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STATEMENT OF OBJECTS AND REASONS**I**

Act 39 of 1994.- It is considered necessary to establish and incorporate an university for the purpose of ensuring proper and systematic instruction, teaching, training and reserach in development of Engineering, Techonology and alied Science in the State.

Hence this Bill.

(Obtained from L.A. Bill No 26 of 1994)

II

Amending Act of 23 of 1999:- The University Visveswaraiah College of Engineering, Bangalore and University B.D.T. College of Engineering, Davanagere, are maintained and administered by the Bangalore University and Kuvempu University respectively. It is considered necessary that they continue to be maintained and administered by the said Universities. Therefore a specific provision is made in the Visveswaraiah Technological Universities Act, 1994. Since the Karnataka Regional Engineering College, Surathkal is proposed to the assigned the status of Deemed University, it si considered necessary to discontinue its affiliation to the Visveswaraiah Technological University and to affiliate to the Mangalore University.

Hence the Bill.

(Obtained from the L.C. Bill No. 3 of 1999 File No. SAMVYASHAE 27 SHASANA 99).

KARNATAKA ACT NO. 39 OF 1994

(First published in the Karnataka Gazette Extraordinary dated Tenth day of October, 1994).

THE VISVESWARAIAH TECHNOLOGICAL UNIVERSITY ACT, 1994.

(Received the assent of Governor on the Seventh day of October, 1994).

(As amended by Act 23 of 1999)

An Act to establish and incorporate a University in the State of Karnataka for the development of Engineering, Technology and allied Sciences.

WHEREAS it is expedient to establish and incorporate a University for the purpose of ensuring proper and systematic instruction, teaching, training and research in development of Engineering, Technology, and allied Sciences in the State of Karnataka and matters connected therewith:

BE it enacted by the Karnataka State Legislature in the forty fifth Year of the Republic of India as follows:-

CHAPTER I**PRELIMINARY**

1. Short title and commencement.- (1) This Act may be called the Visveswaraiah Technological University Act, 1994.

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

1. The Act has come into force on 01.04.1998 by notification. The text of the notification is at the end of the Act.

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

(1) 'appointed day' means such day as the Government may by notification appoint under sub-section (2) of section 1;

(2) 'constituent college' means an institution maintained by the University as such and includes an Institution admitted to the privileges of the University as an affiliated college of the University in accordance with the provisions of this Act;

(3) 'Council' means the Executive Council of the University;

(4) 'Director' means the head of the organisational division such as,

(i) curriculum design and development division, (ii) technology generation, development and transfer including industrial liaison division, (iii) institution evaluation division, (iv) faculty development division (v) research and extension division (vi) continuing education division, or any other division created by the University for performing specified functions;

(5) 'Government' means the State Government;

(6) 'hostel ' means a unit of residence for the students of the University maintained or recognised by the University in accordance with the provisions of this Act;

(7) 'prescribed' means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Act;

(8) 'Principal' means the head of the college or an institution;

(9) 'Statutes' 'Ordinances' 'Regulations' and 'Rules' means respectively the Statutes, Ordinances, Regulations and Rules made under this Act;

(10) 'student' of the University means a person enrolled in the University or through a constituent college of the University for undergoing a course of study for a degree, diploma or other academic distinction duly instituted;

(11) 'Senate' means Academic Senate of the University;

(12) 'teachers' include Professors, Readers, Assistant Professors, Lecturers and such other persons imparting instruction in the University or in any college declared as such by the Statutes;

(13) 'University; means the Visveswaraiah Technological University established under section 3 of this Act;

(14) 'University Areas' means the area under the jurisdiction of the University.

CHAPTER II

THE UNIVERSITY

3. Establishment and incorporation of the University.- (1) There shall be established a University by the name of Visveswaraiah Technological University with jurisdiction over the whole of the State of Karnataka.

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

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

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

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

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

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

¹[(4) Notwithstanding anything contained in this Act or the Karnataka State Universities Act, 1976, the affiliation of the Karnataka Regional Engineering College, Surathkal, to the University, with effect from such ²[date]² as the Government may by notification specify, shall discontinue and shall be deemed to have been affiliated to the Mangalore University from the said date and be governed by the provisions of the Karnataka State Universities Act, 1976.]¹

1. Inserted by Act 23 of 1999 w.e.f. 01.09.1999 by notification. Text of the notification is at the end of the Act.

2. Date specified by notification is 1.9.1999. Text of notification is at the end of the Act.

CHAPTER III

OBJECTIVES OF THE UNIVERSITY

5. Objectives of the University.- The University shall have the following objectives, namely:-

- (1) to supply the required manpower of appropriate kind and quality to meet the needs of society and national development plans;
- (2) to advance frontiers of knowledge by research, innovation, invention and product improvement;
- (3) to develop in the youth a sensitivity to environment and to inculcate a consciousness of the real problems and social needs;
- (4) to derive benefits from the ever growing scientific and technological knowledge in different parts of the world;
- (5) to formulate general goals and responsibilities of technological education in the service of man and the nation;
- (6) to develop good entrepreneurial abilities among the youth;
- (7) to contribute to smooth and effective transfer of technology to the agencies that require them in the community; and
- (8) to affiliate all Technical Education Institutions excluding Polytechnics, ITSs and ITCs.

6. Admission to the University.- (1) Admission to the University shall, subject to the provisions of this Act and statutes, be open to all persons:

Provided that nothing in this section shall require, the University to admit to any course of study students larger in number than or with academic or other qualifications lower than those prescribed.

(2) Subject to the proviso to sub-section (1), the Government may direct that the University shall reserve in its constituent colleges seats for Scheduled Caste and Scheduled Tribe and such socially and educationally backward classes of citizens, children and wards of the defence personnel, ex-servicemen, sportsmen, N.C.C, Scouts etc. as may be declared by the State Government in this behalf and where such direction has been given the University and its constituent colleges shall make reservations accordingly.

CHAPTER IV

FUNCTIONS OF THE UNIVERSITY

7. Powers and functions of the University.- Subject to the provisions of this Act and such conditions as may be prescribed by the Statutes and the Ordinances, the University shall have the following powers, namely:-

- (1) to promote continuous experimentation and innovation in the instructional system and strategies for instructional development;
- (2) to promote curriculum design to respond to short and long term needs of the user system by building into it the appropriate quantum of knowledge in engineering, technology and allied sciences;
- (3) to stimulate continuous faculty development by creating schemes of sponsorship to acquire higher qualifications, to provide liberally for research, to permit

product development, consultancy and other activities which will heighten their professional competencies;

(4) to provide necessary direction and guidance to the constituent units to bring about a close co-ordination of activities among themselves;

(5) to assume accountability to the society and the nation in the generation of technical man-power of proper quality and standard and help to inculcate professional ethics in the products of the colleges;

(6) to cause the institutions to identify themselves with the regions in which they are located and participate in their developmental activities by transferring necessary technology and play an effective role to bring about desirable changes;

(7) to serve as a centre for generation and exchange of ideas among institutions, research organisations and the Government so as to promote entrepreneurial efforts among the graduates and to assist them through expertise available in the institutions;

(8) to endeavour to raise resources from users, benefactors and other organizations within the country and outside to promote research and development through grants and to institute scholarships, prizes, medals and special lectures through endowments, donations etc;

(9) to help devising schemes for effective continuous evaluation of students performance to ensure uniformity and promote students, trust in the system;

(10) to endeavour to promote smooth functioning of the colleges by creating proper environment and harmonious relationship among the faculty, student community and society;

(11) to develop, promote and organise continuing education system in co-ordination and with co-operation of the constituent units;

(12) to supplement instructional and other resources of the constituent colleges which fall below the requirements and assist in remedying the deficiencies where necessary.

8. Additional functions.- In addition the University will also perform the following functions with respect to its constituent colleges namely:-

(1) designing courses of study to be conducted leading to award of degrees of the University and conferring them;

(2) prescribing admission requirements of students for various courses;

(3) determining tuition and other fees;

(4) designing examination and evaluation systems and implementing them for the constituent colleges;

(5) laying down standards of instructional facilities to be provided and enforcing measures of compliance;

(6) laying down qualifications for teaching faculty and other employees and prescribing selection procedures;

(7) laying down terms and conditions of service of the teaching faculty and other employees of the University and constituent colleges;

(8) creating teaching, research and administrative posts and appointing of persons to such posts;

(9) establishing and maintaining laboratories, workshops, libraries, research stations and museum for teaching and research;

(10) promoting institutional autonomy with sufficient safeguards to enable the constituent colleges to continuously build upon their strengths and attain higher levels of academic achievement;

(11) establishing watch-dog mechanisms and measures for overseeing the performance of constituent colleges in respect of courses of study, teaching and student evaluation;

(12) promotion of institutional internal system of evaluation with sufficient checks and balances;

(13) establishing and maintaining hostels for students and residential accommodation for the staff of the University;

(14) instituting and awarding fellowships, scholarships, prizes and medals;

(15) conferring honorary degrees and other distinctions in the prescribed manner;

(16) assessing the needs of the State and the Country in fields of specialisation, levels of education and training both for short and long term needs and initiating necessary programmes of study;

(17) strengthening the efforts to promote entrepreneurial ventures among the students;

(18) securing continuous feed-back from the user system by establishing a suitable mechanism in the divisions of the University;

(19) acting as the overall trustee and manager of all properties, legacies, bequests, endowments and gifts made for the purpose of promotion of education and research or otherwise for furtherance of work and welfare of the University and invest funds representing the above suitably in accordance with the provisions of the Act;

(20) doing all such acts and things whether incidental to the aforesaid powers or not which may be required in order to further the objectives and functions of the university.

9. Accountability of the University.- (1) If at any time the State Government is of opinion that in any matter the affairs of the University are not managed in the furtherance of the objectives of the University or in accordance with the provisions of this Act and the Statutes and Regulations or that special measures are desirable to maintain the standards of University, teaching, examination or research, it may indicate to any matter in regard to which it desires the explanation and call upon the Executive Council to offer such explanation within such time as may be specified by the State Government. If it fails to offer any explanation within the time specified or offers an explanation which in the opinion of the State Government is unsatisfactory, the State Government with the concurrence of the Chancellor may issue such instructions as appear to it to be necessary and desirable in the circumstances of the case, and may exercise such powers as may be necessary for giving effect to those instructions.

(2) Executive Council shall furnish such information relating to the administration of the University as the State Government may require.

CHAPTER V
OFFICERS OF THE UNIVERSITY

10. 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 Registrar (Evaluation),
- (6) Finance Officer,
- (7) The Directors of Regional Offices.
- (8) such other officers in the service of the University

- as may be declared by the statutes to be the officers of the University.

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

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

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

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

12. The Pro-Chancellor.- (1) The Minister who is in charge of Higher Education in Karnataka shall by virtue of his office be the Pro-Chancellor of the University.

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

13. The Vice Chancellor.- (1) The Vice-Chancellor shall be a whole time officer of the University and shall function as the chief academic and administrative head of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons who are outstanding in the field of Engineering, Technology or education and recommended by the committee referred to in sub-section (3) of this section and such panel shall not contain the name of any member of the sub-committee.

(3) For the purpose of sub-section (2) the committee shall consist of a member of Academic Senate, a member of the Executive Council, a representative of Government and a person of eminence in the field of engineering, technology and industry nominated by the Chancellor:

Provided that if none of the persons recommended by the committee is willing to accept the appointment or if none of the persons recommended is acceptable to the Chancellor, the Chancellor may call for fresh recommendations from such committee:

Provided further that the first Vice-Chancellor shall be appointed by the Chancellor from out of a panel of names recommended by State Government.

(4) The term of office of the Vice-Chancellor shall be three years extendable by another term of similar period at the discretion of the Chancellor:

Provided that the Vice-Chancellor may by writing under his hand addressed to the Chancellor and after giving three months notice resign his office.

(5) The Chancellor may direct that a Vice-Chancellor whose term of office has expired shall continue in the office for such period not exceeding one year as may be specified in the direction.

(6) The emoluments and other service conditions of the Vice-Chancellor shall be such as may be determined by the Chancellor and shall not be varied to his disadvantage after his appointment.

(7) Where a temporary vacancy occurs or is likely to occur in the office of the Vice-Chancellor by reason of leave, illness or other cause, other than the expiry of the term, the Executive Council shall as soon as possible and subject to approval of the Chancellor make such arrangements for carrying on the duties of the office of the Vice Chancellor as it may think fit and until other arrangements are made, such officer of the University as may be nominated by the Chancellor for the purpose shall carry on the current duties of the office of the Vice Chancellor.

14. Powers and duties of the Vice-Chancellor.- (1) The Vice-Chancellor shall be the Principal Executive Officer of the University and the *ex-officio* Chairman of the Executive Council. He shall, in the absence of the Chancellor and the Pro-Chancellor preside at a convocation of the University and shall confer degrees on persons entitled to receive them.

(2) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the due maintenance of discipline in the University.

(3) The Vice-Chancellor shall convene meetings of the Executive Council.

(4) The Vice-Chancellor shall ensure the faithful observance of the provisions of this Act and Statutes and Regulations and he shall possess all such powers as may be necessary in this behalf.

(5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts and the balance sheet to the Executive Council.

(6) The Vice-Chancellor may take action in any emergency, which, in his opinion calls for immediate action. He shall in such a case, and as soon as may be thereafter, report his action to the authority which would ordinarily have dealt with the matter.

(7) Where any action taken by the Vice-Chancellor under sub-section (6) affects any person in the service of the University to his disadvantage, such person may prefer an appeal to the Executive Council within thirty days from the date on which such person received the notice of action taken.

(8) Any person aggrieved by the appellate order of the Executive Council may within thirty days from the date of communication of such order to him appeal to the Chancellor and the decision of the Chancellor on such appeal shall be final.

(9) Subject to the provisions of the preceding sub-section, the Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, suspension and dismissal of officers, teachers and other employees of the University.

(10) The Vice-Chancellor shall exercise such other powers as may be prescribed by Statutes.

15. Registrar.- (1) The Registrar shall be a whole time officer of the University appointed by the Vice-Chancellor with the approval of Executive Council from out of not less than three persons recommended by the Vice-Chancellor to the Executive Council for such period and on such terms as may be prescribed by the Statutes.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed by Statutes.

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

16. Registrar (Evaluation).- The Registrar (Evaluation) shall be the whole time officer of the University appointed by the Executive Council. His duties and responsibilities shall be as specified by the Statutes.

17. Finance Officer.- The Finance Officer shall be the whole time officer of the University appointed by the Executive Council, his duties and responsibilities shall be as specified by the Statutes.

18. Directors of regional offices.- There shall be regional offices established in each head quarters of the Revenue Division and headed by a Director to perform such duties, discharge such functions and to exercise such powers as may be prescribed by the Statutes.

CHAPTER VI

AUTHORITIES OF THE UNIVERSITY

19. Authorities of the University.- (1) The following shall be the authorities of the University, namely:-

- (i) the Executive Council,
- (ii) the Academic Senate.

(2) The Chancellor shall as soon as may be after the first Vice-Chancellor is appointed under sub-section (4) of section 10 constitute the Executive Council and the Academic Senate.

(3) The Executive Council shall consist of the following members namely:-

- (a) the Vice-Chancellor, ex-officio Chairman;
- (b) Secretary to Government in-charge of Higher Education or his nominee not less than the rank of Deputy Secretary to Government;
- (c) five persons representing Industry/business, trade/educational experts in the field of Engineering/Architecture and the Engineering professions, nominated by the Chancellor on the recommendation of the Vice-Chancellor. Out of them, one must belong to Scheduled Caste/Scheduled Tribe, one to backward community and one to religious minorities;

(d) three representatives of the Government of Karnataka nominated by the State Government one of whom shall be the Director of Technical Education;

(e) five representatives of the constituent colleges, not below the rank of Principal/Professor nominated by the Chancellor on the recommendations of the Vice-Chancellor;

(f) the nominee of the Universities Grant Commission;

(g) two eminent persons connected with Engineering, Technology or allied sciences education co-opted by the Council.

(4) The term of office of the members of the Executive Council other than the *ex-officio* members shall be three years:

Provided that the term of office of any member nominated to fill a casual vacancy shall be the residuary term of his predecessor.

(5) Six members of the Executive council shall form the quorum for the meeting of the Executive Council. The members of the Executive Council shall not be entitled to receive any remuneration from the University except such daily and travelling allowances as may be prescribed.

(6) The Registrar shall act as non-member Secretary of the Executive Council.

20. Powers and functions of the Executive Council.- The Executive Council shall exercise and perform the following powers and duties namely:-

(a) to approve the financial estimates of the University submitted by the Vice-Chancellor;

(b) to hold and to control the property and funds of the University and to issue any general or special instructions on behalf of the University;

(c) to receive transfer or dispose of any movable or immovable property on behalf of the University;

(d) to administer public and private funds placed at the disposal of or accepted by the University for specified purposes;

(e) to appoint the officers, teachers and other employees of the University in the prescribed manner and to approve of appointments made by the Vice-Chancellor.

(f) to invest money belonging to the University;

(g) to direct the form and use of the common seal of the University;

(h) to appoint such committees, whether standing or temporary, as it may deem necessary for its proper functioning;

(i) with the approval of the State Government to borrow, on the security of the property of the University or otherwise money for the purposes of the University;

(j) to meet at such time and at such places as it deems necessary:

Provided that one ordinary meeting shall be held every quarter and at least one half of its ordinary meetings shall be held at the seat of the University;

(k) to regulate and determine all matters concerning the University in accordance with this Act and Statutes, and to exercise such powers and to discharge such duties as may be conferred on it by this Act and the Statutes;

(l) to make regulations regarding the admission of students to the University, constituent colleges and conduct of examinations by the University and by the constituent colleges;

(m) to formulate, modify or revise the schemes for the constitution or reconstituting of University divisions of teaching, research, extension, continuing education, evaluation and other divisions;

(n) to make regulations relating to courses of study leading to degrees, diplomas and certificates;

(o) to prescribe qualifications for teachers in the University and constituent colleges;

(p) to prescribe standards of instructional facilities to be provided in the constituent colleges including the teaching faculty;

(q) to prescribe the terms and conditions of service of the teaching faculty and other employees of the constituent colleges;

(r) to prescribe equivalence of examinations, degrees diplomas and certificates of other Universities, colleges/institutions and boards;

(s) to prescribe guidelines for the assessment, evaluation and grading of student's performances;

(t) to promote effective collaboration between user system of Engineering Man Power on the one hand and the constituent colleges of the University on the other hand;

(u) to prescribe and regulate the governance and management of affairs of the constituent college;

(v) to prescribe conditions for admission of new colleges as constituent colleges of the University;

(w) to be incharge of the academic affairs of the University and subject to the provisions of this Act and the Statutes, exercise general power of superintendence, direction and control and be responsible for the maintenance of academic standards of instructions, education, research, extension and examinations and other matters connected with the conferment of degrees or award of diplomas, and exercise such other powers and such other duties as may be conferred on it by the Statutes.

21. The Academic Senate.- The Academic Senate shall be the Academic Body of the University and shall perform the following functions:-

(1) co-ordination of the plans and activities of the divisions of the University;

(2) determination and co-ordination of standards of educational programmes in the constituent colleges including instructional facilities and resources;

(3) institution evaluation to help the constituent colleges in institution development;

(4) any other function that may be assigned by the Executive Council.

22. Constitution of the Academic Senate.- The Academic Senate shall consist of the following members namely:-

(1) Vice-Chancellor;

(2) Secretary to Government incharge of Higher Education or his nominee not below the rank of Deputy Secretary;

(3) Director, Technical Education;

- (4) two Principals of University Colleges to be nominated by rotation by the Vice-Chancellor;
- (5) all Deans of the Faculties;
- (6) ten or one third of the Heads of Departments of the University, whichever is less by rotation on seniority basis as nominated by Vice-Chancellor;
- (7) ten or one third of the Professors of University whichever is less, by rotation on seniority basis as nominated by Vice-Chancellor;
- (8) five or one fourth of Chair Persons of Boards of Studies whichever is less by rotation on seniority basis as nominated by Vice-Chancellor;
- (9) ten principals of the affiliated colleges nominated by the Chancellor;
- (10) two Heads of Research labs and Institutions nominated by Chancellor;
- (11) three eminent persons having technical back-ground, one each belonging to (a) Scheduled Castes/Scheduled Tribes (b) Backward classes and (c) religious minority nominated by the Chancellor.
- (12) the Registrar shall be the non member Secretary of the Academic Senate;
- (13) the term of office of the Chairman and members shall be three years.

CHAPTER VII

FINANCE AND ACCOUNTS

23. Funds of the University.- (1) The University shall have General Fund to which shall be credited,-

- (i) its income from fees, grants, donations, gifts, if any;
- (ii) contributions or grants that may be made by the Central Government, State Government, University Grants Commission, All India Council for Technical Education or like authority or any local authority or any corporation owned or controlled by the Government;
- (iii) other contributions, receipts, grants and donations and benefactions;
- (iv) contributions from industry, business and technical departments of the Government and other user organisations:

Provided that the funds received by the University under item (iv) above shall be called the Development Fund of the University which shall be utilised for the promotion of Technological Education and Research both within the University and in the constituent units without diverting the same for normal capital or recurring expenditure of the University.

- (2) The University may have such other funds as may be prescribed by the Statutes.
- (3) The General Fund, the Development Fund and the other funds of the University shall be managed according to the provisions laid down in the Statutes.
- (4) The Government shall, every year, make nonlapsable lumpsum grants to the University as follows:-
 - (a) a grant not less than the net expenditure incurred in the financial year immediately proceeding the appointed day in respect of the activities of the Colleges of Engineering, Technology and allied sciences which are transferred to the University and the Divisions of the University;

(b) a grant not less than the estimated expenditure on pay and allowances of the staff, contingencies, supplies and services of the University;

(c) a grant to meet such additional items of expenditure, recurring and non-recurring as the Government may deem necessary for the proper functioning and development of the University.

24. Finance committee.- The Executive Council shall constitute a Finance Committee consisting of the Vice-Chancellor and other members as may be prescribed by the Statutes.

25. Annual Report.- (1) The Vice-Chancellor shall prepare the annual report containing such particulars as the Government may specify, covering each financial year and submit it to the Executive Council on or before such dates as may be prescribed by the Statutes. The Executive Council may pass resolutions thereon and the Vice-Chancellor shall take action in accordance therewith. The action taken shall be intimated to the Executive Council.

(2) Copies of the annual report along with the resolution of the Executive Council thereon shall be sent to the Government, and shall be laid before both the Houses of the State Legislature.

26. Power of Government to order auditing.- The State Government shall have power at any time to order an audit of the account of the University by such auditors as it may direct.

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

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

28. Accounts and Auditing.- (1) The annual accounts and the balance sheet of the University shall be prepared under the direction of the Vice-Chancellor and all money accruing to or received by the University from whatever source and all amounts disbursed or paid by the University shall be entered in the accounts.

(2) The annual accounts and the balance sheet shall be submitted by the Vice-Chancellor to the State Government which shall cause an audit to be carried out by such persons as it may appoint in this behalf. The accounts when audited, shall be printed and copies thereof, together with the audit report, shall be presented by the Vice-Chancellor to the Executive Council and the Chancellor.

(3) The Executive Council shall submit a copy of the accounts and audit report to the State Government along with a statement of the action taken by the University on the reports, and the State Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER VIII

STATUTES, ORDINANCES, REGULATIONS AND RULES

29. Statutes.- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

- (i) the holding of convocations to confer degrees;

- (ii) the conferment of honorary degrees and academic distinctions;
- (iii) the constitution, powers and functions of the authorities of the University;
- (iv) the allowances to be paid to the members of the authorities and committees thereof;
- (v) the manner of filling vacancies among members of the authorities;
- (vi) the procedure at the meetings of the authorities including the quorum for the transaction of business at such meetings;
- (vii) the authenticating of the orders or decisions of the authorities;
- (viii) the formation of the departments of teaching at the University and its constituent colleges;
- (ix) the terms of office and methods of appointment and conditions of service of the officers of the University other than the Chancellor;
- (x) the qualifications of the teachers and other persons employed in the University and constituent colleges;
- (xi) the classification, the methods of appointment, promotional opportunities and determination of the terms and conditions of service of teachers and other persons employed in the University;
- (xii) the institution of pension, gratuity, insurance or provident fund for the benefit of the officers, teachers and other persons employed in the University;
- (xiii) the institution of fellowship, scholarships, studentships, bursaries, medals and prizes and the conditions of award thereof;
- (xiv) the establishment and maintenances of halls and hostels;
- (xv) the conditions for residence of students of the University in the halls and hostels and the levy of fees and other charges for such residence;
- (xvi) the conditions of registration of graduates and the maintenance of register thereof;
- (xvii) any other matter which is required to be or may be prescribed by the Statutes.

30. Statutes, how made.- (1) The first Statutes with regard to matters set out in section 29 shall be made by the Vice-Chancellor with the approval of the Chancellor.

(2) The Executive Council may from time to time, make Statutes and amend or repeal the Statutes in the manner hereinafter provided in this section.

(3) A Statute passed by the Executive Council shall be submitted to the Chancellor who may assent thereto or withhold his assent. A Statute passed by the Executive Council shall have no validity until it has been assented to by the Chancellor.

31. Ordinances.- Subject to the provisions of this Act, and the Statutes, Ordinance of the University may provide for all or any of the following matters namely:-

- (i) the admission of the students to the University and its constituent Colleges;
- (ii) the courses of study leading to all degrees, diplomas, and other academic distinctions of the University;
- (iii) the conditions under which the students shall be admitted to the courses of study leading to degrees, diplomas and other academic distinctions of the University;

(iv) designing examination system and evaluation system and implementing them for the constituent colleges;

(v) to prescribe the code of conduct of teachers and other employees of the constituent colleges;

(vi) the maintenance of discipline among the students of the University;

(vii) the fees to be charged for the various courses of study, research, experiment and practical training and for admission to the examinations for degrees, diplomas and other academic distinctions of the University; and

(viii) any other matter which by this Act or the Statutes is to be made or may be provided for by an Ordinance.

32. Regulations.- (1) The Executive Council may make Regulations consistent with the provisions of this Act, the Statutes and the Ordinances for all or any of the other matters which by this Act and the Statutes and Ordinances are to be provided for by regulations and also for any other matter solely concerning such Executive Council.

(2) Regulations shall be consistent with the Act and the Statutes and shall relate to,-

(a) laying down the procedure to be observed at the meetings and the number of members required to form the quorum.

(b) providing for the matters which by this Act or the Statutes have to be provided by Regulations.

(c) providing for any other matter solely concerning such authorities and not provided for by this Act and the Statutes.

33. Rules.- (1) The Academic senate subject to the approval of the Executive Council of the University may make Rules consistent with this Act, the Statutes, the Ordinances and Regulations.

(2) Such rules may provide for,-

(a) the giving of notice to the members of each authority or Board, or Committee of the date of meetings and of the business to be transacted at the meetings and also for keeping a record of the proceedings of the meetings;

(b) the procedure to be followed at the meetings and the number of members required to form the quorum for meetings;

(c) all matters solely concerning such authority or Board or Committee and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(3) Every rule made under this section shall come into force on the date it is approved by the Academic Senate. It shall also be published in the Official Gazette.

CHAPTER IX

APPOINTMENT OF DIRECTORS, TEACHERS AND OTHER SERVANTS OF THE UNIVERSITY.

34. Appointment of Directors and Teachers.- (1) There shall be a Board of Appointment for selecting persons for appointment as Directors, Professors, Readers, Lecturers and to other teaching posts in the University.

(2) Every such Board shall have the Vice Chancellor as the *ex-officio* Chairman.

(3) The other members of the Board shall be constituted as per Statutes in that regard.

35. Appointment of other non-ministerial staff.- (1) There shall be constituted a Selection Committee to select candidates for appointment to non-teaching posts other than the ministerial posts in the University.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman and the Director (Administration) shall be the Secretary of the Selection Committee.

(3) The other members of the Selection Committee shall be appointed as per the Statutes in that regard.

36. Appointment of ministerial staff.- (1) Appointment to the ministerial posts in the University shall be made by the Vice-Chancellor.

(2) All appointments shall be made following the reservation policy of the Government.

37. Appointment of other categories of staff.- (1) Appointments to categories of staff other than those specified in sections 34 and 35 shall be made by the Vice-Chancellor.

(2) All appointments shall be made following the reservation policy of the Government.

38. Promotional posts.- (1) Career promotional opportunities shall be provided to the staff by formulating proper cadre and recruitment rules by the Board.

(2) All promotional posts shall be filled up by promotion from among the eligible candidates as prescribed in the cadre and recruitment rules.

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

CHAPTER X

AFFILIATION OF COLLEGES AND RECOGNITION OF INSTITUTIONS

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

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

(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 for same type of education made by other colleges 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 buildings 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 lodgings approved by the college, for students not residing with their parents or guardians and for the supervision and welfare of students;

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

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

(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 transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate and to the State Government or such authority as the State Government may specify;

(4) On receipt of an application under sub-section (2) the Syndicate shall,-

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

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

(c) record its opinion after consulting the Academic Senate, 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 the application along with record of all proceedings, if any, of the Academic Senate and of the Executive Council relating thereto, to the State 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 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 State Government or the University the reasons for such refusal shall be stated:

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

(7) As soon as possible after the State Government or the University makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action

taken thereon under sub-sections (4) and (6) and of all proceedings connected therewith.

(8) An application under sub-section (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 course of instructions in respect of which it is affiliated, the procedure prescribed by sub-sections (2) to (8) shall so far as may be, followed:

Provided, however, that continuation of affiliation for existing courses of study and extension of affiliation for follow on courses may be granted by the Executive Council in consultation with the Academic Senate.

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

(b) The maximum number of students to be admitted to a course of study shall not exceed the intake fixed by the Government and any admission made after coming into force of this Act, in excess of the intake shall be invalid.

(c) No student whose admission has become invalid under clause (b) shall be eligible to appear and shall be permitted by the college to appear at any examination conducted by the University.

41. Recognition of certain Institutions.- (1) Any institution situated within or outside the University area other than a college which conducts research or specified studies, may be recognised by the Syndicate as a 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.

42. Inspection of colleges and reporting.- (1) Every affiliated college shall furnish to the Registrar such reports, returns and other information as the Executive Council, after consulting the Academic Senate, 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 be necessary in respect of any of the matters referred to in section 38.

43. Withdrawal of affiliation.- (1) The rights conferred on a college as a constituent college of the University may be withdrawn in whole or in part or modified if the college has failed to comply with the provisions made in this behalf or the college has failed to observe any of the conditions of affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(2) Before taking steps to withdraw affiliation of any college or institute, the Executive Council shall send a copy of the notice and a written statement to the Principal of the

college concerned calling for any representation in writing, within a period specified in such intimation for consideration of the Executive Council.

(3) On receipt of the representation or on the expiry of the period referred to in sub-section (2) the Executive Council, after considering the statement and representation and after such inspection by any competent person or persons, authorised by it in this behalf and such further enquiry as may appear to it to be necessary, pass a resolution withdrawing the recognition and the status given to the college or institution as a constituent college or institution of the University.

CHAPTER XI

TRANSITORY PROVISIONS

44. Transitory provisions.- (1) Notwithstanding anything contained in this Act, the Vice-Chancellor may with and subject to the previous approval of the Chancellor or otherwise, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and for that purpose may exercise any powers or perform any duties which by this Act are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act.

(2) All students admitted through the constituent college of the University after the establishment of Technological University shall be deemed to be students studying for the degrees instituted by the Technological University.

(3) The students who are on the rolls of the Engineering colleges and Technological institutions located within the University Area before the commencement of Technological University shall continue to be the students of the respective universities to which the colleges are affiliated at present.

(4) The examinations for such students shall be conducted by the respective universities only till such time that all the students are transferred to the corresponding semesters or academic years of the courses offered by the Technological University.

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

46. Savings as to certain examinations.- Any student who immediately prior to the commencement of this Act, was sitting for a degree of any of the six Universities of the State, established as per the respective Acts, may until such examinations as provided by the University be admitted to the examinations of the Universities of Bangalore, Karnataka, Mysore, Mangalore, Kuvempu and Gulbarga and be conferred the degrees of the Universities for which he qualifies on the result of such examinations.

CHAPTER XII

MISCELLANEOUS

47. Vacating of office.- (1) Any member other than an *ex-officio* member, of any authority of the University, may resign his office by letter addressed to the Registrar.

(2) Any member of the authority of the University shall cease to be member upon his being convicted by a court of law for an offence which involves moral turpitude.

48. Filling up of casual vacancies.- When any vacancy occurs in the office of any member (other than an *ex-officio* member) of any authority of the university before the expiry of the term of the office of such member, the vacancy shall be filled up as soon as conveniently may be, after the occurrence of the vacancy.

49. Saving of validity of Acts and Proceedings.- No Act done or proceedings taken under this Act shall be questioned merely on the ground,-

(a) of any vacancy or defect in the constitution of any authority; or

(b) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

50. Disputes as to constitution of University Authorities.- If any question arises regarding the interpretation of any provision of this Act, or of any Statutes or Regulation, or as to whether a person has been duly appointed, or is entitled to be, a member of any Authority of the University, the matter may be referred to the Chancellor, and shall be so referred to him if not less than six members, of the Council so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question, and his decision shall be final.

51. Delegation of powers.- The Senate may, by Statutes, delegate to any officer or Authority of the University any of the powers conferred on it by this Act or by the Statutes to be exercised subject to such restrictions and conditions as may be prescribed.

52. Provisions for temporary appointment of certain officers of the University.- Until such time as the Authorities of the University are duly constituted, any officer of the University may be temporarily appointed by the Vice-Chancellor. Such appointment and the terms and conditions thereof shall have the prior approval of the Chancellor.

53. Protection of acts and orders.- (1) Save as otherwise provided in this Act, all acts and orders in good faith done and passed by the University or any of its authorities shall be final and no suit shall be instituted against or damage claimed from the University or its Authorities for any thing done or purported to be done in pursuance of this Act and the Statutes and Regulations made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any officer or other employee of the University for any act done or purported to be done under this Act or the Statutes or Regulations, without the previous sanction of the Executive Council.

(b) No officer or other employee of the University shall be liable in respect of any such act in any civil or criminal proceedings if the act was done in good faith in the course of execution of duties or the discharge of the functions imposed by or under this Act.

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

55. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official

Gazette do anything which appears to it to be necessary for the purpose of removing the difficulty.

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

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

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(The above translation of the ವಿಶ್ವೇಶ್ವರಯ್ಯ ತಾಂತ್ರಿಕ ವಿಶ್ವವಿದ್ಯಾಲಯ ಅಧಿನಿಯಮ, 1994 (1994ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 39) was published in the official Gazette (Extraordinary) Part IV-2B dated 3-4-1995 as No.436 under clause (3) of the Article 348 of the Constitution of India.)

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NOTIFICATION

I

Bangalore dated 25th March 1998 [ED 2 UTV 98]

In exercise of the powers conferred by sub-section (2) of section 1 of the Visveswaraiiah Technological University Act, 1994 (Karnataka Act No. 39 of 1994), the Government of Karnataka hereby appoints the first day of April 1998 to be the date on which the said Act shall come into force.

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

(P.N. KULKARNI)

Under Secretary to Government,
Education Dept.,(University).

II

Bangalore dated 1st September 1999 [ED 11 UTV 99]

In exercise of the powers conferred by sub-section (4) of section 4 of the Visveswaraiiah Technological University Act, 1994 (Karnataka Act 39 of 1994), the Government of Karnataka hereby specifies the First day of September, 1999, as the date for the purpose of sub-section (4) of section 4 of the said Act.

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

(S. NAGARAJU)

Under Secretary to Government,
Education Dept.,(University).

III

Bangalore dated 1st September 1999 [ED 11 UTV 99]

In exercise of the powers conferred by sub-section (2) of section 1 of the Visveswaraiiah Technological University (Amendment) Act, 1999 (Karnataka Act 23 of 1999), the Government of Karnataka hereby appoints the first day of September, 1999 to be the date on which the said Act shall come into force.

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

(S. NAGARAJU)
Under Secretary to Government,
Education Dept.,(University).

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