



LegalOnus

Aequitas Sequitur Legem

*“A QUALITY
INITIATIVE FOR
LEGAL
DEVELOPMENT,
UNDERTAKEN
BY
LEGALONUS”*



LEGALONUS LAW JOURNAL
ISSN: 3048-8338



www.legalonus.com Email: journal@legalonus.com

About Us - LegalOnus Law Journal (LLJ)
ISSN: 3048-8338

LegalOnus Law Journal (LLJ) is a monthly, peer-reviewed, online academic journal dedicated to advancing legal scholarship. We provide an interactive platform for the publication of short articles, long articles, book reviews, case comments, research papers, and essays in the field of law and multidisciplinary issues.

Our mission is to enhance the level of interaction and discourse surrounding contemporary legal issues. By fostering a dynamic environment for discussion, we aim to elevate the quality of legal scholarship and become a highly cited academic publication.

We invite quality contributions from students, academics, and professionals across the industry, the bar, and the bench. Join us in our commitment to advancing legal knowledge and practice.

Disclaimer for LegalOnus Law Journal (LLJ)

ISSN: 3048-8338

All content published in the LegalOnus Law Journal (LLJ) is the intellectual property of their respective authors and contributors. The authors' copyright of articles, reviews, and other contributions remains.

Reproduction, redistribution, or commercial use of any materials from LLJ is strictly prohibited without prior written permission from the copyright holder and LLJ. The opinions expressed in the articles are those of the authors and do not necessarily reflect the views of LLJ or its editorial board.

LLJ and its editorial team are not responsible for any copyright infringements or legal issues arising from unauthorized use of the journal's content. For permissions, queries, or copyright concerns, please contact the LLJ editorial team at journal@legalonus.com. By accessing and using LLJ content, you agree to comply with this disclaimer and all applicable copyright laws.

Editorial Board

Senior Chief Editor



Prof. (Dr.) Jay Prakash Yadav

Director,
Amity Law School
Amity University,
Haryana Campus

Prof. (Dr.) Jay Prakash Yadav, Director of Amity Law School, Lucknow, serves as the Senior Chief Editor of the Legalonus Law Journal. A distinguished Constitutional Law scholar, he brings over two decades of experience in teaching, research, and administration. Formerly, he founded Jagran School of Law, Dehradun, and UILS, Chandigarh University. A Ph.D. holder and UGC-NET qualified academic, he is a respected consultant and Fellow at The Institute of Constitutional and Parliamentary Studies, New Delhi. Under his leadership, LLJ is committed to academic excellence, fostering critical legal scholarship, and contributing to global legal discourse.



Chief Editor(s)



Dr Radha Ranjan

Editor-in-Chief
Assistant Professor,
Amity University,
Patna, Bihar.

Dr. Radha Ranjan holds a Ph.D. in Law from the Central University of South Bihar (NAAC A++, UGC Category 1). He earned a B.A. (Hons) in Spanish from EFL University, LL.B. from Banaras Hindu University, and LL.M. from NLSIU, Bangalore, along with a diploma from Universidad Católica de Chile. A UGC-NET qualifier in Law and Criminology, he has published extensively in UGC CARE journals, peer-reviewed publications, and edited volumes. With expertise in Constitutional Law, Cyber Law, Criminal Law, and Human Rights, he actively contributes to national and international journals, seminars, and workshops.

Mr. Rachit Sharma

Editor-in-Chief
Assistant Professor
IILM University,
Greater Noida



Mr. Rachit Sharma holds an LL.M. and B.A. LL.B. (Hons.) from Guru Gobind Singh Indraprastha University, New Delhi, showcasing his academic excellence. With hands-on experience in legal practice, he possesses a deep understanding of legal procedures and challenges. A prolific scholar, he has published extensively in peer-reviewed national and international journals. Passionate about legal education, he mentors aspiring legal minds and promotes critical thinking. As an editorial board member for over eight reputed law journals, he actively contributes to legal scholarship, shaping the discourse in academic and professional legal literature.



Chief Editor(s)



Mr. Anandh Kumar V

Editor-in-Chief
Assistant Professor
SRM School of Law,
SRMIST, Tamil Nadu

Dr. Anandh Kumar V, Assistant Professor at SRM School of Law, SRMIST, Tamil Nadu, is a distinguished academician with extensive experience in legal education, moot courts, and research. Holding a B.A.L.L.B from Government Law College, Madurai, and an LL.M. in Business Law from Tamil Nadu Dr. Ambedkar Law University, he is currently pursuing a Ph.D. in Law.

A seasoned moot court coach and judge, he has officiated over 100 competitions at international, national, and state levels, including events hosted by Newcastle University (UK), Amity Law School, and ICFAI Law School. His teaching and research expertise span Competition Law, Company Law, Insurance Law, and Cyber Crimes, with significant roles in institutions like TNDALU, Anna Institute of Management, and IGNOU.

Dr. Anandh Kumar V is also a Research Associate in Consumer Law, an award-winning arbitration expert, and a curriculum developer. His contributions to legal academia and moot court training reinforce his influence in shaping legal scholarship and practice.

Megha Middha

Editor-in-Chief
Research Scholar,
Mohanlal Sukhadia University,
Udaipur.



Megha Middha is a Research Scholar at Mohanlal Sukhadia University, Udaipur, with nearly four years of teaching experience. A Gold Medalist in BBA LL.B (Hons.) from Amity University, Rajasthan, she pursued her LL.M in Business Laws from NLSIU, Bengaluru and is currently enrolled in a Ph.D. program at University College of Law, MLSU, Udaipur.

Passionate about academics and research, she aims to contribute to legal scholarship and societal change. She has numerous publications in SCOPUS-indexed and UGC CARE-listed journals. Her interests include reading, researching, and writing on legal and socio-legal issues, fostering deep analytical thinking among students.



Chief Editor(s)



Dr Pallavi Singh

Editor-in-Chief
Assistant Professor (CUSB),
School of law and Governance,
Department of Law and Governance
Central University of South Bihar,
Gaya.

She is B.Sc., LL.B, LL.M, NET qualified. She has completed her PhD from the faculty of law at Banaras Hindu University. She has participated in and presented a paper in many national as well as international seminars and conferences with multiple publications to her name which are indexed in UGC CARE and peer-reviewed journals. She is an author of multiple books in law and edited books. Her interest areas are cyber law, women and criminal law, Property law, criminal law, etc.

Advo. Tarun Agarwal

Editor-in-Chief

Lawyer in London and Mumbai

Registered Foreign Lawyer

England and Wales



Advocate Tarun is a distinguished legal professional with expertise in cross-jurisdictional law, practising in London and Mumbai. He excels in cross-border dispute resolution, negotiations, and restructuring projects, demonstrating strategic leadership and problem-solving skills.

A recognized legal scholar, he co-authored a book on International Litigation (Eastern Book Company) and published it in the Young Arbitration Review. His academic credentials include a B.A. LL.B. (Hons.) from GNLU, P.G.D.L. from NALSAR, and an LL.M. from UCL.

A Registered Foreign Lawyer in England and Wales, Tarun is affiliated with the Law Society of England and Wales, the Bar Council of India, and the Chartered Governance Institute (UK & Ireland). He received the Lex Falcon Global Award 2024 – Rising Independent Lawyer of the Year and is a Fellow of the Royal Society of Arts (RSA), England and Wales.

As Chief Editor of Legalonus Law Journal, Tarun's leadership, expertise, and scholarly contributions shape legal discourse, making a significant impact on the legal community.





Dr. Santhosh Prabhu

Guest Reviewer
Assistant Professor (Law),
SDM Law College, Centre for PG
Studies & Research in Law, Mangalore
D.K. Karnataka, India

Dr. Santhosh Prabhu is a distinguished academician and legal expert with over 15 years of teaching and research experience, specializing in IPR, company law, competition law, and labour laws. He holds a Ph.D. in Law from Alliance University, Bengaluru, and an LL.M. in Business and Trade Laws, along with multiple postgraduate degrees, including MA in Industrial Sociology and MHRM. He is also NET-qualified with Junior Research Fellowship (JRF).

Dr. Prabhu has supervised 37 LL.M. dissertations and 23 MBA projects, contributing significantly to academic development. A leader in curriculum development, he has coordinated national events and organized successful placement sessions at SDM Law College. His extensive research includes over 25 papers in Scopus-indexed journals and books on professional ethics and cyber law. He has delivered 35+ training sessions and contributed expert talks at international conferences on IPR and corporate governance.

As Associate Editor of Legal Opus and a member of editorial boards of peer-reviewed journals, Dr. Prabhu is actively shaping legal scholarship. His leadership in event coordination and skill development programs underscores his commitment to enhancing legal education and empowering students. His innovative teaching methodologies and active participation in academic and professional communities make him a respected figure in the legal domain.



Senior Editor(s)



Aakansha Verma

Senior Editor
Assistant Professor,
Presidency school of Law, Presidency University,
Bengaluru, Karnataka.

Aakansha Verma is an accomplished academician and a rising scholar in the field of law. She is currently pursuing her Ph.D. at Integral University, Lucknow, and serves as an Assistant Professor at Presidency School of Law, Karnataka. She has also held the position of Assistant Professor at Amity Law School, Amity University.

With an LL.M. in Constitutional and Administrative Law from Babasaheb Bhim Rao Ambedkar University, Lucknow, and UGC NET qualification, she has presented research papers at national and international conferences, focusing on healthcare access, arbitration, and reproductive technologies. Her research has been widely published in reputed journals and scholarly books.

Dedicated to legal research and education, Aakansha is committed to advancing legal scholarship and fostering a deeper understanding of complex legal issues. Her expertise and academic contributions make her a valuable member of our editorial board.

Ms. Anuja Jalan

Author, Senior Editor
Assistant Professor
Balaji Law College,
Pune



Ms. Anuja Jalan, a lawyer-turned-academician, is passionate about legal research and education. With over three years of legal practice, she has expertise in taxation, corporate laws, criminal law, and intellectual property rights. She holds a Master's degree in Law from UPES, Dehradun, and a B.A.LL.B from Basanthali Vidyapith, Rajasthan.

Currently serving as an Assistant Professor at Balaji Law College, Pune, she is deeply engaged in international law, cyber security, and data privacy. Her research explores judicial transformation, criminal psychology, and law's intersection with technology and society.

Her published works have been recognized globally, with some included in the digital collections of Stanford and Cambridge universities. Ms. Anuja continues to contribute valuable insights to modern legal discourse, making her an esteemed member of our editorial board.



Senior Editor(s)



Reshmi Hossain

Senior Editor
Advocate
Calcutta High Court

Holding an LL.M. from City University of London, she graduated with B.A. LL.B (Hons.) from Calcutta University with distinction, earning the City Law School Prize in Intellectual Law and Policy (2021) for her academic excellence.

Her legal practice spans corporate, commercial, real estate, intellectual property, and alternate dispute resolution, representing both corporate and individual clients. She has co-authored several legal papers for Lincoln Legal Chambers, where she is also a member of the editorial board.

A dedicated researcher, she has explored intellectual property rights, notably authoring “Plain Packaging Tobacco: A Multi-Jurisdictional Commentary” published on SSRN. Her expertise and commitment to legal scholarship make her a valued addition to our editorial board.

Shivani Gupta

Senior Editor
Assistant Professor,
KGP PG College,
Moradabad.



She earned her LL.B. with distinction, receiving the Gold Medal from Mahatma Jyotiba Phule Rohilkhand University. She later pursued an LL.M. from IFTM University, Moradabad, and completed a Ph.D. in Law from Invertis University, specializing in legal philosophy.

Her dedication to legal scholarship is reflected in her numerous certifications, including UNCITRAL International Commercial Arbitration, Mediation Framework, and Cyber Security Job Simulation (Clifford Chance). She also participated as a Judge in the 2024 IBA ICC Moot Court Competition and is an active member of INTA, the Mumbai Centre for International Arbitration, and MediateGuru.

As an evaluator for the IBA ICC Moot (India National Rounds), she mentors aspiring legal professionals. Her expertise and commitment to legal education make her an invaluable addition to the editorial board.



Students Editors

Jatin Rana

Student Editor

Jatin Rana, currently pursuing a B.A.LL.B. (Hons.) in his fourth year at Law College Dehradun, faculty of Uttaranchal University.

Akriti Sonwani

Student Editor

Akriti Sonwani is UGC NET/JRFA lawyer by profession, she has obtained her LLM degree from National Law University Delhi, specialising in Criminal Law..

Ashutosh Debata

Student Editor

Ashutosh Debata is a multifaceted individual with a diverse range of experiences spanning education, legal internships, and organizational leadership. Completed his LLB from Madhusudan Law University.

Lalith Swetha

Student Editor

Lalith Swetha is passionate about exploring different fields of law. Currently in 3rd year BA LLB student at Sastra University.

Prasanth D

Student Editor

A dedicated legal scholar with a background in commerce and law, holding degrees from Dwarka Doss Goverdhan Doss Vaishnav College, Chennai, and Government Law College, Viluppuram.

Sumit Kumar

Student Editor

Sumit Kumar is currently in his final year at Law College Dehradun, Uttaranchal University,



Publisher| Managing Director| Founder



Ayush Chandra

Publisher

Publisher| Managing Director| Founder

High Court and Lower Court,

Lucknow- UP

Ayush Chandra has pursued an extensive and comprehensive education in law, complemented by rich practical experiences. He holds a B.A. LL.B. from Amity University, graduating with first-division marks. His academic foundation spans a broad spectrum of legal subjects, reinforcing his expertise in the field.

His practical experience includes an internship with the District Legal Services Authority (DLSA), where he gained exposure to court procedures, judicial decorum, and visits to institutions such as the district jail, police headquarters, women empowerment department, and child welfare department.

In pursuit of continuous learning, Ayush has completed specialized courses on Drone Law and Pleading & Litigation. His hands-on experience expanded through internships at the Allahabad High Court and the Supreme Court of India, where he gained valuable insights into legal interpretation, case applications, and expert knowledge in drafting and pleading.

Ayush Chandra's strong academic background, practical legal training, and commitment to research make him a valuable contributor to the editorial board.



Governor's Discretionary Powers Under the Indian Constitution

By VAISHNAVI KAISHAV

Abstract

The role of the Governor in Indian state university administration, particularly as Chancellor, raises vital questions regarding autonomy, accountability, and political neutrality. Originally envisioned as a ceremonial and impartial figure, the Governor's position has increasingly come under scrutiny due to legislative efforts in states like West Bengal, Tamil Nadu, and Maharashtra that seek to curtail gubernatorial powers. This paper critically examines the constitutional basis of the Governor's discretionary powers in university governance, especially in light of Articles 154, 162, 163, and 200 of the Indian Constitution. It explores the evolving statutory framework, landmark case law, and recent legislative amendments that challenge the Governor's traditional role. Highlighting instances of political interference in academic decisions—such as Vice-Chancellor appointments and curriculum control—the study underscores the tension between executive oversight and institutional independence. The research recommends establishing neutral, expert-led appointment mechanisms and redefining the Governor's role to ensure that universities function autonomously and free from political influence, in alignment with constitutional and educational goals.

Keywords: Governor, Indian Constitution, University Administration, Autonomy, Chancellor, Higher Education, Political Interference

Introduction

The Governor's role as the Chancellor of state universities has been a subject of extensive debate, particularly concerning its alignment with constitutional principles of autonomy, impartiality, and non-political governance. While the Indian Constitution does not explicitly define the Governor's role in university administration, it has evolved through state-specific legislation, judicial interpretations, and policy frameworks. The office of the Chancellor, historically modelled on the British system, was intended to be a neutral and ceremonial role that safeguards university autonomy from excessive executive control. However, in recent years, several states have introduced legislative amendments aimed at reducing the Governor's powers in university governance, sparking concerns over the politicization of higher education institutions.



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

The Constituent Assembly Debates reflect the framers' intention to create a higher education system insulated from political and bureaucratic influence. Dr. B.R. Ambedkar emphasized the importance of maintaining institutional autonomy in education, stating that universities should not be subjected to arbitrary state control, as they are the pillars of intellectual and social progress¹. Judicial decisions have further reinforced the necessity of an independent and impartial framework for university administration. In *Azeez Basha v. Union of India*², the Supreme Court ruled that government interference in university matters should not override their academic and institutional independence.

The Governor's role as Chancellor has been challenged through legislative reforms in states like West Bengal, Tamil Nadu, and Maharashtra, where the power to appoint Vice-Chancellors has been shifted to the Chief Minister or the state government. While such changes aim to enhance administrative efficiency, they raise constitutional concerns about executive overreach and erosion of academic independence. MP Jain argues that excessive state intervention in university governance risks transforming academic institutions into political instruments, undermining their credibility and global standing³. DK Basu further supports the argument that a well-defined and neutral governance mechanism is essential to prevent the politicization of educational institutions and to ensure academic freedom⁴.

Recent Supreme Court rulings have also emphasized the importance of protecting university autonomy from undue political influence. In *Dr. J.P. Unnikrishnan v. State of Andhra Pradesh*⁵, the Court upheld the principle that higher education institutions must function independently to fulfil their constitutional mandate. Similarly, in *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi*⁶, the Court ruled that autonomous institutions must be shielded from excessive state control to preserve their integrity and purpose. To ensure a balanced approach to university governance, it is imperative to establish clear legal and policy guidelines that uphold the Governor's neutrality while allowing for effective administration. This research aims to examine the constitutional validity of the Governor's role as Chancellor, assess the impact of recent legislative changes, and explore mechanisms to maintain a balance between governance and academic independence. The study will draw on constitutional provisions, judicial precedents, and policy recommendations to propose a framework that ensures transparent, accountable, and politically neutral university administration.

¹ Constituent Assembly Debates, Vol. IX, 1949

² AIR 1968 SC 662

³ MP Jain, Indian Constitutional Law (8th edn, LexisNexis 2018)

⁴ DK Basu, Introduction to the Constitution of India (LexisNexis 2019)

⁵ (1993) 1 SCC 645

⁶ (1975) 1 SCC 421



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

Problem statement:

Regarding higher education, the Governor's functions as the Chancellor of State Universities in India provide interesting discussions on autonomy, governance of higher education, and political neutrality. Tension exists between the achievement of political objectives including inter-party and intra-party relations and the management of public institutions, given that the Governor has the constitutional obligation to appoint Vice-Chancellors, sanction statutes, and attend the academic meetings as an officer of the university. These strains deeply compromise this balance between effective management and academic autonomy. The same need for a critical appraisal of this role stems from *Syed Bashiruddin v. amu* and various recent legislative actions aimed at reducing the Governor's powers.

Objectives:

1. To analyse the constitutional and legal framework governing the Governor's role in state university administration.
2. To assess the impact of the Governor's role on university autonomy and governance.
3. To provide recommendations for redefining this role to balance effective administration and academic freedom.

Research Questions:

1. Does the Governor's role as Chancellor align with constitutional principles of autonomy and impartiality?
2. How have recent legislative changes affected the governance of state universities?
3. What measures can ensure a balance between effective university governance and independence from political interference?

Research Method:

A doctrinal research methodology will be employed, relying on primary sources such as constitutional provisions, statutes, case laws, and secondary sources like scholarly articles and reports.

Possible Conclusions:

1. The Governor's role should be redefined to focus on ceremonial and oversight functions rather than administrative control.
2. Collaborative governance frameworks involving academic and state government representatives can enhance decision-making.
3. Insulating university administration from political pressures is critical to preserving academic autonomy.



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

Governor's Role Under the Indian Constitution

The Governor, as the constitutional head of a state, derives powers and responsibilities from the Indian Constitution. While primarily an executive authority, the Governor also plays a significant role in higher education by serving as the Chancellor of state universities. The constitutional provisions relevant to the Governor's role in university administration include:

- **Article 154: Executive Power of the State**

Article 154 vests the executive power of the state in the Governor, who exercises it either directly or through officer's subordinate to them, in accordance with the Constitution⁷. This power extends to the administration of state universities, where Governors often function as Chancellors and oversee their governance.

- **Article 162: Extent of Executive Power Concerning State Subjects**

Under Article 162, the executive power of a state extends to matters with respect to which the State Legislature has the authority to make laws⁸. Since education falls under the Concurrent List (Entry 25, List III of the Seventh Schedule), states have the power to legislate on university matters. However, the Governor's role as Chancellor is defined through state legislation, leading to variations in different states.

- **Article 163: Governor's Discretionary Powers**

Article 163 provides that the Governor is required to act on the advice of the Council of Ministers, except in matters where discretion is explicitly granted by the Constitution⁹. This provision creates ambiguity regarding the Governor's independent role as Chancellor of universities. While some argue that the Governor should act on the advice of the state government, others contend that the role of Chancellor is a statutory office, granting some autonomy to the Governor.

- **Article 200: Assent to Bills and Legislative Discretion**

Article 200 empowers the Governor to grant or withhold assent to Bills passed by the State Legislature or reserve them for the consideration of the President¹⁰. This has been a contentious issue in university administration, where state governments have attempted to curtail the Governor's role as Chancellor by passing amendments to University Acts, some of which have been stalled at the Governor's level.

⁷ Constitution of India 1950, art 154.

⁸ Constitution of India 1950, art 162.

⁹ Constitution of India 1950, art 163.

¹⁰ Constitution of India 1950, art 200



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

Statutory Role of the Governor as Chancellor

The Governor's position as the Chancellor of state universities is primarily defined through state university statutes rather than the Constitution. This role includes presiding over university convocations, appointing Vice-Chancellors, and overseeing policy implementation in higher education institutions. However, the extent of the Governor's powers varies across states. The University Grants Commission (UGC), established under the UGC Act, 1956, regulates higher education at the national level. However, the administration of state universities remains primarily under state control, with Governors traditionally serving as Chancellors under state university laws¹¹.

Examples from Various State University Acts

- **Maharashtra Public Universities Act, 2016** – The Governor, as Chancellor, appoints Vice-Chancellors and ensures compliance with UGC guidelines¹².
- **West Bengal University Laws (Amendment) Act, 2022** – Removed the Governor as Chancellor and replaced the position with the Chief Minister, limiting the Governor's oversight of university affairs¹³.
- **Tamil Nadu Universities Act (Proposed Amendment, 2022)** – Similar to West Bengal, proposed amendments sought to transfer the power of appointing Vice-Chancellors from the Governor to the state government¹⁴. These legislative changes highlight the ongoing debate over the Governor's role, with some states advocating for reduced gubernatorial involvement to prevent political interference, while others argue for the retention of the Governor's authority to maintain impartiality in university administration.

Landmark Case Laws

Azeez Basha v Union of India

In this case, the Supreme Court ruled that Aligarh Muslim University, despite its historical origins, was not established by the Muslim community but rather by a legislative act¹⁵. The case set a precedent on state control over educational institutions, reinforcing the state's authority in university governance. While the case did not directly address the Governor's role, it highlighted the legal framework governing university autonomy.

S P Gupta v Union of India

This case dealt with judicial appointments but has been cited in the context of institutional autonomy. The Supreme Court emphasized that institutions must function independently, free

¹¹ University Grants Commission Act 1956.

¹² Maharashtra Public Universities Act 2016.

¹³ The West Bengal University Laws (Amendment) Act 2022

¹⁴ Proposed Tamil Nadu Universities Act Amendments 2022

¹⁵ [1968] AIR SC 662



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

from undue influence by any government authority¹⁶. This principle is relevant to university governance, as it supports the argument that state universities should maintain autonomy from excessive executive control, including the Governor's discretionary power as Chancellor.

Political Influence in University Administration

The role of the Governor as Chancellor of state universities has become a subject of political contention. While initially intended to ensure impartiality and academic integrity, recent trends indicate that state governments and Governors often find themselves at odds over appointments, policy decisions, and administrative control¹⁷. Several states have sought to limit the Governor's influence in university matters, citing concerns over executive overreach and political interference¹⁸.

Instances of Conflicts Between Governors and State Governments

Conflicts between Governors and state governments regarding university administration are frequent and revolve around key issues such as Vice-Chancellor appointments, policy implementation, and discretionary powers.

- Maharashtra: In 2021, a dispute arose over the appointment of the Vice-Chancellor of Mumbai University. The state government accused the Governor of delaying the process to exert control over the institution, leading to administrative uncertainty and disruptions in academic activities¹⁹.
- Kerala: The Kerala government has consistently opposed the Governor's involvement in university governance, arguing that it undermines state autonomy over higher education²⁰.
- West Bengal: In 2022, West Bengal passed the West Bengal University Laws (Amendment) Act, replacing the Governor with the Chief Minister as Chancellor of state universities, arguing that education is a state subject and should not be influenced by central appointees²¹.
- Autonomy vs. Executive Control
University autonomy is a fundamental principle ensuring higher education institutions function independently, free from external political pressures²². However, excessive

¹⁶ [1981] Supp SCC 87

¹⁷ S P Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (OUP 2002)

¹⁸ MP Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018).

¹⁹ D D Basu, *Introduction to the Constitution of India* (LexisNexis 2020).

²⁰ (1980) AIR SC 470

²¹ 'West Bengal University Laws (Amendment) Act, 2022'

²² *ibid* 87



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

control—whether from the state government or the Governor—can compromise academic freedom and effective governance.

How Excessive Control Affects Academic Freedom and Decision-Making

Excessive interference undermines universities' ability to function effectively, resulting in:

- Political Appointments: Vice-Chancellors may be chosen based on political affiliations rather than academic merit.²³ Funding and Resource Allocation: Universities not aligned with the ruling government's ideology may face delays in funding approvals, affecting research and infrastructure development.²⁴
- Curriculum Control: State governments altering university syllabi for political reasons affect academic integrity and research freedom.²⁵
- The role of Vice-Chancellors and university senates is crucial for maintaining academic independence. However, political influence in these bodies can weaken their authority.
- Vice-Chancellors, responsible for academic and administrative efficiency, lose their independence if appointed based on political loyalty rather than qualifications.²⁶
- University senates and governing councils should make policy decisions without external pressure to protect academic priorities²⁷.

Recent Legislative Changes and Their Impact

Several states have proposed and enacted laws to redefine the Governor's role in university administration. These reforms aim to increase state control over universities while reducing the Governor's discretionary influence²⁸.

- West Bengal University Laws (Amendment) Act, 2022

This Act replaced the Governor with the Chief Minister as Chancellor of state universities.²⁹ The West Bengal government justified this move by asserting that education is a state subject, and Governor's involvement represents undue central influence. The amendment sparked debates on whether political executives should control universities, potentially increasing state interference in academic governance.³⁰

Tamil Nadu and Kerala Proposing Similar Legislative Changes

Following West Bengal's lead, Tamil Nadu and Kerala have proposed similar amendments: Transferring the power of appointing Vice-Chancellors from the Governor to the state

²³ [1968] AIR SC 662

²⁴ Ibid(n18)

²⁵ Ibid (n 1)

²⁶ Ibid(n 19)

²⁷ Ibid(n21)

²⁸ [1952] AIR SC 75

²⁹ Ibid(n21)

³⁰ Ibid(n 17).



LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

government. Reducing the discretionary powers of the Governor in university administration. Increasing the role of state higher education bodies in governance.

Tamil Nadu's government argued that the Governor's interference delays appointments and creates administrative inefficiencies³¹. Kerala has emphasized that state governments should manage universities without gubernatorial oversight

Debate Over the Need for Restructuring University Governance

The shift towards limiting the Governor's powers in universities has led to a broader debate on higher education governance. The arguments from both sides include:

1. Arguments in Favor of Removing the Governor as Chancellor

- Reducing Political Bias: Governors, appointed by the central government, may not act in the best interest of the state's education policies³².
- Strengthening State Control: Since education falls under the Concurrent List, states should have greater autonomy in shaping policies³³.
- Faster Decision-Making: Reducing the Governor's role can eliminate bureaucratic delays in Vice-Chancellor appointments and policy implementation³⁴.

2. Arguments Against Removing the Governor as Chancellor

- Ensuring Impartiality: The Governor serves as a neutral authority, preventing political interference in university administration³⁵.
- Maintaining Academic Standards: By keeping appointments outside political influence, universities can maintain academic credibility.³⁶
- Preventing State Overreach: In some cases, state control has led to favouritism in faculty appointments and policy decisions, reducing academic excellence.³⁷ The debate over the Governor's role in university administration reflects larger tensions between state autonomy and institutional independence. While states seek greater control over education policies, concerns about political interference and academic freedom persist.³⁸ The challenge lies in creating a balanced governance model that ensures universities operate efficiently, free from both gubernatorial and excessive state government interference.

³¹ Ibid (n 19)

³² Ibid

³³ Ibid (n 18)

³⁴ Ibid (n 21)

³⁵ Ibid (n 17)

³⁶ Ibid (n 16)

³⁷ Ibid (n 15)

³⁸ Ibid (n 1)

Finding a Balance – Reform Proposals

The role of the Governor in state university administration has sparked extensive debates regarding governance models, autonomy, and political influence. In recent years, multiple states have sought to curtail the Governor's powers as Chancellor, leading to concerns about the balance between institutional independence and state oversight. Reform proposals include strengthening independent regulatory bodies, depoliticizing Vice-Chancellor appointments, and adopting best practices from global higher education governance models.

One key alternative governance model involves strengthening the role of independent regulatory bodies like UGC to ensure uniform governance across universities while minimizing state interference³⁹. The Constituent Assembly Debates emphasized the importance of educational institutions functioning independently of excessive government control⁴⁰. The National Education Policy (NEP) 2020 also stresses the need for independent and autonomous governance in higher education institutions (National Education Policy 2020). Another approach is the decentralization of university administration⁴¹, which removed the Governor as Chancellor. Decentralization can allow for greater participation by faculty, alumni, and students in decision-making, ensuring a governance model that is accountable but not politically driven.⁴²

Ensuring impartiality in university appointments is another crucial reform. Currently, political interference in appointing Vice-Chancellors undermines institutional integrity. In leading case, the Supreme Court emphasized the importance of universities functioning independently of state control. Establishing neutral search committees, composed of academics and independent regulators, can help depoliticize the selection process.⁴³ Moreover, it is transferred the power to appoint Vice-Chancellors from the Governor to the Chief Minister, has raised concerns over excessive state control. To ensure fairness, the appointment process should be transparent, based on academic merit, and involve faculty councils, university senates, and independent experts⁴⁴.

Conclusion and Recommendations

The governance of state universities in India requires a careful balance between autonomy, accountability, and efficiency. With several states seeking to reduce the Governor's role as Chancellor, concerns about increasing political interference in university affairs have emerged. While reforms aim to enhance local autonomy, they must ensure that universities retain their

³⁹ Ibdi (n 18)

⁴⁰ Ibdi (n 1)

⁴¹ Ibdi (n 14)

⁴² Ibdi (n 19)

⁴³ Ibdi (n 15)

⁴⁴ Ibdi (n 18)

LEGALONUS LAW JOURNAL(LLJ)

A Quality Initiative For Legal Development, Undertaken By the Legalonus

academic independence and are not subject to excessive state control. The key issues in university administration include political influence in Vice-Chancellor appointments, lack of transparency in governance structures, and the need for greater institutional autonomy. The Supreme Court recognized the need for universities to function independently to uphold academic excellence.⁴⁵ The National Education Policy 2020 also emphasizes the necessity of reducing political influence in academic governance (National Education Policy 2020).

To address these concerns, several recommendations can be considered. First, establishing clear legal provisions defining the Governor's role in university administration can prevent conflicts between state governments and higher education institutions. The UGC and National Education Policy should explicitly define the Governor's role, ensuring that it is more ceremonial than executive⁴⁶. Second, strengthening university governing bodies with independent experts can enhance transparency and accountability. University Senates and Councils should have greater decision-making powers, and Vice-Chancellor appointments should be handled by neutral search committees, including academics, alumni, and legal experts⁴⁷. Lastly, promoting academic freedom while maintaining administrative discipline is essential. Universities should have greater control over curriculum development and research funding, while institutional mechanisms should ensure accountability without compromising independence (National Education Policy 2020).

Future research should focus on the impact of state government control over universities and its implications for academic performance. Comparative studies on different governance models across Indian universities can provide further insights into best practices. Additionally, exploring global best practices in university governance can help identify adaptable solutions for India's higher education system. By implementing these reforms, India can ensure that its universities maintain academic integrity while remaining free from undue political influence.

⁴⁵ Ibdi (n 2)

⁴⁶ Ibdi (n 3)

⁴⁷ Ibdi (n 4)



Maiden Issue

S. No.:	Particulars	Details
1.	Place of publication	Lucknow, Uttar Pradesh
2.	Language	English only
3.	Under the guidance	Mr. Anandh Kumar V
4.	Owner, & Publisher	LEGALONUS LAW JOURNAL, Ayush Chandra, Lucknow, UP, India

Guidelines for Contributors

- Original accounts of research in the form of articles, short articles, reports, notes, comments, review articles, book reviews and case comments shall be most appreciated.
- Mode of citation: Footnotes, References
- Font; Times New Roman
- Font size: 12 points for text and 10 points for footnotes.
- Spacing: 1.5
- Mode of Submission: Email
- Email: journal@legalonus.com

LEGALONUS LAW JOURNAL: SUBMISSION GUIDELINES

About the Journal

LegalOnus Law Journal (LLJ) is a peer-reviewed journal dedicated to fostering legal research and scholarship. Our platform provides an opportunity for scholars to present their insights on contemporary legal issues while maintaining academic excellence and integrity.

LegalOnus was established in 2021, and the **LegalOnus Law Journal (LLJ)** began in 2024. The journal is published monthly and is available exclusively in English. As an online publication, we strive to make cutting-edge legal research accessible to a global audience.

Scope and Focus

LegalOnus Law Journal (LLJ) invites submissions on a wide array of legal topics, including but not limited to:

- Constitutional Law
- International Law
- Human Rights
- Corporate Law
- Business Law
- Case Law
- Civil Law
- Consumer Protection
- Criminal Law
- Current Legal Issues
- Environmental Law
- Family Law
- Intellectual Property Law
- Legal Theory

Submissions should contribute to scholarly discussions, offer novel insights, and maintain high academic rigor.



Types of Submissions

LLJ welcomes the following categories of submissions:

- Research Articles or long articles/papers: In-depth analysis of legal issues (3,000 – 10,000 words)
- Essays/Short Articles (1500-3000 words, Excluding footnotes)
- Case Comments & others: Critical evaluations of recent judicial decisions (1200 – 2500 words, Excluding footnotes)
- Book Reviews: Reviews of legal publications (1,000 – 2,500 words)
- **Notes:** Brief insights or observations on current legal developments (1,500 – 3,000 words)

1. **Research Articles or long article/papers:** Submissions in this category should provide a thorough exploration of the chosen topic, engaging deeply with its themes and relevant literature. Articles should critically assess current practices in the field, identify gaps, and present innovative reassessments alongside constructive recommendations. Theoretical contributions are also encouraged.
2. **Essays/Short Articles:** Essays and short articles are concise in scope, focusing on a specific issue while presenting fresh perspectives and critical insights. They should articulate clear, well-defined arguments and may propose alternative ways of understanding or conceptualizing the chosen topic.
3. **Case Comments & others:** This category focuses on analyzing contemporary judicial decisions, legislative actions, or policy proposals. Notes and Comments should examine the legal precedents leading to the decision and assess its impact on the development of that area of law. Likewise, legislative and policy analyses should outline the objectives and anticipated effects of the proposed action.

Submission Formatting Guidelines

I. General Guidelines

- Long articles and short articles must include an abstract.
- A maximum of three authors is permitted for all submission categories.
- All submissions must be original, unpublished, and not under review by any other journal. Any instance of plagiarism will lead to immediate disqualification from publication in LegalOnus.

II. Format:

- Submissions should be in Microsoft Word (.doc or .docx) format.
- Language: English only.
- Font & Spacing:
 - Main Text: Times New Roman, Size 12, 1.5 line spacing.
 - Footnotes: Times New Roman, Size 10, single-line spacing.
- Margins: 1-inch margins on all sides.
- Abstract: Each submission must include a 200–250 word abstract.
- Keywords: Provide 4-6 relevant keywords.

- Cover Page: Include a separate cover page with the following details:

1. Title of the submission
2. Author(s) name(s) and affiliation(s)
3. Contact details
4. Acknowledgments (if any)

NOTE

- The authors shall bear sole responsibility for any disputes arising from their manuscript, including issues related to copyright, defamation, objectionable content, or contempt, and will be liable for any resulting losses due to rights violations.
- While adherence to word limits for each category is recommended, the journal may exercise flexibility based on the quality of the submission.

Citations and References

- Citation Style: Bluebook (21st Edition) format is mandatory.
- Footnotes: Use footnotes for all references, ensuring accuracy and completeness.

Submission Process

- Email Submission: Send manuscripts to journal@legalonus.com
- Subject Line: Mention “Submission for LegalOnus Law Journal” in the email subject.
- Review Timeline: Authors will receive confirmation upon submission and can expect a decision within 8–12 days.

Peer Review Process

- All submissions undergo a double-blind peer review to ensure academic integrity and impartiality.
- Authors may be asked to revise their work based on reviewer feedback.

Originality and Plagiarism Policy

- All submissions must be original and unpublished.
- Manuscripts should not be under consideration by any other journal.
- Authors must submit a **Plagiarism Declaration** Form via the [LLJ main page](#).
- Submissions exceeding **15% plagiarism** will be rejected or sent for revision.
- *Use of AI-generated content is strictly prohibited.*



Copyright and Licensing

- Authors grant first publication rights to *LLJ* upon acceptance.
- Authors retain copyright and may share their work with proper *acknowledgement of LLJ*.

Ethical Considerations

- Authors must disclose any conflicts of interest.
- Research involving human participants must comply with ethical approval guidelines.

Contact Information

For queries regarding submissions, contact us at:

- Email: journal@legalonus.com | info@legalonus.com

These guidelines provide a structured approach to submitting research papers and help maintain the quality and integrity of publications in the **LegalOnus Law Journal**. Feel free to adapt these rules according to specific editorial preferences or requirements.



-LLJ PUBLISHING TEAM