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 5 core values m ญo®a, Social Inclusiveness (Inclusive Education), Equity and Excellence, Scientific temper, and secular outlook ↔m? 3






 (Kerala Institutional Ranking Framework)




 Institutional Ranking Framework) - (KIRF)











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## II. Ease of doing Education




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- Study of Indigeneous Languages of Kerala (SILK)

5) Institute of Climate Change Studies - Climate Change Mitigation 毋muగిరిఱలen






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6）Kerala Network for Research Support in Higher Education（KNRSHE）$\quad \infty \quad \infty$



7）Board of Self Sustaining institutions in Higher Educations（BSSIHE）毋ைm mlळ（rom





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## UNIVERSITY LAW REFORMS AT A GLANCE

## 1. Objects of the University

In the Kerala University Act and other University Acts which did not contain an enumeration of the objects, they were included. The responsibility of the University to create, preserve and disseminate knowledge was specifically stated. The duty of the University to promote freedom, secularism, equality and social justice was emphasized. A significant addition to the objects is the specific duty of the University to promote the use of Malayalam as medium of instruction especially in professional and technical education. It is relevant to note that the AICTE and Bar Council of India have accepted the role of mother tongue in professional and technical education and recommended that mother tongue be introduced as medium of instruction.

## 2. Territorial limits

It was specifically stated that territorial limits of each University mentioned in the relevant Act shall be only for the purpose of granting affiliation to colleges.

A new provision enabling Universities to establish study centres at such other places within and outside the state and also abroad with the prior approval of the senate and of the concerned Governments has been incorporated.

## 3. Autonomous Colleges

The power of the University to declare by notification conferment or extension of autonomous status to a college has been specifically included. Details regarding autonomous colleges to be included in the Statutes were included in Appendix 13 of the Report.

## 4. The Chancellor

The Commission recommends continuation of the present position regarding the Governor of the State as Ex-officio Chancellor of all Universities in the State, except NUALS where the Chief Justice of the High Court is the Chancellor in tune with the practice in other National Law Universities in India.

The power of the Chancellor to decide whether any proceeding of any of the authorities of the University is in conformity with the Act, Statutes etc. has been taken away. This power will be
exercised by the Chairman of the University Tribunal, who will be a sitting or retired Judge of the Supreme Court or High Court, since it is matter which involves legal expertise.

## 5. Pro-Chancellor

According to University Acts now in force, the Pro-Chancellor has no specific power, except exercising the powers and performing the functions of the Chancellor in his absence. The following clauses are proposed to be added so as to make the position of Pro-Chancellor relevant.
(1) The Pro-Chancellor may call for any information relating to the academic and administrative affairs of the University and such requisition shall be complied with by the University.
(2) The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.
(3) The Pro- Chancellor shall have the right to bring any matter, which he considers important or a matter involving the policy of the government, to the attention of the Chancellor or to any authority or officer of the University and seek appropriate action

## 6.. Vice-Chancellor

The qualifications as well as the mode of appointment of the Vice-Chancellor spelt out in the relevant UGC regulations have been incorporated in the Act. For the sake of clarity it was specifically stated that a panel of three names submitted by a majority of the search cum selection committee shall be treated as panel submitted by the Committee.

The age limit for appointment as Vice-Chancellor has been increased from 60 to 65. This was done mainly because the retirement age of Professors in Central Universities is 65 and the UGC Regulations stipulate a minimum of 10 years as Professor for appointment as Vice Chancellor.

In the event of a permanent vacancy occurring in the Office of the Vice-Chancellor, or when the Vice Chancellor and the Pro Vice Chancellor are temporarily absent, the Commission recommends Syndicate shall select a senior professor of the University from a panel of three names in order of seniority and such selected person shall exercise the powers and perform the duties of the ViceChancellor till the appointment of the Vice-Chancellor.

## 7. Pro-Vice Chancellor

The University Acts now in existence do not contain any specific provision on the powers of the Pro-Vice-Chancellor. Appointing a highly qualified person to the position and maintaining his office at considerable expenses to the University appeared unjustified to the Commission in the absence of specific powers and functions. It is therefore proposed that the Pro-Vice-Chancellor shall be the Chairperson of the Council of Faculty Deans, the Research Council and the Council of Affiliated Colleges. Moreover the Pro-Vice Chancellor shall exercise the powers ad perform the duties of the Vice-Chancellor in the event of a temporary vacancy occurring in the Office of the Vice Chancellor or during the temporary absence of the Vice Chancellor

## 8. The Senate

An attempt has been made to reduce the number of members in the Senate of all the Universities in Kerala, without changing its representative character. The representation of teachers and principals of private unaided colleges has been ensured in all Senates of the Universities.
The Commission is of the view that the Senate performs a very important function of making institutions of higher education democratically accountable. In furtherance to that principle, a new Senate has been proposed in SSUS ,Kalady which does not had a Senate and more powers have been conferred to the MGU, Kaanur University and CUSAT.

The power to make Statutes were uniformly vested to Senate in all Universities.
But radical changes have been proposed in the rules of procedure regulating the meetings of the Senate, making it look like a session of the Legislative Assembly. The politically charged ambience of the Legislature need not be recreated in the Senate which is basically concerned with general policy matters of an academic institution. This is the rationale behind the proposal to exclude provision for adjournment motions and question hour in the Senate.

## 9. The Syndicate

The Kerala and Calicut University Acts had similar provisions regarding the constitution as well as powers of the Syndicate. The Senate was conceived as the Supreme Authority of the University and the Syndicate was accountable to the Senate. The Syndicate consisted mostly of members elected from the Senate, with some ex-officio and nominated members. The question whether this system results in over-politicization of University administration, which is turn is one of the
reasons for the deterioration in academic standards, has been raised and discussed innumerable times without any generally acceptable conclusions.. Those who oppose to above view have built up strong arguments based on the need to ensure democratic accountability for institutions of higher education. The recent grading of the Kerala University with A++ by NAAC, the only University in Kerala to obtain that grade and among 10 Universities in the country, prove that academic excellence and democratic accountability are not incompatible, but mutually reinforcing.

Be that as it may, the Commission chose to tread a middle path. The composition, powers and functions of the Syndicate as well as its relationship with the Senate, now prevailing in Kerala and Calicut Universities, is retained without significant changes. However the number of members on syndicate has been brought down without reducing academic representation to enable the syndicate to function effectively as chief executive body of the University. In other Universities the Syndicate plays a more independent role with the Senate confined to some over all powers of general supervision and oversight. The SSUS did not have a Senate under the Act. It was considered necessary to constitute a Senate for SSUS as well. The amended Act we propose in Appendix VII has been drafted on that basis.

## 10. The Academic Council and Board of Studies

In the composition and functions of the Academic Council, no significant changes have been made. But functionally we expect a qualitative improvement as a result of some changes we propose regarding Deans of Faculties and Deans other than Faculty Deans.

No major changes are suggested in the composition and functions of the Board of Studies, except that each Department of study will have a Board of Studies for both graduate and post- graduate programmes. The Commission has taken sufficient care to ensure that the autonomy of Academic Council in all academic matters are safeguarded.

## 11. The Research Council

An innovative proposal by the Commission is to constitute a Research Council in every University. The Council consisting of Deans, teachers, external experts and a research scholar will have a wide range of powers and functions enumerated in the Statutes(See Appendix XIV). Through the formation of subject-wise sub committees, all the supervising teachers of the University will be linked to the Council. The Council will also undertake a periodic review of academic research in
the University and research projects carried out by University Departments, Centres and individual teachers.

## 12. The Council of Faculty Deans

In order to co-ordinate the functioning of Faculty Deans and to enable them to play a more effective role in the Academic Council, a Council of Faculty Deans is proposed to be set up in each University. One of the important functions of the Council is to meet prior to the meeting of the Academic Council and to make its recommendations on items on the agenda of the Academic Council. Questions of equivalency of degrees, which is a complicated and time consuming process now, are proposed to be delegated to the Council of Deans subject to ratification by the Academic Council.

## 13. Students' Council

No major changes are proposed in the composition, powers and duties of the Students' Council, except that the newly created Dean, Students Affairs has been made the Vice Chairman of the Council.

## 14. Students' Rights and Grievances

One of the major changes we propose in the legal framework of Universities is the inclusion of Students' Rights and Grievances in the Act, recognizing the fact that a University exists primarily for the students. Apart from academic rights, students are guaranteed freedom of opinion, of expression and of peaceful assembly in the campus. We have also included provisions to ensure that;-
(a) every group of students has a right to organize or promote the interests of its members, provided that the purposes of such a group are lawful. Every such group shall have the right to hold meetings, to debate any matter and to engage in lawful and peaceful demonstration;
(b) All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership;
(c) All educational institutions of the University shall constitute a formal representative body of students, in which elections shall be held regularly at the beginning of each academic year.

Grievances of students relating to admission, examinations, student amenities, non- transparent and unfair policies in evaluation, discrimination, harassment or victimization, denial of quality education etc. are also enumerated in the Statutes of the University. A grievances redressal mechanism consisting of Collegiate / Departmental Students Grievances Redressal Committee, University Student Grievance Redressal Board, and University Ombudsperson is also set up to deal with grievances of students.

The University Tribunal will also have jurisdiction to intervene in urgent and important cases of alleged violation of students' rights.

## 15. Statutes - Assent by Chancellor

It has been brought to the attention of the Commission by most of the Universities in the State that there is inordinate delay in getting the assent of the Chancellor for Statutes proposed by the University. This is really a serious issue. As a remedy, we propose the inclusion of a provision whereby the Chancellor's assent to a Statute shall be deemed to have been given on the expiry of 60 days from the date on which it has been submitted to the Chancellor. As far as the power of the Chancellor to refer a Statute back to the Senate, a provision to the effect that if such a Statute is passed by the Senate again, it shall come into effect from the date prescribed by the Sanate.

These amendments are expected to make the law making power vested in the Universities more effective and meaningful.

## 16. Audit of Accounts

One grievance brought to the attention of the Commission by teachers who were directing research projects funded by external agencies was the procedural problems in getting the funds released even after funds sanctioned by the agencies are credited to the University account. An equally persistent complaint was regarding the difficulties and delay involved in getting the project accounts audited. The Commission has examined the issues in detail and resolved to recommend the inclusion of the following provision in the chapter on Finance in the University Act.

Notwithstanding anything contained in the foregoing provision, the accounts relates to the funds granted by external funding agencies for specific projects shall be audited in such manner as may be specified by the funding agency.

## 17. Deans other than Faculty Deans

In order to ensure academic involvement in important areas of University governance it is proposed to designate senior teachers as Deans in charge of the following important areas;

1. Student Affairs
2. University Departments
3. Affiliated Colleges
4. Teachers' Welfare
5. Internal Quality Assurance

These Deans must be provided with necessary administrative support and delegation of powers. A distinct advantage of this proposal is the opportunity it provides to senior professors, who in due course may get elevated to responsible positions in the University system. The newly proposed Deans are expected to provide academic inputs to the decision making process without introducing any delay or undue procedural requirements.

## 18. Conduct Rules for Teachers

At present the Government Servants' Conduct Rules, which are applicable to persons in Government service are made applicable to teachers in Universities and Colleges. These rules are mechanically extended to teachers without any regard to the nature of their functions and expertise in particular areas of knowledge. Teachers are expected to play a pro-active role in the dissemination of knowledge. Unfortunately, the present Government Servants Conduct Rules do not recognize the academic freedom of teachers and imposes so many unreasonable restrictions on that freedom. The new conduct rules which are proposed by the Commission for University Teachers remove all such unreasonable restrictions and allow teachers to play a dynamic role in the dissemination of knowledge. The Commission hopes that the government will take necessary steps to introduce similar conduct rules for government college teachers and teachers in private aided colleges.

## 19. Affiliation of Colleges and Courses

At present the affiliation system in the University functions on an ad hoc basis resulting in concentration of colleges in particular areas or particular subjects without any rationale. The Commission proposes a system which takes into consideration an assessment of educational needs,
with the involvement of Kerala State Higher Education Council. The Government will publish lists identifying the areas where new colleges, both aided and unaided, are to be located. Then the University will invite applications for affiliation and decide on affiliation of colleges and courses on the basis of norms fixed by the University.

## 20. University Tribunal

One of the most important recommendations of the Commission is to constitute a University Tribunal consisting of ;-
a) a person who is or has been a Judge of the Supreme Court or High Court - Chairman;
b) an Advocate of not less than 15 years experience - Member; and
c) an academician who is, or has been, or qualified to be a Vice-Chancellor - Member

The Government may constitute a Tribunal for one University and subsequently, by notification, confer jurisdiction on the Tribunal under other University Acts.

The Tribunal shall have wide jurisdiction including; -
i) disputes on the constitution of a University Authority or body
ii) disputes between any officers or teachers of the University and the University
iii) appeal from any order of the Vice Chancellor;
iv) appeal against final list published by Government identifying locations, where new colleges or new courses are to be sanctioned;
v) Petitions filed by students alleging violation of their rights and grievances;
vi) Disputes an equivalency of examinations and degrees;
vii) Appeal from a decision of the Vice Chancellor, on whether a person is disqualified for election or nomination or appointment as a member of any of the authorities of the University.

Some powers are vested in the Chairman, University Tribunal, which include the question whether any proceedings of any of the authorities of the University is in conformity with the Act, Statutes etc., and conducting an inquiry on charges of misappropriation or mismanagement of funds or misbehavior against the Vice Chancellor or the Pro-Vice Chancellor.

## 21. Council of Affiliated Colleges

In the Universities which follow the affiliation system, the Commission has made significant recommendations on the procedure for affiliation and also on appointment and conditions of service of teachers in private colleges. The absence of a forum for interaction between the University and affiliated colleges was keenly felt. The Commission therefore proposes the constitution of a Council of Affiliated Colleges, with the Pro Vice Chancellor as Chairperson and the Dean, Affiliated Colleges as the Vice Chairperson. The Council, it is hoped, will improve the relations between affiliated colleges and the University, in addition to providing a forum to draw attention to problems faced by affiliated colleges. We can legitimately expect a qualitative improvement in the functioning of affiliated colleges through the combined efforts of Dean of Affiliated Colleges and the Council of Affiliated Colleges.

## 22. Autonomous Colleges and Cluster of Colleges

Provisions have been included on Autonomous Colleges and Cluster of Colleges in the Acts, with supplementary provisions to be included in the Statutes.

## 23. A New Act for Private Unaided Colleges

It was found that the Kerala self-financing Colleges, Act of 2021 was inadequate to solve the problems in the Private Unaided sector. The Commission proposes a new Act to govern the private unaided sector. A major highlight of the proposed Act is linking of the grade obtained in NAAC/SAAC accreditation with the duration of affiliation. The institution that acquires higher grades in the accreditation process shall be eligible to get affiliation extended for longer periods. With high grades a private unaided college may even become eligible for autonomous status.

## 24. Equivalency

The Commission receive huge number of complaints regarding the Equivalency/Eligibility issued by the Universities. The Commission recommends the recognition of any degree by any University of the state shall be binding on all other Universities in the state. The Academic Council of the University shall have the power to laid down general norms for the Equivalency/Eligibility for the courses. The Vice Chancellor shall have power to issue orders regarding the recognition of the Degrees on the recommendation of the Council of Faculty Deans. Equivalency/Recognition for the courses in interdisciplinary/multi-disciplinary nature shall be decided by the State Level

Equivalency Committee (SLEC) of Kerala State Higher Education Council and its decision shall be binding on all Universities. The University Tribunal shall have the jurisdiction to decide over disputes related to equivalency.

Necessary changes in the Acts/Statutes have been proposed in this regard.

## 25. Some other recommendations

From the discussions of the Commission, some ideas which deserve to be brought to the attention of the Government have emerged. Though not formulated as amendments to any provision of law, they are stated below in the hope that in Government will seriously consider their implementation.
(i) There is a mandatory provision for the appointment of a Commission every 10 years to inquire into and report on the working of the University. With regret we point out non-compliance with this provision and recommend that necessary steps for appointment of a Commission be initiated without delay;
(ii) One of the reasons for inefficiency in the University administration is the absence of persons with enthusiasm at the middle level. This problem in the Government service was addressed through the establishment of KAS. We would place before the Government a suggestion to make direct recruitment to a prescribed percentage of posts in the middle management level of all Universities.
(iii) The practice of one University, imposing a prohibition on other Universities offering courses in a particular discipline or subject goes against the very concept of knowledge without boundaries. Provisions to this effect in the University Acts must be repealed at once.
(iv) The Commission has recommended that a Centre for Research on Policies in Higher Education, mentioned in section 4(2) (n) of the Kerala State Higher Education Council Act be established on a priority basis with the support of the Government. Along with that, two other Centres viz. Curriculum Development Centre and State Council for Assessment of Higher Education Institutions, mentioned in the same provision, be established as autonomous centres under the Council.
(v) The Planning and development committee has been proposed as a statutory body in all University acts. The major objective of the committee is to prepare institutional development plans and its implementations.
(vi) The Commission proposes periodic in-service training and tests for the employees of all Universities. Participation in such training programmes and tests are a mandatory prerequisite conditions for their promotions.
(vii) A new provision is recommended in the conditions of service of teachers of private aided colleges by the Commission. The Vice Chancellor's prior permission is required to keep a teacher under suspension beyond fifteen days. If the enquiry conducted by the Vice Chancellor found that there are no valid grounds for the suspension, the teacher shall forthwith be reinstated by the educational agency. If the teacher is not actually reinstated, the teacher shall be deemed to have been on duty. It shall then be open to the Director of Collegiate Education to disburse the pay and allowances to the teacher as if he was not suspended and recover the amount so disbursed from the educational agency.
(viii) The Commission proposes the Registrars of all Universities as the Chief Administrative Officers of the University.
(ix) The Commission has recommended for the inclusion of relevant section of right to services act, 2012 in Universities.
(x) A problem brought to the attention of the Commission by research scholars of various Universities is the delay in the evaluation of doctrinal dissertations. The Commission was surprised to learn that in some cases the delay exceeds two years. We propose the inclusion of the following clause in the Research Regulations of all Universities.
"The evaluation process of a doctoral dissertations shall ordinarily be completed in 90 days. In cases where the process takes a longer period, the Research Committee shall make a report explaining the reasons for such delay and submit it to the Research Council. The Research Council after due enquiry shall make a report to the Vice Chancellor clearly stating whether the delay was due to genuine reasons and whether it may be condoned. If the Council finds that the delay was caused by the negligence of any person, it may recommend suitable action against such person".


