Kerala Row and Beyond: Governor's role in State, Central Universities

What is the issue?

The Kerala Governor Arif Mohammed Khan has asked Chief Minister Pinarayi Vijayan to take over as the chancellor of the universities, a post held by the Governor in respective states.

What issues were raised by the Kerala Governor?

- **Reappointment of Kannur University Vice Chancellor-** Last month, the Vice-Chancellor of Kannur University Prof Gopinath Ravindran was re-appointed for another 4 years even after issuing a notification for a fresh appointment.
- The Kannur University Act says no person above the age of 60 shall be appointed as Vice-Chancellor but the re-appointment is a violation of the law as Prof Gopinath has crossed the age of 60 years.
- The Governor has stated that he had tried to convince the legal advisor to the chief minister that re-appointment is not an extension of the term of an incumbent VC.
- **Salary dues of V-C-** Sree Narayana Guru Open University Vice-Chancellor Prof Mubarak Pasha is yet to receive a salary even a year after his appointment.
- The Governor's office took up the matter with the Higher Education Department and sent 3 letters and 2 reminders this year but there was no acknowledgement from the department for the communications from the chancellor's office.
- **Selection of Sanskrit University V-C-** The Governor had appointed a selection committee, which, as per the UGC guidelines, should shortlist three names for the post of V-C.
- However, the selection committee recommended only a single name, which is against the norms laid down by the UGC.
- The Governor turned down the recommendation as it deprived the Governor's opportunity to handpick.
- **Curtailing the Chancellor's power-** Recently, the state government amended the University Act, which took away the power of the Governor

as chancellor to make appointments to the University Appellate Tribunal.
- Also, the amendment did not consult the high court with regard to the appointments.
- **Faculty appointment at Sree Narayanaguru Open University-** Due to the delay in the appointment of faculty, it would not be possible for the university to begin the academic programme even in the second year of its existence.
- The Governor has said the process of appointment would take 3 months and the details have to be uploaded in the UGC portal but the portal would be closed in January, 2021, and it would be opened again only in October, 2021.
- **Governor Khan-Kerala government standoff-** In 2020, Governor Arif Mohammad Khan had turned down the recommendation of the state cabinet to convene a special session of the Assembly to discuss the new farm laws of the Union Government.
- He had also criticised the government when the assembly passed a resolution demanding the Centre to revoke the Citizenship (Amendment) Act (CAA).

What is the role of Governors in state universities?

- In most cases, the **Governor of the state is the ex-officio chancellor of the universities in that state**.
- The Governor's powers and functions as the Chancellor are laid out in the statutes that govern the universities under a particular state government.
- Their role in appointing the Vice Chancellors has often triggered disputes with the political executive.
- In Kerala's case, the Governor's official portal asserts that "while as Governor, he functions with the aid and advice of the Council of Ministers and as Chancellor, he acts independently of the Council of Ministers and takes his own decisions on all University matters.
- But the website of Rajasthan's Raj Bhawan states that the "Governor appoints the Vice Chancellor on the advice/ in consultation with the State Government".

What about central universities?

- Under the Central Universities Act, 2009, and other statutes, the **President of India shall be the Visitor of a central university**.
- With their role limited to presiding over convocations, Chancellors in central universities are titular heads, who are appointed by the President

in his capacity as Visitor.
- The VCs too are appointed by the Visitor from panels of names picked by search and selection committees formed by the Union government.
- The Act adds that the President, as Visitor, shall have the right to authorise inspections of academic and non-academic aspects of the universities and also to institute inquiries.

What disputes have other states seen?

- **West Bengal** - In 2019, the West Bengal government had curtailed the powers of the Governor in appointing VCs and to take action against them.
- The state universities were empowered to convene meetings of key decision-making bodies without keeping the Governor in the loop.
- It was made clear that all communication between the Governor and the VCs would have to go via the state Education Department.
- **Odisha**- In Odisha, the state government and the University Grants Commission are locked in a legal dispute in the Orissa High Court over the Odisha Universities (Amendment) Act.
- The Act brings appointments to universities in the state under the control of the state government which was challenged by UGC.

References

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