

THE UNIVERSITY LAWS (AMENDMENT)

(No.2) BILL, 2022

(As passed by the Assembly)

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BILL

further to amend the Kerala Agricultural University Act, 1971, the Kerala University Act, 1974, the Calicut University Act, 1975, the Mahatma Gandhi University Act, 1985, the Sree Sankaracharya University of Sanskrit Act, 1994, the Kannur University Act, 1996, the Kerala Veterinary and Animal Sciences University Act, 2010 and the Kerala University of Health Sciences Act, 2010.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Agricultural University Act, 1971 (33 of 1971), the Kerala University Act, 1974 (17 of 1974), the Calicut University Act, 1975 (5 of 1975), the Mahatma Gandhi University Act, 1985 (12 of 1985), the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), the Kannur University Act, 1996 (22 of 1996), the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011) and the Kerala University of Health Sciences Act, 2010 (4 of 2011) for the purposes hereinafter appearing ;

BE it enacted in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) (No.2) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of Act 33 of 1971.*— In the Kerala Agricultural University Act, 1971 (33 of 1971), —

(a) in section 25, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (i) The Chief Minister | - | Chairperson; |
| (ii) The Speaker , Kerala Legislative Assembly | - | Member; and |
| (iii) The Leader of Opposition, Kerala Legislative Assembly | - | Member. |

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he, —

- (a) is declared as an undischarged insolvent; or
- (b) becomes incapable of continuing as such, due to physical or mental disability; or
- (c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 27, for sub-section (11), the following sub-section shall be substituted, namely:—

“(11) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

3. *Amendment of Act 17 of 1974.*— In the Kerala University Act, 1974 (17 of 1974),—

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (i) The Chief Minister | - | Chairperson; |
| (ii) The Speaker , Kerala Legislative Assembly | - | Member; and |
| (iii) The Leader of Opposition, Kerala Legislative Assembly | - | Member. |

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,—

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (18), the following sub-section shall be substituted, namely:—

“(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

4. *Amendment of Act 5 of 1975*—In the Calicut University Act, 1975 (5 of 1975),—

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (i) The Chief Minister | - | Chairperson; |
| (ii) The Speaker, Kerala Legislative Assembly | - | Member; and |
| (iii) The Leader of Opposition, Kerala Legislative Assembly | - | Member. |

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,—

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (18), the following sub-section shall be substituted, namely:—

“(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

5. *Amendment of Act 12 of 1985*—In the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (i) The Chief Minister | - | Chairperson; |
| (ii) The Speaker , Kerala Legislative Assembly | - | Member; and |
| (iii) The Leader of Opposition, Kerala Legislative Assembly | - | Member. |

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,—

- (a) is declared as an undischarged insolvent; or
- (b) becomes incapable of continuing as such, due to physical or mental disability; or
- (c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10, for sub-section (24), the following sub-section shall be substituted, namely:—

“(24) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

6. *Amendment of Act 5 of 1994.*— In the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994), —

(a) in section 8, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academicians of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (i) The Chief Minister | - | Chairperson; |
| (ii) The Speaker , Kerala Legislative Assembly | - | Member; and |
| (iii) The Leader of Opposition, Kerala Legislative Assembly | - | Member. |

(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,—

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 24, for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

7. *Amendment of Act 22 of 1996.*—In the Kannur University Act, 1996 (22 of 1996),—

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

(1C) The position of the Chancellor shall be an honorary position. The office of the Chancellor shall be at the headquarters of the University and the University shall provide such officers and employees as may be necessary for the smooth functioning of his office.

(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

(1F) The Government may, by order, remove the Chancellor from his office if he,—

(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 12, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

8. *Amendment of Act 3 of 2011.*—In the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011),—

(a) in section 9, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

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(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

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(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 12, for sub-section (10), the following sub-section shall be substituted, namely:—

“(10) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.

9. *Amendment of Act 4 of 2011*—In the Kerala University of Health Sciences Act, 2010 (4 of 2011),—

(a) in section 7, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Government shall appoint an academician of high repute or a person of eminence in any of the fields of science including agriculture and veterinary science, technology, medicine, social science, humanities, literature, art, culture, law or public administration as the Chancellor of the University on the recommendation of a Selection Committee consisting of the following members, namely:—

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| (ii) The Speaker, Kerala Legislative Assembly | - | Member; and |
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(1A) The Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

(1B) The person appointed as the Chancellor shall be eligible for re-appointment for one more term.

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(1D) The Chancellor may submit resignation in writing to the Government.

(1E) The resignation of the Chancellor shall take effect from the date on which the Government accepts it and relieves him from the duties.

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(a) is declared as an undischarged insolvent; or

(b) becomes incapable of continuing as such, due to physical or mental disability; or

(c) becomes of unsound mind and stands so declared by a competent court ; or

(d) has been convicted and sentenced to imprisonment by a competent court for an offence involving moral turpitude.

(1G) The Government shall have the power to remove the Chancellor from the office by an order in writing on charges of grave misconduct or any other good and sufficient reasons:

Provided that such charges shall be proved by an enquiry conducted by a person who has been a judge of the Supreme Court or the High Court appointed by the Government for the purpose:

Provided further that he shall not be removed unless he has been given a reasonable opportunity of being heard.”;

(b) in section 10,—

(i) clause (iii) of sub-section (6) shall be omitted.;

(ii) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall in consultation with the Pro-Chancellor, make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor until the date on which the Vice-Chancellor resumes his duties.”.
