

**RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES ACT,
1994**

44 of 1994

[October 25, 1994]

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**RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES ACT,
1994**

44 of 1994

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An Act to establish and incorporate a University in the State of Karnataka to be known as the Rajiv Gandhi University of Health Sciences. Whereas, it is expedient to establish and incorporate a University for the purpose of ensuring proper and systematic instruction, teaching, training and research in modern medicine and Indian Systems of Medicine in the State of Karnataka. Be it enacted by the Karnataka State Legislature in the Forty-fifth year of the Republic of India as follows.

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Rajiv Gandhi University of Health Sciences Act, 1994.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act unless the context otherwise requires.

(a) "Affiliated College" means a college or institution situated within the University area and affiliated to the University in accordance with the statutes prescribed and includes all colleges and institutions deemed to be affiliated to the University under this Act;

(b) "Approved Institution" means a hospital, health centre affiliated college or such other institution recognised by the University as an institution in which a person may undergo training. If any, required by a course of study before the award of any degree, diploma or

other academic distinction of the University;

(c) "Dean" means the Dean of faculty;

(d) "Government" means the State Government;

(e) "Health Sciences" means modern scientific medicine in all its branches, concerning preventive, promotive, curative and rehabilitative services, and includes surgery, obstetrics and gynaecology, pharmacy, dental science, nursing and other allied subjects and includes the Indian Systems of Medicine in all their branches;

(f) "Hostel" means unit of residence for the students of the University maintained or recognised by the University in accordance with the provisions of this Act;

(g) "Indian Systems of Medicine" includes Ayurveda, Unani, Homoeopathy, Naturopathy, Yoga and such other disciplines as may be prescribed;

(h) "Prescribed" means prescribed by this Act or by the statutes, ordinances, or rules;

(i) "Principal" means the head of a college or an Institution;

(j) "Registered Graduate" means a graduate registered under this Act;

(k) "Statutes", "Ordinances", and "Rules" mean respectively the Statutes, Ordinances, and the Rules made under this Act;

(l) "Student of the University" means a person enrolled in the University for undergoing a course of study for a degree, diploma or other academic distinctions of the University;

(m) "Teachers" include Professors, Readers, Assistant Professors, Lecturers and such other persons giving instruction on full time basis in a college or institution of health science;

(n) "Teachers of the University" means persons appointed for the purpose of imparting instructions on full time basis in the University or in any college maintained by the University;

(o) "University" means the Rajiv Gandhi University of Health Sciences, established under Section 3 of this Act;

(p) "University Area" means the area under the jurisdiction of the

University;

(q) "University College" means a college established or maintained by the University, including the Hospital attached thereto and providing courses of study qualifying students for admission to University Examinations in accordance with the ordinances as may be prescribed.

CHAPTER 2

The University

3. Establishment and incorporation of the University :-

(1) There shall be established a University by the name "The Rajiv Gandhi University of Health Sciences" with jurisdiction over the whole of the State of Karnataka.

(2) The University shall be a body corporate by the name specified in sub-section (1) and shall have perpetual succession and common seal. It shall have power to acquire, hold and dispose of property, both movable and immovable and shall sue and be sued by the said name.

(3) In all suits and other legal proceedings, by or against the University/the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to and served on the Registrar.

(4) The headquarters of the University [shall be at Bangalore] and it may establish additional campuses at such other places with the prior approval of the Government within the State as it may deem fit and appropriate.

(5) The University shall be both a teaching and an affiliating University.

4. Powers and functions of the University :-

Subject to the provisions of this Act and such conditions as may be prescribed by the statutes and the ordinances, the University shall have the following powers, namely.

(i) to provide for instruction and training in such branches of medicine and allied sciences, as may be considered suitable and to make provision for research and for the advancement and dissemination of knowledge in health sciences, striving to maintain at all times highest possible standards of academic excellence;

(ii) to institute and award degrees, diploma, certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University College or an affiliated college unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University, or shall have carried on research satisfactorily under conditions as may be prescribed;

(iii) to develop, upgrade and start departments in medical specialities as may be required and to provide instruction for such courses of study as it may determined;

(iv) to hold examinations and to confer honorary degrees or other distinctions under conditions as may be prescribed;

1. Substituted for the words "shall be at Mysore" by Act No. 11 of 1998 and shall be deemed to have come into force w.e.f. 17-5-1996

(v) to prescribe conditions under which the award of any degree, diploma and other academic distinctions may be withheld;

(vi) to institute, maintain and administer University Colleges, Hospitals and Laboratories and Institutes of Research, Libraries or other institutions necessary to carry out the objects of the University;

(vii) to affiliate or recognise colleges and institutions and to withdraw such affiliation or recognition;

(viii) to institute, suspend or abolish University Professorships, Associate Professorships, Readerships, Assistant Professorships, Lecturerships and other teaching posts in the University and to make suitable appointments thereto;

(ix) to institute and award fellowships, scholarships, studentships, stipends, medals and prizes;

(x) to establish, maintain and administer hostels, to recognise hostels not managed by the University and to suspend or withdraw such recognition therefrom;

(xi) to exercise such control over the students of the University as well secure their health, well-being and discipline and to exercise through the affiliated colleges control for similar purposes over the students of affiliated colleges;

(xii) to manage and control all immovable properties transferred to the University by the Government for the purpose of this Act;

(xiii) to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary Disposition or otherwise, and to invest such endowments, donations or funds in any manner that the University may deem fit;

Provided that no donation from a foreign country foreign foundation or any person in such country foundation shall be accepted by the University save with the approval of the Government.

(xiv) to borrow money with or without security for such purpose as may be approved by the Government from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act;

(xv) to fix fees and demand and collect such fees as may be prescribed;

(xvi) to undertake publication of works of merit and research pertaining to health sciences;

(xvii) to organise, regulate and control University Union;

(xviii) to maintain an Employment Bureau;

(xix) to co-operate with other Universities and academic institutions;

(xx) to establish and maintain University Libraries, Research Station, Museums and Press and Publication Bureau;

(xxi) to establish research posts and to appoint suitable persons to such posts;

(xxii) to establish suitable residential accommodation to the staff of the University to the extent feasible;

(xxiii) to award prizes and medals to deserving students, on the basis of approved endowments;

(xxiv) generally to do such other acts or make such other provisions as may be deemed necessary or desirable to further the objects of the University.

5. Jurisdiction and admission to privileges :-

(1) No college in the State of Karnataka imparting education in Health Sciences shall, save with the consent of the University and the sanction of the Government, be associated in any way with or seek admission to any privileges of any other University in India or abroad.

(2) Any such privilege enjoyed from other University before the appointed date by any Medical College or Institution of Health Sciences situated in the State shall be deemed to be withdrawn with effect from such date.

(3) With effect on and from the date of commencement of this Act, all colleges and autonomous Institutions of Health Sciences previously admitted to the privileges of or affiliated to the Universities of Mysore, Bangalore, Karnatak, Mangalore, Gulbarga and Kuvempu shall be deemed to be admitted to the privileges or affiliated to the University.

6. University open to all :-

(1) No person shall be excluded from any office of the University or from Membership of any of its Authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the Government, maintain, affiliate or recognise any college exclusively for women, or reserve for women or members or classes and communities which are socially or educationally backward, for the purposes of admission as students to any of the institutions maintained by the University.

(2) Subject to the provisions of sub-section (1), the University shall in accordance with the special or general directions of the Government reserve seats for the purpose of admission as students in any college or institution maintained or controlled by the University for the following classes of persons, namely.

(i) the Scheduled Castes and the Scheduled Tribes;

(ii) classes declared by the Government from time to time to be socially and educationally backward.

7. Transfer of Government Colleges to the University :-

(1) The Government may at any time by notification in the Official Gazette, transfer any Government College of Health Sciences to the University and from the date of such transfer the said college shall be a University College.

(2) When any Government College is transferred to the University under sub-section (1) with effect from the date on which such transfer takes place, the following consequences shall ensue, namely.

(i) all the assets including the properties and liabilities pertaining to the said college shall stand transferred to and vest in the University;

(ii) all members of the teaching staff or other employees of the said college, who immediately before the date of such transfer were serving in or were attached to that college, shall stand transferred to the appropriate cadre or category of posts in the University on the same conditions of service as were applicable to him before such transfer and unless and until such conditions are altered with the consent of such person:

Provided that no such member of the teaching staff or other employee of the said college shall be transferred unless he exercised his consent in this behalf:

Provided further that if any such teacher or other employee does not give his consent for such transfer, he shall notwithstanding any contract or anything contained in any provision of law for the time being in force be retired from service. He shall not be entitled for any damages or compensation in respect of such retirement, but shall be entitled to all benefits of retirement for the period of service rendered by him till the date of retirement.

8. Inspection and Control :-

(1) The Government shall have the right to cause an inspection, to be made by such person or persons as it may direct of the affairs and properties of the University, its buildings, laboratories libraries, museums, workshops and equipments and of any college or institution maintained, administered, recognised or approved by the University and also of examinations teaching and other work conducted or done by the University or in respect of any matter connected with the University. The Government shall, in every case, give notice to the University of its intention to cause such

inspection or inquiry to be made, and the University shall be entitled to be represented thereat and to be heard at such inspection or inquiry.

(2) The Government shall forward to the Vice-Chancellor a copy of the Inspection Report for obtaining the views of the Syndicate thereon and on receipt of such views, the Government may tender such advice as it consider necessary and fix a time-limit for action to be taken by the University.

(3) The Syndicate shall, within the time-limit so fixed by the Government report to the Government through the Vice-Chancellor the action which has been taken or is proposed to be taken on the advice by the Government.

(4) Where the Syndicate does not, within the time-limit fixed, take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Syndicate issue such directions, as it may think fit and the University shall comply with such directions.

CHAPTER 3

Officers of the University

9. Officers of the University :-

The following shall be the officers of the University, namely.

(i) The Chancellor,

(ii) The Pro-Chancellor,

(iii) The Vice-Chancellor,

(iv) The Deans of Faculties,

(v) The Registrar,

(vi) The Finance Officer,

(vii) The Registrar (Evaluation),

(viii) Such other officers of the University as may be declared by the statutes to be the officers of the University.

10. The Chancellor :-

(1) The Governor of Karnataka shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall be the Head of the University and shall, when present, preside at any Convocation of the University.

(3) No honorary degree shall be conferred by the University upon any person without the approval of the Chancellor.

(4) The Chancellor shall exercise such other powers and perform such other duties as may be conferred upon him by or under this Act or the Statutes.

11. The Pro-Chancellor :-

(1) The Minister in-charge of the medical education in Karnataka shall be the Pro-Chancellor by virtue of his office,

(2) The Pro-Chancellor shall exercise such powers and functions of the Chancellor that may be conferred upon him under the Statutes.

12. The Vice-Chancellor :-

(1) The Vice-Chancellor shall be a whole time officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor from out of the panel of persons who have distinguished themselves in the field of health sciences. The panel shall consist of not less than three and not more than five persons arranged in the alphabetical order. The panel shall be recommended by a Committee constituted under sub-section (3):

Provided that.

(a) the first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government;

(b) no person shall be appointed or hold office as Vice-Chancellor if he has attained the age of 65 years;

(c) if the Chancellor does not approve of any one of the persons recommended by the Committee or if the person so recommended is not willing to accept the appointment the Chancellor may call for fresh recommendations from the Committee.

(3) The Committee referred to in sub-section (2) shall consist of a nominee of the Government who shall be the Convenor of the Committee and two members nominated by the University Syndicate. No person shall be nominated as a Member of the Committee who is connected with the University or any college

maintained or controlled by the University.

(4) The Vice-Chancellor shall, subject to the pleasure of the Chancellor and the provisions of sub-section (2) hold office for a period of three years, but he shall be eligible for reappointment:

Provided that no person shall be appointed as Vice-Chancellor for more than two terms:

Provided further that no Vice-Chancellor shall be removed from the office except by an order passed on the ground of misbehaviour, mis- management, incapability or otherwise after due enquiry by a serving or retired Judge of a Supreme Court or High Court appointed by the Chancellor.

(5) When any temporary vacancy occurs in the office of the Vice-Chancellor by reason of leave, illness or other cause, the Chancellor shall make such arrangements for carrying on the duties of the Vice-Chancellor as he may deem fit:

Provided that pending the making of such arrangement by the Chancellor, the Vice-Chancellor may designate, among the Deans of the University to be in charge of current duties of the Vice-Chancellor for a period not exceeding one month or till arrangements are made by the Chancellor, whichever is earlier.

13. Powers and duties of the Vice-Chancellor :-

(1) The Vice- Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University. He shall exercise all powers necessary for the due maintenance of discipline in the University.

(2) The Vice-Chancellor may if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority, the action taken by him on such matter:

Provided that, if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor, whose decision thereon shall be final.

(3) The Vice-Chancellor shall exercise such other powers and performs such other functions as may be prescribed by the Statutes

and Ordinances.

(4) The Vice-Chancellor shall convene meetings of the Senate, the Syndicate and the Academic Council and he may by order in writing, delegate the power of convening any of the said meetings to any of the officers of the University. He shall be the ex officio Chairman of the Syndicate, Academic Council and Finance Committee and preside over the committee in the absence of the Chancellor.

(5) The Vice-Chancellor shall ensure faithful observance of the provisions of this Act and the Statutes, Ordinances and rules.

(6) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimate and the annual accounts and balance sheet to the Syndicate.

(7) The Vice-Chancellor shall be responsible for the proper administration of the University and for close co-ordination and integration of teaching, research and dissemination of knowledge.

14. Deans of Faculties :-

The manner of appointment and powers and duties of the Deans of Faculties shall be such as may be prescribed by the Statutes.

15. The Registrar :-

(1) The Registrar shall be a whole time officer of the University and shall be appointed by the Vice-Chancellor in consultation with the Syndicate.

(2) The salary and allowance and other conditions of service of the Registrar shall be such as may be prescribed by the Syndicate.

(3) The Registrar shall be responsible for the due custody of records and the common seal of the University. He shall be ex officio Secretary of the Senate, the Syndicate and the Academic Council of the University. He shall be bound to place before them all such information as may be necessary for the transaction of the business. He shall keep a permanent record of all courses, curricular and other information as may be necessary.

(4) He shall perform such other duties as may be prescribed by the Statutes, Ordinances, and Rules as required from time to time by the Syndicate or the Vice-Chancellor.

16. The Registrar (Evaluation) :-

(1) The Registrar Evaluation shall be a whole time officer appointed by the Vice-Chancellor in consultation with the Syndicate.

(2) He shall be in-charge of the conduct of examinations in the University and matters relating thereto and shall perform such other duties as may be prescribed by the Statutes or Ordinances or as may be directed by the Vice-Chancellor.

(3) The salary and allowances and other conditions of service of the Registrar (Evaluation) shall be such as may be prescribed by the Statutes or Ordinances.

17. The Finance Officer :-

(1) The Finance Officer shall be a whole time Officer of the University and shall be appointed by the Vice-Chancellor in consultation with the Syndicate.

(2) The salary and allowances and other conditions of service of the Finance Officer shall be such as may be prescribed by the Statutes or Ordinances.

(3) He shall manage the property and investments by the University. He shall advise the Vice-Chancellor in all matters pertaining to financial policy. He shall be responsible for the proper maintenance of accounts of the University, including the preparation of the annual financial estimates and annual accounts and the balance sheet.

(4) He shall ensure that no expenditure not authorised in the financial estimates as approved by the Syndicate is incurred by the University and he shall not allow any expenditure which is not sanctioned by the Competent Authority.

18. Other Officers :-

The manner of appointment, the powers and duties and the conditions of service of other officers of the University referred to in clause (viii) of Section 9 shall be such as may be prescribed by the statutes.

19. Officers of University not to accept any remuneration other than that provided by statutes :-

The Officers of the University shall not be offered nor shall they accept any remuneration for any work in the University save as may be provided by the Statutes or other orders regulating their salaries, allowances and other conditions of service.

CHAPTER 4

Authorities of the University

20. Authorities of the University :-

The following shall be the Authorities of the University, namely.

- (i) The Senate;
- (ii) The Syndicate;
- (iii) The Academic Council;
- (iv) The Planning Board;
- (v) The Finance Committee;
- (vi) The Board of Studies;
- (vii) Such other bodies as may be declared by the statutes to be the authorities of the University.

21. The Senate :-

(1) The senate shall consist of the following members, namely.

- (i) The Vice-Chancellor;
- (ii) The Secretary to Government in-charge of Health and Family welfare or his nominee not below the rank of Deputy Secretary to Government;
- (iii) The Secretary to Government in-charge of Higher Education or his nominee not below the rank of Deputy Secretary to Government;
- (iv) The Director of Medical Education;
- (v) The Director of Health and Family Welfare Services;
- (vi) The Director of Indian Systems of Medicine and Homoeopathy;
- (vii) Three members of the Karnataka Legislative Assembly elected from amongst themselves;
- (viii) Two members of the Karnataka Legislative Council elected from amongst themselves;
- (ix) Six persons nominated by the Chancellor in consultation with the Vice-Chancellor from amongst persons having special interest in Health Sciences out of whom one shall be person belonging to the Scheduled Castes and one belonging to the Scheduled Tribes and

one shall be a woman;

(x) Five persons to be nominated by the Pro-Chancellor from amongst the graduates of Health Sciences;

(xi) Five Professors elected from amongst themselves;

(xii) Five teachers other than Professors elected from amongst themselves;

(xiii) Six members of whom two are elected to Medical Council of India and one each to Pharmacy Council of India, Indian Nursing Council, Dental Council of India from Karnataka Chapter;

(xiv) Six Heads of colleges nominated by the Chancellor in consultation with the Vice-Chancellor by rotation for a period of three years.

(2) No non-teaching employee of the University and affiliated college shall be eligible to be elected or nominated by the Senate.

22. Meetings of the Senate :-

(1) A meeting of the Senate shall be held at least twice a year on dates to be fixed by the Vice-Chancellor. One of such meetings shall be the annual meeting.

(2) A report on the working of the University during the previous year, together with a statement of receipts and expenditure, the financial estimates and the last audit report shall be presented for the consideration of the Senate at the annual meeting of the senate convened under sub-section (1).

(3) The Vice-Chancellor may, whenever he thinks fit, and. shall upon a requisition in writing signed by not less than fifteen members of the Senate, convene a Special Meeting of the Senate.

23. Powers and functions of the Senate :-

(1) The Senate shall have power to review from time to time the policies of the University and to suggest measures for the improvement and development of the University and to consider and pass resolutions on the annual accounts and audit reports of the University.

(2) Save as otherwise expressly provided in this Act the Senate shall have the powers.

- (i) to institute and confer degrees, diplomas and other academic distinctions;
- (ii) to confer, on the recommendation of the Syndicate honorary degrees or other academic distinctions;
- (iii) to make amend or repeal statutes;
- (iv) to consider the financial estimates prepared by the Syndicate and pass resolutions thereon;
- (v) to confer on the recommendation of the Syndicate the title of professor of Meritus;
- (vi) to exercise such other powers and perform such other duties as may be conferred by the Statutes, Ordinances and rules.

24. The Syndicate :-

(1) The Syndicate shall consist of the following members, namely.

- (i) The Vice-Chancellor;
- (ii) The Director of Health and Family Welfare, Karnataka;
- (iii) The Director of Medical Education, Karnataka;
- (iv) The Director of Indian System of Medicine and Homoeopathy, Karnataka;
- (v) The President, Karnataka Chapter of the Indian Medical Association;
- (vi) The President, Karnataka Medical Council;
- (vii) Three persons elected by the senate amongst themselves;
- (viii) One Professor nominated by the Vice-Chancellor by rotation, every two years;
- (ix) Two Heads of University or affiliated Colleges by yearly rotation, nominated by the Vice-Chancellor;
- (x) One nominee from an autonomous institution nominated by the Vice-Chancellor by yearly rotation;
- (xi) Three experts in the field of Health Sciences nominated by the Chancellor on the recommendation of the Vice-Chancellor.

(2) Seven members of the Syndicate shall form a quorum for a

meeting of the Syndicate.

25. Powers and functions of the Syndicate :-

(1) The Syndicate shall be the principal executive authority of the University.

(2) Powers and functions of the Syndicate shall be such as may be prescribed by the Statutes.

26. The Academic Council :-

(1) The Academic Council shall be the principal academic body of the University and shall subject to the provisions of this Act, Statutes and Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The Constitution of the Academic Council and its powers and functions shall be such as may be prescribed by the statutes.

27. The Planning Board :-

(1) The Planning Board shall be the principal planning body of the University and shall be responsible for monitoring the development of the University on the lines indicated in accordance with the objects of the University.

(2) The constitution of the planning board and its powers and functions shall be such as may be prescribed by the Statutes.

28. The Finance Committee :-

The constitution, powers and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

29. Board of Studies :-

There shall be Board of Studies attached to each department of teaching and research. The Constitution and powers of the Board of Studies shall such as may be prescribed by the Statutes.

30. The Faculties :-

The Faculties of the University and their composition shall be such as may be prescribed by the Statutes.

31. Term of office of the Members of Senate, Syndicate and Academic Council :-

Save as otherwise provided in this Act the Senate, Syndicate and Academic Council shall be reconstituted at or about same time every three years, and members of the authorities shall except in

the case of ex officio members hold office as members thereof, up to the date of next reconstitution:

Provided that no person nominated or elected to any of the authorities specified in Section 20 shall hold office for more than two consecutive terms in such authority.

32. Election of members to the Senate, the Syndicate and the Academic Council :-

In case of elected members of the Serfttte, Syndicate and Academic Council, the method of election shall be as prescribed in the Statute.

CHAPTER 5

Statutes, Ordinances and Rules

33. Statutes :-

(1) Subject to the provisions of this Act, the Statutes may provide for the following matters, namely.

(a) the constitution, functions and powers of the authorities of the University and such other bodies as may be declared to be authorities of the University from time to time;

(b) the election and continuance in office of the members of the said authorities or bodies and filling up of vacancies of members and all other matters relating to these authorities or bodies;

(c) the conferment of Honorary Degrees;

(d) holding of Convocations for conferring Degrees;

(e) the withdrawal of Degrees, Diplomas, Certificates and other academic distinctions;

(f) the establishment, maintenance and abolition of Faculties, Departments, Hostels, Colleges and Institutions;

(g) the conditions of affiliation of Colleges, and those under which affiliations may be withdrawn;

(h) institution of fellowships, scholarships, studentships, medals, prizes, etc.;

(i) the procedure of election to the Authorities and the procedure to be followed at meetings of authorities including stipulation of quorum for transaction of business where such stipulations are not already made in this Act;

- (j) the classification of teachers of the University and in affiliated colleges;
- (k) acceptance and management of the bequests, donations and endowments;
- (l) registration of graduates and maintenance of a Register of Registered Graduates of different classes;
- (m) all other matters, in which under this Act, Statutes are required to be made.

(2) The Statutes shall provide that certain posts in the University shall be reserved for those belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes of citizens in accordance with State policy from time to time.

34. Statutes, how made :-

(1) The Senate may from time to time either on its own motion or on the submission of the Syndicate, make new Statutes or amend and repeal existing ones.

(2) Every Statute passed by the Senate shall be sent to the State Government for submission to the Chancellor for assent. The State Government shall transmit the Statutes along with its comments to the Chancellor within three months of the date on which it received the Statutes from the University. The Chancellor may within one month of the date of receipt of the Statutes from the Government give or withhold his assent thereto or refer it to the Senate for further consideration,

(3) No Statutes passed by the senate shall have validity until assented to by the Chancellor and it shall come into force on the date of its publication in the Official Gazette or such other date as the Chancellor may fix.

35. Ordinances :-

(1) The Syndicate may, from time to time, make Ordinances and amend or repeal the same.

(2) Subject to the provisions of this Act and the Statutes, the Ordinance may provide for the following matters, namely.

(a) admission of the students to the University and its affiliated colleges and the levy of fees for admission to the University

Colleges and University Laboratories;

(b) courses of study leading to degrees, diplomas and other academic distinctions of the University;

(c) conditions under which students shall be admitted to the courses of study leading to degrees, diplomas and other academic distinctions of the University;

(d) conduct of examinations of the University and the conditions under which students shall be admitted to such examinations;

(e) manner in which exemption relating to admission of Students to examination may be given;

(f) conditions, mode of appointment and duties of examining bodies and examiners;

(g) maintenance of discipline among students;

(h) fees to be charged for various courses of study, research, experiment and practical training and for admission to various University examinations;

(i) all other matters which by this Act or by the statutes are to be provided by the Ordinances.

(3) Making an Ordinance the Syndicate shall consult.

(a) the Boards of studies in matters relating to the appointment and duties of examiners; and

(b) the Academic Council in matter relating to conduct or standard of examination or conditions of residence of students.

(4) Every Ordinance made by the Syndicate shall have effect from such date as the Syndicate may specify, and every Ordinance so made shall be submitted to the Chancellor and the senate for information.

36. Rules :-

(1) The Syndicate may make rules consistent with this Act, the Statutes, and the Ordinances in respect of matters which are within its powers.

(2) The rules may provide for.

(a) Suitable recruitment procedure both for teaching and non-

teaching posts;

(b) Conduct of University employees and disciplined procedure to be followed in case of misconduct and other lapses in the discharge of their duties;

(c) giving of notice to the members of each authority of the dates of the meetings and of the business to be transacted at the meeting and also for keeping the record of the proceedings of the meeting;

(d) the procedure to be followed at the meetings; and

(e) all matters concerning such authority and not provided for by this Act, the Statutes, or the Ordinances.

(3) Every rule made under this section shall come into force on the date specified by the Syndicate. It shall also be published in the Official Gazette.

CHAPTER 6

Finance and Accounts

37. General Funds :-

The University shall have general fund to which shall be credited.

(a) its income from fees, endowments and grants, if any;

(b) contributions or grants from the Government on such conditions as may be imposed;

(c) grants from the Central Government, the University Grants Commission, International Donor Agencies like, the World Health Organisation, UNICEF, etc.

38. Other Funds :-

The University may have such other funds as may be prescribed by the Statutes.

39. Power to borrow :-

The University may, for any of the purposes prescribed by the Statutes, borrow money from a Bank or a Corporation where the total amount borrowed exceeds rupees five lakhs prior approval of the Government shall be obtained for such borrowing.

40. Management of Funds :-

All the funds of the University shall be managed in such manner as may be prescribed by the Statutes.

41. Power of Government to direct audit :-

The Government shall have power whenever deemed necessary to order the audit of the accounts of the University by such Auditors as it may direct.

42. Financial Estimates :-

(1) The Vice-Chancellor shall cause to be prepared on or before such date as may be prescribed the financial estimates of the University for the ensuing year and submit the same to the Syndicate for approval.

(2) The Syndicate may approve the financial estimates with such modifications as it deems fit and no expenditure shall be incurred except in accordance with the financial estimates as approved by the Syndicate.

43. Annual Accounts and Audit :-

(1) The annual accounts of the University shall be prepared under the direction of the Vice-Chancellor and a copy shall be sent to the Government.

(2) The accounts of the University shall once at least in a year at intervals of not more than fifteen months be audited by the Controller of State Accounts.

(3) The audited accounts of the University together with the Auditor's report shall be published by the Syndicate in the Official Gazette and copies thereof shall be placed before the Senate.

(4) The annual accounts shall be considered by the Senate at its annual meeting. The Senate may pass resolutions with reference thereto and communicate the same to the Syndicate. The Syndicate shall take the suggestions made by the Senate into consideration and take any action thereon as it thinks fit. The Syndicate shall inform the Senate at its next meeting of the action taken by it, or the reasons for not taking action.

44. Annual Report :-

(1) The Syndicate shall prepare the Annual Report containing such particulars as the Government may specify covering each financial year and submit it to the Senate on or before such dates as may be prescribed by the Statutes. The Senate may pass resolutions thereon and the Syndicate shall take action in accordance

therewith. The action taken shall be intimated to the Senate.

(2) Copies of the Annual Report along with the resolution of the Senate thereon shall be sent to the Government, and shall be laid before both the Houses of the State Legislature.

CHAPTER 7

Affiliation of Colleges and Recognition of Institutions

45. Affiliation of Colleges :-

(1) Colleges within the University Area may on satisfying the conditions specified in this section, be affiliated to the University as affiliated colleges by the University on the recommendations made by the State Government.

(2) A college applying for affiliation to the University shall send an application to the Registrar within the time-limit fixed by Ordinances and shall satisfy the Syndicate and the Academic Council.

(a) that it will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision in the neighbourhood and the suitability of the locality where the college is to be established;

(b) that it is to be under the management of a regularly constituted governing body;

(c) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction teaching or training to be undertaken by the College;

(d) that the building in which the college is to be located are suitable and that provision will be made to conformity with the Ordinances for the residence in the college or in lodging approved by the college, for students not residing with their parents or guardians and for the supervision and welfare of students;

(e) that due provision has been made or will be made for a library;

(f) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes, Ordinances and Rules for imparting instruction in the branch of science in a properly equipped laboratory or museum;

(g) that due provision will as far as circumstances may permit, be

made for the residence of the Principal and members of the teaching staff in or near the college or the place provided for the residence of students;

(h) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(i) that rules fixing the fees, if any, to be paid by the students have been framed or will be framed.

(3) The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements, not being fulfilled or continued to be fulfilled, shall be forthwith reported to the Syndicate and to the State Government or such authority as the Government may specify.

(4) On receipt of a letter of application under sub-section (2) the Syndicate shall.

(a) direct a local inquiry to be made by a competent person or persons authorised by the Syndicate in this behalf in respect of such matters as may be deemed necessary and relevant;

(b) make such further inquiry as may appear to it be necessary; and

(c) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused, either in whole or in part, stating the result of any inquiry under clauses (a) and (b).

(5) The Registrar shall within such time as the Government may from time to time specify submit application and all proceedings, if any of the Academic Council and of the Syndicate relating thereto the Government which, after such inquiry as may appear to it to be necessary, shall make their recommendations for the grant of the application or any part thereof or refuse the application or any part thereof and the University shall issue orders accordingly.

(6) Where the application or any part thereof is granted, the order of the University shall specify the courses of instruction in respect of which and the period for which the college is affiliated, and where the application or any part thereof is refused by the

Government or the University, the grounds of such refusal shall be stated:

Provided that on the recommendation of the Government, permanent affiliation may be granted to a college which was affiliated continuously for a period not less than five years and fulfill all the conditions of affiliation and attained the academic and administrative standards prescribed by the University from time to time.

(7) As soon as possible after the Government or the University makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (4) and (6) and of all proceedings connected therewith.

(8) An application under sub-section (i) may be withdrawn at any time before an order is made under sub-section (5).

(9) Where a college desires to add to the Courses of instruction in respect of which it is affiliated, the procedure prescribed by sub-sections (2) to (8) shall so far as may be followed.

(10)

(a) No admission of students shall be made by any new college seeking affiliation to the University or by an existing college seeking affiliation to a new course of study to such course unless, as the case may be, affiliation has been granted to such new college or to the existing college in respect of such course of study;

(b) The maximum number of students to be admitted to a course of study shall not exceed the intake fixed by the University or the Government, as the case may be and any admission made in excess of the intake shall be invalid;

(c) No student whose admission has become invalid under clause (b) shall be eligible to appear nor shall be presented by the college to appear at any examination conducted by the University.

46. Recognition of certain institutions :-

(1) Any Institution situated within or outside the University Area other than a college which conduct research or specified studies, may be recognised by the Syndicate as the recognised institution for such purpose and in such manner and subject to such conditions

as may be prescribed by the Statutes.

(2) Any such recognition may be withdrawn either in whole or in part or modified in such manner and for such reasons as may be prescribed by the Statutes.

47. Inspection of college and reports :-

(1) Every affiliated college shall furnish to the Registrar such reports, returns and other information, as the Syndicate after consulting the Academic Council may require, to enable it to judge the efficiency of the college or institution.

(2) The Syndicate shall cause every such college to be inspected from time to time by one or more competent persons authorised by it in this behalf.

(3) The Syndicate may call upon any college so inspected to take, within a specified period such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (2) of Section 45 .

48. Withdrawal of affiliation :-

(1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to comply with any of the provisions of sub-section (2) of Section 45 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interest of education.

(2) A motion for the withdrawal or the modifications of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to the Principal of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate:

Provided that the period so specified may, if necessary be extended by the Syndicate.

(4) On receipt of the representation or on the expiry- of the period

referred to in sub-section (3) the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by it in this behalf and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall make a report to the Senate.

(5) On receipt of the report under sub-section (4) the Senate shall after such further inquiry, if any, as may appear to it to be necessary record its opinion in the matter:

Provided that no resolution of Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half the members of the Senate.

(6) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council the Syndicate and the Senate relating thereto to the Government which after such inquiry, if any as may appear to it to be necessary, shall make, their recommendations to the University which shall thereafter make such order, as it deems fit.

(7) Where by an order made under sub-section (6), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

CHAPTER 8

Appointment of Teachers and Other Employees of the University

49. Appointments of teachers, etc :-

(1) There shall be a Board of appointment for selecting persons for appointment as Professors, Librarians, Readers and Lecturers in the University.

(2) Every such Board shall consist of.

(a) for selections to the posts of Professors and Readers and the post of Librarian.

(i) the Vice-Chancellor ex officio Chairman;

(ii) the Chairman of the Department concerned, if he is a Professor and if he is not a professor, a Professor from any other University in

the State, nominated by the Chancellor, in consultation with the Government and where no such Professor is available in any University within the State such Professor in the concerned Department from a Central Institute within the State or from a University of any other State, nominated by the Chancellor;

(iii) four experts nominated by the Chancellor in consultation with the Government, two of whom from a panel furnished by the University Grants Commission and the others from amongst person serving in any University established by law in India or any other institution recognised by the Government.

(b) for selections to the post of Lecturers.

(i) the Vice-Chancellor ex officio Chairman;

(ii) two experts nominated by the Chancellor;

(iii) the Chairman of the Department concerned, if he is a Professor, and if he is not Professor, a Professor in the concerned Department of any other University in the State nominated by the Chancellor in consultation with the Government and where no such Professor is available in any University within the State such Professor in the concerned Department from a Central Institute within the State or from a University of any other State nominated by the Chancellor;

(iv) One Professor from any other University in the State nominated by the Chancellor in consultation with the Government.

(3) The Registrar shall act as the Secretary of the Board of Appointment.

(4) Every post of Professor, Librarian, Reader or Lecturer to be filled by selection shall be duly and widely advertised together with the minimum and other qualification. If any, required, the emoluments and the number of the posts to be filled and reasonable time shall be allowed within which the applicants may apply.

(5) The quorum for a meeting of the Board of Appointment shall be four of whom in the case of selections to the posts of Professors, Readers and Librarian at least two shall be the experts and in the case of selections to the other posts, at least one shall be the expert.

(6) The Board shall interview, adjudge the merit of each candidate in accordance with the qualifications advertised and prepare a list

of persons selected, arranged in the order of merit. It shall forward the list to the Syndicate which shall make appointments in accordance with the same. In the case of difference between the Board and the Syndicate, the matter shall be referred to the Chancellor whose decision shall be final.

Explanation. Nothing in this sub-section shall be construed as requiring the Syndicate to make appointments in accordance with the list where if he is of the opinion that it does not satisfy the provisions of this Act or the Statutes relating to such appointments.

(7) In preparing the list under sub-section (6) the Board shall follow the orders issued by the Government from time to time in the matter of reservation of posts for the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens.

(8) Notwithstanding anything in sub-section (7), preference shall be given to persons belonging to the Scheduled Castes and the Scheduled Tribes in any selection if in the opinion of the Board such persons possess the minimum qualification prescribed and are suitable.

(9) Notwithstanding anything in the preceding sub-sections, appointments to the posts of Professors and Readers in undergraduate colleges maintained by the University shall be made by such authority as may be prescribed in the Statutes by promotion on the basis of seniority-cum-merit from Readers and Lecturers respectively:

Provided that whenever any new subject is introduced, appointment of Professors, Readers and Lecturers in such new subject shall be made in such manner as may be prescribed by Statutes.

(10) Notwithstanding anything contained in the preceding sub-sections the Syndicate shall be competent to invite, on the recommendation of the Vice-Chancellor, a person of high academic distinction and professional attainments to accept the post of Visiting Professor in the University on such terms and conditions as may be mutually agreed upon:

Provided that there shall not be more than four such visiting professors in a University at any given time.

50. Appointment in accordance with promotion schemes :-

Notwithstanding anything contained in Section 48 and subject to the rules and orders issued by the Government from time to time for reservation of appointments and posts for Scheduled Castes, Scheduled Tribes and other Backward Classes, appointments to the posts of Readers and Professors in University Institutions and departments may be made by the Syndicate with a promotion scheme, if any, prescribed by statutes in this behalf, if the University institution or department had Undergraduate and Post-graduate courses.

51. Appointment of other non-teaching and ministerial staff

:-

(1) There shall be constituted a Board of Appointment to select candidates for appointment to the non-teaching posts and ministerial posts in the University.

(2) The Board shall consist of.

(i) The Vice-Chancellor ex officio Chairman;

(ii) The Registrar;

(iii) One person supervising the work of the section for which recruitment is made nominated by the Vice-Chancellor and where there is no such person the Chairman of the departmental council of the concerned section;

(iv) Three persons nominated by the Chancellor in consultation with the State Government, one of whom shall be a person belonging to the Scheduled Castes or the Scheduled Tribes and the another shall be a person belonging to other Backward Classes declared as such by the State Government or any religious or linguistic minority. The term of such members shall be three years.

(3) The quorum for a meeting of the Board shall be four.

(4) Such of the posts as according to the Statutes are to be filled by direct recruitment shall be filled from among persons selected by the Board in the order in which their names are arranged in the list prepared by the Board. Appointment to posts by promotion, deputation or transfer or on contract as may be prescribed in the statute in respect of any category of posts shall be made after consulting the Board.

(5) While preparing the list of candidates selected for appointment

to the direct recruitment vacancies, the Board shall comply with the orders issued by the Government from time to time for reservation of posts for the Scheduled Castes, the Scheduled Tribes and other Backward Classes.

(6) All appointments shall be made by the Syndicate in the case of difference between the Board and the Syndicate, the matter shall be referred to the Chancellor, whose decision shall be final:

Provided that appointments to post the maximum of the scale of pay of which does not exceed rupees two thousand and twenty-four shall be made by the Vice-Chancellor.

(7) Notwithstanding anything in the preceding sub-sections, appointments to posts in the University equivalent to Group 'C' and 'D' posts in the State Civil Services shall be made by the Vice-Chancellor in accordance with the statutes to be framed for this purpose, and in accordance with the order issued by the State Government from time to time for reservation of posts for Scheduled Castes, Scheduled Tribes and other Backward Classes.

52. Reservation of promotional vacancies for Scheduled Castes etc :-

Where appointment to any post in the University is made by promotion, the authority empowered to make such appointment shall comply with the orders issued by the Government from time to time for reservation of posts in promotional vacancies for the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward class of citizens.

53. Conditions of Service :-

Subject to the provisions of this Act, the appointment, procedure for selection, pay and allowances and other conditions of service shall be as may be prescribed by the Statutes.

54. Pension, Gratuity etc :-

(1) The University shall institute for the benefit of its employees such pension, gratuity and provident fund schemes, as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where the University has instituted a provident fund under subsection (1) the Government may declare the provisions of the Provident Funds Act, 1925 (Central Act III of 1925) shall apply to

such fund as if it were a Government Provident Fund.

(3) Persons in the Government Service transferred to the University under the Act shall be entitled to pension under the Karnataka Civil Service Rules or such other rules as were applicable to them before their transfer to the University.

(4) The University may, in consultation with the Finance Committee, invest the provident fund in such manner as it may deem appropriate.

CHAPTER 9

General

55. Vacating of office :-

(1) Any member other than an ex officio member of any authority or body of the university may resign his office by a letter addressed to the Registrar and the resignation shall take effect on receipt of the letter by the Registrar.

(2) A person who is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold office so long only as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

(3) A member of any authority or body of the University shall cease to be a member on his being convicted by a Court of law for any offence which involves moral turpitude.

56. Filling of casual vacancies :-

All casual vacancies amongst the members other than ex officio members of any authority or other body of the University shall be filled, as soon as may be by the person or body who or which nominated the member whose place has become vacant and the persons nominated to a casual vacancy shall be member of such authority or body for the residue of the term for which the person in whose place he is nominated would have been a member:

Provided that no casual vacancy shall be filled, if such vacancy occurs within six months before the date of expiry of the term of the members of any authority or other body of the University.

57. Protection of action taken in good faith :-

No suit or other legal proceedings shall lie against any employee of

the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or Ordinances or Rules made thereunder.

58. Proceedings of the University authorities not invalidated by vacancies :-

No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any vacancy or of any defect or irregularity in the election, or appointment of a member of any authority or other body of the University or any defect or irregularity in such act or proceeding not affecting the merits of the case.

59. Disputes as to constitution of University Authorities and bodies :-

If any question arises whether any person has been duly elected or nominated as, or is entitled to be a member of any authority of the University or other body of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

60. Transitory powers of the first Vice-Chancellor :-

(1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Syndicate and other Authorities of the University within six months from the date of commencement of this Act or such longer period not exceeding one year as the Government may, by notification, direct.

(2) The first Vice-Chancellor shall, in consultation with the Chancellor, make such rules as may be necessary for the functioning of the University.

(3) It shall be the duty of the first Vice-Chancellor to draft such Statutes as may be immediately necessary and submit them to the Competent Authority for approval.

(4) Notwithstanding anything contained in this Act and until such time an authority is duly constituted under the Act, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under this Act.

61. Vice-Chancellor and other officers etc., to be public servants :-

The Vice-Chancellor, Registrar, Finance Officer and other employees

of the University shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

62. Continuance of Statutes, Ordinances, etc :-

Until Statutes, Ordinances, and Rules are made under appropriate provisions of this Act, the Statutes, Ordinances, Regulations and Rules which were made under the Karnataka State Universities Act, 1976 and in force immediately before the commencement of this Act shall, subject to such adaptations or modifications as may be made therein by the Vice-Chancellor with the approval of the Chancellor obtained through the Government, insofar as they are not inconsistent with the provisions of this Act be deemed to be Statutes, Ordinances, Regulations and Rules made under the appropriate provisions of this Act.

63. Saving as to certain examinations :-

(1) Notwithstanding anything contained in this Act, the Statutes, Ordinances or the Rules.

(a) any student who immediately prior to the commencement of this Act was studying for a degree in health sciences of the Bangalore University, the Kuvempu University, Gulbarga University, Mangalore University established under the Bangalore University Act, 1964, the Karnatak University Act, 1949, the Mysore University Act, 1956 and the Karnataka State Universities Act, 1976, in accordance with the Regulations in force under those Acts, may until such examinations is provided by the University, be admitted to the examinations of the Universities of Bangalore, Karnatak and Mysore and Kuvempu University, Gulbarga University, Mangalore University and be conferred the degree in Health Sciences of the inter Universities for which he qualifies on the result of such examination.

(b) if the Bangalore University, the Karnatak University or Mysore University, Gulbarga University or the Mangalore University or the Kuvempu University established under the Bangalore University Act, 1964, the Karnatak University Act, 1949, the Mysore University Act, 1956 and Karnataka State Universities Act, 1976 has held any examination the result of which has been published but the degrees relating thereto have not been conferred or issued or the result of any such examination has not been published by the said

University, then such examination shall be deemed to have been held by the Bangalore University, the Karnatak University or the Mysore University, Kuvempu University, Gulbarga University and Mangalore University.

64. Act to prevail over other enactments :-

This Act and any Statute or Rules or Ordinance made under this Act shall in respect of any college in the University Area have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II of the Seventh Schedule to the Constitution of India .

65. Removal of difficulty :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

(2) No order made under sub-section (1) shall be questioned in any Court of law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.

(3) Every order published under this section shall, as soon as may be after its publication, be laid before both Houses of the State Legislature.