

# Kerala University Act, 1969

KERALA

India

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### Act 9 of 1969

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Kerala University Act, 1969(Kerala Act 9 of 1969)Last Updated 5th December, 2019An Act to provide for the reorganisation of the University of Kerala.Preamble. - Whereas it is expedient to reorganise the University of Kerala with a view to establishing a teaching, residential, and affiliating University for the southern districts of the State of Kerala;Be it enacted in the Nineteenth Year of the Republic of India as follows:-

## Chapter I Preliminary

### 1. Short title and commencement.

(1)This Act may be called the Kerala University Act, 1969.(2)It shall come into force on such date as the Government may, by notification in the Gazette, appoint:Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

### 2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"Academic Council" means the Academic Council of the University;(2)"affiliated college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations ;(3)"annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 18 and declared by the Statutes to be the annual meeting of the Senate;(4)"Board of Studies" means a Board of Studies of the University;(5)"Chancellor" means the Chancellor of the University ;(6)"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;(7)"Department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects ;(8)"educational agency" means any person or body of persons who or which establishes and maintains a private college ;(9)"Faculty" means a Faculty of the University ;(10)"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 ;(11} "prescribed" means prescribed by this Act, or the Statutes Ordinances, Regulations, rules or bye-laws made thereunder ;(12)"Principal" means the head of a College;(13)"private college" means a college maintained by an agency other than the Government or the University and affiliated to the University ;(14)"Pro-Chancellor" means the Pro-Chancellor of the University ;(15)"Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University ;(16)"recognised institution" means an institution for research or special studies, other than an affiliated college, recognised as such by the University ;(17)"recognised teacher" means a person employed as a teacher in an affiliated institution and whose appointment has been approved by the University ;(18)"registered graduates" means graduates registered under the provisions of this Act and the Statutes and includes graduates deemed to be registered graduates ;(19)"Senate" means the Senate of the University;(20)"State" means the State of Kerala ;(21)"Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" mean respectively the "Statute", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;(22)"student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognised institutions ;(23)"Syndicate" means the Syndicate of the University ;(24)"teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Instructor or such other person imparting instruction or supervising research in any of the colleges or recognised institutions and whose appointment has been approved by the University ;(25)"teachers of the University" means persons employed as teachers in institutions maintained by the University ;(26)"University" means the University of Kerala constituted under this Act;(27)"University area" means the area to which this Act extends under sub-section (I) of section 4;(28)"University Fund" means the Kerala University Fund established under sub-section (1) of section 41;(29)"Vice-Chancellor" means the Vice-Chancellor of the University.

## **Chapter II**

### **The University**

#### **3. The University.**

(1)The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the University of Kerala.(2)The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

#### **4. Territorial limits.**

(1)The jurisdiction of the University shall extend to the revenue districts of Trivandrum, Quilon, Alleppey, Kottayam and Etnahulam of the State.(2)No educational institution situated beyond the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

#### **5. Powers of the University.**

- The University shall have the following powers, namely:-(i)to provide for instruction and training in such branches of learning as the University may deem fit, and to make provision for research and for the advancement and dissemination of knowledge;(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 supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;(viii)to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition,(ix)to exercise such control over the students as will ensure their physical and moral well-being,(x)to constitute a Board to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges who may for any reason be aggrieved otherwise than by an act of the Court; '(xi)to fix the fees payable to the University and to demand and receive such fees; '(xii)to fix and regulate, with the prior sanction of the Government, the fees payable in private colleges affiliated to the University;(xiii)to regulate the emoluments and prescribe the duties and conditions of service of teachers and other employees in private colleges;(xiv)to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals, and prizes and to organise exhibitions;(xv)to institute and provide funds wherever necessary for the maintenance of-(a)a Students' Advisory Bureau;(b)an Employment Bureau;(c)a University Union for students;(d)University Athletic Clubs;(e)the National Cadet Corps;(f)the National Service Corps;(g)University Extension Boards;(h)Students' Cultural and Debating Societies;(i)a Translation and Publication Bureau; and(j)co-operative societies and other similar institutions for promoting the welfare of students and employees of the University;(xvi)to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;(xvii)to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining

body, and to cultivate and promote arts, science and other branches of learning;(xviii)to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;(xix)to direct, manage and control all immovable and movable properties transferred to the University by the Government;(xx)to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognised by the University;(xxi)to define the powers and duties of the officers of the University other than the Vice-Chancellor;(xxii)to provide for the inspection of the affiliated colleges and 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 from 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, and(xxvii)generally to do such other acts as may be required to further the aims and purposes of this Act.

## **6. University open to all classes and creeds.**

- 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 or recognise any college or institution exclusively for women, either for education, instruction or residence, or reserve for women or members of socially and educationally Backward Classes of 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:Provided further that the rules for the reservation of appointments and posts under the Government, in favour of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens, shall, so far as may be, apply in the case of appointments to the University.

## **Chapter III**

### **The Chancellor, Pro-Chancellor and Officers of the University**

#### **7. The Chancellor.**

(1)The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.(2)The Chancellor shall be the Head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.(3)The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:Provided that, before

making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.(4)The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.(5)Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.(6)An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University. ,(7)An appeal under sub-section (6) shall be filed within sixty days of the order of dismissal.(8)The Chancellor shall, before passing any order on an appeal under sub-section (6), refer the matter for advice to a Tribunal appointed by him for the purpose.(9)The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:Provided that such charges are proved by an enquiry conducted by a person who is or has been a judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.(10)The Chancellor shall have such other powers as may be conferred on him by this Act, or the Statutes.

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

(1)The Minister for the time being administering the subject of education in the State shall be the Pro Chancellor of the University.(2)In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

## **9. Officers of the University.**

- The following shall be the officers of the University, namely.-(i)the Vice-Chancellor;(ii)the Pro-Vice-Chancellor;(iii)the Registrar; and(iv)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 from among a panel of three names recommended by the committee appointed by him consisting of three members, one elected by the Senate, one elected by the Syndicate and the third nominated by the Government.(2)The committee in making the recommendation of a panel of three names shall not include in the panel any person who has completed the age of sixty-five.(3)The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment:Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.(4)The Vice-Chancellor shall receive such remuneration as may be fixed in this behalf by the Chancellor.(5)Notwithstanding anything contained in sub-section (3), the Chancellor may allow the Vice-Chancellor to continue in office after the expiry of his term until his successor is appointed and enters upon his office or for a period of six months from the date of such expiry, whichever period expires earlier.(6)The Vice-Chancellor shall be the principal academic and executive officer of the

University(7)The Vice-Chancellor shall be the Chairman of the Senates the Syndicate and the Academic Council, 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.(8)It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, the Ordinances and the Regulations are faithfully observed and earned out, and he shall have all powers necessary for this purpose.(9)The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, oi affiliated to the University.(10)If at any time, except when the Syndicate is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate by or under this Act, the Vice-Chancellor may take such action as he deems lit, and shall, as soon as may be thereafter, report the action taken by him to the Syndicate.(11)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 Assistant Registrar.(12)The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.(13)It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations, the Rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.(14)The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes,(15)Notwithstanding anything contained in sub-section (1) it shall not be necessary to constitute a Committee for submitting the panel of names for the appointment of first Vice-Chancellor after the commencement of this Act, and the first Vice-Chancellor shall be appointed by Government for one year.

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

(1)The Chancellor may, if he considers it necessary for the more efficient functioning of the University appoint a Pro-Vice-Chancellor.(2)The Pic-Vice-Chancellor shall be a whole-time salaried officer of the University.(3)The Pro-Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.(4)The salary and other conditions of service of the Pro-V ice Chancellor shall be prescribed by the Statutes.(5)The Pre-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf and he shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

## **12. The Registrar.**

(1)The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.(2)The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.(3)Suits by or against the University shall be instituted by or against the Registrar.(4)Subject to the provisions of the Statutes and the Ordinances, the Registrar shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University office whose pay or maximum pay does not exceed two hundred and fifty rupees

per-mensem, provided that the employee so punished shall have a right of appeal to the Vice-Chancellor, within sixty days of the order of punishment.

### **13. Appointment to be notified.**

- The appointments of the Vice-Chancellor, the Pre-Vice-Chancellor and the Registrar shall be notified in the Gazette.

## **Chapter IV**

### **Authorities of the University**

### **14. Authorities of the University.**

- The following shall be the authorities of the University, namely:-(i)the Senate;(ii)the Syndicate;(iii)the Academic Council;(iv)the Faculties;(v)the Boards of Studies;(vi)the Finance Committee; and(vii)such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

### **15. Senate.**

- The Senate shall consist of the following members namely:-Class I- Ex-Officio Members:(1)The Chancellor(2)The Pro-Chancellor.(3)The Vice-Chancellor.(4)The Pro-Vice-Chancellor.(5)Five Officers nominated by the Government.(6)The Chairman, State Advisory Board of Education.(7)Two Principals of Professional Colleges by rotation in such manner as may be prescribed by the Statutes.Class II- Elected Members:(1)Twenty members elected by registered graduates from among themselves.(2)Twelve members elected by the members of the Academic Council from among themselves, of whom not less than two members shall be Deans of Faculties and not less than two members shall be University heads of departments not being Deans of Faculties.(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 any Scheduled Caste or any Scheduled Tribe.(4)Thirty members, of whom not less than two members shall be teachers of the University, elected from among themselves by the teaching staff other than principals of all the colleges affiliated to the University and the teachers of the University.(5)Five members elected by the Principals of Arts and Science Colleges in which instruction is given to a degree standard from among themselves.(6)One member elected by the members of the local authorities of each district in the University area from among themselves.(7)Two members elected by the registered trade unions in the University area designated by Statutes from among their members.(8)One member elected by the employees other than teachers of the University from among themselves.(9)One member elected by the non-teaching staff of the affiliated colleges, from among themselves.(10)Four members elected by the Managers of Private Colleges in the University area from among themselves-(11)Three members elected by the students of the colleges from among themselves in such manner as may be prescribed.Class III- Life Members:Persons who were life members of the Senate of the Kerala University immediately before the commencement of this Act

shall be deemed to be life members of the Senate under this Act. Class IV- Other Members: (1) Two headmasters of High Schools and two teachers of Secondary Schools situated within the University area, nominated by the Chancellor. (2) Not more than eight members nominated by the Chancellor representing (i) recognised research institutions, (ii) recognised cultural associations, (iii) chambers of commerce; (iv) industries; (v) authors; (vi) journalists and (vii) lawyers.

## **16. Reconstitution of the Senate.**

(1) The Senate shall be reconstituted every four years. (2) Every member of the Senate, other than ex-officio and life members, shall, subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate: Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate: Provided further that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate ex-officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be 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. (3) On failure of a member to make the choice under the second proviso to sub-section (2), he shall be deemed to have vacated his office as an elected or nominated member. (4) 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.

## **17. Powers and functions of Senate.**

(1) The Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Act, the Statutes, Ordinances or Regulations, and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes: Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final. (2) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely: - (a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University; (b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate; (c) to cancel or amend any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council; (d) to institute fellowships, scholarships, studentships, bursaries medals and prizes and organise exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations; (e) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary; (f) to establish and maintain such institutions as it may from time to time deem necessary; (g) to prescribe the terms and conditions of service of the employees of the University; (h) to regulate emoluments and prescribe the duties and conditions of



service of teachers and other employees in private colleges;(i)to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;(j)to cancel any degree, diploma, title or any other distinction granted to any person in accordance with the provisions of the Statutes;(k)to appoint committees and to delegate to them such functions of the Senate as it may deem fit;(l)to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities or the University other than the Senate;(m)to recommend to the Government the recognition of any local area within the University area as a University Centre;(n)to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine ;(o)to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

## **18. Meeting of the Senate.**

(1)The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.(2)One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate :Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.(3)The Vice-Chancellor may, whenever, he thinks fit and shall, upon 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.

## **19. The Syndicate.**

- The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:-Class I- Ex officio members:(a)The Vice-Chancellor(b)The Pro-Vice-Chancellor(c)Three officers nominated by the GovernmentClass II- Other members:Twelve members elected by the members of the Senate from among themselves, of whom not less than three members shall be from among the members elected to the Senate by the Academic Council and not less than five members shall be persons who are not teachers.

## **20. Term of office of members of Syndicate.**

- Members of the Syndicate, other than ex officio members, shall hold office for a term of four years from the date of their election:Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that electorate or the holder of that office:Provided further that no person other than an ex officio member shall be eligible to hold office for more than two terms in succession.Explanation. - For the purposes of the foregoing proviso, "term" shall

include a term of office as member of the Syndicate constituted under the Kerala University Act, 1957, notwithstanding that such term was less than or greater than four years.

## **21. Powers of Syndicate.**

- Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:-(i)to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;(ii)to make Ordinances and to amend or repeal the same;(iii)to propose Statutes for the consideration of the Senate;(iv)to hold, control and administer the properties and funds of the University;(v)to direct the form, custody and use of the common seal of the University;(vi)to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;(vii)to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;(viii)to appoint teachers and other employees of the University and prescribe their duties;(ix)to create administrative, ministerial and other necessary posts,(x)to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;(xi)to fix and regulate the fee payable by students in colleges affiliated to the University;(xii)to award fellowships, scholarships, studentships, bursaries, medals and prizes;(xiii)to exercise supervision and control over the residence and discipline of students;(xiv)to consider 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 remunerations;(xviii)to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members ;(xix)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,(xx)to withhold or cancel the result of any candidate at any University examination;(xxi)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 transfers shall be reported to the Senate at its next meeting,(xxii)to take over and manage temporarily the affairs of a private college or colleges on appointment by Government to perform such functions, in accordance with the provisions of this Act and Rules;(xxiii)to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes and the Ordinances.

## **22. 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, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examinations

within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.(3)The Academic Council shall consist of the following members, namely:-(a)the Vice-Chancellor;(b)the Pro-Vice-Chancellor;(c)the Director of Public Instruction;(d)the Director of Technical Education,(e)the Director of Collegiate Education;(f)the Deans of Faculties,(g)ten heads of University departments of study and research, who are not Deans of Faculties, by rotation according to seniority, 3/20- 4a(h)five members (other than Deans of Faculties) elected by the principals of professional colleges from among themselves;(i)seven members (other than Deans of Faculties) elected by the principals of first grade colleges from among themselves ;(j)two members (other than Deans of Faculties) elected by the principals of junior colleges from among themselves ;(k)one member, not being the Dean of a Faculty, elected by the principals of the colleges of oriental languages from among themselves ,(l)one member each for every subject of study (not being a Dean of Faculty or head of department or principal) elected by the teachers of that subject from among themselves :Provided that a member so elected shall be a teacher having not less than ten years' teaching experience ;(m)three members (not being teachers) elected by the members of the Senate from among themselves.(n)one headmaster and one teacher of secondary school in the University area nominated by the Chancellor.(4)Members of the Academic Council, other than the members specified in clauses (a) to (g) of sub-section (3), shall hold office for a term of four years from the date of their appointment or nomination as the case may be.

### **23. 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 course of studies and to the examinations and the conditions under which exemptions may be granted ;(vi)to make proposals for the instruction and training in such branches of learning as it may think fit;(vii)to make proposals for research and advancement and dissemination of knowledge ;(viii)to make proposals for the institution of Professorships, Readerships, Lecturerships and other teaching and research posts required by the University ;(ix)to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes ;(x)to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University ;(xi)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 ;(xii)to arrange for the co-ordination of studies and teaching in affiliated colleges and recognised institutions ;(xiii)to constitute a Council of Students' Affairs consisting of such number of teachers and students as may be prescribed by the Statutes to advise the Academic Council on matters relating to the welfare of the students ;(xiv)to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances, Regulations, Rules or Bye-laws.

## **24. Faculties.**

(1)(a)The University may have such faculties as may be prescribed by the Statutes from tune to time ;(b)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.(2)Each Faculty shall consist of not more than such number of members as may be prescribed by the Statutes.(3)Subject to the provisions of sub-section (2), each Faculty shall consist of-(a)such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Academic Council having regard to the qualifications of such teacher-members ;(b)such number of members of the Senate as are not teachers, not exceeding one-fourth of the total number of members of each Faculty, as may be assigned by the Senate in the manner prescribed by the Statutes; and(c)such number of members nominated as experts by the Academic Council in such manner as may be prescribed by the Statutes, from amongst persons who are not members of the Senate :Provided that no person shall be a member of more than two Faculties.(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.

## **25. Deans of Faculties.**

(1)There shall be a Dean of each Faculty, who shall be elected by the Faculty in such manner and subject to such conditions as may be prescribed by the Statutes.(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 Faculty shall hold office for a term of four years.(4)Subject to the provisions of this Act, each Faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

## **26. Boards of Studies.**

(1)There shall be a Board of Studies attached to each department of study in the University.(2)The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

## **27. Finance Committee.**

(1)There shall be a Finance Committee with the Vice-Chancellor as the Chairman to give advice to the University on any question affecting its finances.(2)There shall be a Financial Officer who shall be the Secretary of the Finance Committee and shall exercise such powers and perform such duties as may be prescribed by the Statutes.(3)The constitution, 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.

## **28. 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.

## **29. Disqualifications for membership.**

(1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he-(a) is below twenty-five years of age ; or (b) is of unsound mind or a deaf-mute; or (c) is an undischarged insolvent ; or (d) has been convicted by a court of law of an offence involving moral delinquency : Provided that clause (a) shall not apply to a student elected to the Senate under section 15. (2) If any question arises 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 V**

## **Statutes, Ordinances, Regulations, Rules and Bye-laws**

## **30. The Statutes.**

- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:- (a) the appointment, powers and duties of the Controller of Examinations for the conduct of University Examinations; (b) the powers and duties of the officers of the University, not specifically provided for in this Act; (c) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act; (d) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide; (e) award of degrees, diplomas, titles, certificates and other academic distinctions by the University; (f) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions; (g) the maintenance of a register of registered graduates; (h) the maintenance of a register of recognised teachers; (i) the holding of convocations to confer degrees; (j) the conditions and procedure for affiliation of colleges; (k) conferment of honorary degrees; (l) the maintenance of the accounts and the preparation and passing of the annual budget of the University, (m) all other matters which by this Act are to be or may be prescribed by Statutes.

## **31. Procedure for making Statutes.**

(1) The Senate may of its own motion take into consideration the draft of a Statute: Provided that in any such case, before a Statute is passed the Senate shall obtain and consider the opinion of the Syndicate. (2) The Syndicate may propose to the Senate the draft of any Statute and such draft shall be considered by the Senate at its next succeeding meeting. (3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate

for reconsideration either in whole or in part, together with amendments which the Senate may suggest.(4)After any draft returned by the Senate under sub-section(3) has been further considered by the Syndicate, together with any amendments suggested by the Senate, it shall be again pre-mented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.(5)Where any Statute has been passed by the Senate, it shall be submitted to the Chancellor who may refer the Statute back to the Senate for further consideration oi assert thereto or withhold his assent.(6)No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.(7)The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

### **32. Ordinances.**

- Subject to the provisions of this Act and the Statutes, the Syndicate shall have power to make Ordinances providing for all oi any of the following matters, namely:(a)the levy of fees in colleges and other institutions, by the University;(b)the residence and discipline of students;(c)the work load and pattern of teaching staff in colleges;(d)the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University; and(e)all other matters which by this Act or the Statutes arc to be or may be provided for by the Ordinances.

### **33. Procedure for making Ordinances.**

(1)All Ordinances made under this Act shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during its next succeeding meeting.(2)If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.(3)No Ordinance involving expenditure shall be valid or come into force until assented to by the Chancellor.(4)Subject to the provisions of sub-sections (1) and (3), the procedure to be followed in making amending or repealing Ordinances shall be prescribed by the Statutes.

### **34. Regulations.**

- Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:-(a)the courses of studies and the conduct of examinations;(b)the admission of students to the various courses of study and to the examinations,(c)the qualifications of teachers;(d)the appointment and prescription of duties of the Board of Studies and Examiners;(e)recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and(f)all other matters which under the provisions of this Act, the Statutes and Ordinances are to be or may be prescribed by Regulations.

### **35. Procedure for making Regulations.**

- (1) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting. (2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

### **36. 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 Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate. (2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting. (3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

### **37. Publication in the Gazette.**

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

## **Chapter VI**

### **Election to the Senate, the Syndicate and the other bodies of the University, filling up of vacancies and resignation, removal, etc., of Members of Authorities and Bodies**

#### **38. Election of members to the Senate, Syndicate and other bodies of the University.**

(1) The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes and the voting at such election shall be by secret ballot. (2) Where, in an election to any authority of the University, a person has more than one vote in different capacities, he shall be entitled only to one vote at such election.

#### **39. Filling up of vacancies.**

(1) All vacancies among the members (other than Ex-officio members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the

person or authority who or which appointed, elected, or nominated the member whose place has become vacant.(2)Any person appointed, elected or nominated under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated as the case may be, would have been entitled to hold office if the vacancy had not occurred.

#### **40. Resignation or removal of members of any authority or body.**

(1)Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.(2)The Senate may, on the recommendation of not less than two third of the number of members of the Syndic its, remove the name of any person convicted by a Court of Law of any offence involving moral delinquency from the register of graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.(3)The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

### **Chapter VII**

#### **Finance**

#### **41. 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 endowment and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The Kerala University Fund" and shall be employed for the purposes and in the manner laid down in this Act and in the Statutes, Ordinances, Rules and Bye-laws made thereunder :Provided that separate accounts may be maintained for specific purposes.(2)All moneys in the Kerala University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries up to such limits as may be fixed by the Government.(3)The University may invest such part of the moneys in the Kerala University Fund, as it may deem fit, in Government securities Or securities guaranteed by the Government of India.(4)The custody of the Kerala University Fund, the payment of moneys therein, the withdrawal of money therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, Rules and Bye-laws made in that behalf.

#### **42. Grants from Government.**

(1)The University shall receive as grants for its maintenance such sums subject to such conditions, as may be fixed by the Government from time to time.(2)The Government may pay to the University such other grants, subject to such conditions, as they think fit for specific purposes.



### **43. 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 Senate for consideration.(2)The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

### **44. Annual accounts.**

(1)The annual accounts of the University shall be pre-pared 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 in the Gazette, and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.(3)The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

### **45. Annual report.**

(1)The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes, and shall be considered by the Senate at its next meeting.(2)The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.(3)The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2), to the Government.(4)The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the table of the State Legislative Assembly.

### **46. Audit of accounts of the University.**

(1)The Government shall appoint auditors of the accounts of the University and the institution 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 and control of the University.(3)The University shall bear the cost of the audit as fixed by the Government.(4)After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.(5)The auditors shall specify in the report under sub-section (4) all cases of irregular\* illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.(6)The auditors shall also report on any other matter relating to the accounts of the

University as may be required by the Government.(7)The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

## **Chapter VIII**

### **Private Colleges**

#### **47. Definition.**

- In this Chapter, "corporate management" means a person or body of persons who or which manages more than one private college.

#### **48. Governing body for private college not under corporate management.**

(1)The educational agency of a private college, other than a private college under a corporate management, shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:-(a)the principal of the private college;(b)the manager of the private college;(c)a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;(d)a person nominated by the Government;(e)a person elected in accordance with such procedure as may be prescribed by the statutes from among themselves by the permanent teachers of the private college; and(f)not more than six persons nominated by the educational agency.(2)The governing body shall be a body corporate having perpetual succession and a common seal.(3)The manager of the private college shall be the chairman of the governing body.(4)A member of the governing body shall hold office for a period of four years from the date of its constitution.(5)It shall be the duty of the governing body to administer the private college in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, Rules, Bye-laws and Orders made thereunder.(6)The powers and functions of the governing body, the removal of members thereof and the procedure to be followed by it, including the delegation of its powers, shall be prescribed by the Statutes.(7)Notwithstanding anything contained in sub-section (6), decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

#### **49. Managing council for private colleges under corporate management..**

- (I) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:-(a)one principal by rotation in such manner as may be prescribed by the Statutes;(b)the manager of the private colleges;(c)a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;(d)a person nominated by the Government;(e)two persons elected in accordance with such procedure as may be prescribed by the Statutes from among themselves by the permanent teachers of all the private colleges; and(f)not more than fifteen persons nominated by the educational agency.(2)The managing council shall be a body corporate having perpetual succession and a common seal.(3)The manager of the private colleges shall be the chairman of the managing council.(4)A member of the managing council shall hold office for a period of four years from the

date of its constitution.(5)It shall be the duty of the managing council to administer all the private colleges under the corporate management in accordance with the provisions of this Act and the Statutes, Ordinances Regulations, Bye-laws and Orders made thereunder.(6)The powers and functions of the managing council, the removal of members thereof and the procedure to be followed by it, including the delegation of its powers, shall be prescribed by the Statutes.(7)Notwithstanding anything contained in sub-section (6), decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

## **50. Appointment of manager.**

(1)The educational agency 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 educational agency.(3)It shall be the duty of the manager to give effect to the decisions of the governing body or managing council, as the case may be.(4)The manager shall exercise such powers and discharge such other duties as may be delegated to him by the educational agency and the governing body or managing council, as the case may be.(5)Suits by or against a private college shall be instituted by or against the manager thereof.

## **51. Acts or proceedings of governing body or managing council not to be invalidated.**

- No act or proceeding of a governing body or managing council shall be invalidated merely by reason of-(a)any vacancy in, or any defect in the constitution of, the governing body or managing council; or(b)any defect in the appointment of a person acting as a member of the governing body or managing council; or(c)any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

## **52. Affiliation of colleges.**

(1)An application for affiliation to the University of any college shall be sent by the educational agency of that college 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 and the procedure to be followed by the Syndicate in granting such affiliation shall be prescribed by the Statutes.(3)Without prejudice to the generality of the provisions of subsection (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.

## **53. Appointment of teachers in private colleges.**

(1)Posts of principals of private colleges shall be selection posts.(2)Appointment to the post of principal in a private college shall be made by the governing body or managing council,as the case

may be, from among teachers of the college or of all the colleges, as the case may be, or, if there is no suitable person in such college or colleges, from other persons.(3)An appointment under sub-section (2) shall be made having regard to seniority and merit and shall be subject to the approval of the Syndicate.(4)Appointments to the lowest grade of teacher in each department of a private college shall be made by the governing body or managing council, as the case may be, by direct recruitment on the basis of merit.(5)All appointments under sub-section (4) shall be reported to the University for recognition.(6)Before making any appointment under sub-section (4), the post shall be advertised in such manner as may be prescribed by the Statutes.(7)Appointments to the posts other than those referred to in sub-sections (1) and (4) shall be made by the governing body or managing council, as the case may be, 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 there is no person possessing the qualifications prescribed for the post, by direct recruitment.(8)Notwithstanding anything contained in sub-sections (4) and (/), a teacher discharged from a private college due to abolition of a course of study in the private college shall be given preference in the matter of appointment if the course is re-started in that private college within a period of three years :Provided that a course of study shall not be abolished without the prior approval of the University.(9)Any teacher aggrieved by an appointment under sub-section (7) may, within sixty days from the date of the appointment, appeal to the Syndicate, and the decision of the Syndicate thereon shall be final(10)Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed with copy to the University.

## **54. Qualifications of teachers.**

- Teachers of private colleges shall possess such qualifications as may be prescribed by the Regulations.

## **55. 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)The governing body or managing council, as the case may be, 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 on promotion.(3)Any probationer discharged or reverted under sub-section (2) shall be given preference in the matter of future appointments to the same post.(4)On satisfactory completion of probation, the governing body, or managing council, as the case may be, shall confirm the teacher in the post if the post is substantively vacant, and if the post is not substantively vacant or if the appointment is for a specific period, the teacher shall be allowed to continue for the remaining period of his appointment.(5)If, on the expiry of the prescribed period of probation, the

governing body or managing council, as the case may be, 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.(6)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 (4) or is not discharged or reverted under sub-section (5), he shall be deemed to have been confirmed in that post.(7)A probationer who is discharged or reverted under subsection (5) shall be entitled to appeal against the order of discharge or reversion to the Vice-Chancellor within a period of sixty days from the date on which he receives a copy of the order, and the order of the Vice-Chancellor on such appeal shall be final.

## **56. Conditions of service of teachers of private colleges.**

(1)The conditions of service of teachers of private colleges, including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement shall be such as may be prescribed by the Statutes,(2)No teacher of a private college shall be dismissed, removed or reduced in rank by the governing body or managing council without the previous sanction of the Vice-Chancellor or placed under suspension by the governing body or managing council for a continuous period exceeding fifteen days without such previous sanction.(3)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.(4)A teacher against whom disciplinary action is taken shall have a right of appeal to the Syndicate, and the Syndicate shall have power to order reinstatement of the teacher in cases of wrongful removal or dismissal and to order such other remedial measures as it deems fit, and the governing body or managing council, as the case may be, shall comply with the order.

## **57. Past disputes relating to service condition of teachers.**

- Notwithstanding anything contained in any law for the time being in force or in any contract or in any judgment, decree or order of any court or other authority-(a)any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided under the provisions of this Act and the Statutes made thereunder,(b)any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher, which has arisen after the 1st day of August, 1967 and has been disposed of before the commencement of this Act shall, if the management or the teacher applies to the Vice-Chancellor in that behalf within a period of thirty days from such commencement, be reopened and decided under the provisions of this Act and the Statutes made thereunder as if it had not been finally disposed of.

## **58. Membership of Legislative Assembly, etc., not to disqualify teachers.**

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

Assembly of the State or of Parliament shall be on leave during the period in which the Legislative Assembly or Parliament, as the case may be, is in session.

### **59. Non-teaching staff of private colleges.**

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

### **60. Transitory provision.**

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

### **61. Colleges not complying with provisions of this Act.**

(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act, 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 the Government are satisfied that any private college has not complied with any of the provisions of this Chapter, they may, by order, direct that the college shall not be given any aid or grant from the Government. Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

## **Chapter IX**

### **Miscellaneous**

### **62. Power of Government to cause inspection of the University.**

(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institutions maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University. (2) The Government shall, before taking any action under subsection (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat. (3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate. (4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1) advise the

University upon the action to be taken in the matter.(5)The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).(6)A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.(7)Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

### **63. Power to regulate the management of private colleges.**

(1)Whenever Government are satisfied on receipt of a report from the University or upon other information that a grave situation has arisen in which the working of a private college cannot be carried on for all or any of the following reasons, namely: -(a)default in the payment of the salary of the members of the staff of the college for a period of not less than three months ;(b)wilful closing down of the college for a period of not less than one month except in the case of the closure of the college during a vacation ;(c)persistent default or refusal to carry out all or any of the duties imposed on any of the authorities of the college by this Act or the Statutes or Ordinances or Regulations or Rules or Bye-laws or lawful orders passed thereunder ;and that in the interest of the private college it is necessary so to do, the Government may, after giving the governing body or managing council, as the case may be, the manager appointed under sub-section (1) of section 50 and the educational agency, if any, of the college a reasonable opportunity of showing cause against the proposed action and after considering the cause, if any, shown, by order, appoint the University to manage the affairs of such private college temporarily for a period not exceeding two years:Provided that in cases whose action is taken under this sub-section otherwise than on a report from the University, it shall be consulted before taking such action.(2)On appointment of the University to manage the affairs of a private college under sub-section (1), it shall, subject to the provisions of sub-section (3) have all the powers and functions of the governing body or the managing council, as the case may be, under this Act and the Statutes.(3)The University shall submit a monthly report of the decisions taken by it in connection with the management of the private college to the governing body or managing council, as the case may be.(4)If the governing body or managing council, as the case may be, disapproves any decision taken by the University in connection with the management of the private college the matter shall be referred by the governing body or managing council, as the case may be to the Government, within one month of the date of receipt of the report under sub-section (3) who shall thereupon pass such order thereon as they think fit and communicate the same to the governing body or managing council and also to the University.(5)On receipt of an order of the Government under sub-section (4) the University shall modify its decisions in consonance with such order.(6)The manager appointed under sub-section (1) of section 50 shall be bound to give effect to the decisions of the University and if at any time, it appears to the University that the manager is not carrying out its decisions, it may, for reasons to be recorded in writing and after giving the manager an opportunity of being heard, by order remove him from office and appoint another person to be the manager after consulting the educational agency.(7)The manager who is removed from office under sub-section (6) may, within a period of thirty days from the date of receipt by him of the order

under that sub-section, appeal to the Government and the decision of the Government thereon shall be final.(8)The governing body or managing council, as the case may be, may, at any time, apply to the Government for termination of the appointment of the University under sub-section (1) and if the Government are satisfied that the circumstances no longer inquire the continuance of appointment of the University to manage the affairs of the private college, they may, by order terminate such appointment.(9)The governing body or managing council, as the case may be, and the educational agency, if any, of the private college shall be liable to pay to the University all expenses incurred by the University out of University funds for the management of the affairs of such private college under this section.(10)Any amount payable to the University under sub-section (9) shall be a first charge on the assets of the private college.(11)The University shall maintain the accounts for the income and expenditure of the private college for the period during which its affairs have been managed by the University under this section and shall be liable to pay over annually to the governing body or the managing council, as the case may be, of the private college, the balance, if any, after meeting all the expenses out of the income.(12)The educational agency, if any, and the governing body or the managing council, as the case may be, of the private college shall have access to the accounts maintained by the University in respect of the private college under sub-section (11).

#### **64. Appointment of Commission to inquire in to the working of University.**

(1)The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.(2)The Commission constituted under sub-section (1) shall inquire into and report on-(i)the working of the University during the period to which the inquiry relates,(ii)the financial position of the University including the financial position of its colleges and departments,(iii)any changes to be made in the provisions of the 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 Senate for consideration and report.(4)Immediately after the Senate 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.

#### **65. Power of Government to make rules.**

(1)The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.(2)Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the



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

## **66. Register of recognised teachers.**

(1)The Syndicate shall maintain a register of recognised teachers of the University in such form as may be prescribed by the Statutes.(2)The Syndicate shall have power to suspend or remove from the register of recognised teachers the name of a teacher for reasons to be recorded in writing :Provided that the name of a teacher shall not be suspended or removed without giving him a reasonable opportunity of being heard.(3)A teacher whose name is suspended or removed from the register of recognised teachers shall not be eligible for appointment or continuance as a teacher in any of the institutions affiliated to the University.(4)An appeal shall lie to the Chancellor against the decision of the Syndicate under sub-section (2).(5)The register of recognised teachers shall be maintained in such manner as may be prescribed by the Statutes.

## **67. Conditions of service.**

(1)Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract.(2)The written contract 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 arising out of a contract between any officer or teacher of the University and the University shall, on the request of the officer or teacher concerned, be referred to a Board of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the Government not below the rank of a District Judge and a nominee of the officer or teacher concerned.(4)The member nominated by the Government shall be the chairman of the Board of Arbitration.(5)The award of the Board shall be final and no suit shall be in any civil court in respect of the matter decided by the Board.(6)The provisions of the Arbitration Act, 1940 (Central Act 10 of 1940), shall apply to any arbitration under this section.

## **68. Pension, insurance and provident fund.**

- the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under their 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.

## **69. 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.

## **70. Proceedings of the Senate, Syndicate and Academic Council.**

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

## **71. 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, Rule or Bye law or as to whether a person has been duly elected or appointed, 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.

## **72. Report on affiliated colleges.**

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

## **73. Protection of acts and orders.**

- All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final , and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, Rules and Bye-laws made thereunder.

## **74. 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.

## **75. Transitory provisions.**

(1)Any officer or authority of the University of Kerala exercising any powers or performing any duties under the Kerala University Act, 1957 (14 of 1957), immediately before the commencement of this Act shall, for a period of one year from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is earlier, continue to exercise such powers or perform such duties, as the case may be, so far as such powers

or duties are not inconsistent with the provisions of this Act.(2)The Statutes, Ordinances, Rules and Bye-laws in force immediately before the commencement of this Act shall, in so far as the are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, Rules or Bye laws framed under this Act.(3)All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by oi for the University of Kerala constituted under the Kerala University Act, 1957 (14 of 1957) and all liabilities legally subsisting against the said University and have not passed on to the Calicut University on the basis of area-wise oi purpose-wise division shall pass to the University constituted under this Act.(4)All persons who are registered graduates of the University of Kerala constituted under the Kerala University Act, 1957 (14 of 1957), and do not become registered graduates of the University of Calicut in accordance with the provision therefor in the Calicut University Act, 1968 shall be deemed to be registered graduates of the University constituted under this Act.

## **76. First Statutes and Ordinances.**

- Notwithstanding anything contained in this Act the first Statutes and the first Ordinances of the University shall be made by the Government.

## **77. Removal of difficulties.**

- If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or other wise in first giving effect to the provisions of this Act, the Government may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

## **78. Repeal.**

- The Kerala University Act, 1957 (14 of 1957), is hereby repealed.