

The Institute Of Trans-Disciplinary Health Sciences And Technology Act, 2013

KARNATAKA

India

The Institute Of Trans-Disciplinary Health Sciences And Technology Act, 2013

Act 35 of 2013

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The Institute Of Trans-Disciplinary Health Sciences And Technology Act, 2013[15th March, 2013]Karnataka Act 35 of 2013.An Act to establish and incorporate in the State of Karnataka a university of unitary in nature as an institute in Private Sector to promote, conceptualize and bring about a paradigm shift in the field of health sciences through development of outstanding leadership, research, knowledge and ideas for trans-disciplinary health sciences and technology and allied sectors and for matters connected therewith or incidental thereto;Whereas it is expedient to establish and incorporate in the State of Karnataka a university of unitary in nature as an institute in private sector to promote, conceptualize and bring about a paradigm shift in the field of health sciences through development of outstanding leadership, research, knowledge and ideas for trans-disciplinary health sciences and technology and allied sectors and for matters connected therewith or incidental thereto;Be it enacted by the Karnataka State Legislature in the sixty fourth year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1)This Act may be called The Institute of Trans-disciplinary Health Sciences and Technology Act, 2013.(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, - (1) “Academic Council” means the Academic Council of the Institute constituted under section 25; (2) “Agenda Matters” means all the matters and business to be taken up for discussion and decision at meetings of the Board of Governors or the Board of Management or any Committees, as the case may be, only subject to the prior written approval of the Chairman, consenting to the passing of the such matters and business at such a meeting; (3) “Board of Governors” means the Board of Governors of the Institute as specified in section 23; (4) “Board of Management” means the Board of Management of the Institute as specified in section 24; (5) “Campus” means any campus established, maintained by the Institute; (6) “Chancellor” means the chairperson of the sponsoring Body; (7) “Chief Operating Officer & Registrar – (COO&R)” means the person nominated and appointed by the Director for the institute; (8) “Committees” means the committees formed by the various functionaries of the Institute as the case may be and includes the Nomination Committee, the Finance Committee and any other committees; (9) “Constituent College” means a college or institution owned or established by the University; (10) “Dean” means the Dean of a School; (11) “Director” means the independent person nominated and appointed by the Chancellor and Board of Governors as the Director of the Institute, responsible for the overall functioning of the Institute; (12) “Finance Committee” means the Finance Committee of the Institute as specified in section 27; (13) “Foundation” means the Foundation for Revitalization of Local Health Traditions, which is a Public Trust registered; (14) “Government” means the Government of Karnataka; (15) “Institute” means the University called Institute for Trans-disciplinary Health Sciences and Technology (IIHST) established and incorporated under this Act; (16) “National Accreditation Bodies” means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council of Technical Education, Medical Council of India, Pharmaceutical Council of India, National Assessment and Accreditation Council, National Council of Teacher Education, Council of Scientific and Industrial Research, and includes the Government; (17) “Prescribed” means prescribed by rules by the Government; (18) “Research Council” means the Research Council created by the Board of Management to guide research in the Institute as specified in section 26; (19) “School” means a major academic unit functioning under the Institute which deals with a specialized area related to Ayurveda Trans-disciplinary medicine and modern knowledge systems; (20) “Sponsoring Authority” or “Sponsoring Body” in relation to this Act means the Foundation; (21) “Teacher” means and includes a Professor, Associate Professor, Assistant Professor, Reader or Lecturer, or any resource person from a non-academic but professional background approved by the Academic Council for imparting instruction or to guide research in the Institute or in a Constituent College; (22) “Trans-disciplinary health sciences” means the interface of any of the Indian traditional health sciences with other systems of knowledge including; Biomedicine, life sciences, social sciences, engineering, and management studies; (23) “UGC” means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956); (24) “University” means the Institute for Trans-disciplinary Health Sciences and Technology established under this Act.

Chapter II

The Institute and Sponsoring Body

3. Proposal for the establishment of the University.

(1)The Foundation shall have the right to establish the university of unitary in nature as an institute subject to and in accordance with the provisions of this Act.(2)The proposal to establish a Institute shall be made to the State Government by the Foundation.(3)The proposal consists of the following particulars, namely:-(i)the objects of the Institute along with the details of the Foundation;(ii)the extent and status of the Institute and the availability of land;(iii)the nature and type of programmes of study and research to be undertaken by the Institute during a period of academic years immediately following the commencement date;(iv)the nature of faculties, courses of study and research proposed to be started;(v)the campus development such as buildings, equipment and structural amenities;(vi)the phased outlays of capital expenditure for a period of academic years immediately following the commencement date;(vii)the item-wise recurring expenditure, sources of finance and estimated expenditure for each student;(viii)the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;(ix)the scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the Institute and other anticipated incomes;(x)the details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on students who are either non resident Indians or persons of Indian origin or sponsored by non resident Indians or persons of Indian origin and students of nationalities other than India;(xi)the years of experience and expertise in the concerned discipline at the command of the Foundation as well as the financial resources;(xii)the system for selection of students to the courses of study at the Institute; and(xiii)status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the Institute.(4)A Screening Committee shall be constituted by the State Government consisting of three members who are ex-officio members of the State Higher Education Council to examine the proposals received, which shall make recommendations to the State Government.

4. Establishment of the Institute.

(1)Where the State Government, after considering the recommendations of the screening Committee and holding such inquiry as it may deem necessary, is satisfied that the Foundation has ability to run an Institute with sufficient infrastructure based on the furnished particulars required in sub-section (3) of section 3, it may direct the foundation to establish the permanent Statutory Endowment Fund as specified in section 47.(2)After the establishment of the Permanent Statutory Endowment Fund, the Government may, by notification, in the official Gazette, accord sanction for establishment of the university of unitary in nature as an institute in the State by the name of "Institute of Trans-Disciplinary Health Sciences and Technology".(3)The headquarters of the Institute shall be at such place, as may be decided by the Sponsoring Body in the State. The Institute

shall have Campuses or Regional Centres, Study Centres within the state subject to norms of UGC and other National Accreditation bodies.(4)The First Chancellor, the First Director, First members of the Board of Governors, First members of the Board of Management and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute a body corporate and can sue and be sued in the name of the- Institute.(5)On sanction for the establishment of the Institute under sub-section (2), the land and other movable and immovable properties acquired, created, arranged or built by the Foundation for the purpose of the Institute shall vest in the Institute.(6)In all suits and other legal proceedings by or against the Institute, the pleading shall be signed and verified by and all processes in such suits and proceedings shall be issued to and be served on the Registrar.(7)The land, building and other properties of the Institute shall not be used for any purpose other than incidental to the objects of the Institute.

5. Power to establish constituent college, Regional Centres or study centres.

The Institute may have Constituent Colleges, Regional Centres and Study Centres at such places in the State as it deems fit subject to norms of UGC and other National Accreditation bodies.

6. Effect of incorporation.

On and from the appointed day,-(a)any reference to the Institute for Trans-disciplinary Health Sciences and Technology in any contract or other instrument shall be deemed as a reference to the Institute;(b)all the rights and liabilities of the Foundation shall be transferred to, and be the rights and liabilities of, the Institute; and(c)every person employed by the Foundation immediately before the appointed day, shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been passed, and shall continue to be so, unless and until his employment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Institute:Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employee.

7. Objects of the Institute.

The Institute shall employ a broad range of strategies to achieve its vision and objectives,-(i)to formulate the niche areas for research and teaching keeping in mind the needs being socially relevant in creating a knowledge society;(ii)to support, promote and undertake research and teaching for the advancement of disciplinary Health Sciences enrolling students who may be medical graduates, graduates of natural and social sciences, doctoral and postdoctoral fellows;(iii)to have holistic frame work for researching & teaching in Trans-disciplinary Health Sciences and Technology.(iv)to focus on traditional Indian health sciences, bio-medical sciences and other basic

natural and social sciences to develop a resource centre and research team to analyse and assess different dimensions of Public Governance;(v)to carve a niche in the fields of entrepreneurship and entrepreneurial research and to develop case studies including providing strategic advice to the Incubated Companies;(vi)to create a dedicated research centre for the study of Trans-disciplinary Health Sciences and Technology.(vii)to undertake programmes for development and training of faculty and researchers of the Institute in partnership with any other University of quality;(viii)to undertake collaborative research and advocacy with any organizations;(ix)to provide an innovative system of University level education, flexible and open, in regard to methods and places of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of programmes with a view to promoting access and equity in higher learning and to encourage excellence in the new fields of knowledge and to provide special emphasis on both the academic and application oriented learning;(x)to promote national integration and the integrated development of human personality through its policies and programmes.

8. Powers of the Institute.

Subject to the provisions of this Act, the Institute shall exercise the following powers and perform the following duties, namely:-(a)to provide for, research, design of strategic outreach programs and impart instruction in such aspects of Trans-disciplinary medicine and health sciences, including public health, management of infectious diseases, surgery, biomedical engineering, biostatistics, sociology and history of medicine, bioinformatics, management studies, and arts and culture and for the advancement of learning and dissemination of knowledge;(b)to develop innovative patterns of teaching in under graduate and post graduate health science education, in all its branches and in allied physical and biological sciences, so as to demonstrate new models of education in health sciences and technology of high standards;(c)to hold examinations and grant degrees, diplomas, certificates and other academic distinctions or titles;(d)to confer honorary degrees or other distinctions;(e)to fix, demand and receive fees and other charges not prohibited by any law for the time being in force;(f)to establish, maintain and manage halls and hostels for the residence of students;(g)to supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;(h)to institute academic and other posts, and to make appointments thereto;(i)to frame Statutes and Regulations and to alter, modify or rescind the same;(j)to deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute;(k)to receive gifts, grants, donations or benefactions and to receive bequests and transfers of movable or immovable properties from testators, donors or transferors, or take on loans, as the case may be;(l)to co-operate or collaborate with educational or other institutions having objects wholly or partly similar to those of the Institute by exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;(m)to institutes and award fellowships, scholarships, exhibitions, prizes and medals;(n)to establish standards, systems and benchmarks for various aspects of Trans-disciplinary health sciences;(o)to undertake consultancy in the areas or disciplines relating to the Institute;(p)to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institutes;

9. Institute open to all classes, castes, creed, gender or nation.

The admissions to Institute shall be open to all persons irrespective of class, caste, creed, gender or nation. All admissions shall be made on the basis of merit in the qualifying examinations: Provided that forty percent of the admissions in all courses of the university shall be reserved for the students of Karnataka State and admissions shall be made through a Common Entrance Examination conducted by the State Government or its agency and seats shall be allotted as per the merit and reservation policy of the State Government from time to time. Provided further that where there are less than ten seats in any course like Post Graduate, they shall be reserved by clubbing such courses together and where there are less than three posts in any course they shall be reserved by rotation.

10. Teaching at Institute.

The Institute shall seek accreditation from respective National Accreditation bodies. Teaching at the Institute shall be conducted by or in the name of the Institute in accordance with the standards and curricula, methods of teaching and evaluation in accordance with the norms of National Accreditation bodies.

11. Grants and Financial Assistance.

The Institute shall be self-financing and shall neither make a demand nor shall be entitled to any maintenance, grant-in-aid or any other financial assistance from the State or any other body or corporation owned or controlled by the State: Provided that the State may, provide financial support through grants or otherwise, -(a) for research, development and other activities for which other State Government organizations are provided financial assistance; or (b) for any specific research or programmes receiving support from the Government; and (c) for the benefit of similar universities in the State whether subject to a change in State policy or otherwise: Provided further that the university may receive any financial support from any other source.

12. Power to establish Schools.

The Institute, may establish Schools for, -(i) Trans-disciplinary Health Sciences (ii) Trans-disciplinary Studies (iii) Educational innovation and strategic outreach (iv) Conservation of natural medicinal resources (v) Bio-medical engineering (vi) Social sciences, humanities and management studies (vii) Any other knowledge area on recommendation of the Academic council and Board of Management and with approval of the State Government and concerned national accreditation bodies (viii) Schools shall be headed by Deans (ix) The Institute may also establish Centers with specific foci under the Schools.

Chapter III

Officers of the Institute

14. Officers of the Institute.

The following shall be the officers of the Institute, namely:-(i)The Visitor;(ii)The Chancellor;(iii)The Director ;(iv)The Chief Operating Officer & Registrar (COO & R);(v)The Deans;(vi)The Finance Officer; and(vii)Such other officers as may be declared by the Board of Management to be officers of the Institute.

15. The Visitor.

(1)His Excellency the Governor of Karnataka shall be the Visitor of the University and the visitor may offer suggestions for the improvement of the functioning of the University.(2)The visitor shall preside over the convocation of the university for conferring Degree and Diploma.(3)The Visitor shall have the following powers, namely:-(i)to call for any paper or information relating to the affairs of the University;(ii)on the basis of the information received by the Visitor, if he is satisfied that any order, proceedings, or decision taken by any authority of the University is not in conformity with the Act, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.

16. The Chancellor.

(1)The Chancellor shall be appointed by the Sponsoring Body for a five year term.(2)The founder trustee of the Sponsoring Body shall be the first Chancellor, who shall hold office for life or till he demits office.(3)The Chancellor shall have such powers as may be conferred on him by this Act or he Statues made there under, which shall include the following powers; namely:-(i)to function as the head of the Board of Governors;(ii)to preside at all convocations of the Institute in absence of visitor.(iii)to function as a member and the Chairperson of the Board of Governors of the Institute and also attend all the meetings of the Board of Governors;(iv)to appoint or re-appoint or terminate the appointment of the Director, in accordance with the provisions of this Act and the Statute and Regulations;(v)to nominate three eminent persons who maybe knowledge experts or scientists or professionals as members on the Board of Governors;(vi)to approve the composition of the first Board of Management, the Finance Committee, the Research Council and the Academic Council;(vii)to resolve a conflict (excluding conflicts at a meeting of the Board of Governors) in the manner provided for in this Act.(viii)in the event of there being a conflict inter-se between the functionary or functionaries or body or bodies and any other functionary or body of the Institute, then the issue shall be referred to the Chancellor and the decision of the Chancellor in respect of the such issue shall be final and binding on the Institute.

17. The Director.

(1)The Director shall be appointed by the Chancellor based on the recommendation of a three member search committee consisting of eminent academicians, knowledge experts, professionals appointed by the Board of Governors, on such terms and conditions as decided by the board.(2)The Director shall be the Principal Executive and Academic Officer of the Institute and shall exercise

general supervision and control over the affairs of the Institute and give effect to the decisions of the authorities of the Institute.(3)The Director shall nominate and appoint the chief operating officer and the registrar (COO&R) for the institute. The Director is responsible for approving appointments of all Deans and senior faculty of the Institute, based on the recommendations received by committees appointed by the Director for this purpose. The Director shall exercise such other powers and perform such other duties as may be laid down by the Statutes and Regulations The services of the Director can be terminated by the Chancellor with the approval of the Board of Governors and Chancellor after following the principles of natural justice and after providing an opportunity to present his case including for termination on disciplinary grounds. The Director shall preside at the convocation of the Institute in the absence of the Chancellor and visitor.

18. Deans of Schools.

Deans of schools in the Institute shall be appointed by the Director and they shall exercise such powers and perform such duties as may be laid down by the Statutes and Regulations.

19. Chief Operating Officer & Registrar (COO&R).

(1)Chief Operating Officer and Registrar (COO&R) shall be nominated and appointed by the Director on such terms and conditions as may be laid down by the Statutes and Regulations.(2)The COO & R shall be responsible for the 'day to day' financial administrator, human resources management, meet statutory compliance needs with all government bodies like IT, ROC, etc, and also play the role of the registrar in the educational units.(3)All contracts shall be entered into and signed by the COO&R on behalf of the Institute.(4)The COO&R shall have the power to authenticate records on behalf of the Institute and shall exercise such other powers and perform such other duties as may be laid down by the Statutes and Regulations or may be required from time to time, by the Chancellor.(5)The COO&R shall be responsible for the due custody of the records and the common seal of the Institute and shall be bound to place before the Chancellor, the Director or any other authority, all such information and documents as demanded.(6)The COO&R shall represent the Institute in all legal proceedings.

20. The Finance Officer.

The Finance Officer shall be appointed by the COO&R and he shall exercise such powers and perform such duties as may be laid down by the Statutes and Regulation.

21. Other Officers.

The manner of appointment, terms and conditions of service and powers and duties of the other officers of the Institute shall be such as may be prescribed by the Rules and Regulations.

Chapter IV

Authorities of the Institute

22. Authorities of the Institute.

The following shall be the authorities of the Institute, namely:(i)The Board of Governors;(ii)The Board of Management;(iii)The Academic Council;(iv)Research Council;(v)The Finance Committee; and(vi)Such other authorities as may be declared by the Board of Management to be the authorities of the Institute.

23. The Board of Governors and its powers.

(1)The Board of Governors shall consist of the following, namely:-(i)The Chancellor(ii)The Director(iii)The Principal Secretary to Government incharge of Health and Family welfare ;(iv)Three eminent knowledge experts/scientists/professional as nominated by the Chancellor in consultation with the Director.(v)Three eminent persons each of whom may be nominated by the Sponsoring Body.(vi)One eminent Educationist nominated by the U.G.C.(2)The COO&R and Deans shall always be non-voting invitees on the Board of Governors.(3)The tenure of office of the members of the Board of Governors, appointment of members, renewal and removal, etc., shall be such as may be laid down by the Statute.(4)Meetings of the Board of Governors shall always be chaired by the Chancellor and in his absence by any one of the nominees of the Sponsoring Body and where the Sponsoring Body has not nominated any nominees, then by the Director.(5)Quorum for all meetings of the Board of Governors, shall be five members attending and voting at such meeting:Provided that the presence of either the Chancellor or one nominee of the Sponsoring Body and in the absence of the Chancellor or one nominee of Sponsoring Body, the Director, shall always be necessary to form the quorum for any meeting of the Board of Governors.(6)No resolution shall be passed or decision be taken by the Board of Governors at their meeting, in respect of any Agenda Matters except pursuant to an affirmative vote by the Chancellor in favour of the Agenda matter.(7)In the event of a conflict of opinion at a meeting of the Board of Governors, the issue shall be referred to the Sponsoring Body and the decision of the Sponsoring Body in respect of such issue shall be final and binding on the Institute.(8)The Board of Governors shall be the Principal Governing Body of the Institute and shall have the following powers, namely:-(i)to appoint the Statutory Auditors of the Institute;(ii)to lay down policies to be pursued by the Institute;(iii)to review decisions of the other authorities of the Institute if they are not in conformity with the provisions of this Act or the Rules and Regulations;(iv)to approve the Budget and Annual Report of the Institute;(v)to make new or additional Statutes or amend, modify or repeal the earlier Statutes;(vi)to take decision about voluntary winding up of the Institute;(vii)to approve proposals for submission to the Government;(viii)to take such decisions and steps as are found desirable for effectively carrying out the objects of the Institute;(ix)to collaborate and participate with other bodies and institutions to set up new entities that promote the purpose of the Foundation.(9)The Board of Governors shall meet at least three times a year.

24. The Board of Management.

(1)The Board of Management shall consist of the following, namely:-(i)The Director;(ii)The COO&R;(iii)Upto a maximum of four nominees of the Sponsoring Body, each of which shall be eminent professionals or researchers;(iv)All Deans of the Schools. (2)The Director shall be the Chairperson of the Board of Management and the COO&R shall be the Secretary of the Board of Management.(3)The powers and functions of the Board of Management shall be to formulate the Regulations and oversee their implementation.(4)All meetings of the Boards of Management shall always be chaired by the Director and in the absence of the Director, by the nominee of the Sponsoring Body and where the Sponsoring Body has not nominated any nominees, then by any other member.(5)In the event of a conflict of opinion at a meeting of the Board of Management, the issue shall be referred to the Chancellor and the decision of the Chancellor in respect of such issue shall be final and binding on the Institute.

25. The Academic Council.

(1)The Academic Council shall consist of the following, namely:-(i)The Director - Chair Person(ii)The Deans - Members(iii)The COO&R - Secretary(iv)Such other members as may be specified by the Board of Management.(2)The Academic Council shall be the principal academic body of the Institute and shall, and exercise general supervision over the academic policies of the Institute.

26. The Research Council.

(1)Research Council shall be the Principal Research Committee of the Institute and shall provide the larger holistic vision of the kind of research to be undertaken by the Institute, including prioritization of the research areas. Research Council shall co-ordinate and exercise general supervision over the Research polices of the Institute.(2)The Research Council shall consist of the following, namely:-(i)The Director - Chair Person(ii)The Deans – members(iii)Such other members as may be specified by the Board of Management.

27. The Finance Committee.

(1)The Finance Committee shall consist of the following, namely:-(i)The Chancellor or his Nominee - Chairperson(ii)The Director – Member(iii)The COO&R- Member(iv)The Deans- Members(v)Finance Officer – Secretary(vi)One nominee of the Sponsoring Body- Member; and(vii)Such other members as may be specified by the Board of Management.(2)The Finance Committee shall be the principal financial body of the Institute to take care of financial matters and shall co-ordinate and exercise general supervision over the financial matters of the Institute.

28. Other Authorities.

The constitution, powers and functions of the other authorities of the Institute shall be such as may be specified by the Board of Governors.

29. Disqualification for membership of an Authority or Body.

A person shall be disqualified for being a member of any of the authority or body of the University, if he, - (a) is of unsound mind and stands so declared by a competent court; (b) is an undischarged insolvent; (c) has been convicted of any offence involving moral turpitude; (d) is conducting or engaging himself in private coaching classes; or (e) has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere; (f) as and when the Sponsoring Body were to form an opinion in writing that a Member of any of the authorities or bodies is unfit to hold the post.

30. Proceedings not invalidated on account of vacancy.

No act or proceedings of any authority of the Institute shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

31. Provisions pertaining to Agenda Matters.

(1) No Agenda Matter shall be either included in the Agenda for or taken up for discussion and decided in the meeting of the Board of Governors or the Board of Management or any Committees without obtaining the prior written approval of the Chancellor. (2) In the event of breach, the Chancellor shall be entitled at all time to immediately take remedial action by reversing all decisions taken by any functionary or functionaries or body or bodies of the Institute in breach of the provisions of the Act and consequent upon the pursuit of such a remedial action all such actions taken by the functionary or functionaries or body or bodies of the Institute in breach of the provisions of the Act shall be deemed to be null and void, ab initio and consequently the status quo ante shall prevail in respect of the matter or decision in breach.

Chapter V

Statutes and Regulations

32. Statutes.

Subject to the provisions of this Act, the Statute may provide for any matter relating to the Institute and staff, as decided by the Board of Management with approval of the Board of Governors. The Statutes may pertain to the following matters, namely: - (i) the procedure for transaction of business of the Authorities of the Institute and the composition of bodies not specified in this Act; (ii) the operation of the permanent statutory endowment fund, Institute endowment fund, the general fund

and the development fund;(iii)the terms and conditions of appointment of the Director, COO&R, and the Finance Officer and their powers and functions;(iv)the mode of recruitment and the terms and conditions of service of the other officers, Teachers and employees of the Institute;(v)the procedure for resolving disputes between the Institute and its officers, Faculty members, employees and students;(vi)creation, abolition or restructuring of schools and centers;(vii)The manner of co-operation with other Universities or institutions of higher learning;(viii)the procedure for conferment of honorary degrees;(ix)provisions regarding grant of free ships and scholarships;(x)number of seats in different courses of studies and the procedure of admission of students to such courses;(xi)the fee chargeable from students for various courses of studies not prohibited by any law from time being in force;(xii)institution of fellowships, scholarships, studentships, free ships, medals and prizes;(xiii)procedure for creation and abolition of posts;(xiv)to specify the tenure of various authorities of the Institute(xv)other matters which may be specified.

33. Statute how made.

(1)The first Statute framed by the Board of Management shall be submitted to the Board of Governors for its approval.(2)The Board of Governors shall consider the First set of Statutes, submitted by the Board of Management and shall give its approval thereon with such modifications, if any, as it may deem necessary.(3)Where the Board of Governors fails to take any decision with respect to the approval of the Statutes within a period of thirty days it shall be deemed to have been approved by the Board of Governors.(4)The Institute shall publish the First set of Statutes as approved by the Board of Governors in the Institute Notification, and thereafter, the First Statutes shall come into force from the date of its publication.

34. Power to amend the Statutes.

The Board of Management may, make new or additional statutes or amend or repeal the Statutes.

35. Regulations.

Subject to the provisions of this Act, the regulations may provide for all or any of the following matters, namely:-(i)admission of students to the Institute and their enrollment and continuance as such;(ii)the courses of study to be laid down for all degrees and other academic distinctions of the Institute;(iii)the award of degrees and other academic distinctions;(iv)the conditions of the award of fellowships, scholarships, studentships, medals and prizes;(v)the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners invigilators, tabulators and moderators;(vi)the fee to be charged for admission to the examinations, degrees and other academic distinctions of the Institute;(vii)the conditions of residence of the students at the Institute or a Constituent College;(viii)maintenance of discipline among the students of the Institute or a Constituent College;(ix)all other matters as may be provided in the Rules under the Act.

36. Regulations how made.

The Regulations shall be made by the Academic Council and approved by Board of Management.

37. Power to amend Regulations.

The Academic Council may, with the approval of the Board of Management, make new or additional regulations or amend or repeal the regulations.

38. Fee Regulation Committee.

(1)The fee of the university seats reserved for Karnataka students under Section 9 shall be regulated by the Fee Regulation Committee Constituted by the Government, which shall be headed by a retired Supreme Court or High Court Judge and consists of Chancellor and Director of the Institute, Principal Secretary or Secretary to Government in charge of Health and Family Welfare or by his nominee not below the rank of Deputy Secretary, two Academicians nominated by the Board of Governors of whom one shall be woman. A Chartered Accountant of repute shall be co-opted for this purpose in the Committee.(2)The committee shall lay down the procedure and modalities consistent with the statute for fixation of fee structure for all the academic programmes.(3)The fee structure so proposed by the committee shall be placed before the Board of Governors for approval.

Chapter VI

Miscellaneous

39. Conditions of service of employees.

(1)Every employee shall be appointed under a written contract, which shall be kept in the Institute and a copy of which shall be furnished to the employee concerned.(2)Disciplinary action against the employees shall be governed by the procedure specified in the Statutes.(3)Any dispute arising out of the contract between the Institute and an employee shall, be resolved in the manner provided for in the written contract and in accordance with the Statutes and Regulations and any other conditions as may be prescribed by rules.

40. Right to appeal.

In case of disciplinary actions by the Institute against its employee or student, the aggrieved employee or students shall have a right to appeal to the Board of Management.

41. Provident fund.

The Institute shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as

may be specified by the Statutes and the laws in force.

42. Disputes as to constitution of Institute authorities and bodies.

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

43. Constitution of Committees.

Any authority of the Institute mentioned in Chapter IV, shall be empowered to constitute a committee of such authority, consisting of such members of such authority and having such powers as the authority may deem fit.

44. Filling of casual vacancies.

Any casual vacancy among the members, other than ex-officio members of any Authority or body of the Institute shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person in whose place he would have been a member.

45. Protection of action taken in good faith.

No suit or other legal proceedings shall lie against any officer or other employee of the Institute for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act or the Rules, Statutes and Regulations.

46. Transitional provisions.

Notwithstanding anything contained in any other provisions of this Act and the Statutes and Regulations, -(i) the first Director shall be appointed by the Chancellor; (ii) the first COO&R, the first Deans and the first Finance Officer shall be appointed by the Director; and (iii) the first Board of Management, the first Finance Committee, the first Distance Education Committee, the first Research Council and the first Academic Council shall be constituted by the Director with approval of the Chancellor of the Board of Governors .

47. Permanent Statutory Endowment Fund.

(1) The Institute shall establish a Permanent Statutory Endowment Fund of at least rupees twenty-five crores which may be increased suo moto but shall not be decreased. (2) The Institute shall have power to invest the permanent Statutory Endowment Fund in such manner as may be prescribed. (3) The Institute may transfer any amount from the General Fund or the Development Fund to the permanent Statutory Endowment Fund. Excepting in the dissolution of the Institute, in

no other circumstances can any moneys be transferred from permanent Statutory Endowment Fund for other purposes.(4)Seventy five percent of the incomes received from permanent Statutory Endowment Fund shall be used for the purpose of development or general work of the Institute. The remaining twenty five percent shall be reinvested in the permanent Statutory Endowment Fund.

48. Institute Endowment Fund.

(1)The Institute shall establish a Institute Endowment Fund having such funds as may be determined by the Sponsoring Body which can include donations and other funds received from time to time.(2)The Institute shall have the power to invest the Institute Endowment Fund in a manner as may be specified by the Statutes and Regulations.(3)The Institute Endowment Fund is a self-imposed fund that the Institute desires to maintain voluntarily and invest it responsibly to protect itself from financial challenges that may arise on account of pursuing social objectives and/or unforeseen circumstance.(4)The Institute may transfer any amount from the General Fund or the development fund to the Institute Endowment Fund. Excepting in the dissolution of the Institute, in no other circumstances moneys can be transferred from the Institute Endowment Fund for other purposes.(5)Eighty percent of the incomes received from the Institute Endowment Fund shall be used for the purposes of development or general work of the Institute. The remaining twenty percent shall be reinvested into the Institute Endowment Fund.

49. General Fund.

(1)The Institute shall establish a General Fund to which the following amount shall be credited, namely:-(i)all fees which may be charged by the Institute;(ii)all sums received from any other source not prohibited by any law for the time being in force;(iii)all contributions made to the Institute;(iv)all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force.(2)The funds credited to the General Fund shall be applied to meet all the recurring expenditure of the Institute.

50. Development fund.

(1)The Institute shall also establish a Development Fund to which the following funds shall be credited, namely:-(i)development fees which may be charged from students not prohibited by any law for the time being in force;(ii)all sums received from any other source for the purposes of the development of the Institute;(iii)all contributions made to the Institute;(iv)all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and(v)incomes received from the Permanent Statutory Endowment Fund.(2)The funds credited to the Development Fund from time to time shall be utilized for the development of the Institute.

51. Maintenance of funds.

The funds established under sections 47, 48, 49 and 50 shall, subject to general supervision and

control of the Board of Governors, be regulated and maintained in such manner as may be prescribed by rules.

52. Annual Report.

(1)The annual report of the Institute shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.(2)The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification.(3)A copy of the annual report duly approved by the Board of Governors shall be sent to the Government before 31st December following close of the financial year in 31st March of each year.

53. Account and audit.

(1)The annual accounts and balance sheet of the Institute shall be prepared under the direction of the Board of Management and all funds accruing to or received by the Institute from all source and all amount disbursed or paid shall be entered in the account maintained by the Institute.(2)The annual accounts of the Institute shall be audited annually by an auditor, who is a member of the Institute of Chartered Accountants of India.(3)A copy of the annual accounts and the balance sheet together with the audit report shall be submitted to the Board of Governors before 30th November following close of the financial year in 31st March of each year.(4)The annual accounts, the balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Government along with its observations thereon before the 31st December of each year.(5)In the event of any material alteration in the Report of the Auditors, the Government may issue directions to the Institute, and such directions shall be binding on the Institute.

54. Mode of proof of Institute record.

A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the Institute or other documents in possession of the Institute or any entry in any register duly maintained by the Institute, if certified by the COO&R, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

55. Power of State Government to issue directions.

The State Government may give such directions to the Institute as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any rules or orders made thereunder and the Board of Governor or the Board of management, as the case may be, of the Institute shall comply with every such direction.

56. Penalties.

(1)Whoever contravenes the provisions of this Act or the rules made thereunder or any examination matters or in matters relating to award of degrees or in giving marks cards shall on conviction be punishable with fine of rupees fifty thousand which may extend to ten lakh rupees or with an imprisonment for a term of six months which may extend to two years or with both.Provided that, where the University is also involved the permission letter granted under this Act to commence the University shall be withdrawn.(1)A penalty under this section may be imposed without prejudice to the penalty specified in any other Act.

57. Power to enter and inspect.

Any officer not below the rank of Group 'A' officer authorized by the State Government in this behalf, shall, subject to such conditions as may be specified therein under the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) shall be deemed to be the Officer authorized to exercise the same powers and discharge the same functions as provided under section 9 of that Act for the purposes of this Act.

58. Power to give direction for dissolution of the Institute.

(1)If the Institute proposes dissolution in accordance with the law governing its constitution or incorporation, it shall give at least six months prior notice in writing to the Government.(2)The Karnataka State Higher Education Council shall conduct periodical Inspection of University regarding,-(i)standard of instructions for grant of degree;(ii)quality of education;(iii)avoidance of commercialization of Higher Education;(iv)contravention of the provisions of the Act if any;-and send report to the Government.(3)On identification of mismanagement, maladministration and indiscipline, the Government shall issue directions to the management of the Institute to set right the administration . If the direction is not followed within such time as may be prescribed, the right to take decision for winding up of the Institute or any course thereof shall vest with the Government.(4)The manner of winding up of the Institute or any course thereof shall be such as may be prescribed by the Government in this behalf: Provided that no such action shall be initiated without affording a reasonable opportunity to show cause to the Institute.(5)On receipt of the notice referred to in sub-section (1), the Government shall, in consultation with the relevant Regulatory Authority make such arrangements for administration of the Institute from the proposed date of dissolution of the Institute or winding up of the course and until the last batch of students in regular courses of studies of the Institute complete their courses of studies in such manner as may be specified by the Statues.

59. Expenditure of the Institute during dissolution.

(1)The expenditure of administration of the Institute during the taking over period of its management under sub-section (2) of section 50 shall be met out of the Permanent Statutory Endowment Fund, the General Fund or the Development Fund in such manner as may be

prescribed.(2)If the fund referred to in sections 47, 48, 49 and 50 are not sufficient to meet the expenditure of the Institute during the taking over period of its management, such expenditure may be met by disposing of the properties or asset of the Institute, by the Government.

60. Removal of difficulties.

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by a notification or by order, make such provisions, which are not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:Provided that no notification or order under this section shall be made after the expiry of a period of three years from the commencement of this Act.

61. Power to make rules by the State Government.-

(1)The State Government may make rules, by notification, to carryout the purposes of this Act.(2)Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.