service of the Pro-Vice Chancellor shall be such as may be prescribed by the Statutes.]

(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 Vice-Chancellor.]

12. The Registrar :-

(1) [the Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a selection committee appointed by the Syndicate consisting of three members headed by the Vice-Chancellor, as the Registrar of the University for such period and on such terms as may be prescribed by the Statutes]

(2). The Registrar shall be a whole time salaried officer of the University and 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 Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a selection committee appointed by the Syndicate, consisting of three members headed by the Vice Chancellor, as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes].

(2). The Controller of Examinations shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

14. The Finance Officer :-

(1) [The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished to the Government by a section committee appointed by the Syndicate, consisting of three members headed by the Vice-Chancellor, as the Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes]

(2). The Finance Officer shall be a whole time salaried Officer of the University and 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.

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 Board of Studies
- (vi). the Students council.
- (vii). the Finance Committee;
- (viii). the Planning Board; and
- (ix). 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). * [*****]
- (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 an officer not below the rank of Joint Secretary to Government, General Education Department to be nominated by the Government.
- (9). The Secretary to Government or an officer not below the rank of Joint 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 a Joint Secretary, nominated by him."]
- (10). The Director of Technical Education
- (11). The Director of Medical Education
- (12). The Chairman, State Advisory Board of Education.
- (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). Eleven 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.

(2).[*****.]

(3). Six members elected by the members of the Legislative Assembly of Kerala from among the members representing the 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). Three 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). Three members elected by the Mayors of Municipal Corporations, the Chairman of municipalities and the Presidents of Panchayats within the University area from among themselves, of whom one shall be the Mayor of a Municipal Corporation or the Chairman of a municipality.

(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). Three members elected by the managers of the private colleges in the University area from among themselves.

(12). Fifteen 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, five shall

be lady students, one shall be a member of a Scheduled Caste and one shall be a member of a Scheduled Tribe.

Other Member

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

(2). Not more than eleven members nominated by the Chancellor representing: (i) recognized research institution; (ii) recognized cultural associations; (iii) chambers of commerce; (iv) industries; (v) authors; (vi) journalists; (vii) lawyers; (viii) sports and games; (ix) linguistic minorities; (x) artists; and (xi) Anglo-Indians.

(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 members 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 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 (12) under the heading "Elected Members" in section 17 or of 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.

Explanation.-For the removal of doubts it is hereby clarified that a member referred to in the preceding proviso shall not cease to be such member solely on the ground that he has ceased to be a student within the period of one year specified in that proviso.

(4). 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,

(5). 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.

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

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

19. Powers And Function Of The Senate :-

[Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely:-

(a). to review, from time to time, the broad policies and programmes of the University;

- (b). to suggest measures for the improvement and development of the University;
- (d). to consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts; and
- (e). to advise the Chancellor in respect of any matter which may be referred to it for advice].

20. Meetings 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:
[xxxxxxxxxxxx]
- (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 Department or an officer not below the rank of joint Secretary nominated by him.
- [(d) The Secretary to Government, Finance Department or an Officer not below the rank of Joint Secretary nominated by him.]
- [(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) Two eminent Educationists or Scientists nominated by the Government.]

[(b) Three Deans of Faculties nominated by the Chancellor, by rotation.]

[(c) Two principals of colleges affiliated to the University nominated by the Government.]

[(d) Three teachers of colleges nominated by the Government of whom one shall be a member of a Scheduled Caste or a Scheduled Tribe]

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

Provided that no person [nominated] 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 [body] or the holder of that office:

[xxxxxxxxxx]

Provided [further] that a member other than ex-officio member shall, notwithstanding the expiration of his term, continue to hold office until his successor is [nominated]:

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

[(2) Notwithstanding anything contained in the first proviso to subsection (1), a member of the Syndicate referred to in item (c) or in item (d) under the heading "Other Members" in section 21 shall not cease to be such member merely on the ground that---].

1. he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or
2. the college of which he is the principal or in which he is a teacher has been transferred to another University; or
3. 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 [statutes and ordinances] and to amend or repeal the same;
- (iii). [xxxxxx]
- (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;
- (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: Provided that no post shall be created by the Syndicate without prior approval of the Government if creation of such post involves expenditure in excess of the budgetary provision.
[xxxxxxxxxx]
- (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 institute and award fellowships, scholarships, studentships, bursaries, medals and prizes and to organize exhibitions,]
- (xiii) to maintain, supervise and control the residence and discipline of students;
- (xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;
- (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 meeting;

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

[(xxiv) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;]

(xxv) to cancel or amend by a majority of the total membership of the Syndicate and by a majority of not less than two-thirds of the members present and voting, any Regulation passed by the Academic Council:

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

(xxvi) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary:

Provided that no professorship, readership, lecturership or other teaching or research post shall be instituted by the Syndicate without the previous approval of the Government if it involves expenditure in excess of the budgetary provision;

(xxvii) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University:

(xxviii) to regulate, with the previous concurrence of the Government the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff of private colleges;

(xxix). to prepare the budget according to the provisions of the Statutes;

(xxx). to cancel any degree, diploma, title or any other distinction granted to any person, in accordance with the provisions of the

Statutes;

(xxxi). to appoint committees and to delegate to them such functions as it may deem fit;

(xxxii). to make Statutes regulating the method of election to the authorities of the University, the procedure of the meeting of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate:

(xxxiii). to recommend to the Government the recognition of any local area within the University area as a University center;

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

(xxxv). 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].

24. The Academic Council :-

(1) The Academic Council shall be the academic body of the University..

(2). The Academic council shall, subject to the provisions of this Act and the Statutes, control and regulate, 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 Director of Medical Education;

(i). the Deans of Faculties;

(j). [xxxxx]

(k). all the Heads of University Departments of Study and Research who are not Deans of Faculties;

(l). all members of the Syndicate who are not otherwise members of the Academic Council;

(m). five members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government professional college [nominated by the Government from the principals of professional colleges, by rotation according to seniority;]

(n). seven members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government college, [nominated by the Government from the principals of first grade colleges other than colleges of oriental languages, by rotation according to seniority;]

(o). (o) two members (other than Deans of Faculties) nominated by the Government from the principals of junior colleges, by rotation according to seniority;]

(p). one Principal of a college of oriental languages, not being a Dean of faculty, nominated by the [Government] by rotation according to seniority;

[(q) one member each of every subject to study [not being a Dean of Faculty or head of University Department or Principal) nominated by the Government by rotation according to seniority;]

(r). one headmaster and one teacher of a secondary school in a the Universityarea nominated by the [Government;]

(s). one member representing each faculty, elected by the full time post graduate students, of the faculty from among themselves;

(t). seven external experts to be nominated by the [Government] of whom two shall be experts in commerce, business management or industrial technology.

(4). Members of the Academic Council, other than the members specified in clauses (a) to (h) 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:

Provided further that a person who has become a member of the Academic council in the capacity of a post-graduate student shall cease to hold office on his ceasing to be a post-graduate 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 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, scholarship; 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 to 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 from each Board of Studies nominated by the Syndicate, who are teachers of the University and of the colleges or institutions by rotation

(c) [not less than five and not more than ten members nominated by the Syndicate from among teachers, by rotation;]

(d). two members, to be nominated by the Syndicate who are from outside the University on the basis of their expert knowledge.]

(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-section (3) shall hold office for a period of three years from the date of their nomination [xxxxxx]

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 by rotation from among the Heads of University Departments or Professors.

["(1A) Notwithstanding anything contained in sub-section (1), where a University Department has not been started under a faculty, the Dean of such faculty shall be nominated by the Chancellor in consultation with the Vice Chancellor, from among the Heads of Departments are Professors of other Universities in the State or affiliated Government Colleges for professional courses, in the University area.";]

(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 renomination.

28. Boards Of Studies :-

(1) There shall be a Board of Studies attached to each Department of Study in the University;

[(A) Each Board of Studies shall consist of---

- (a). the Head of the Department as its Chairman;
- (b). such number of members as may be prescribed by the Statutes, nominated by the Chancellor from among the teachers of the University and of the Colleges, by rotation
- (c). such number of members as may be prescribed by the Statutes, nominated by the Chancellor from among persons who are experts in the field of education.]

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

(2) The [xxxxx] powers of the Boards of Studies shall be prescribed by the Statutes.

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

28A. Dean Of Students :-

(1) There shall be a Dean of students who shall be nominated by the Chancellor in consultation with the Vice Chancellor from among the students.

(2). The Dean of students shall hold office for a period of two years from the date of nomination and shall be eligible for renomination.

(3). The Dean of students shall have such functions as may be prescribed by the Statutes.]

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) A senior member from among the Faculties nominated by the 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.

[(h) The Dean of students.]

Elected Members

(a). Fifteen 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 five shall be

women and two shall be members of a Scheduled Caste or a Scheduled Tribe.

(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 interests.

(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 centers, 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 Chairman of the Students Council shall cause to be laid before the Syndicate] 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, the action taken thereon by the authorities to which such recommendations and suggestions were made, and if no action was taken by the authorities to which such recommendations and suggestions were made, the reason thereof.

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) three members elected by the members of the Syndicate from among themselves of whom two shall be Deans of Faculties.]

(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 Department 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. Planning Board :-

(1) There shall be a Planning Board which shall be the principal planning body of the University to advise the Syndicate and the academic council on any matter which the board considers necessary for the fulfillment of the objectives of the University.

(2).The Planning Board shall consist of the following members, namely:

- (a). the Vice-Chancellor who shall be the Chairman;
- (b). three heads of University departments to be nominated by the Vice-Chancellor;
- (c). One expert to be nominated by the Chancellor;
- (d). two members to be nominated by the University Grants Commission;
- (e). the Secretary to Government, Higher Education Department or an Officer not below the rank of Joint Secretary to Government nominated by him;
- (f). the member, State Planning Board in charge of Education;
- (g). the Registrar of the University;
- (h). the Finance Officer of the University who shall be the Secretary of the Board.

(2). The members of the Planning Board mentioned in clauses (b) and (c) of sub section (2), shall hold office for a period of four years from the date of their nomination.

(3). The powers and functions of the Planning Board shall be prescribed by the Statutes.

33. Other Authorities Of University :-

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

34. 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 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 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

35. The Statutes :-

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

(a). the powers and duties of the officers of the University, not specifically provided for in this Act;

(b). the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;

(c). the procedure for election of members of the Senate, [xxxxxxx] 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;

[(cc). the procedure for selection and method of appointment, conditions of service, powers and duties of teachers of the University and non-teaching staff.]

(d). the award of degrees, diplomas, titles, certificates, and other academic distinctions by the University;

(e). the withdrawal of cancellation of degrees, diplomas, titles, certificates and other academic distinctions;

(f). the maintenance of a register of registered graduates;

(g). the holding of convocations to confer degrees;

(h). the conditions and procedure for affiliation of colleges;

(i). the conferment of honorary degrees;

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

[(k) the procedure for disciplinary action against the employees and the manner of termination of service of such employees;]

(l) the procedure for arbitration in case of dispute between

- employees or students of the University;
- (m). the procedure for appeal to the Syndicate by any employee or student against the action of any officer or authority of the University;
- (n). the constitution of grievance committee for the employees and students and the terms of reference to be made to it by them;
- (o). the principles governing seniority of service of employees;
- (p). the participation of the students and research scholars in the affairs of the University;
- (q). the establishment and abolition of Faculties, Department, hostel etc.;
- (r). the delegation of powers vested in the various authorities and officers of the University;
- (s). the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (t). all other matters which by this Act are to be or may be, prescribed by Statutes.

36. Procedure For Making Statutes :-

- (1) The [Syndicate] 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 Syndicate shall obtain and consider the opinion of the Academic Council, where necessary on academic matter.]
- (2). The [Academic Council] may propose to the [Syndicate] the draft of any Statute for consideration and such draft shall be considered by the [syndicate] at its next meeting.
- (3). The [Syndicate] may approve the draft of a Statute proposed by the [Academic Council] and pass the Statute or may reject it or return it to the [Academic Council] for reconsideration, either in whole or in part, together with amendments which the [Syndicate] may suggest.
- (4) After any draft returned by the [Syndicate] under sub-section (3) has been further considered by the [Academic Council] together with any amendment suggested by the [Syndicate] it shall be again presented to the Syndicate with the report of the Academic Council thereon, and the [Syndicate] may then deal with the draft in any manner it thinks fit.
- (5) Where any Statute has been passed by the [Syndicate], it shall be submitted to the Chancellor who may refer the Statute back of

the [Syndicate] for further consideration or assent thereto or withhold his assent:

Provided that a Statute or amendment to a Statute passed by the [Syndicate] which involves expenditure from the University. Fund shall be submitted to the Government who shall forward the same to the Chancellor with their views thereon.

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

(7) The [Academic Council] 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 s[Syndicate.]

(8). No Statue providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the [Syndicate] without the previous approval of the Government.

37. 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 workload and pattern of teaching staff in colleges

(d). the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University:

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

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

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

38. Procedure For Making Ordinances :-

(1) All Ordinances made under this Act shall have effect from such date as the Syndicate may direct.

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

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

(5) No Ordinance or amendment to any Ordinance including repeal of an Ordinance which involves expenditure shall be valid or come into force unless assented by the Chancellor.

39. Regulations :-

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

1. the courses of studies and the conduct of examinations;
2. the admission of students to the various courses of study and to the examinations;
3. the qualifications of teachers;
4. the appointment and prescription of duties of the Boards of Studies and Examiners;
5. recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and
6. all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

40. Procedure For Making Regulations :-

(1) All Regulations 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 Syndicate during its next succeeding meeting:]

Provided that no such Regulation or repeal of a Regulation which involves expenditure shall be made by the Academic Council without the prior approval of the Government.

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

41. Rules, Bye-Laws And Orders :-

(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Act, the Statutes, the Ordinance 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 meeting of any authority of the University other than the Senate.

[Provided that such rules, bye-laws or orders, which involve expenditure, shall be made only with the prior approval of the Government.]

42. 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 AND [xxxxxx] THE OTHER BODIES OF THE UNIVERSITY, FILLING UP OF VACANCIES AND RESIGNATION, REMOVAL ETC., OF MEMBERS OF AUTHORITIES AND BODIES

43. Election Of Members To The [Xxxx] Senate And Other Bodies Of The University :-

The election of members to the Senate, and [xx] 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 election shall be by secret ballot.

44. Filling Up Of Vacancies :-

(1) All vacancies among the members (other than ex officio members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled within a period not exceeding six months, by the person or authority who or which appointed, elected, or nominated the member whose place has become vacant..

(2). Any person appointed, elected or nominated under sub-section (1) shall hold office as members 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.

45. 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 and the resignation shall take effect on the date of receipt of the letter by the Registrar.

(2). The [Vice Chancellor] 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. [xxxxxx]

[(3) The Vice Chancellor may, on the recommendations of the Syndicate] 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 applies to be adjudicated or has been adjudicated an insolvent.

(3). 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

46. University Fund :-

(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall

form one consolidated fund styled [The Mahatma Gandhi University Fund] and shall be employed for the purposes and in the manner laid down in this Act and in the Statutes, Ordinances, rules, bye-laws and orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2). All moneys in the [Mahatma Gandhi] University Fund shall be lodged in the Government Treasury or with the approval of the Government in 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 Gandhiji University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(4). The custody of the [Mahatma Gandhi] University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

47. 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.

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

48. 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 date as may be prescribed by the Statutes and forward the same together with a memorandum conveying explanatory notes thereon to the [Chancellor] for consideration.

[(2) The Chancellor shall consider the financial estimates and shall approve it either without alterations or with such alterations as he may deem fit.]

49. Funds Earmarked For A Purpose Not To Be Diverted Without Prior Approval Of Government :-

The University shall not,--

(a). without the prior approval of the Government,--

(i). divert funds earmarked for a purpose for any other purpose; or

- (ii) implement any scheme which involves any matching contribution from the State Government; or
- (b). implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

50. 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 [and the Chancellor.]
- (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.

51. 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 [and the Chancellor].
- (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.

52. Audit Of Accounts Of The University :-

- (1) The Government shall appoint auditors of 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 sent a report to the University and a duplicate copy thereof to the Government.

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

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

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

(8). On consideration of a report of the auditors under this section the Government may, if they consider it necessary so to do, direct the University to comply with the provisions of sub-section (7) within such period as may be specified in the direction and the University shall comply with such direction.

CHAPTER 8

PRIVATE COLLEGES AND AFFILIATION OF COLLEGES

53. 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.

54. 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 manager of the private college;

- (b). the principal 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;
 - [(dd) two persons nominated from permanent teachers by the University by rotation, of whom, one shall be from those having ten years of service or more and the other shall be from those having less than ten years of service;]
 - (h) not more than six persons nominated by the unitary management.
- (2). The manager of the private college shall be the Chairman [and the Principal shall be the Secretary] of the governing body.
- (3). It shall be the duty of the governing body to advise the university 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 thereunder.
- (4). The decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

55. 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). the manager of the private colleges;
 - (b). one principal by rotation in such manner as may be prescribed by the Statutes;
 - (c). a person nominated by the University in accordance with provisions in that behalf contained in the Statutes;
 - (d). a person nominated by the Government;
 - [(dd) two persons nominated from permanent teachers by the University, by rotation, of whom one shall be from those having ten years of service or more and the other shall be from those having less than ten years service;]
 - [xxxxxxx]
 - (h) not more than fifteen persons nominated by the corporate management.
- (2) the manager of the private colleges shall be 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 thereunder.

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

56. Manager :-

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). The manager shall furnish to the Director of Collegiate Education audited accounts of the grants given by the Government to the private college or all the private colleges, as the case may be, of which he is the manager, within such time as may be specified by the Director of Collegiate Education in that behalf.

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

(7). If the manager of a private college is guilty of mismanagement, malpractice, corruption or maladministration, 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.

(8). Failure on the part of the manager to furnish accounts to the Director of Collegiate Education as required by sub-section (5) within the specified date or within such further time as may be

allowed by the Director of Collegiate Education shall be sufficient cause for taking steps for the withdrawal of the grant to the private college or private colleges, as the case may be.

(9) 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 or the continuance in office of the person declared unfit under sub-section (7) shall be deemed to be sufficient cause for the withdrawal of the aid, grant or affiliation of the private college by the University or the Government, as the case may be.

57. 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 not opposed to the fundamental principles of law; 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.

58. 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.

[Provided further that where an application for affiliation in a new

course in an affiliated college could not be considered by the Syndicate within the time prescribed by the Statutes on the ground that the application was not sent by the Educational Agency in time and that the period could not also be extended under the preceding proviso; the Chancellor may, in public interest, by notification in the Gazette, direct that the Syndicate shall consider the application within such period as may be specified in the notification not exceeding one year from the date of commencement of the University Laws (Amendment) Act, 1989.]

(3). Without prejudice to the generality of the provisions of sub-section (2), such 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.

59. 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."]

["(1 A) 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) Appointments 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-sections (1 A)] 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). The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(7). Every appointment under this section shall be made by a

written order of the Manager in such form as may be prescribed by Statutes communicated to the person to be appointed, with copy to the University.

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

(9). Any person aggrieved by any appointment under this section may appeal to the appellate Tribunal.]

60. 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 judgement, 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 of the University of Kerala under the Kerala University Act, 1974 (17 of 1974), 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.

61. Probation :-

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

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

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

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

(3). The educational agency may, at any time before the prescribed

period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

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

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

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

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

(8). A probationer who is discharged or reverted under sub-section (6) or who is discharged or reverted before the prescribed period of 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 63 shall, *mutatis mutandis* apply to such appeals.

62. 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) 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) of (b), shall, be decided in accordance with the provisions of this Act and the Statutes made thereunder.]

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.]

63. Disciplinary Powers Of Educational Agency Over Teachers Of Private Colleges :-

(1) The Educational Agency may at any time place a teacher of a Private College under suspension when any disciplinary proceedings is proposed to be taken against him or when such disciplinary proceedings are pending.

(2). A teacher of a Private College who is detained in custody whether on a criminal charge or otherwise for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the Educational Agency and shall remain under suspension until further orders.

(3). When a teacher of a private college is suspended for a period exceeding fifteen days, the matter together with the reasons for the suspension, shall be reported to the Vice Chancellor.

(4). Any disciplinary proceedings against a teacher of a private college by the educational agency shall be completed within a

period of three months or within such further period as may be allowed by the Vice Chancellor.

(5). No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(6). Any teacher aggrieved by an order imposing on him any of the following penalties, namely:-

(a). withholding of increment;

(b). recovery from pay of any pecuniary loss caused to the institution or the monetary value equivalent to the amount of increment order to be withheld;

(c). reduction to a lower rank in the seniority list or to a lower grade or post; and

[(cc) removal from service;]

[ccc) compulsory retirement from service.]

(d). dismissal from service.

may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal on any one or more of the following grounds, namely:-

(j). that there is want of good faith in passing the order;

(ii). that the order is intended to victimize the appellant;

(iii). that in passing the order, the educational agency has been guilty of a basic error or violation of the principles of natural justice;

(iv). that the order is not based on any material or is perverse:

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

7. On receipt of an appeal under sub-section (6), the 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.

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 provision of section 5 of the Limitation Act, 1963 (Central Act 36 of 1973), shall be applicable to any proceedings under sub-section (9).

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

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.

64. Disciplinary Powers Of Government Over Teachers Of Private Colleges :-

(1) Notwithstanding anything contained in this Act or in the Statutes, Ordinances or Regulations and subject to such rules as may be made by Government in this behalf, the Government or such officer not below the rank of Deputy Director of Collegiate Education, as may be authorized by the Government in this behalf, shall have power to take disciplinary proceedings against a teacher of a private college and to impose upon him all or any of the penalties specified by or under this Act:

Provided that before exercising the powers under this sub section, the Government or the authorized Officer, as the case may be, shall intimate the manager regarding the circumstances requiring disciplinary action against the teacher concerned and give the manager a reasonable opportunity of taking disciplinary action and the Government or the authorized Officer, as the case may be, shall take disciplinary action against the teacher only if the manager fails to take appropriate disciplinary action.

(2). The Government or the officer authorized under sub-section (1), as the case may be, may suspend a teacher of a private college when any disciplinary proceedings is proposed to be taken against him under that sub-section or when such disciplinary proceedings are pending.

65. Past Disputes Relating To Service Conditions Of Teachers :-

Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgment decree or order of any court or other authority any dispute between the management of a private college and any teacher of that college relating to the

conditions of service of such teacher pending at the commencement of this Act shall be decided under and in accordance with the provisions of this Act and the Statutes made thereunder.

66. Membership Of Local Authorities, Etc :-

A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

67. Non-Teaching Staff Of Private Colleges :-

(1) The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

(2). Subject to the provisions of sub-section (1), the method of appointment, pay and other conditions of service of the non-teaching staff of private colleges shall be such as may be prescribed by the Statutes.

68. Transfer Of Teachers To Other Universities :-

(1) Where an educational agency has colleges under the jurisdiction of the [Mahatma Gandhi University] and also under the jurisdiction of the Kerala University or 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 who have opted to work under the jurisdiction of the [Mahatma Gandhi University] or 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.

69. 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 a 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 this Act with the previous sanction of the Government for regulating its procedure and disposal of its business.

(5). The regulations so made shall be published in the Gazette

(6). The remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

70. 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.

71. 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.

(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 orders, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

72. Section 72 :-

73. Code Of Conduct For Teachers Of Affiliated Colleges :-

(1) The Government shall, in consultation with the University and the representative of the teachers, frame a Code of Conduct to be observed by the teachers of Government and private colleges.

(2). Any teacher of a Government or private college who contravenes any of the provisions of the Code of Conduct shall be liable for disciplinary action which may involve the imposition of a major penalty.

73A. 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 Government;

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

(iii) the Director of Collegiate Education".]

74. Inspection :-

(1) The University may, at regular intervals as it deems necessary, and shall once in every five years, cause an inspection to be made by such person or machinery, as may be prescribed by the Statutes, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of other institutions

maintained, recognized or approved by, or affiliated to, the University, and also of the work conducted by the University and also cause an enquiry to be made in respect of any matter connected with the University.

(2). A report of the inspection made under sub-section (1) shall be placed before the Syndicate for such action as may be necessary.

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

75. 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 the 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 final position of the University including the financial position of its colleges and departments;

(iii). any change to be made in the provisions of this Act or the Statutes, Ordinances, Rules and Bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv). such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

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

(4). Immediately after the [Syndicate] has considered the report and 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.

(5). The [Syndicate] shall be responsible for carrying into any orders passed by the Government under sub-section (4) within six months.

76. Section 76 :-

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77. 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 makes any modification in the rule or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

78. Reservation Of Appointments :-

In making appointments by direct recruitment to posts in any class or category under the University or to posts of non-teaching staff in the University, the University shall mutates mutandis observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

79. Section 79 :-

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80. 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 sub-sections (7), (8), (9), (10), (11) and (12) of section 63 and the regulations made by the Tribunal under section 69 shall mutates mutandis apply to the decision of such dispute.

81. 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.

82. 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.

83. Proceeding 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 meetings.

84. Dispute As To 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.

85. Report On Affiliated Colleges :-

The Vice-Chancellor shall, at the end of every three years from the commencement of this Act submit a report to the Government on the conditions of affiliated colleges.

86. 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 done or purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

87. 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.

88. 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 he 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 authorized 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 purposes 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 authorized under clause (a) of 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.

89. Punishment For Irregularities By Teachers At Examinations :-

Any teacher of an affiliated college or a teacher of the University who--

(a). connives with, or assists, any candidate at an examination conducted by the University to do any malpractice at such examination; or

(b). delays the valuation and return of answer books of candidates at any such examination which have been given to him for valuation;

shall without prejudice to any other action that may be taken against him be liable for disciplinary action.

90. Section 90 :-

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91. Appointment Of First Vice-Chancellor :-

Notwithstanding anything to the contrary contained in section 10, the Chancellor shall appoint such person as he thinks fit to be the first Vice-Chancellor of the University for a period not exceeding three years.

92. Appointment Of Registrar, Controller Of Examinations And Finance Officer During Initial Period Of Two Years :-

Notwithstanding anything contained in section 12, 13 and 14, for a period of two years from the commencement of this Act, the Registrar, the Controller of Examinations and the Finance Officer shall be appointed by the Chancellor for the said period, on a salary to be fixed by him and on such other conditions as he thinks fit: Provided that the power under this section shall not be exercised by the Chancellor after nomination of the Syndicate under section 94.

93. Appointment Of The First University Staff :-

Notwithstanding anything contained in this Act, the Chancellor shall have power to appoint such officers and servants of the University as may be necessary for ensuring the working of the University.

94. Nomination Of First University Authorities :-

Notwithstanding anything contained in this Act, the first of all authorities of the University shall be nominated by the Chancellor for a period of [forty eight months] from the date of nomination or till the constitution of those authorities in accordance with the provisions of this Act, whichever is earlier.

95. Colleges And Other Institutions Within The Jurisdiction Of The University :-

(1) All colleges and other educational institutions within the areas to which the jurisdiction of the University extends, which immediately before the commencement of this Act were recognized by, or were affiliated to the University of Kerala as institutions providing courses of study for admission to examinations of that University for degrees, diplomas and other

academic distinctions shall be deemed to be institutions recognized by, or affiliated to, the [Mahatma Gandhi University] under this Act and the provisions of this Act shall apply accordingly.

(2). Any student of any college within the area referred to in sub-section (1) and affiliated to the University of Kerala immediately before the commencement of this Act shall be permitted to complete his course under the University of Kerala, and the [Mahatma Gandhi University] shall provide for the instruction of such students in accordance with the course of study in the University of Kerala and shall comply with such directions as may be given to it by the University of Kerala in respect of those students.

96. Transfer Of Service Of Certain Employees From The University Of Kerala To The [Mahatma Gandhi University] :-

(1) Any person in the employment of the University of Kerala may subject to such conditions and restrictions as may be specified by the Government in this behalf, opt to serve in connection with the affairs of the [Mahatma Gandhi University] .

(2) As soon as may be after the date of the commencement of this Act, the Government may, after consulting the Vice-Chancellors of the University of Kerala and the [Mahatma Gandhi University] direct, by general or special order, that such of the employees of the University of Kerala as are specified in such order shall stand allotted to serve in connection with the affairs of the [Mahatma Gandhi University] with effect from such date as may be specified in such order.

(3). In making an order under sub-section (2), the persons who have opted under sub-section (1) to serve in connection with the affairs of the [Mahatma Gandhi University] shall be given preference.

(4). With effect from the date specified in an order under sub section (2) the persons specified in such order and allotted to serve in connection with [Mahatma Gandhi University] shall become employees of the [Mahatma Gandhi University] and shall cease to be employees of the University of Kerala.

(5). Every person who becomes an employee of the [Mahatma Gandhi University] under sub-section (4) shall, hold office under that University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity, if any, and other matters as he

would have held the same on the date specified in the order under sub-section (2), as if this Act had not been passed.

(6). The liability to pay pension and gratuity to the persons referred to in sub-section (2) shall be the liability of the Gandhiji University.

96A. Section 96A :-

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97. Transfer Of Accumulation In Provident Fund And Other Like Funds :-

(1) The sums to the credit of the provident fund accounts of the persons referred to in sub-section (2) of section 96 as on the date specified in the order under that sub-section shall be transferred to the Gandhiji University, and the liability in respect of the said provident fund accounts shall be the liability of the Gandhiji University.

(2) There shall be paid to the [Mahatma Gandhi University] out of the accumulation in the superannuation fund and other like funds, if any, of the University of Kerala such amounts as have been credited to the superannuation fund and other like funds, if any, on behalf of the persons referred to in sub-section (2) of section 96.

The amounts paid under sub-section (2) shall form part of the superannuation fund or other like funds, if any, that may be established by the [Mahatma Gandhi University] for the benefit of its employees.

98. Appointment Of Funds And Assets Of The University Of Kerala :-

A Committee consisting of the Vice-Chancellor of the University of Kerala, the Vice-Chancellor of the [Mahatma Gandhi University] and the Secretary to the Government of Kerala, Finance Department, shall examine the question of transfer of funds and assets, other than those referred to in sub-section (3) of section 99 from the University of Kerala to the [Mahatma Gandhi University] and shall recommend to the Government the action to be taken in the matter, and the decision of the Government on such recommendation shall be final.

99. Act 17 Of 1974 Not To Apply :-

- (1) Subject to the provisions of this section, the Kerala University Act, 1974 (17 of 1974), shall, with effect from the date of the commencement of this Act cease to apply in respect of the areas to which the jurisdiction of the [Mahatma Gandhi University] extends.
- (2). Notwithstanding anything contained in sub-section (1), all Statutes and Ordinances made under the Kerala University Act 1974 (17 of 1974) and in force on the date of 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 in respect of the areas referred to in sub-section (1) until they are replaced by the Statutes and Ordinances to be made under this Act.
- (3). All property, whether movable or immovable, including lands, buildings, equipments, books and library and all rights of whatever kind owned by or vested in or held in trust immediately before the date of the commencement of this Act by the University of Kerala at the University Study Centres at Palai, Kottayam and Changanacherry as well as all liabilities legally subsisting against the University of Kerala at these centers shall stand transferred to and vest in the [Mahatma Gandhi University.]
- (4). Nothing in this section shall be held to prejudice or affect the application of sections 4 and 23 of the Interpretation and General Clauses Act, 1125 (VII of 1125).

100. First Statutes And Ordinances :-

- (1) [Notwithstanding anything contained in this Act, the first Statutes and the first Ordinances of the University shall be made by Government in consultation with the University Grants Commission, within a period of one year from the date of commencement of the Mahatma Gandhi University (Amendment) Act, 1988.]
- (2). Every first Statute and every first Ordinance made under this section shall be laid as soon as it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the first Statute or the first Ordinance, as the case may be or decides that the first Statute or as the case may be; the first Ordinance should not be made, the First Statute or the first Ordinance as the case may be shall there upon have effect only in such modified form or be of no effect, as the case may be; so however that no such modification or annulment shall

be without prejudice to the validity of anything previously done under the first Statute or the first Ordinance.

101. Removal Of Difficulties :-

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

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

102. Repeal And Saving :-

(1) The Gandhiji University Ordinance, 1984 (92 of 1984), is hereby repealed

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.