



Appointment of Vice-Chancellors of State Universities

For Prelims: [Governors](#), vice-chancellors, [President](#), [University Grants Commission](#), **Central Universities**

For Mains: Issues over appointment of the vice chancellors of state universities and way forwards.

Why in News?

A tussle between the Chief Minister of West Bengal and [Governor](#) came to the fore over the appointment of 10 senior professors as interim [Vice-Chancellors \(VC\)](#) of state-run universities.

- The Education Minister of West Bengal urged the professors to refuse the appointments and is seeking legal opinion.

What is the Role of Governor and President in the Universities?

▪ State Universities:

- In the state universities, the Governor of the state is the **ex-officio chancellor of the universities in that state**.
- While as **Governor he functions with the aid and advice of the Council of Ministers**, as **Chancellor he acts independently** of the Council of Ministers and takes his own decisions on all University matters.
- According to the University Grants Commission (UGC) Regulations, 2018, the VC of a university, in general, is appointed by **the Visitor/Chancellor, from a panel of three to five names recommended by the duly constituted Search cum Selection Committee**.
 - Where there is a conflict between the **State University Act and the UGC Regulations, 2018** to the extent State legislation is repugnant, the UGC Regulations, 2018 shall prevail.
 - According to **Article 254(1)**, if any provision of a state law is repugnant to a provision in a law made by the Parliament, which the Parliament is competent to enact, or with any existing law regarding any matter in the **Concurrent List**, then the **Parliamentary law would prevail over the State law**.

▪ Central Universities:

- Under the **Central Universities Act, 2009**, 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 Vice Chancellor is **appointed by the Visitor from panels of names picked** by search and selection committees formed by the Union government.
- A visitor is empowered to call for a set of fresh names in case of dissatisfaction with the given panel.

- The Act adds that the **President, as Visitor**, shall have the right to authorize inspections of academic and non-academic aspects of the universities and to institute inquiries.

What is the Role of Vice-Chancellor?

- As per the constitution of the University, **the Vice- Chancellor (VC) is considered the 'Principal Academic and Executive Officer of the University'**.
- As head of the University, **he/she is expected to function as a 'bridge'** between the executive and the academic wing of the university.
- It is to **facilitate this expected role that universities are always in search of persons** with values, personality characteristics and integrity in addition to academic excellence and administrative experience.
- The reports of the **Radhakrishnan Commission (1948), Kothari Commission (1964-1966), Gnanam Committee (1990) and Ramlal Parikh Committee (1993)** have highlighted the importance of the role of VC in maintaining the quality and relevance of universities, in addition to its growth and development, keeping in view, the much-needed changes from time to time.
- He shall be the **ex-officio Chairman of the Court, Executive Council, Academic Council, Finance Committee and Selection Committees** and shall, in the absence of the Chancellor preside at any convocation of the university for conferring degrees.
- It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, Statutes and Ordinances and Regulations are fully observed, and he should have the power necessary for the discharge of this duty.

What are the Tussles between CMs of several Indian States and Governors over Appointment of VC?

- Recently, the **Tamil Nadu Assembly passed** two Bills that seek to transfer the **Governor's power in appointing Vice-Chancellors (VC)** of 13 state universities to the state government.
- A bill from West Bengal seeking **to make the chief minister the chancellor of all state-run universities, replacing the governor**, was passed by the assembly in 2022 (still Pending for Assent of Governor).
- Maharashtra, Karnataka, Jharkhand and Rajasthan, state laws underline **the need for concurrence between the state and the Governor**.

Way Forward

- The **time may have come for all States to reconsider having the Governor** as the Chancellor.
- However, **they should also find alternative means of protecting university autonomy** so that ruling parties do not exercise undue influence on the functioning of universities.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q1. With reference to the Legislative Assembly of a State in India, consider the following statements: (2019)

1. The Governor makes a customary address to Members of the House at the commencement of the first session of the year.
2. When a State Legislature does not have a rule on a particular matter, it follows the Lok Sabha rule on that matter.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2

(d) Neither 1 nor 2

Ans: (c)

- Article 176(1) of the Constitution of India enjoins that the Governor shall address both the Houses assembled together at the commencement of the first Session after each general election to the Assembly and at the commencement of the first session of each year and inform the Legislature of the causes of its Summons. **Hence, statement 1 is correct.**
- Article 208 deals with the Rules of Procedure in State Legislatures. It states that:
 - (1) A House of the Legislature of a State may make rules for regulating subject to the provisions of this Constitution, its procedure and the conduct of its business.
 - (2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be.
 - So, in case, when there is no rule on a particular subject in the State Legislature, under a convention since colonial times, state legislatures follow the rules of the Lok Sabha. **Hence, statement 2 is correct. Therefore, option (c) is the correct answer.**

Q2. Consider the following statements: (2018)

1. No criminal proceedings shall be instituted against the Governor of a State in any court during his term of office.
2. The emoluments and allowances of the Governor of a State shall not be diminished during his term of office.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Exp:

- Article 361 of the Indian Constitution provides certain immunities to the President of India and the Governor of the States:
 - No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office. **Hence, statement 1 is correct.**
 - No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office.
 - No civil proceedings against the President, or the Governor, shall be instituted during his term of office in any court in respect of any act done by him in his personal capacity. However, after giving two months' notice, civil proceedings can be instituted against him during his term of office in respect of his personal acts done before or after entering the office.
- Article 158 states that the emoluments and allowances of the Governor shall not be diminished during his term of office. **Hence, statement 2 is correct. Therefore, option (c) is the correct answer.**

Mains

Q. Whether the Supreme Court Judgment (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine. **(2018)**

Q. Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. **(2022)**

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