

West Bengal's decision to make CM as Chancellor

Why in news?

The West Bengal government has decided to make the Chief Minister the Chancellor of State-run universities, instead of the Governor.

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 practice of appointing the governor as ex-officio chancellor of universities dates to the pre-Independence era.
- The foundation was laid down in the dispatch of Sir Charles Wood in 1854 to the court of directors described as 'The Magna Carta of English Education' in India.
- The original intent of making Governors hold the office of Chancellor was to insulate universities from political influence.
- After Independence, whenever a state university is established it is done with the help of a legislation passed by the state assembly.
- The statute provides power to the Governor to appoint vice-chancellors.
- However, post-Independence, the Governor is a Constitutional functionary.
- This raises question on whether the Governor can hold a de jure office when the Constitution does not confer any such privileges thus causing resentment among some states.

What is the friction between elected regimes and Governors?

- **West Bengal's case-** The Governor of West Bengal had alleged that VCs were appointed without the approval of the Chancellor, the appointing authority.
- On some occasions, VCs had not turned up for a meeting with the Chancellor.
- Recently, the West Bengal government has decided to make the CM the Chancellor of State-run universities, instead of the Governor.
- **Tamil Nadu's case-** Recently, the [Tamil Nadu Assembly passed a bill](#) that seeks to transfer the Governor's power in appointing VCs to the state government.
- It also passed a separate Bill to establish a new university for alternative systems of medicine with the Chief Minister as its Chancellor.
- **Kerala's case-** Governor Arif Mohammed Khan is asking the [Chief Minister to take over the Chancellor's role](#) in the light of alleged political interference in the functioning of universities.

What were the earlier recommendations in this regard?

- **Sarkaria Commission-** The Sarkaria Commission underlined that the Chancellor is not obliged to seek the government's advice.
- However, it did say there was an obvious advantage in the Governor consulting the Chief Minister or the Minister concerned.
- **Punchhi Commission-** Punchhi Commission has noted that the Ministers will naturally be

interested in regulating university education which would lead to clash of functions and powers.

- It has recommended the removal of governor from the post of chancellor of universities.
- **HC verdict**- The High Court of Punjab & Haryana in *Hardwari Lal vs G D Tapase* has held that the governor has an independent existence and the office held by him is statutory in nature as distinct from the constitutional office of the governor.
- **SC verdict**- The Supreme Court has also affirmed in *Bhuri Nath vs State of J&K* that when governors are entrusted with powers derived from statutes in official capacity, they are not to act on the aid and advice of the council of ministers.

Sarkaria Commission was established in 1983 to investigate and give recommendations on the relationship between the centre and the states.

Punchhi Commission was established in 2007 to take a fresh look at the roles and responsibilities of different levels of Government and their inter-relations.

References

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