

KARNATAKA ACT NO. 08 OF 2022

THE KARNATAKA STATE AYUSH UNIVERSITY ACT, 2021

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STATEMENT OF OBJECTS AND REASONS

ACT 08 OF 2022 It is a considered necessary to establish a university called the Karnataka State AYUSH University, with headquarters at Shivamogga as a university of excellence in the area of AYUSH systems in the State to meet the increasing complexity of growth and development in the field of AYUSH, to set a standard to perform multiple functions in academics, Research, consultancy, think-tank, training and knowledge dissemination to meet the needs of Government in the field of public health, AYUSH industry, development of medicinal plant resource academia and society at large and for matters connected therewith or incidental thereto.

Hence the Bill.

[L.A. Bill No. 44 of 2021, File No. SAMVYASHAE 34 SHASANA 2021]

[Entry 25 of List III of the Seventh Schedule to the Constitution of India..]

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KARNATAKA ACT NO 08 OF 2022

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THE KARNATAKA STATE AYUSH UNIVERSITY ACT, 2021

(Received the assent of the Governor on the 9th day of February, 2022)

An Act to provide for establishment and incorporation of the Karnataka State AYUSH University at Shivamogga.

Whereas it is expedient to establish and incorporate a new university to be called as the Karnataka State AYUSH University at Shivamogga, as a university of excellence in the areas of Ayurveda, Yoga, Naturopathy, Unani, Siddha, Sowa Rigpa and Homoeopathy systems of medicine in the State to meet the ever increasing complexity of growth and development in the field of Ayurveda, Yoga, Naturopathy, Unani, Siddha, Sowa Rigpa and Homoeopathy system to set a standard to perform multiple functions in Academics, Research, Consultancy, think-tank, training and knowledge dissemination, to meet the needs of Government in the field of public health, ayush industry, development of medical plant resource, academia and society at large and for matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the seventy second year of the Republic of India as follows:-

CHAPTER – I PRELIMINARY

1. Short title and commencement.-(1) This Act may be called the Karnataka State AYUSH University Act, 2021.

(2) It shall come into force on such date as the State Government may, by ¹[notification]¹ in the official Gazette, appoint.

1. This Act has come into force w.e.f. 31.05.2022. by Notification No. HFW 20 PTD 2021 Dated: 31.05.2022. (See the text notification at the end of the Act)

2. Definitions.- In this Act, unless the context otherwise requires,-

(1) “Academic Council” means the Academic Council of the University;

(2) “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;

(3) “Appointed date” means the date appointed for the commencement of this Act;

(4) “Apex body” means the National Commission for Indian System of Medicine constituted under section 3 of the National Commission for Indian System of Medicine Act, 2020 and the National Commission for Homoeopathy constituted under section 3 of the National Commission for Homoeopathy Act, 2020 as the case may be;

(5) “Authorities” means the Authorities of the University;

(6) “AYUSH system of medicine” means the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homoeopathy including all branches concerning preventive, promotive, curative and rehabilitative services;

(7) “Chancellor” means the Chancellor of the University;

(8) “Controller of Examination” means Control of examination of the University;

(9) “Executive Council” means the Executive Council of the University;

(10) “Officer” means an officer of the University;

(11) “Pro-Chancellor” means the Pro Chancellor of the University;

(12) “Registrar” means the Registrar of the University;

(13) “Regulations” means the regulations of the University made under section 30 of the Act;

(14) “Schedule” means the schedule appended to this Act;

(15) “Teacher” means professors including honorary or emeritus or consultant or contract or adjunct professor, associate professor or assistant professors of the University or constituent college imparting instructions in the University;

(16) “University” means the Karnataka State AYUSH University established under this Act; and

(17) “Vice Chancellor” means the Vice Chancellor of the University.

CHAPTER -II THE UNIVERSITY

3. Establishment and Incorporation of the University.- (1) There shall be established, in the State of Karnataka, an affiliating University called the Karnataka State AYUSH University for the furtherance of the objects of the university as detailed under section 4.

(2) The University shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with powers, subject to the provisions of this

Act, to acquire and hold property, to contract, to do such other things necessary for the purposes of this Act and shall, by the said name, sue and be sued.

(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 the processes in such suits and proceedings shall be issued to and served on the Registrar.

(4) The Headquarters of the University shall be at Shivamogga having jurisdiction over the entire State of Karnataka.

4. Objects of the University.- (1) The objects of the University shall be to advance and disseminate learning and knowledge in the field of AYUSH System of Medicine and allied subjects and their role in the field of providing better health and wellness to the people, to develop in the students and research scholars a sense of responsibility to serve the society at large, by imparting quality higher education in the field of Ayurveda and to organize lectures, seminars, symposia and conferences to promote knowledge AYUSH System of Medicine and to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University and the values enshrined in the Constitution of India.

(2) The University shall be open to all persons irrespective of race, creed, caste or class of all religions and it shall not be lawful for the University to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

(3) The aims and objects of the University shall be as followed, namely:-

- (i) to become a globally recognized institution of excellence in the field of AYUSH System of Medicine and allied disciplines, as set out in apex body norms;
- (ii) to offer consultancy and to accept sponsored projects in the fields of AYUSH System and other allied sciences;
- (iii) to undertake by itself and to provide assistance for publications including publication of journals, research papers, working papers, policy briefs and of articles, occasional papers, journals, periodicals and books and use of digital media, visual media, print media for its outreach activities and for augmenting library information services for the furtherance of any of its aims and objects;
- (iv) to cooperate, collaborate and work jointly with international, national, state and other local agencies or institutions or entities in AYUSH System and other related disciplines, in the areas of teaching, research, training and policy advocacy and arrange for exchange of students, material and data as also in organizing symposia, conferences, workshops training interactions and in undertaking research and project consultancies;

- (v) to invite representatives of Governments, Universities, Institutions, Policy advocacy groups and such other organizations of India and of foreign countries and invite outstanding persons in the fields of AYUSH academics, policy making and business of national or international repute to participate in the programmes of the University;
- (vi) to do all such lawful acts and things either by itself or jointly with other entities or organizations or persons as the University may consider necessary, incidental and essential or conducive to the attainment of any or all of the objects of the University referred to or implied above;
- (vii) generally to take all such measures as are within the competence of the University for the promotion of research in respect of AYUSH Health sciences and to perform all such academic functions and undertake such other academic activities as may be approved by the Executive Council; and
- (viii) to take up other works as desired by the Executive Council, from time to time and also works entrusted by the State Government or the Central Government or other Government agencies, Corporate bodies, public or private, from time to time, in the fields of AYUSH System of public health, education research, ayush industry and related aspects.

5. Powers and functions of the University.-The powers and functions of the University shall be as followed, namely:-

(i) to administer and manage the University and such centres for research, education and instruction as may be necessary for the furtherance of the objects of the University;

(ii) to provide for instruction in such branches of knowledge or learning pertaining to AYUSH System and allied subjects, as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge in these subjects;

(iii) to organize and undertake extra-mural research teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates or fellowships and to confer degrees and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, fellowships degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions on persons in the manner laid down in the regulations;

(vi) to fix, demand and receive fee and other charges;

(vii) to establish such special centres, specialised study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(viii) to make such arrangements in respect of the residence, discipline and teaching of women students;

(ix) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(x) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;

(xi) to institute Professorships, Associate Professorships, Assistant Professorships fellowships and any other teaching, academic or research posts required by the University;

(xii) to appoint persons as Professors, Associate Professors, Assistant Professors or otherwise as Teachers and Researchers of the University as per the apex body;

(xiii) to institute and award fellowships, scholarships, prizes and medals for meritorious students and provide for printing, reproduction and publication of research and other works and to organise exhibitions;

(xiv) to sponsor and undertake research in all aspects of AYUSH;

(xv) to co-operate with any other organizations in the matter of education, training and research in ayush and allied subjects for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine as per the norms set out by the State Government and the Ministry of AYUSH, Government of India;

(xvi) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects, as per the norms set out by the State Government and Ministry of AYUSH, Government of India, from time to time;

(xvii) to regulate the expenditure and to manage the accounts of the University;

(xviii) to establish and maintain within the University premises such class rooms and study halls as the University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

(xix) to receive grants, CSR grants, endowments, subscriptions, donations and gifts for the purposes of the University, consistent with the objects for which the University is established;

(xx) to purchase, take on lease or accept as gifts or otherwise any land or building or works with prior approval of the State Government, which may be necessary or convenient for the purposes of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(xxi) to sell, exchange, lease or otherwise dispose-off all or any portion of the moveable properties of the University, on such terms as it may think fit and proper, without prejudice to the interests and activities of the University, with prior approval of the State Government;

(xxii) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect of property, moveable or immovable including Government securities belonging to the University or to be acquired for the purposes of the University;

Provided that, no immovable property shall be sold or transferred without prior approval of the State Government.

(xxiii) to appoint, in order to execute an instrument or transact any business of the University, any person or agency as it may deem fit;

(xxiv) to enter into any agreement with the Central Government, State Government, the University Grants Commission, National Commission for India System of Medicine(NCISM), National Commission for Homoeopathy (NCH), universities and other bodies for receiving grants;

(xxv) to accept grants of money, securities or property of any kind on such terms as it may deem expedient;

(xxvi) to invest the funds of the University or money entrusted to the University in or upon such securities and in such manner as it may be prescribed by statutes, from time to time and transpose any such investment as per the guidelines issued by State Government from time to time;

(xxvii) to make such statutes as may, from time to time, be considered necessary for regulating the affairs and the management of the University and to alter, modify and to rescind them;

(xxviii) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the statutes, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of employees of the University and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University;

(xxix) to delegate all or any of its powers to the Vice Chancellor or any committee or any sub-committee or to any one or more members of its authorities or its officers, except the power to make statutes; and

(xxx) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

6. Jurisdiction, Admission to Privileges etc.-(1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall be exercised in the University area and no educational institution beyond the said area shall be associated with or admitted to any privileges of the University:

Provided that, nothing in this sub section pertaining to affiliation shall be applicable to the Government Ayurvedic College, Shivamogga which shall be constituent college of the University.

(2) Any privilege enjoyed from the Rajiv Gandhi University of Health Sciences by the AYUSH Medical Colleges before the date of commencement of this Act shall, with effect from such date as may be specified by the State Government in this behalf, be deemed to be withdrawn and all AYUSH Medical Colleges, previously admitted to the privileges of, or affiliated to, the Rajiv Gandhi University of Health Sciences shall be deemed to be admitted to the privileges of the Karnataka State AYUSH University, Shivamogga.

(3) The University shall, subject to the provisions of this Act, the statutes and the regulation as notified by the apex body, from time to time, be open to all persons.

(4) Nothing contained in sub-section (3), shall require the University,-

(a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;

(b) to retain on the rolls of the University any student whose academic record is below the minimum standard required for the award of a degree, diploma or other academic distinction; or

(c) to admit any person or retain any student whose conduct is prejudicial to the interests of the University or the rights and privileges of other students and teachers.

(5) Subject to the provisions of sub-section (4), the State Government may, by order, direct that the University shall reserve such percentage of seats therein for the students belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes as may be specified in such order and where such direction has been given, the University shall make the reservation accordingly.

(6) Notwithstanding anything contained in sub-section (3), due admission to the University and its consistent colleges shall be regulated by the central and state counselling agencies, as notified by the respective Government and the apex bodies from time to time.

7. Power to issue directions.- The Chancellor may either suo moto or on the recommendation of the Government, issue such directions as may be necessary or expedient in the interest of both administration and academic functioning of the University and in particular to ensure peace and tranquillity and to protect the property and finances.

8. Power to annul the orders of the University.- The Government may by order published in the official Gazette annul any order, notification, resolution or any proceedings of the University, which in its opinion is not in conformity with the provisions of the Act or statutes, regulations or ordinances or is otherwise inconsistent with the policy of the Government.

CHAPTER – III OFFICERS OF THE UNIVERSITY

9. Officers of the University.-The following shall be the officers of the University, namely:-

- (1) The Chancellor;
- (2) The Pro Chancellor;
- (3) The Vice Chancellor;
- (4) The Registrar;
- (5) The Controller of Examination;
- (6) The Finance Officer;
- (7) The Dean(s); and
- (8) Such other officers of the University, as may be declared by the statutes to be the officers.

10. The Chancellor.-(1) The Governor of Karnataka shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and shall when present, preside at any convocation of the University and confer degree, diploma or other academic distinctions upon persons entitled to receive them.

(2) Where power is conferred upon the Chancellor to nominate persons to the authorities, the Chancellor shall to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(3) The Chancellor may, on his own motion or on application, call for and examine the record of any officer or authority of the University in respect of any proceedings to satisfy himself as to the regularity of such proceedings or the correctness, legality or propriety of any decision taken or order passed therein and, if, in any case it appears to the Chancellor that any such decision or order shall be modified, annulled, revised or remitted for reconsideration, he may pass orders accordingly:

Provided that, every application to the Chancellor for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

Provided further that, no order prejudicial to any person shall be passed unless such person has been given an opportunity of making his representation.

11. Inspection.-(1) The Chancellor shall have the right to cause an inspection or inquiry to be made, by such person or persons as he may direct, of the University, its buildings, University libraries, museums and equipments, and of any institutions maintained or recognised by the University and also of the research, teaching and other work conducted or done by the University, and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(2) The Chancellor shall communicate to the Executive Council of his views with reference to the results of such inspection or inquiry and may after ascertaining the opinion of the Executive Council thereon advise the University upon the action to be taken and fix a time limit for taking such action.

(3) The Executive Council shall report to the Chancellor the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry. Such report shall be submitted within such time as the Chancellor may direct.

(4) Where the Executive Council does not take action to the satisfaction of the Chancellor within the time limit as may be fixed under sub-section (2), the Chancellor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions. In the event of the Executive Council not complying with such directions by the Chancellor, the Chancellor shall have power to appoint any person or body to comply with such directions and make such orders as may be necessary for the expenses thereof.

(5) The Chancellor shall exercise such other powers and perform such other duties as may be conferred on him by or under this Act.

12. The Pro Chancellor.-The Minister in charge of the Health and Family Welfare Department shall be the Pro-Chancellor of the University.

13. The Vice Chancellor.-(1) The Vice Chancellor shall be a whole time officer and be the Principal academic and executive officer of the University.

(2) He shall be a person of the highest level of competence, integrity, morals and institutional commitment. Besides, the Vice Chancellor shall be an eminent academician with specialization in any field of AYUSH System with a minimum teaching experience of twenty-five years out of which at least ten years as Professor as per Apex body norms or in an equivalent position at a reputed research and development or administrative organization.

(3) The Vice Chancellor shall be appointed by the Chancellor as per the following procedure, namely:-

(i) The State Government shall constitute a Search Committee consisting of four persons, who shall be experts in the field of AYUSH system, of whom, one shall be nominated by the Chancellor, one by the University Grants Commission, one by the State Government and one by the Syndicate. The State Government shall appoint one of the members as the Chairman of the Committee. The Principal Secretary to Government, Department of Health and family Welfare or his nominee not below the rank of the Deputy Secretary to Government shall be the convenor of the Search Committee.

(ii) No person connected with the affairs of the State Government, the University or any college or institution affiliated to the University shall be nominated as the member of the Search Committee.

(iii) The Search Committee shall submit to the State Government a panel of three names of persons fulfilling the requirements under sub-section (2) and are eminent academicians from the field of AYUSH system, in the alphabetical order. The State Government shall forward the panel to the Chancellor who shall keeping in view merit, equity and social justice and with the concurrence of the State Government, appoint one person from the panel as the Vice-Chancellor:

Provided that the Chancellor may with the concurrence of the State Government call for a second panel if he considers it necessary and the Search Committee shall submit a second panel which shall be final.

Provided also that, the first Vice Chancellor of the University established under this Act shall be appointed by the State Government subject to such terms and conditions as may be specified by it.

(4) No person shall be appointed to hold the office of Vice Chancellor if he has attained the age of sixty five years.

(5) The Vice Chancellor shall, subject to the pleasure of the Chancellor and subject to sub-section (4), hold the office for a maximum period of four years. He shall not be eligible for re-appointment for a second term.

(6) The Vice Chancellor shall not be removed from his office except by an order of the Chancellor on the grounds of wilful omission or refusal to carry out the provisions of this Act or for abuse of the powers vested in him on consideration of the report of an inquiry ordered by the Chancellor.

(7) For the purpose of holding an Inquiry, the Chancellor shall appoint a person who is or has been a Judge of the High Court or the Supreme Court. The Inquiry Authority shall hold the inquiry after giving an opportunity to make representation by the Vice Chancellor and shall submit its findings and recommendations to the Chancellor. The Chancellor shall on consideration of the same take appropriate action

in the matter including action in civil or criminal proceedings as may be required in his opinion.

(8) The emoluments and other conditions of service of the Vice Chancellor shall be as determined by the Chancellor subject to such conditions as laid down by the All India Council for Technical Education (AICTE), from time to time:

(9) If a retired person is appointed as Vice Chancellor, the terms and conditions of service upon his appointment as Vice Chancellor including emoluments shall be as determined by the Chancellor.

(10) If a Professor in the service of a University is appointed as Vice Chancellor, he shall retain his lien in the post held earlier to the appointment.

14. Powers and functions of the Vice Chancellor.- (1) As the Principal Executive and Academic Officer of the University, the Vice Chancellor shall exercise general control over the affairs of the University. He shall exercise all the powers necessary for the maintenance of discipline in the University.

(2) The Vice Chancellor shall be ex-officio Chairperson of the Executive Council, the Academic Council, the Finance Committee and also other authorities or bodies of the University as specified in the schedule and the statutes. He shall preside at the convocation of the University in the absence of both the Chancellor and the Pro Chancellor. He shall also preside at the meetings of other authorities or bodies of the University and shall be entitled to vote.

(3) He shall ensure that all the provisions of this Act and of the statutes, ordinances, regulations and rules of the University are observed and shall have all the powers necessary for that purpose.

(4) He may either himself or through any officer of the University authorized in writing by him convene the meetings of the Executive Council, the Academic Council, the Finance Committee and other authorities or bodies of the University where he is the Ex-officio Chairperson and shall perform all such acts as may be necessary to carry out and give effect to the decisions of these authorities.

(5) In case of emergency which, in his opinion requires immediate action, the Vice Chancellor shall take such action as he deems necessary and shall at the earliest opportunity, thereafter report the action taken to such authority or body which in the ordinary course would have dealt with the matter:

Provided that, if the action taken by the Vice Chancellor is not approved by the authority or the body concerned, he may refer the matter to the Chancellor, whose decision thereon shall be final:

Provided further that, any person in the service of the University affected by the decision of the authority or the body based on the report of the Vice Chancellor under this sub-section may prefer an appeal to the Chancellor within thirty days from the date on which the decision was communicated to him and the decision of the Chancellor on such appeal shall be final.

Provided also that, the powers vested under this sub-section shall not be exercised to revise the pay scales of University employees. If, in the exercise of the powers under this sub-section statutes or regulations are framed, they shall be subject to the approval of the Chancellor under the relevant provisions of this Act and if ordinances are made they shall be submitted to the approval of the Chancellor, as may be required by the Act.

(6) The Vice Chancellor shall exercise such other powers and perform such other duties and functions as may be provided by the statutes, ordinances and regulations of the University.

15. Arrangement of work during vacancy in the office of the Vice Chancellor.-During the temporary absence of the Vice Chancellor by reason of leave, illness or vacancy in the office of the Vice Chancellor remaining unfilled, the Chancellor in consultation with the State Government may designate the senior-most Professor of the University as the Vice Chancellor in-charge of the University, until permanent arrangements are made.

16. The Registrar.- (1) The Registrar shall be appointed by the State Government.

(2) A person to be appointed as Registrar of the University shall be from All India Services or from the cadre of Karnataka Administrative Service (senior scale).

(3) The term of office of the person appointed as Registrar shall be maximum of three year or as decided by the State Government.

(4) The Registrar shall be the ex-officio Secretary of the Executive Council and the Academic Council. He shall be a member of the Finance Committee, the Faculty and shall be deemed to be a member of the other authorities.

(5) It shall be the duty of the Registrar, -

(i) to be the custodian of the records, the common seal and such other property of the University as the Vice Chancellor or the Executive Council shall commit to his charge;

(ii) to issue notices convening the meetings of the Executive Council, the Academic Council, the Faculties, the Boards of Studies and of authority or body of the University concerned and to keep the minutes of all such meetings;

(iii) to conduct the official correspondence of the authorities or the bodies of which he shall be the Secretary;

(iv) to supply to the Chancellor and to the State Government copies of the agenda of the meetings of the authorities or the bodies of the University concerned as soon as they are issued and the minutes of the meeting within a month of holding of the meeting;

(v) to keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the Faculties and any Board or Committee or Council appointed by the authorities;

(vi) call a meeting of the Executive Council forthwith in an emergency, when neither the Vice Chancellor nor the officer duly authorised is able to act and to take its directions for carrying on the work of the University;

(vii) be directly responsible to the Vice Chancellor for the proper discharge of his duties and functions; and

(viii) perform such other duties as may be assigned, from time to time, by the Executive Council or the Vice Chancellor.

(6) The Registrar shall exercise such other powers and perform such other duties as may be provided by the ordinance or regulation and as may be allocated to him from time to time, by the Vice Chancellor.

17. The Controller of Examinations.- (1) The Controller of Examinations shall be appointed for a tenure of three years, by the State Government from among Professors with a minimum teaching experience of ten years in the University system.

(2) The Controller of Examinations shall be a member of the Academic Council of the University concerned. He may be an invitee at the Executive Council and the Finance Committee meetings, whenever required.

(3) The Controller of Examination shall be in-charge of the conduct of examinations and all other matters incidental thereto and ancillary therewith and shall perform such other duties as may be provided by the statutes or the ordinances or as may be allocated to him by the Vice Chancellor.

18. The Finance Officer.-(1) The Finance Officer shall be appointed by the State Government from among the officers in the State Audit and Accounts department.

(2) The tenure of appointment of the Finance Officer shall be limited to three years and the emoluments and other terms and conditions of appointment of the Finance Officer shall be as provided in the statutes.

(3) The Finance Officer shall, subject to the control of the Finance Committee, exercise such powers and perform such duties and functions as may be prescribed by the statutes, the ordinances and the regulations or as may be required from time to time, by the Vice Chancellor. He shall be the ex-officio Secretary of the Finance Committee and an invitee at meetings of other authorities or bodies of the University as may be required.

19. The Dean.-(1) There shall be a Dean for Faculty of AYUSH who shall be the Chief Academic Officer of the Faculty concerned.

(2) He shall be appointed by the Vice Chancellor from among the Professors in the University.

(3) The procedure for appointment of the Dean, his tenure of office and his powers, functions, duties and responsibilities shall be as provided by the statutes.

CHAPTER – IV AUTHORITIES OF THE UNIVERSITY

20. Authorities of the University.-The following bodies shall be the Authorities of the University, namely:-

- (1) The Executive Council;
- (2) The Academic Council;
- (3) The Board of Studies;
- (4) The Research Council;
- (5) The Finance Committee; and

(6) Such other bodies as may be, by the regulations be declared to be the authorities of the University.

21. Executive Council.- (1) There shall be the Executive Council of the University, which 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 Commissioner/Director of AYUSH Department;
 - (iv) Six eminent persons nominated by the State Government from amongst persons having special interest in the field of AYUSH system of medicine, AYUSH Manufacturing Industry, raw material growers and reputed practitioners 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;
 - (v) The President, Karnataka Ayurveda and Unani practitioner's board;
 - (vi) The President, Karnataka Board of Homoeopathic System of Medicine;
 - (vii) Three Professors elected from amongst themselves;
 - (viii) Three teachers, other than Professors elected from amongst themselves;
 - (ix) Two members, one each from the National Commission for Indian System of Medicine and National Commission for Homoeopathy to be nominated by Government; and
 - (x) Five heads of colleges nominated by the Chancellor in consultation with the Vice Chancellor by rotation for a period of three years, one each from Ayurveda, Unani, Homoeopathy, Sidda or Sowa-Rigpa and Yoga and Naturopathy;
- (2) No non-teaching employee of the University or an affiliated college shall be eligible to be elected or nominated by the Executive Council.
- (3) The Registrar shall be the Secretary.

22. Term of office of the Executive Council.- (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(2) A non-official member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Vice Chancellor, Dean or Professor accepts a full-time appointment in the University or if he fails to attend three consecutive meetings of the Executive Council without obtaining the leave of absence from the Chairperson of the Executive Council.

(3) Unless their membership of the Executive Council is previously terminated as provided in the above sub-clauses, non-official members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be.

(4) A non-official member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairperson of the Executive Council and such resignation shall take effect as soon as it has been accepted by the Chairperson.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and on the expiry of the period of the vacancy such appointment or nomination shall cease to be effective.

23. Powers and functions of the Executive Council.- (1) The Executive Council shall be the Chief Executive Body of the University. The Executive Council shall have the powers to manage the affairs of the University and be responsible for the orderly functioning of the University.

(2) Without prejudice to the generally of the foregoing, the Executive Council shall have the following powers, functions and duties, namely:-

(i) to receive, acquire, hold, control, administer, manage and regulate the funds and properties of the University and for that purpose appoint such agents as it may deem necessary and proper;

(ii) to cause to be maintained proper record of the properties and the funds of the University and consider its annual accounts and audit report for the past year and its budget estimates for the next year, as put up by the Finance Committee before making recommendations on them to the State Government:

Provided that, the Executive Council shall cause to adopt the Public Finance Management System (PFMS) as may be directed by the State Government within one year from the date of coming into force of this Act.

(iii) to enter into, vary, and cancel contracts on behalf of the University;

(iv) to administer and control the colleges, hostels, libraries, laboratories, museums and other institutions established or maintained by the University;

(v) to recognize, regulate, supervise and control the residence and discipline of students of the University within the campus or its annexes and elsewhere to promote their health and wellbeing;

(vi) to create teaching and academic posts, such as, Professors including honorary or emeritus or adjunct Professors, Associate Professors, Assistant Professors and any other posts of the University, to determine the number of such posts, to prescribe their duties and conditions of service and take appropriate steps to recruit them as and when necessary, based on the recommendation of the Academic Council and as may be prescribed by the statutes, ordinances and regulations;

(vii) to create administrative, ministerial, other necessary posts and to make appointments thereto in the manner as may be prescribed by the statutes, ordinances and regulations, subject to the approval of the State Government;

(viii) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes on the recommendations of the Academic Council;

(ix) to regulate and enforce discipline among all categories of faculty, staff and students within and outside its campuses, as prescribed by the statutes, ordinances and regulations;

(x) to lay down and revise from time to time, the fee structure in respect of tuition, research, examination, inspection and others, as may be prescribed by the ordinances and regulations with the approval of the State Government;

(xi) to conduct examinations, as may be prescribed by the ordinances and regulations;

(xii) to appoint, subject to the provisions of the ordinances and regulations, examiners and moderators and if necessary to change or to remove them and also to fix their fee, emoluments and travelling and other allowances;

(xiii) to consider the recommendations of the Academic Council to confer the honorary degrees, titles or other academic distinctions and forward its decision to the Chancellor;

(xiv) to constitute, administer, maintain and regulate the working of the centres for student's Training and Placement, publications and information, Sponsored Research and Consultancy, Intellectual Property Rights, Continuing Education and such other innovative activities;

(xv) to delegate such of its powers, functions and duties to the Vice Chancellor as may be prescribed by the statutes, ordinances and regulations;

(xvi) to select a common seal for the University and to provide for its custody and use;

(xvii) to arrange for the conduct of litigation by or against the University; and

(xviii) to frame, enact, amend or repeal the statutes, ordinances and regulations.

(3) To exercise such other powers and perform such other functions and duties as may be conferred or imposed upon it by this Act, schedule, statutes, ordinances and regulations:

Provided that, nothing contained in sub-section (2) shall be deemed to confer on the Executive Council the power to revise the pay scales of any of the employees or to grant any allowances or emoluments to them.

24. Meetings of the Executive Council.-(1) The Executive Council shall meet at least four times in a year with not less than fifteen days notice given in each case. The period between two consecutive meetings shall not normally exceed fifteen weeks.

(2) Six members of the Executive Council shall constitute a quorum at any meeting thereof.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairperson of the Executive Council or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(5) Every meeting of the Executive Council shall be presided by the Vice Chancellor and in his absence by a member chosen by the members present to preside on the occasion.

(6) If urgent action by the Executive Council becomes necessary, the Vice Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. These papers shall be placed before the next meeting of the Executive Council for confirmation.

25. The Academic Council.- (1) The Academic Council shall be the Principal Academic Body of the University and it shall have the following composition, namely:-

| | | |
|--------|--|-------------------|
| (i) | the Vice Chancellor | Chairperson |
| (ii) | the Additional Chief Secretary or Principal Secretary or Secretary to Government, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary to Government | Ex-officio-Member |
| (iii) | the Commissioner, AYUSH | Ex-officio-Member |
| (iv) | two eminent and experienced persons holding the postgraduate degree belonging to AYUSH system nominated by the Chancellor for a term of three years | Members |
| (v) | five persons nominated by the State Government, out of whom three shall be eminent academicians in the field of AYUSH and two persons shall be holding the postgraduate degree and belonging to Research and Development of AYUSH. Out of these one shall belong to the Scheduled Castes / the Scheduled Tribes, one to the Other Backward Classes/ the Minorities and the remaining three to the General Category of whom at least one shall be a woman | Members |
| (vi) | All Deans of the University | Members |
| (vii) | two Professors of the University nominated by the Vice Chancellor by rotation in the order of seniority, each for a term of one year, of whom one shall preferably be a woman; Provided that, no person who is in the present employment of the University in whatever capacity shall be eligible for nomination under clause (iv) and (v) | Members |
| (viii) | the Controller of Examinations | Member |
| (ix) | the Registrar | Member-Secretary |
| (x) | the Finance Officer | Invitee |

(2) The Academic Council shall ordinarily meet three times during an academic year and that the period between two consecutive meetings shall not exceed twenty weeks:

Provided that, the Vice Chancellor may constitute an ad-hoc committee for any of the emergent issues to be decided on behalf of Academic Council.

Provided further that, the minutes of such meetings of the ad-hoc committee including the decisions taken are put up at the next immediate meeting of the Academic Council for ratification.

(3) The Vice Chancellor may convene special meeting of the Academic Council in the case of urgency.

(4) The statutes may provide for the rules and procedure for holding the meetings of the Academic Council and the ad-hoc committee.

(5) The Chancellor or the State Government may, by order, direct the University to hold the meetings of the Academic Council to discuss such terms of reference as may be specified and the Vice Chancellor shall comply with such directions.

26. Powers of the Academic Council.-(1) The Academic Council shall have the control and general regulation of and be responsible for the maintenance of standards of instruction, education and examination of the University, as set out by the apex body. It shall also be responsible to generally advise the University on all academic matters.

(2) Without prejudice to the generality of the foregoing and subject to such conditions as may be specified by or under the provisions of this Act, the Academic Council shall exercise the following powers, functions and duties, namely:-

(i) to make proposal for the issue of ordinances relating to academic matters;

(ii) to make regulations regarding the courses of study, grant of exemptions from approved courses, scheme of examinations including the conditions on which the students shall be admitted to them, equivalence of examinations, declaration of the results of examinations and the award of degrees, diplomas, certificates or other academic distinctions, in so far as they are not covered by the ordinances, subject to regulations issued by apex body, from time to time;

(iii) to establish and maintain departments of research and specialized studies;

(iv) to arrange for coordination of studies and of the teaching-learning process in college and in recognized institutions;

(v) to formulate schemes for promoting research and other specialized studies and activities within the University, its affiliated colleges and recognized institutions and make suitable provision to undertake this and also to disseminate the results thereof;

(vi) to make proposals for allocating subjects to the Faculties and to assign its own members to the Faculties;

(vii) to make proposals for the institution of posts of Professor, Associate Professor, Assistant Professor or Tutor and other teachers required by the University and for prescribing the duties of such posts;

(viii) to make proposals for the institution of and award of fellowships, travelling fellowships, scholarships, studentships or exhibitions;

(ix) to review from time to time, the broad academic policies and programmes of the University and to suggest measures for improving and developing them further;

(x) to amend or repeal any regulation; and

(xi) to nominate members to the various authorities of the University and to exercise such other powers and perform such other functions and duties as may be conferred or imposed on it by this Act, statutes, ordinances or regulations made there under.

27. The Finance Committee.- (1)The Finance Committee of the University shall have the following composition, namely:-

| | | |
|------|---|-------------|
| (i) | the Vice Chancellor | Chairperson |
| (ii) | the Additional Chief Secretary or Principal Secretary | |

| | | |
|-------|--|-------------------|
| | or Secretary to Government, Finance Department or his nominee not below the rank of Deputy Secretary to Government | Ex-officio Member |
| (iii) | the Additional Chief Secretary or Principal Secretary or Secretary to Government, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary to Government | Ex-officio Member |
| (iv) | the Commissioner, AYUSH | Ex-officio Member |
| (v) | one member of the Executive Council nominated by the Vice Chancellor | Member |
| (vi) | the Registrar | Member |
| (vii) | the Finance Officer | Member Secretary. |

(2) The Finance Committee shall be responsible for maintaining financial health and discipline of the University at all times.

(3) The Finance Committee shall meet at least four times during an academic year, so that the period between two consecutive meetings shall not exceed fifteen weeks.

(4) The Finance Committee shall have the following powers, functions and duties, namely:-

(a) to scrutinize the annual budget estimates and the annual accounts of the University, review the yearly audit reports and make recommendations thereon;

(b) to scrutinize all proposals of the University involving expenditure in excess of budgetary provision; for which no provision is made in the budget, including creation, up-gradation and abolition of posts in the University and make recommendations thereon;

(c) to plan practical and implementable strategies for mobilizing funds for the University and also make proper plans for investment of excess funds at the disposal of the University and make recommendations thereon;

(d) to scrutinize and approve all expenditures proposed to be incurred by the University ensuring also thereby that they are in keeping with the Rules prescribed under the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000); and

(e) such other functions as may be prescribed by the statutes:

Provided that, the above recommendations are placed at the meeting of the Executive Council for consideration.

(5) Notwithstanding anything contained in sub-section (2), the Vice Chancellor may, in case of urgency and for reasons to be recorded in writing, incur without the approval of the Finance Committee, any expenditure up to a limit as specified in the statutes, in any one case for which no provision is made in the budget or which is in excess of the provisions made in the budget:

Provided that, such expenditure shall be placed before the Finance Committee for ratification at its immediate next meeting.

Provided further that, if the incurring of expenditure by the Vice Chancellor is not satisfactory, the Finance Committee may refer the matter to the Chancellor whose decision shall be final.

28. Other Boards, Committees and Councils.-The University may establish such other Boards, Committees and Councils as may be specified in the schedule.

CHAPTER – V

STATUTES, ORDINANCES, REGULATIONS AND RULES

29. The Statutes.-(1) Subject to the provisions of this Act and regulations of the Apex bodies statutes may provide for all or any of the following matters relating to the University, namely:-

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

(ii) appointment, continuance in office or withdrawal or removal of members of the said authorities or bodies, including the continuance in office of the first members and the filling of vacancies of members and all other matters relating to those authorities or bodies of which it may be necessary or desirable to provide;

(iii) conferment of honorary degrees;

(iv) holding of convocations for conferring degrees and diplomas and issue of degree certificates in case of urgency before convocation;

(v) withdrawal of degree, diploma, certificate and other academic distinctions;

(vi) establishment, maintenance and abolition of faculties, departments, hostels;

(vii) institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(viii) institution, suspension or abolition of posts of Professors including Honorary or Emeritus or Adjunct Professors, Associate Professors, Assistant Professors, Tutors and other teaching posts, ministerial and non-teaching posts of University;

(ix) the method of recruitment of teachers in the University:

Provided that, the scales of pay of the employees, excluding those who are drawing All India Council for Technical Education (AICTE) scales of pay shall be commensurate with the scales of pay applicable to State Government employees with the approval of State Government.

(x) acceptance and management of bequests, donations and endowments;

(xi) regulation of admissions, fee structure in the University and for admissions to the examinations, degrees and diplomas of the University;

(xii) fee to be charged for the services rendered by the University;

(xiii) the methodology of administering sponsored research, consultancy, patents and intellectual property rights, continuing education and other extension services in the University;

(xiv) the conditions of service including determination of seniority of the employees of University, including the emoluments; and

(xv) all other matters which, by this Act are to be or may be provided for by the statutes.

(2) The statutes shall come into force only from the date of their assent to by the Chancellor or on such other date as the Chancellor may direct.

(3) The statutes governing the conditions of service of employees including the emoluments shall be in conformity with the policy of the State Government.

30. Making of the statutes and their enactment.- (1) The Executive Council may, from time to time, make new or additional statutes or may amend or repeal the statutes referred to above:

Provided that, the Executive Council shall not make, amend or repeal any statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council.

(2) The Executive Council may take up for consideration, the draft of a statute either on its own motion or on a proposal made by the Academic Council. When the draft is not proposed by the Academic Council, the Executive Council shall obtain the opinion of the Academic Council thereon before considering the same.

(3) The Executive Council shall obtain the opinion of the Finance Committee in respect of such of the statutes involving financial implications.

(4) The Executive Council, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the University in regard to the draft of the statute, before taking it up for consideration.

(5) Every new statute or addition to the statutes or any amendment or repeal of a statute shall be submitted by the Executive Council to the Chancellor for assent, who may assent thereto or withhold assent or remit it to the Executive Council for reconsideration within two months.

(6) The statute shall have no validity unless it has been given assent by the Chancellor.

31. The ordinances.-(1) Subject to the provisions of this Act and the statutes, the ordinances may provide for all or any of the following matters, namely:-

(i) admission of students in the University;

(ii) the courses of study for all degrees, diplomas and certificates of the University;

(iii) introduction of semester scheme, choice-based-credit-system modern grading practices and other innovations in evaluating student's performance;

(iv) the degrees, diplomas and certificates and other requirements for the same and the measures to be taken relating to the granting and obtaining the same;

(v) the conditions relating to the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(vi) conduct of examinations, including the terms of office and the duties of examining bodies, examiners and moderators;

(vii) the conditions of residence of the students of the University;

(viii) the special arrangements, if any which may be made for the residence, discipline and teaching of women and persons with disability and prescribing for them special course of study where necessary;

(ix) the conditions for recognition of hostels not maintained by the University;

(x) the health and discipline of and disciplinary proceedings against, students in the University; and

(xi) all other matters which by this Act or by the statutes are to be or may be provided for by the ordinances.

(2) No ordinance shall be made for amending any of the regulations or the statutes in force.

32. Procedure for making of the ordinances.-(1) The ordinances may be made by the Executive Council in the manner hereinafter provided.

(2) While making the ordinances, the Executive Council shall consult the following, namely:-

(i) the Boards of studies concerned, when such ordinances affect the duties of examiners; and

(ii) the Academic Council, when such ordinances affect the courses of study, semester scheme or credit system, conduct or the standard of examinations or the conditions of residence of students.

(3) The Executive Council shall not have power to amend the draft of any ordinance proposed by the Academic Council, but it may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part together with such amendments as the Executive Council may suggest.

(4) All ordinances made by the Executive Council shall have effect from such date as it may direct. All ordinances shall come into force only prospectively:

Provided that, in the case of an ordinance containing a proposal which has financial implications the University shall obtain the approval of the Chancellor.

(5) Where the Executive Council has rejected the draft of an ordinance proposed by the Academic Council, the Academic Council may appeal to the Chancellor.

(6) The Chancellor may, after obtaining the comments of the Executive Council, either reject the appeal or approve the ordinance as proposed by the Academic Council. Thereupon the ordinance shall have effect as if made by the Executive Council.

(7) The first ordinance shall be made by the Vice Chancellor with the previous approval of the Executive Council and the ordinance so made may also be amended,

repealed or added at any time by the Executive Council in the manner provided for in the statutes.

33. The Regulations.-(1) The Academic Council may make regulations consistent with this Act, the statutes and the ordinances providing for exercising all or any of the powers enumerated in this Act and particularly for the following matters, namely:-

- (i) admission of students to the University;
- (ii) recognition of examinations and degrees of other Universities as equivalent to the examinations and degrees of the University;
- (iii) the University courses and examinations and conditions on which students of the University shall be admitted to examinations or degrees, diplomas and other certificates of the University; and
- (iv) grant of exemptions.

(2) All regulations made by the University shall be in conformity with the directions issued by the Apex Bodies concerned. Further they shall not be contrary to the orders issued by the State Government and the statutes approved by the Chancellor.

(3) Every regulation shall come into force with immediate effect after the approval by the Executive Council.

34. Power to make the rules.- (1) The State Government may, by notification and after previous publication make rules for carrying out all or any of 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 the 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.

35. Action not invalidated merely on the grounds of defect in constitution, vacancy and other.- (1) Notwithstanding that the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body no act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

(2) No resolution of any authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such Authority or body were not prejudicially affected by such irregularity.

CHAPTER – VI

FINANCE AND ACCOUNTS

36. University Funds.-(1) The amounts received from any of the following sources shall form part of the University Fund, namely:-

- (i) any contribution or grant made by the University Grants Commission or the Central Government or any of the Government bodies;
- (ii) any contribution or grant made by the State Government;
- (iii) any bequests, donations, endowments or other grants made by private individuals or institutions;
- (iv) the income received by the University from fees and charges;
- (v) any contribution or bequests from the Industries, traders or entrepreneurs;
- (vi) any contribution or endowments from foreign Governments or any foreign Institutions or companies subject to any law for the time being in force; and
- (vii) the amounts received from any other source.

(2) The said fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, as may be decided by the Executive Council as per the guidelines issued by the State Government, from time to time.

(3) The funds and income of the University shall be solely utilized for achievement of the objects of the University and no payment shall be made to the trustee or members by way of profit, interest or dividends etc.

(4) The said fund may be employed for any of the purposes of the University in the manner provided by the statutes.

37. Dissolution or winding up of the university.-In the event of dissolution or winding up of the University, the assets remaining as on the date of dissolution shall under no circumstances be distributed among the members of the Executive Council or Finance Committee, but the same shall be transferred to another University whose objects are similar to that of this University.

38. Annual Accounts and Audit.-(1) The Annual Accounts of the University shall be prepared under the direction of the Executive Council.

(2) The annual accounts so prepared shall be considered by the Finance Committee at its next earliest meeting. The Finance Committee may pass a resolution

with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the Finance Committee and take such action thereon as it thinks fit and shall inform the Finance Committee at its next meeting the action taken by it or the reasons for not taking action.

(3) The annual accounts of the University shall be audited by the Principal Director of Audit and State Accounts Department once in a year, preferably in the month of April.

(4) The annual accounts so audited shall be placed before the Finance Committee and the Executive Council along with audit report and thereafter transmitted to the State Government with comments before the end of September in each year. The State Government shall lay the same before both the Houses of the State Legislature at their next earliest Session.

39. Financial Estimates.- (1) The Executive Council shall prepare with the assistance of the Finance Officer before such date as may be prescribed by the Statutes, the financial or budget estimates for the ensuing year and get them scrutinized by the Finance Committee and place the same before the Executive Council.

(2) The Executive Council may, in cases where expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur the expenditure subject to such restrictions and conditions as may be specified in the statutes. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the Finance Committee for its consideration and advice at its next meeting.

(3) The budget estimates of the University shall be prepared keeping in view the anticipated grants from the State Government and all other sources including the mobilization of its resources. However, supplementary budget estimates may be placed before the Executive Council in October every year in anticipation of any additional grants; but, no expenditure on this part shall be incurred unless such additional grants are received.

(4) The University shall, without the prior approval of the State Government, not divert for other purposes earmarked funds or revise the scales of pay of its staff or implement any scheme which involves any matching contribution from the State Government or a scheme which imposes a recurring liability on the State Government after the assistance from the sponsoring authorities ceases:

Provided that, no prior approval is necessary where a scheme or a programme which imposes a recurring liability on the University, but funded by the University Grants commission or the Central Government is met out of the interest derivable from a corpus or contribution or donation or endowment instituted by private sector or industry or individual or institutions and such a recurring liability does not cast any burden on the State Government and the entire expenditure in that respect is met out of the University funds.

40. Powers of Government to direct Audit.-(1) The State Government shall have the power to direct, whenever deemed necessary, an audit of the accounts of the University, by such auditors as it may specify.

(2) Whenever the accounts of the University are audited by the Accountant General and the report thereof with observations or in respect of the items held for want of clarifications are made available to the University for further comments or remarks, the University shall within thirty days from the date of receipt of such report, furnish its comments or remarks to the Accountant General through the State Government.

41. Annual Report.-(1) The Executive Council shall prepare the Annual Report containing all the particulars highlighting the activities of the University, its targets and achievements concerning each financial year and submit the same to the Academic Council before 30th of June of every year. The Academic Council may pass resolutions thereon and forward the same to the Executive Council. The Executive Council shall then take action in accordance therewith. The action taken thereon shall be intimated to the Academic Council at its next meeting. The Annual Report shall also be uploaded on the University Website regularly.

(2) Copies of the Annual Report incorporating the resolutions of the Academic Council and a report of the actions taken by the Executive Council of the University shall be forwarded to the State Government before 30th of September every year. The State Government shall lay the same before both the Houses of the State legislature at their next sessions.

CHAPTER – VII

AFFILIATION OF AYUSH MEDICAL COLLEGES AND RECOGNITION OF INSTITUTIONS

42. Affiliation of colleges.- (1) AYUSH Medical Colleges (hereinafter referred to as colleges in this chapter) 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) An AYUSH Medical College applying for affiliation to the University shall send an application to the Registrar within the time limit fixed by Ordinances, regulations issued by apex body and shall satisfy the Executive Council 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 in 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, Rules and apex body regulations 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 Executive Council 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 Executive Council shall,-

- (a) direct a local inquiry to be made by a competent person or persons authorised by the Executive Council 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 to 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 Executive Council relating thereto to 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 Executive Council 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 (1) 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 courses 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 and by the apex body of concerned system, as the case may be, and any admission made in excess of the intake shall be invalid; and

(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.

43. Recognition of certain institutions.- (1) Any institution situated within the University Area other than a college which conduct research or specified studies, may be recognised by the Executive Council 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.

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

(2) The Executive Council 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 Executive Council 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 42.

45. 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 section 42 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 Executive Council. The member of the Executive Council, 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 Executive Council 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 Executive Council:

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

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Executive Council 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 Executive Council.

(5) On receipt of the report under sub-section (4) the Executive Council 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 Executive Council 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 Executive Council, such majority comprising not less than one-half the members of the Executive Council.

(6) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Executive Council and 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 - VIII

MISCELLANEOUS AND TRANSITORY PROVISIONS

46. Execution of purchases.- All purchases relating to the management and administration of the University shall be governed by the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000).

47. Transitory Provisions.-Notwithstanding anything contained in this Act,-

(i) the first Vice Chancellor shall be appointed by the Government in such manner and on such conditions as may be deemed fit;

(ii) the first Registrar, the first Controller of Examination and the first Finance Officer shall be appointed by the Government;

(iii) the first Vice Chancellor may, with the previous approval of the Chancellor, discharge all or any of the functions of the Karnataka State AYUSH University as case may be, for the purpose of carrying out the provisions of this Act and for that purpose may exercise any power or perform any duty which by the this Act is to be exercised or performed by any Authority of the University until such Authority comes into existence as provided by this Act;

(iv) All statutes, ordinances, regulations and rules made by the Rajiv Gandhi University of Health Sciences as applicable to the Karnataka State AYUSH Colleges and the University as the case may be, shall be deemed to be the statutes, ordinances, regulations and rules made by the Karnataka State AYUSH University as the case may be, and shall continue as such till the Karnataka State AYUSH University makes its own statutes, ordinances, regulations and rules:

Provided that, the Vice-Chancellor may with the approval of the Chancellor make such modification and adaptations therein as may be considered necessary.

(v) Existing teaching and non teaching staff born on the Government Ayurveda Medical College, Shivamogga shall be given option to continue under the sanctioned posts of the University.

48.Savings of certain examination.-Notwithstanding anything contained in this Act or the statutes, ordinances, regulations and rules made there under, where immediately before the commencement of this Act,-

- (a) any student studying for a degree or diplomas or other academic distinctions of the Rajiv Gandhi University of Health Sciences in accordance with the statutes, ordinances, regulations and rules in force he may until such examination is provided by the Karnataka State AYUSH University as the case may be admitted to the examination of the Rajiv Gandhi University of Health Sciences and be conferred with the degrees or diplomas or other academic distinctions for which he qualifies on the result of such examination; and
- (b) the Rajiv Gandhi University of Health Sciences has held any examination, the result of which has been published but the degrees or diplomas or other academic distinctions relating thereto have not been conferred or issued or the result of any such examination has not been published relating to all affiliated Ayush Medical colleges by the Rajiv Gandhi University of Health Sciences then such examination shall be deemed to have been held by the Rajiv Gandhi University of Health Sciences.

49. Authorities and officers of the University and other matters.- The Authorities of the University and their composition, powers, functions and other

matters relating to them, the officers of the University and their appointment, powers, functions and other matters relating to them and all other matters relating to the finances, powers, teaching, administration and management of the affairs of the University shall, subject to the provisions of this Act be as specified in the schedule or as may be provided by the statutes, ordinances and regulations.

50. Indemnity.-No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the University, the Vice Chancellor, the Authorities or other officers of the University or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Act or any of the statutes, ordinances or regulations made there under.

51. Power to amend the schedule.-(1) The Executive Council may with the prior approval of the Chancellor and the State Government, by notification amend the schedule.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of the State Legislature, as soon as may be, after it is made.

52. Removal of difficulties at the commencement.-(1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University or giving effect to the provisions of this Act, the State Government may by notification, make such provision not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that, no such notification shall be issued after the expiry of five years from the date of commencement of this Act.

(2) Every notification issued under sub-section (1) shall be laid as soon as may be after it is issued, 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 sessions, and if before the expiry of the said period, either House of the State Legislature makes any modifications in any notification or directs that any notification shall not have effect and if the modification or direction is agreed to by the other House, such notification 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 notification.

53. Amendment of the Rajiv Gandhi University of Health Sciences Act, 1994.- In the Rajiv Gandhi University of Health Sciences Act, 1994 (Karnataka Act 44 of 1994),-

(a) In the preamble, the words “and Indian system of medicine” shall be omitted.

- (b) In section 2,-
- (i) in clause (e) the words “and includes the Indian system of medicine in all their Branches,” shall be omitted.
- (ii) in clause (g) and the entries relating thereto shall be omitted.
- (c) In section 21, in sub-section (1), clause (vi) and the entries relating thereto shall be omitted.
- (d) In section 24, clause (iv), and the entries relating thereto shall be omitted.

SCHEDULE

(see section 28 and section 51)

1. Constitution of Standing Committees and appointment of Ad-hoc Committees.- (1) Subject to the provisions of this Act, statutes, ordinances and regulations made in this behalf, the Executive Council may, by resolution, constitute such Standing Committees or appoint Ad-hoc Committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University or for enquiring into, reporting or advising upon any matter relating to the University.

(2) The Executive Council may co-opt such persons to a Standing Committee or an Ad-hoc Committee as it considers suitable and may permit them to attend the meetings of the Executive Council as invitees.

2. The Selection Committee.- (1) The Executive Council shall constitute the Selection Committee for making recommendations to the Executive Council for appointment to the posts of Professors, Associate Professors, Assistant Professors, Tutors, non-teaching staff and other teachers in the University.

(2) The Selection Committee shall consist of the following members, namely:-

| | | |
|-------|--|-------------|
| (i) | the Vice Chancellor | Chairperson |
| (ii) | the Dean of the Faculty | Members |
| (iii) | the Professor of the subject concerned or any Professor nominated by the Vice Chancellor if not available within the University | Member |
| (iv) | two subject experts from outside the University nominated by the Chancellor in consultation with the Vice-Chancellor from amongst a panel of names recommended by the Academic Council | Members |

(3) The meetings of the selection committee shall be convened by the Registrar, whenever necessary.

3. The Research Council.- (1) The Research Council shall be the Principal Research Body of the University and it shall have the following composition for a period of three years, namely:-

| | | |
|-------|--|-------------------|
| (i) | the Vice Chancellor | Chairperson |
| (ii) | the Joint Director, AYUSH Department | ex-officio Member |
| (iii) | three eminent experts/researchers from among Ayurveda and related areas nominated by the Vice Chancellor one expert shall be from Regional Research Institute of Ayurveda, Bangalore | Member |
| (iv) | Concerned Dean of the Faculty | Member |
| (v) | three Professors/Associate Professors nominated by the Vice-Chancellor based on their research contributions | Member |
| (vi) | the Registrar | Member |
| (vii) | the Controller of Examinations and the Finance Officer may be invitees at meetings of the Research Council | Invitees |

(2) The Research Council shall ordinarily meet three times during an academic year and that the period between two consecutive meetings shall not exceed twenty weeks.

(3) The Vice Chancellor may convene Special Meeting of the Research Council in the case of urgency.

4. Powers and functions of the Research Council.-(1) Subject to the provisions of this Act, statutes, ordinances and regulations, the Research Council shall have powers of control and general regulation of and be responsible for the maintenance of quality and standard of research work and contributions at the University.

(2) The Research Council shall have the right to advise the Executive Council on all matters connected with the research work and contributions of the University.

(3) The constitution, tenure, powers, functions, duties and responsibilities of the Research Council shall be as specified in the schedule.

(4) The functions of the Research Council shall include, but not limited to the following areas, namely:-

(i) identify priority areas of research based on the review of national and cross-country experiences and interactions with eminent public and private institutions and agencies operating in the areas of AYUSH in particular;

(ii) formulate broad guidelines for the on-going and proposed research programmes and activities at the University and provide suitable advice and guidance for their improvement;

(iii) help in developing close relationship and synergy between national or international project-funding agencies and the University in mobilizing additional resources; and

(iv) enabling the University in evolving a long-term research policy and strategy for becoming a leading centre in AYUSH education, research, consultancy and extension services.

(5) The statutes may provide for the rules and procedure for holding the meetings of the Research Council.

(6) The Chancellor or the State Government may, by order, direct the University to hold the meetings of the Research Council to discuss such terms of reference as may be specified and the Vice Chancellor shall comply with such directions.

5. The Board of studies.-(1) There shall be a Board of studies as may be prescribed by the regulations:

Provided that, the Executive Council may constitute a separate Board of Inter-disciplinary studies, as and when necessary.

(2) The Board of studies of the University shall have the following composition, namely:-

| | | |
|--------|---|------------------|
| (i) | the Dean of the Faculty concerned | Chairperson |
| (ii) | three among the Professors and Associate Professors of the University nominated by the Vice Chancellor for a period of two years | Member |
| (iii) | one Assistant Professor of the Department by rotation based on seniority nominated by the Vice Chancellor for a period of two years | Member |
| (iv) | two experts from outside the University nominated by the Vice Chancellor for a period of two years | Member |
| (v) | one Invitee for the concerned paper or subject nominated by the Vice Chancellor | Invitee |
| (vi) | the Registrar | Member |
| (vii) | the Controller of Examinations | Member Secretary |
| (viii) | the Finance Officer | Invitee |

(3) The powers and functions of the Boards of studies and the frequency of meetings shall be as prescribed by the ordinances and regulations.

6. Delegation of powers by the Executive Council.-The Executive Council may, by resolution, delegate to the Vice Chancellor or to a Committee, such of its powers as it may deem fit subject to the condition that the action taken by the Vice Chancellor or such Committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

7. Other officers and employees.-Subject to the provisions in statutes, ordinances and regulations made for the purpose every other officer or employee of the University shall be appointed under a written contract setting out the conditions of service as prescribed by the regulations which shall be lodged with the University and a copy thereof furnished to the officer or the employee concerned.

8. Provident Fund, Gratuity, Pension and any other benefit scheme.- All the permanent employees of the University shall be entitled to the benefits of the provident fund and gratuity in accordance with such statutes, ordinances and regulations, as may be framed in that behalf by the Executive Council with the approval of State Government.

9. Withdrawal of degrees or diplomas.- (1) The Executive Council, may, on the recommendation of the Academic Council decide to withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution passed by a majority of not less than two thirds of the members of the Executive Council present and voting at the meeting, if such person has been convicted by a Court of Law for an offence, which in the opinion of the Executive Council involves moral turpitude or if he has been found guilty of gross misconduct.

(2) The Resolution passed by the Executive Council shall have to be approved by the Chancellor before any action is taken on this matter.

(3) No action under this rule shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(4) A copy of the Resolution passed by the Executive Council along with the endorsement of the Chancellor shall be immediately sent to the person concerned.

10. Discipline.-(1) The final authority responsible for the maintenance of discipline among the students of the University shall be the Vice Chancellor. His directions in this behalf shall be carried out by the Heads of the departments and of the hostels.

(2) Notwithstanding anything contained in sub-clause (1) the punishment of debarring a student from the examination or rustication from the University or a hostel, shall on the report of the Vice Chancellor be considered and imposed by the Executive Council:

Provided that, no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

11. Sponsored schemes.- Whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University, notwithstanding anything in this Act, statutes, ordinances and regulations,-

(i) the amount received shall be kept by the University separately from the University fund and utilized only for the purpose of the scheme; and

(ii) the staff required to execute the scheme shall be recruited and expenditure incurred on the work to be done in the scheme in accordance with the terms and conditions stipulated by the sponsoring organisation.

12. Teaching and research in the University.- (1) All recognized teaching in connection with the degrees, diplomas and certificates of the University shall be conducted, under the control of the Academic Council, by the teachers of the University, in accordance with the syllabus prescribed by the ordinances and regulations.

(2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed by the ordinances and regulations.

(3) The teachers in the University shall conduct and guide research with or without funding from the University and other agencies so as to keep abreast of the emerging knowledge development.

The above translation of ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಯುಷ್ ವಿಶ್ವವಿದ್ಯಾಲಯ ಅಧಿನಿಯಮ, 2021 (2022ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 08) shall be authoritative text in English language under by clause (3) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. Sridhar
Secretary to Government
Department of Parliamentary Affairs
and Legislation

GOVERNMENT OF KARNATAKA

No. HFW/20/PTD/2021

Karnataka Government Secretariat,
Vikasa soudha,
Bengaluru, dated: 31.05. 2022

NOTIFICATION

In exercise of Powers conferred under sub-section (2) of Section 1 of the Karnataka State Ayush University Act, 2021(Karnataka Act No. 08 of 2022), the Government of Karnataka hereby appoints 31.05.2022 as the date on which all provisions of the said Act shall come into force.

By Order and in the name of
Governor of Karnataka

(Shaila R. Gorwar)

Under Secretary to Government
Health and Family Welfare dept
(IMD & Co- Ordination)