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# KERALA GAZETTE

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GOVERNMENT OF KERALA  
Law (Legislation-C) Department  
NOTIFICATION

No. 2427|Leg. C|88|Law. *Dated, Trivandrum, 22nd April, 1988|  
2nd Vaisakha, 1910.*

A The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 22nd day of April, 1988.

By order of the Governor,  
P. GOPINATHA PILLAI,  
*Special Secretary (Law),*

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**ACT 12 OF 1988**

**THE MAHATMA GANDHI UNIVERSITY (AMENDMENT)  
ACT, 1988**

*An Act further to amend the Mahatma Gandhi University Act, 1985.*

*Preamble* --WHEREAS it is expedient further to amend the Mahatma Gandhi University Act, 1985, for the purposes hereinafter appearing;

BE it enacted in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement* —(1) This Act may be called the Mahatma Gandhi University (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 17th day of February, 1988.

2. *Amendment of section 2*.—In section 2 of the Mahatma Gandhi University Act, 1985 (12 of 1985) (hereinafter referred to as the principal Act), clause 18 shall be omitted.

3. *Amendment of section 3* --In sub-section (1) of section 3 of the principal Act, the words 'the Pro-Chancellor' shall be omitted.

4. *Amendment of the Heading in Chapter III* —In the ~~5~~ Heading under Chapter III of the principal Act, the words "PRO-CHANCELLOR" shall be omitted.

5. *Amendment of section 7* —In section 7 of the principal Act, in sub-section (2), the words "at meetings of the Senate, and" shall be omitted

6. *Omission of section 8*.—Section 8 of the principal Act shall be omitted

7. *Amendment of section 9* —In section 9 of the principal Act, after item (iv), the following item shall be inserted, namely —

"(ivA) the Deans of Faculties,'

8. *Amendment of section 10* —In section 10 of the principal Act,—

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

"(9) No person shall hold office of the Vice-Chancellor beyond the age of sixty-five years";

(b) in sub-section (10), after the words "The Vice-Chancellor shall", the words, figure and brackets "subject to sub-section (9)" shall be inserted,

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

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

(d) in sub-section (13), the words 'the Students' Council' shall be omitted;

(e) in sub-section (17), the following words shall be inserted at the end, namely:—

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

(f) in sub-section (24), the following words shall be inserted at the end, namely:—

"and in the event of temporary vacancies occurring in the offices of the Vice-Chancellor and the Pro-Vice-Chancellor or where the Vice-Chancellor and the Pro-Vice-Chancellor are temporarily absent, the senior most Professor in the University shall exercise the powers and perform the duties of the Vice-Chancellor.".

9. *Amendment of section 11* —In section 11 of the principal Act,—

(a) in sub-section (1), after the words 'a Pro-Vice-Chancellor', the words "from among a panel of names submitted to him by the Vice-Chancellor" shall be inserted,

(b) for sub-sections (4), (5) and (6), the following sub-sections shall be substituted, namely.—

"(4) The appointment of the Pro-Vice-Chancellor shall be co-terminus with that of the Vice-Chancellor

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

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

10. *Amendment of section 12*—In section 12 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

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

11. *Amendment of section 13*.—In section 13 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

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

12. *Amendment of section 14*.—In section 14 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

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

13. *Amendment of section 17*—In section 17 of the principal Act, under the heading “Ex-officio Members”, item (2) shall be omitted.

14. *Substitution of new section for section 19*.—For section 19 of the principal Act, the following section shall be substituted, namely.—

“19. *Powers and functions of the Senate*.—Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely.—

- (a) to review, from time to time, the broad policies and programmes of the University;
- (b) to suggest measures for the improvement and development of the University;
- (c) to consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts; and
- (d) to advise the Chancellor in respect of any matter which may be referred to it for advice.”

15. *Amendment of section 20.*—In sub-section (2) of section 20, the proviso shall be omitted.

16. *Amendment of section 21.*—In section 21 of the principal Act,—

(a) under the heading “Ex-officio Members”, for items (d) and (e) the following items shall be substituted, namely:—

“(d) The Secretary to Government, Finance Department or an Officer not below the rank of Joint Secretary nominated by him.

(e) The Director of Collegiate Education.”;

(b) for the items under the heading “Other Members”, the following items shall be substituted, namely —

“(a) Two eminent Educationists or Scientists nominated by the Government.

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

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

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

17. *Amendment of section 22.*—In section 22 of the principal Act,—

(a) in sub-section (1),—

(i) for the word “election”, the word “nomination” shall be substituted;

(ii) in the first proviso, for the words “elected” and “electorate” the words “nominated” and “body” shall respectively be substituted;

(iii) the second proviso shall be omitted,

(iv) in the third proviso for the words “Provided also” and for the word “elected” the words “Provided further” and the word “nominated” shall respectively be substituted;

(b) in sub-section (2), for the opening paragraph the following shall be substituted, namely:—

“Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in item (c) or in item (d) under

the heading "Other Members" in section 21 shall not cease to be such member merely on the ground that—",

18. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) in clause (ii), for the word "Ordinances", the words "Statutes and Ordinances" shall be substituted,

(b) clause (iii) shall be omitted;

(bb) in clause (ix), the second proviso shall be omitted,

(c) for clause (xii), the following clause shall be substituted, namely:—

"(xii) to institute and award fellowships, scholarships, studentships, bursaries, medals and prizes and to organise exhibitions,"

(d) for clause (xxiv), the following clauses shall be substituted, namely.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 *Amendment of section 24.*—In sub-section (3) of section 24 of the principal Act,—

(a) item (j) shall be omitted:

(b) in item (m), for the words "elected by the principals of professional colleges from among themselves", the words "nominated by the Government from the principals of professional colleges, by rotation according to seniority" shall be substituted;

(c) in item (n), for the words "elected by the principals of first grade colleges, other than colleges of oriental languages, from among themselves" the words "nominated by the Government from the principals of first grade colleges other than colleges of oriental languages, by rotation according to seniority" shall be substituted;

(d) for item (o), the following item shall be substituted, namely.—

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

(e) in item (p) for the word "Chancellor" the word "Government" shall be substituted;

(i) for [item (q), the following item shall be substituted, namely:—

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

(g) in item (i) for the word “Chancellor” the word “Government” shall be substituted;

(h) in item (t) for the word “Chancellor” the word “Government” shall be substituted.

20. *Amendment of section 26.*—In sub-section (3) of section 26 of the principal Act,—

(a) for items (b) and (c), the following items shall be substituted, namely:—

“(b) two members from each Board of Studies nominated by the Syndicate, who are teachers of the University and of the colleges or institutions by rotation;

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

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

(b) in sub-section (6) [the words “or election, as the case may be” shall be omitted.

21. *Amendment of section 28.*—In section 28 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Each Board of Studies shall consist of—

(a) the Head of the Department as its Chairman;

(b) such number of members as may be prescribed by the Statutes, nominated by the Chancellor from among the teachers of the University and of the Colleges, by rotation;

(c) such number of members as may be prescribed by the Statutes, nominated by the Chancellor from among persons who are experts in the field of education”;

(b) in sub-section (2), the words “constitution and” shall be omitted.



22. *Insertion of new section 28A.*—After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. *Dean of students.*—(1) There shall be a Dean of students who shall be nominated by the Chancellor in consultation with the Vice-Chancellor from among the students.

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

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

23. *Amendment of section 29.*—In sub-section (2) of section 29, under the heading “Ex-Officio Members”,—

(a) for item (a), the following item shall be substituted, namely:—

“(a) A senior member from among the Faculties nominated by the Chancellor who shall be the Chairman of the Council.”;

(b) after item (g), the following item shall be added, namely:—

“(h) The Dean of students.”;

24. *Amendment of section 30.*—In section 30 of the principal Act, in sub-section (2), for the words “The Vice-Chancellor shall cause to be laid before the Senate”, the words “The Chairman of the Students’ Council shall cause to be laid before the Syndicate” shall be substituted.

25. *Amendment of section 31.*—In sub-section (2) of section 31 of the principal Act, for item (d), the following item shall be substituted, namely:—

“(d) three members elected by the members of the Syndicate from among themselves of whom two shall be Deans of Faculties”.

26. *Amendment of section 35.*—In section 35 of the principal Act,—

(a) in clause (c), the words “the Syndicate” shall be omitted;

(b) after clause (c), the following clause shall be inserted, namely:—

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

(c) for clause (k), the following clauses shall be substituted, namely:—

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

(l) the procedure for arbitration in case of dispute between employees or students of the University;

(m) the procedure for appeal to the Syndicate by any employee or student against the action of any officer or authority of the University;

(n) the constitution of grievance committee for the employees and students and the terms of references to be made to it by them;

(o) the principles governing seniority of service of employees;

(p) the participation of the students and research scholars in the affairs of the University;

(q) the establishment and abolition of Faculties, Department, hostel etc.;

(r) the delegation of powers vested in the various authorities and officers of the University;

(s) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

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

27. *Amendment of section 36.*—In section 36 of the principal Act,—

(a) in sub-section (1),—

(i) for the word "Senate", the word "Syndicate" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that, in any such case, before a Statute is passed, the Syndicate shall obtain and consider the opinion of the Academic Council, where necessary on academic matters".

(b) in sub-sections (2) to (8), for the words "Senate" and "Syndicate" wherever they occur, the words "Syndicate" and "Academic Council" shall respectively be substituted.

28. *Amendment of section 38.*—In section 38 of the principal Act,—

(a) in sub-section (1), the words "but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during the next succeeding meeting" shall be omitted;

(b) sub-section (2) shall be omitted;

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

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

(d) in sub-section (4), for the words “submitted to the Government who shall forward the same to the Chancellor with their views”, the words “made only with the prior approval of the Government” shall be substituted.

29. *Substitution of new section for section 40.*—For section 40 of the principal Act, the following section shall be substituted, namely:—

“40. *Procedure for making Regulations.*—(1) All Regulations under this Act, shall have effect from such date as the Academic Council may direct but every Regulation so made shall be laid before the Syndicate during its next succeeding meeting:

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

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

30. *Amendment of section 41.*—In section 41 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that such rules, bye-laws or orders, which involve expenditure, shall be made only with the prior approval of the Government”;

(b) in sub-section (2), the words “but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting” shall be omitted;

(c) sub-section (3) shall be omitted.

31. *Amendment of the Heading in Chapter VI.*—In the Heading under Chapter VI of the principal Act, the words “THE SYNDICATE” shall be omitted.

32. *Amendment of section 43.*—In section 43 of the principal Act, the word “*Syndicate*” and the words “the Syndicate” shall be omitted.

33. *Amendment of section 45.*—In section 45 of the principal Act,—

(a) in sub-section (2)—

- (i) for the word "Senate", the word "Vice-Chancellor" shall be substituted;
- (ii) the words "and for the same reason may withdraw any degree or diploma conferred on or granted by the University" shall be omitted;

(b) in sub-section (3), for the words "The Senate may" the words "The Vice-Chancellor may, on the recommendations of the Syndicate" shall be substituted.

34. *Amendment of section 48.*—In section 48 of the principal Act,—

(a) in sub-section (1), for the word "Senate", the word "Chancellor" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

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

35. *Amendment of section 50.*—In sub-section (2) of section 50 of the principal Act, the words "and the Chancellor" shall be added at the end.

36. *Amendment of section 51.*—In sub-section (3) of section 51 of the principal Act, the words "and the Chancellor" shall be added at the end.

37. *Amendment of section 54.*—In section 54 of the principal Act,—

(a) in sub-section (1),—

(i) after item (d), the following item shall be inserted, namely:—

"(dd) two persons nominated from permanent teachers by the University by rotation, of whom, one shall be from those having ten years of service or more and the other shall be from those having less than ten years of service;"

(ii) items (c), (f) and (g) shall be omitted;

(b) in sub-section (2), after the word "Chairman", the words "and the Principal shall be the Secretary" shall be inserted.

38. *Amendment of section 55.*—In section 55 of the principal Act in sub-section (1),—

(a) after item (d), the following item shall be inserted, namely:—

“(dd) two persons nominated from permanent teachers by the University, by rotation, of whom one shall be from those having ten years of service or more and the other shall be from those having less than ten years of service;”;

(b) items (e), (f) and (g) shall be omitted.

39. *Insertion of section 59.*—In the principal Act, after section 58, the following section shall be inserted, namely:—

“59. *Appointment of teachers in private Colleges.*—(1) Appointments to the lowest grade of teacher in each department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

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

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

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

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

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

(7) Every appointment under this section shall be made by a written order of the Manager in such form as may be prescribed by Statutes, communicated to the person to be appointed, with copy to the University.

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

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

40. *Amendment of section 62*—Section 62 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in this Act, the Statutes, Ordinances and Regulations made thereunder,—

(a) a person appointed as teacher in a private college in a temporary vacancy and continuing as such shall be appointed as teacher in any permanent

vacancy that may arise, after such appointment in the temporary vacancy, in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area;

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

40A. *Amendment of section 63.*—In the principal Act, in section 63, after clause (c) of sub-section (6), the following clauses shall be inserted, namely:—

"(cc) removal from service;

(ccc) compulsory retirement from service."

41. *Substitution of new section for section 74.*—For section 74 of the principal Act, the following section shall be substituted, namely:—

"74. *Inspection.*—(1) The University may, at regular intervals as it deems necessary, and shall once in every five years, cause an inspection to be made by such person or machinery, as may be prescribed by the Statutes, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of other institutions maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University and also cause an enquiry to be made in respect of any matter connected with the University.

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

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

42. *Amendment of section 75.*—In section 75 of the principal Act, for the word "Senate", wherever it occurs, the word "Syndicate" shall be substituted.

43. *Omission of section 76.*—Section 76 of the principal Act shall be omitted.

44. *Omission of section 79.*—Section 79 of the principal Act shall be omitted.

45. *Amendment of section 100.*—In section 100 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in this Act, the first Statutes and the first Ordinances of the University shall be made by Government in consultation with the University Grants Commission, within a period of one year from the date of commencement of the Mahatma Gandhi University (Amendment) Act, 1988."

46. *Repeal and saving.*—(1) The Mahatma Gandhi University (Amendment) Ordinance, 1988 (9 of 1988) and the Mahatma Gandhi University (Second Amendment) Ordinance, 1988 (11 of 1988), are hereby repealed.

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