

THE KARNATAKA STATE OPEN UNIVERSITY ACT, 1992.

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STATEMENT OF OBJECTS AND REASONS

Act 46 of 1994 .- It is considered necessary to establish an Open University in the State for the purpose of advancing and disseminating learning and knowledge by a diversity of means, including the use of any communication technology, provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally and to encourage distance education system in the educational pattern of the State and to co-ordinate and determine the standards of such systems.

Hence the Bill.

(Published in the Karnataka Gazette Part IV (Section 2A) Extraordinary No. 210, dated 31st March, 1992 at page 339.)

II

Amending Act 16 of 2003.- The Karnataka State Open University was established on 1.6.1996 under the provisions of the Karnataka State Open University Act, 1992. Though there is no specific provisions in the Act, Statutes, Ordinances and Regulations of the Mysore University were adopted till the Statutes, Ordinances and Regulations were issued under the Karnataka State Open University Act, 1992. Therefore, it is considered necessary to provide for continuation of Statutes, Ordinances and Regulations which were in force in the Mysore University established under the Karnataka State University Act, 1976 (Karnataka Act 28 of 1976) and to validate the action taken thereon.

Hence the Bill.

(Vide LA Bill NO. 17 of 2002 File No.SAMVYASHAE 56 SHASANA 2001)

III

Amending Act 28 of 2016.- It is considered necessary to amend the Karnataka State Open Universities Act, 1992 (Karnataka Act 46 of 1994), to remove the provisions regarding opening of centers outside the state of Karnataka by the University as it contradicts the instructions issued by University Grants Commission (UGC) regarding jurisdiction of universities and the provisions of Article 245 of the Constitution, which is reiterated by the Supreme Court in Prof. Yashpal Vs. State of Chhattisgarh case.

Hence the Bill

[L.A. Bill No. 20 of 2016, File No. Samvyashae 03 Shasana 2012]
[entry 25 of List III of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT No. 46 OF 1994

(First published in the Karnataka Gazette Extra-ordinary dated Eleventh day of November, 1994)

THE KARNATAKA STATE OPEN UNIVERSITY ACT, 1992

(Received the assent of the Governor on the Eighth day of November, 1994)

(As amended by 16 of 2003 and 28 of 2016)

An Act to establish and incorporate an Open University at the State level for the introduction and promotion of Open University and distance education systems in the educational pattern of the State and for the co-ordination and determination of standard of such systems.

WHEREAS it is expedient to establish an Open University for the purposes hereinafter appearing ;

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka State Open University Act, 1992.

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

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

1. Act came into force on 1.6.1996.

2. Definitions.- In this Act, and the statutes made hereunder, unless the context otherwise requires ,-

- (a) "Academic Council", means the Academic Council of the University;
- (b) "Board of Management" means the Board of Management of the University;
- (c) "college" means a college or other academic institution established or maintained or admitted to the privileges of the University;
- (d) "Distance Education System" means the system of imparting education through any means of communication such as broadcasting, telecasting, instruction media or print media, seminars, contact programmes or the combination of any two or more of such means ;
- (e) "employee" means any person appointed by the University and includes academic and administrative staff of the University;
- (f) "Finance Committee" means the Finance Committee of the University;
- (g) "Regional Centre" means a Centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;
- (h) "Regulations" means the Regulations made by any authorities of the University under this Act for the time being in force ;

- (i) "Statutes and Ordinances" means, respectively, the Statutes and Ordinances of the University for the time being in force ;
- (j) "student" means a student of the University and includes any person who enrolled himself for pursuing any course of study of the University;
- (k) "Study Centre", means a centre established, maintained or for valuation and for conducting the examination or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;
- (l) "teacher" means Professors, Readers, Lecturers and such other persons as may be designated as such by the Ordinance for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;
- (m) "University" means the Karnataka State Open University established under section 3 of the Act;
- (n) "Vice-Chancellor" and "Registrar" means respectively, the Vice-Chancellor and the Registrar 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 the "the Karnataka State Open University".

(2) The head-quarters of the University shall be at such place as may be specified by the Government by notification and it may establish, maintain or recognise colleges, Regional Centres and study centres at such places in Karnataka ¹[XXXX]¹

(3) The first Chancellor, the first Registrar and the first members of the Board of Management, the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such offices or membership are hereby constituted a body corporate by the name of the Karnataka State Open University.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(5) The University shall be competent to acquire and hold property, both movable and immovable to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

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

1. omitted by Act 28 of 2016.w.e.f.12.08.2016.

4. The objects of the University .- The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage Open University distance education system in the educational pattern of the State and to co-ordinate and determine the standards in such systems, and the University

shall in organising its activities, have due regard to the objects specified in the First Schedule.

5. Powers of the University .- (1) The University shall have the following powers namely :-

(i) to provide for admission and for instruction in such branches of knowledge including technology, vocations and professions as the University may determine from time to time and to make provision for research;

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates and for research or any other purpose;

(iii) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions including Ph.D on persons who have pursued a course of study or conducted research in the manner laid down by the statutes and Ordinances ;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which distance education in relation to the academic programmes of the University may be organised;

(vi) to institute professorships, readerships, lectureships and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students and to appoint persons to such professorships, readerships, lectureships and other academic positions;

(vii) to co-operate with and seek the co-operation of other universities and institutions of higher learning professional bodies and organisations for such purposes as the University considers necessary;

(viii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit ;

(ix) to establish and maintain such Regional Centres as may be determined by the University from time to time;

(x) to establish, maintain and recognise Study Centres in the manner laid down by the statutes;

(xi) to provide for the preparation of instructional materials using multimedia educational kits and other software;

(xii) to organise and conduct refresher course, work-shops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;

(xiii) to organise examinations of or periods of study (whether in full or part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time.

(xiv) to make provision for research and development in educational technology and related matters;

(xv) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(xvi) to receive benefactions, donations and gifts and acquire, hold, maintain and dispose of any property, movable or immovable, including trust and Government property, for the purposes of the University;

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

(xviii) to enter into, carry out, vary or cancel contracts;

(xix) to demand and receive such fees and other charges as may be laid down by the Ordinances;

(xx) to provide control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees including their codes of conduct ;

(xxi) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;

(xxii) to appoint, either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the University;

(xxiii) to recognize persons working in other universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the ordinances;

(xxiv) to determine standards and to specify conditions of the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;

(xxv) to make arrangements for the promotion of the general health and welfare of the employees;

(xxvi) to confer autonomous status on a college or a Regional Centre in the manner laid down by the statutes;

(xxvii) to admit to its privileges any college in Karnataka subject to such conditions as may be laid down by the statutes;

(xxviii) to do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.

(2) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may benefit for the promotion of open university and distance education systems and for the determination of standards of teaching, evaluation and research in such systems and for the purpose of performing this function the University shall have such powers, including the power to allocate and disburse grants to colleges, whether admitted to its privileges or not or to any other University or Institution of higher learning, as may be specified by the Statutes;

6. University open to all classes, castes and creeds .- (1) The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the university or to graduate thereat or to enjoy or exercise any privilege thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of person belonging to the weaker section of the society and in particular of persons belonging to the Scheduled Castes or Scheduled Tribes.

CHAPTER III

OFFICERS OF THE UNIVERSITY

7. The officers of the University .- The following shall be the officers of the University:-

- 1) The Chancellor;
- 2) The Pro-Chancellor;
- 3) The Vice-Chancellor;
- 4) The Registrar;
- 5) The Dean (Academic);
- 6) The Registrar (Evaluation);
- 7) The Finance Officer;
- 8) The Director, Multi-media course material centre;
- 9) The Director (Computer);
- 10) Such other officers as may be declared by the Statutes to be the officers of the University.;

8. The Chancellor.- (1) The Governor of Karnataka shall be the Chancellor of the University.

(2) Subject to the provisions of sub-sections (3) and (4), the Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments, and of any college, Regional Centre, a Study Centre and also of the examination, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finance of the University.

(3) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, representations to him as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Chancellor the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Chancellor may address the Vice-Chancellor with reference to the results of inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the results of the inspection or inquiry and the views of the Chancellor and the advice rendered by him upon the action to be taken thereon.

(7) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board of Management does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation

furnished or representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Chancellor may, by an order in writing annul any proceedings of the University which is not in conformity with this Act, the statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(10) The Chancellor shall have such other powers as may be specified by the statutes.

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

(2) He shall have such powers and functions as may be prescribed by statutes.

10. The Vice-Chancellor .- (1) The Vice-Chancellor shall be appointed by the Chancellor in such manner, for such term and on such emoluments and other conditions of service as may be prescribed by the statutes.

(2) The Vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

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

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

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, statutes or Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Chancellor as the case may be, under this sub-section.

(5) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the statutes and the ordinances.

11.The Registrar.- The Registrar shall be appointed in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the statutes.

12. The Dean.- Every Dean shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the statutes.

13. The Registrar of Examinations.- (1) The Registrar of Examinations, shall be appointed in such manner on such emoluments and other conditions of service and as may be prescribed by the statutes.

(2) The Registrar of Examination shall exercise such powers and perform such functions as may be prescribed by the statutes.

14. The Finance Officer.- The Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

15. The Director.- Every Director shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the statutes.

16. Other Officers.- The manner of appointment, emoluments, other conditions of service and powers and duties of the other officers of the University shall be prescribed by the statutes.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

17. Authorities of the University.- The following shall be the authorities of the University:-

- (1) the Board of Management;
- (2) the Academic Council;
- (3) the Finance Committee; and
- (4) such other authorities as may be declared by the statutes to be the authorities of the University;

18. The Board of Management.- (1) The Board of Management shall be the principal executive body of the University, consisting of the following members :-

- (1) the Vice-Chancellor;
- (2) the Registrar;
- (3) the Secretary in charge of Higher Education, Government of Karnataka;
- (4) the Secretary to Finance Department;
- (5) a Vice-Chancellor of the Universities in the State of Karnataka nominated by the pro-chancellor by rotation for such period as may be specified;
- (6) the Dean (Academic);
- (7) five distinguished persons from the educational, scientific and administrative fields to be nominated by the Pro-Chancellor:

Provided that from amongst the nominated persons under this clause, one shall be a person belonging to Scheduled Castes and Scheduled Tribes and two shall be women;

- (8) two Members of the Karnataka Legislative Assembly elected from among themselves;
- (9) two Members of the Karnataka Legislative Council elected from among themselves.

(2) The Board of Management shall have the powers,-

- (i) to manage and administer the properties and revenues of the University;
- (ii) to conduct all administrative affairs and shall exercise , -
 - (a) such other powers of the University as may be necessary, incidental or conducive to the fulfillment of the objectives of the University; and
 - (b) such other powers as may be prescribed by the statutes.

19. The Academic Council .- (1) The Academic Council shall consist of the following members , -

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Dean (Academic);
- (iv) the Dean (Administration);
- (v) the Dean (Study Centres);
- (vi) other Dean (if any); and
- (vii) such other officers of the University as the Academic Council may consider necessary to co-opt as members.

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the statutes.

20. The Finance Committee .-(1) The Board of Management shall constitute a Finance Committee consisting of not more than five members as follows :-

- (1) the Vice-Chancellor, ex-officio Chairman;
- (2) the Secretary, Finance Department or his nominee;
- (3) the Secretary, Education Department or his nominee;
- (4) two members nominated from among the members of the Board of Management by the Board of Management;
- (5) the Finance Officer, ex-officio Member Secretary.

(2) The Registrar shall be a permanent invitee to Finance Committee.

(3) The powers and functions of the Finance Committee shall be as follows:-

- (i) scrutinize the annual budget estimates and make its recommendations to the Board of Management;
- (ii) conduct general examination of the accounts of the University and consider the audit reports and make its recommendations thereon;
- (iii) examine all proposals of the University involving expenditure for which no provision has been made in the budget or involving expenditure in excess of the amount provided for in the budget; and

(iv) such other functions as may be prescribed by the statutes;

21. Other Authorities .- The constitution, powers and functions of the other authorities which may be declared by the statutes to be authorities of the University shall be as may be prescribed by the statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

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

(a) the manner of appointment of the Vice-Chancellor or the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of Registrar, Registrar of Examination, the Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(c) the terms of office of the members of the authorities, their daily and travelling allowances and the powers and functions that may be exercised and performed by such authorities;

(d) the appointment of teachers and other employees of the University, their emoluments and their conditions of service;

(e) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(f) the principles covering the seniority of service of employees of the University;

(g) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;

(h) the procedure for the settlement of disputes between the employees or students of the University, and the University;

(i) the conferment of autonomous status on colleges and Study Centres;

(j) the allocation and disbursement of grants to colleges and institutions;

(k) the conditions that are required to be fulfilled for admission of the colleges to the privileges of the University;

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

23. Statutes how made .- (1) The first statutes are those set out in the Second Schedule.

(2) The Board of management may, from time to time, make new or additional statutes or may amend or repeal the statutes referred to in sub-section (1):

Provided that the Board of Management shall not make, amend or repeal any statutes affecting status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new statute or addition to the statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to

the Board of Management for reconsideration in the light of the observation, if any, made by him.

(4) A new Statute or a Statute amending or repealing an existing statute shall not be valid unless it has been assented to by the Chancellor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may make new or additional statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act.

(6) Notwithstanding anything contained in the foregoing sub-section, the Chancellor may direct the University to make provisions in the statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

24. 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:-

(a) the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowship, awards and the like;

(b) the conduct of examinations, including the terms and conditions and appointment of examiners;

(c) the management of colleges admitted to the privileges of the University; and

(d) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Chancellor with the previous approval of the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the statutes.

25. Regulations .- The authorities of the University may make regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

CHAPTER VI

FINANCE AND ACCOUNTS

26. Annual report .- (1) The annual report of the University shall be prepared under the directions of the Board of Management which shall include among other matters, the steps taken by the University towards the fulfillments of its objects.

(2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.

(3) A copy of the annual report, so prepared under sub-section (1) shall, also be submitted to the State Government which shall as soon as may be, cause the same to be laid before both the Houses of the Legislature.

27. Annual accounts, etc .- (1) The annual accounts and the balance sheets of the University shall be prepared under the directions of the Board of Management and shall once at least every, and at intervals of not more than, fifteen months be audited by the Controller of State Accounts or such person as may be authorised in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Chancellor along with the observations, if any, of the Board of Management.

(3) Any observation made by the Chancellor on the annual accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Chancellor.

(4) A copy of the accounts together with the audit report, as submitted to the Chancellor shall also be submitted to the State Government, which shall as soon as may be, cause the same to be laid before both the Houses of the Legislature at their next earliest session.

(5) The audited annual accounts after having been laid before both the Houses of the Legislature shall be published in the official Gazette.

CHAPTER VII

CONDITIONS OF SERVICE OF EMPLOYEES

28. Conditions of service of employees.- (1) Every employee of University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

29. Tribunal of Arbitration .- (1) Any dispute arising out of a contract of employment referred to in section 28 between the University and an employee shall, at the request of either party, be referred to a Tribunal of Arbitration which shall consist of one member nominated, by the Board of Management, one member nominated by the employee concerned and an umpire to be nominated by the Chancellor.

(2) Every such reference shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940 (2 of 1940) and all the provisions of that Act, with the exception of section 2 thereof shall apply accordingly.

(3) The procedure for regulating the work of the Tribunal of Arbitration shall be prescribed by the statutes.

(4) The decision of the Tribunal of Arbitration shall be final and binding on the parties, and no suit shall lie in any court in respect of the matters decided by the Tribunal.

30. Provident and pension funds .- (1) The University shall constitute for the benefit of the employees such provident or pension fund or provide such Insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the statutes.

(2) Where such provident or pension fund has been so constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such funds, as if it were a Government Provident Fund.

CHAPTER VIII

MISCELLANEOUS

31. Disputes as to the Constitution of the University authorities and bodies .- If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

32. Filling of casual vacancies .- All the casual vacancies among the members (other than ex-officio members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, elects or co-opts the member whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

33. Acts and proceedings not invalidated, merely on the ground of defect in constitution, vacancy, etc .- Notwithstanding that the Board of Management or the Academic Council or any authority or body or the University is not duly constituted or there is 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 proceeding of such authority or body shall be invalidated merely on any such ground or grounds.

34. Protection of action taken in good faith .- No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the statutes or the Ordinances.

35. Appointment of first Vice-Chancellor .- Notwithstanding anything contained in sub-section (1) of section 10 within six months from the date on which this Act comes into force, the first Vice-Chancellor shall be appointed by the Government on a salary to be fixed by it for a period not exceeding three years and on such other conditions as it thinks fit:

Provided that the person appointed as first Vice-Chancellor shall retire from office if during the term of his office, he completes the age of sixty five years.

36. Appointment of the first Registrar .- Notwithstanding anything contained in section 11, within six months from the date on which this Act comes into force the first Registrar shall be appointed by the Government on a salary to be fixed by it, for a period not exceeding three years and on such other conditions as it thinks fit:

Provided that the person appointed as first Registrar shall retire from office, if during the term of his office, he completes the age of fifty-eight years.

37. Appointment of the first Finance Officer .- Notwithstanding anything contained in section 14 within six months from the date on which this Act comes into force the first Finance Officer shall be appointed by the Government on a salary to be fixed by it for a period not exceeding three years and on such other conditions as it thinks fit.

38. Transitory powers of the first Vice-Chancellor .- (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Board of Management, the Academic Council and such other authorities of the University within six months of the notified date or such longer period not exceeding one year as the Government may by notification direct.

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

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date as the Government may, by notification, specify in this behalf.

(4) It shall be the duty of the first Vice-Chancellor to draft such statutes as may be necessary and submit them to the Board of Management for their approval. Such statutes when framed shall be published in the Karnataka Gazette.

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

39. Power to amend the Schedule .- The Government may, by notification, alter, amend or add any Statutes to the Schedule and upon the issue of such notification, the Schedule shall be deemed to be amended accordingly.

40. Power to remove difficulties .- (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the notified date or otherwise on giving

effect to the provisions of this Act, the 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 establishment of the University under section 3.

(2) Every notification issued under sub-section (1) or under any other provisions of this Act 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 successive sessions, and if before the expiry of the said period, either House of the state legislature makes any modification 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.

41. Statutes, Ordinances and Regulations to be published in the official Gazette and to be laid before the Legislature .- (1) Every statute, Ordinance or Regulation made under this Act shall be published in the official Gazette.

(2) Every statute, ordinance or regulation made under this Act shall be laid, as soon as may be after it is made, before each House of 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 successive sessions aforesaid, both Houses agree in making any modification in the Statute, ordinance or Regulation or both Houses agree that the statute, ordinance or regulation should not be made, the Statute, Ordinance or Regulation 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 statute, Ordinance or Regulation.

¹**[42. Continuation of Statutes, Ordinances etc.-** Until Statutes, Ordinances and Regulations are made under sections 23, 24 and 25 of this Act, the Statutes, Ordinances, Regulations and Rules of the Mysore University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) regulating the affairs of the Institute of correspondence courses and continuing education, Mysore and in force immediately before the commencement of this Act shall, subject to such adaptations or modifications, as may be made therein by the Vice-chancellor with the approval of the chancellor obtained through the Government, in so far as they are not inconsistent with the provisions of this Act, be deemed to be Statutes, Ordinances and Regulations made under the appropriate provisions of this Act and shall continue to be in force unless and until superseded by anything done or any action taken under this Act]

1. Inserted by Act 16 of 2003 w.e.f. 7.4.2003.

THE FIRST SCHEDULE

(See section 4)

The objects of the University

1. The University shall endeavour through education, research, training and extension to play a positive role in the development of the country, and based on the rich heritage of the country, to promote and advance the culture of the people of Karnataka and the human resources. Towards this end it shall ,-

(a) strengthen and diversify the degree, certificate and diploma courses related to the needs of employment and necessary for building the economy of the country on the basis of its natural and human resources;

(b) provide access to higher education for large segments of the population, and in particular, the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;

(c) promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities for up-grading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour;

(d) provide an innovative system of university level education, flexible and open, in regard to methods and place of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in new fields of knowledge;

(e) contribute to the improvement of the educational system in India by providing a non-formal channel complementary in the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software developed by the University;

(f) provide education and training in the various arts, crafts and skills of the country, raising their quality and improving the availability to the people;

(g) provide or arrange training of teachers required for such activities or institutions;

(h) provide suitable post graduate courses of study and promote research;

(i) provide the counselling and guidance to its students; and

(j) promote national integration and the integrated development of the human personality through its policies and programmes.

2. The University shall strive to fulfil the above objects by a diversity means of distance and continuing education and shall function in operating with the existing Universities and Institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education which matches contemporary needs.

THE SECOND SCHEDULE

(See section 23)

First Statutes of the University

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

(2) The Vice-Chancellor shall be appointed by the Chancellor from out of a panel of not less than three persons recommended (the names being arranged in the alphabetical order) by a committee constituted under clause (3):

Provided that if the Chancellor does not approve of any of the persons so recommended he may call for fresh recommendations.

(3) The committee referred to in clause (2) shall consist of three members of whom one shall be nominated by the Board of Management one by the Government and one by the Chancellor and the person nominated by the Chancellor shall be the convenor of the Committee:

Provided that no person who is an employee of the University or of any affiliated college or a member of any authority of the University shall be nominated to be a member of the Committee.

(4) The Vice-Chancellor shall subject to the pleasure of Chancellor hold office for a term of three years from the date on which he enters upon his office, or until he attains the age of sixty-five years whichever is earlier, and he shall not be eligible for re-appointment:

Provided that the Chancellor may require the Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year as may be specified by him:

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

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows;

(i) there shall be paid to the Vice-Chancellor a salary as may be determined by the Chancellor and he shall be entitled to the free use of the University car and without payment of rent, to the use of furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(ii) in addition to the salary determined in sub-clause (i), the Chancellor shall be entitled to such other allowances as are admissible to University employees from time to time:

(iii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Board of Management with the approval of the Chancellor from time to time:

Provided that where an employee of the University or a college or of any other University or any institution maintained by or affiliated to such other Universities is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which such person had been contributing immediately before his appointment as Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(iv) the Vice-Chancellor shall be entitled to traveling allowance at such rates as may be fixed by the Board of management.

(v) the Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(vi) in addition to the leave referred to in sub-clause (v), Vice-Chancellor shall be entitled to half pay leave at the rate of twenty days per year of every completed year of service and the half pay leave may be availed of as commuted leave on full pay on medical certificate.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the Registrar shall perform the duties of the Vice-Chancellor and in his absence the senior most Dean shall perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

2. Powers and functions of the Vice-Chancellor.- (1) The Vice-Chancellor shall be ex-officio Chairman of the Board of Management, Academic Council and Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at and address, any meeting of any other authority or other body of the university, but shall not be entitled to vote thereat, unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statute, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the university and shall give effect to the decisions of all the authorities of the university.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the university and he may delegate any such powers to such persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave to any officer of the university and make necessary arrangements for the discharge of the functions of such officer during his absence.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the Statutes and if he so desire, delegate such powers to another officer of the University.

(8) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:-

(i) to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management.

(ii) to appoint course writers, script writers, councillors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University.

(iii) to make short-term appointments for a period not exceeding six months at a time, of such person as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of Regional and Study Centres at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

3. Registrar.- (1) The Registrar shall be appointed by the Chancellor in consultation with the Vice-Chancellor and the State Government.

(2) The Registrar shall, while performing the function of the Vice-Chancellor under sub-clause (6) of clause 1 shall continue in office notwithstanding the expiration of his term of office as Registrar until a new Vice-Chancellor assumes his office or until existing Vice-Chancellor attends to the duties of his office, as the case may be.

(3) The emoluments and terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances.

(4) The Registrar shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf from time to time and shall also exercise such power and perform such functions as may be delegated to him by the Vice-Chancellor.

(5) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other members as may be specified by the Board of Management by order.

(6) An appeal shall lie to the Vice-Chancellor against any order made by the Registrar in pursuance of sub-clause (5).

(7) In cases where an inquiry discloses that a punishment beyond the power of the Registrar is called for, he shall, consequent to the enquiry, make a report to the Vice-Chancellor along with his recommendations for such action as the Vice-Chancellor may deem fit:

Provided that an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(8) The Registrar shall be , -

- (i) the Secretary to the Board of management;
- (ii) the Member Secretary of the Academic Council

(9) The Registrar shall , -

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and of the Committees appointed by those authorities;

(c) keep the minutes of the meetings of the Board of management, the Academic Council and of the committees appointed by such authorities.

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council;

(e) supply to the Chancellor a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) represent the University in suits or proceedings by or against the University, sign powers of attorney, verify pleading and depute his representatives for the purpose;

(g) perform such other functions as may be specified in the Statutes. Ordinances or Regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

4. The Dean.- (1) Every Dean shall be appointed by the Board of Management on the recommendation of , -

(i) the Vice-Chancellor, in case the candidate to be appointed is already a teacher of the University; and

(ii) a Selection Committee constituted for the purpose, in case the candidate to be appointed is from outside the University.

(2) Every Dean shall be a whole time salaried officer of the University:

Provided that one of the Deans shall be in-charge of the administrative affairs of the teachers.

(3) The emoluments and other conditions of service of the Dean shall be prescribed by the Ordinances:

Provided that a Dean shall retire on attaining the age of sixty years.

(4) A Dean shall exercise such powers and perform such functions as may be prescribed by the Ordinances.

5. The Registrar of Examination.- (1) The Registrar of Examination shall be appointed by the Chancellor in consultation with the Vice-Chancellor and the State Government and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of the Registrar of Examination shall be prescribed by the Ordinances.

6. The Finance Officer.- (1) The Finance Officer shall be appointed by the Chancellor in consultation with the Vice-Chancellor and the State Government. He shall be a whole-time officer of the University and shall work under the control of the Vice-Chancellor.

(2) The emoluments and other conditions of service of the Finance Officer shall be as prescribed by the Ordinances.

(3) When the office of the Finance officer is vacant or when the Finance Officer is by reason of ill health absence or any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall, -

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies;

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding one lakh of rupees without the previous approval of the Board of Management.

(5) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall,-

(a) hold and manage the properties and investments of the University including trust and immovable properties for fulfilling any of the objects of the University.

(b) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(c) be responsible for the preparation of the annual accounts and the budget of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee;

(d) keep a constant watch on the cash and the Bank balances and investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in the office of the University including Regional Centres, Study Centres and other institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault;

(h) call from any office of the University including Regional Centres, Study Centres and other institutions maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(6). Any receipt given by the Finance Officer or by the person or persons duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

7. Directors.- (1) Every Director shall be appointed by Board of Management on the recommendation of, -

(i) the Vice-Chancellor, in case the candidate to be appointed is already a teacher of the University; and

(ii) a Selection Committee constituted for the purpose, in case the candidate to be appointed is from outside the University.

(2) Every Director shall be a whole-time salaried officer of the University.

(3) The emoluments and other conditions of service of the Director shall be as prescribed by the Ordinances:

Provided that a Director shall retire on attaining the age of sixty years.

(4) A Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances.

8. Powers and functions of the Board of Management.- (1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes have the following powers namely:-

(a) to create teaching and other academic posts and to define the functions and conditions of service of Professors, Readers, Lecturers and other Teachers, and other academic staff employed by the University.

(b) to prescribe qualifications for teachers and other academic staff.

(c) to approve the appointment of such Professors, Readers, Lecturers and other Teachers and academic staff as may be necessary on the recommendations of the Selection Committee constituted for the purpose;

(d) to approve appointments to temporary vacancies of any academic staff;

(e) to specify the manner of appointment to temporary vacancies of academic staff;

(f) to provide for the appointment of visiting Professors, Emeritus Professors, Fellows, Artists, and Writers and determine the terms and conditions of such appointments.

(g) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agent as may be considered fit;

(h) to invest any money belonging to the University including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchases of immovable property in India with like power of varying such investment from time to time:

Provided that no action under this clause shall be taken without consulting the Finance committee;

(i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the number of appointment thereto;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;

(k) to transfer or accept transfers of any immovable property on behalf of University;

(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason feel aggrieved;

(m) to fix the remuneration payable to course writers, councillors examiners and invigilators and travelling and other allowances payable, after consulting the Finance Committee;

(n) to select the common seal for the University and to provide for the use of such seal;

(o) to delegate any of its powers to the Vice-Chancellor, the Registrar, Registrar of Examination and Finance Officer, or any other officer, employees or authority of the University, or to a committee appointed by it;

(p) to institute fellowships, scholarships, studentships; and

(q) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act, or the Statutes.

(3) The Board of Management shall exercise all the powers of the University not otherwise provided for by the Act, Statutes, Ordinances and the Regulations for the fulfilment of the objects of the University.

9. Quorum for a meeting of the Board of Management.- One third of the total members of the Board of Management shall form a quorum for a meeting of the Board.

10. Powers of the Academic Council.- Subject to provisions of the Act, the Statutes and the Ordinances, the Academic Council shall in addition to all the other powers vested in it under the Statutes shall have the following powers, namely:-

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation or research or improvement in academic standards;

(b) to consider matters of general academic interest either on its own initiative or on a reference from the Centre of Studies or the Board of Management and to take appropriate action thereon; and

(c) to frame such regulations consistent with the Statutes and the Ordinances regarding the academic functioning of the University, including discipline, admissions, award of fellowships and studentships, fees and other academic requirements.

11. The Powers of the Finance Committee.- (1) The Finance Committee shall meet atleast thrice a year to examine the accounts and scrutinise the expenditure.

(2) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

12. Appointment of Teachers, etc .- (1) There shall be a Board of Appointment for selecting persons for appointment as Professors, Librarian, Readers and Lecturers in the University.

(2) Every such Board shall consist of , -

(a) for selection to the posts of Professors, Readers and to the post of Librarian , -

(i) the Vice-Chancellor, ex-officio Chairman ;

(ii) Head of the Department concerned if he is a Professor and if he is not a Professor, a Professor of any other University in the State nominated by the Chancellor and where no such Professors available in any University within the State, from a University in any other State, nominated by the Chancellor in consultation with the State Government.

(iii) three experts nominated by the Chancellor one of whom from a panel furnished by the University Grants Commission and one from amongst persons serving in any

University established by law in India or any other institution recognised by the State Government and one person nominated by the State Government.

(b) for selections to the posts of Lecturers ,-

(i) the Vice-Chancellor, ex-officio Chairman;

(ii) one expert nominated by the Chancellor;

(iii) one person nominated by the State Government;

(iv) the Head of the Department concerned if he is a Professor and if he is not a Professor, a Professor in the concerned Department of any other University in the State nominated by the Chancellor and where no such professor is available in any University within the State, a professor from a University in any other State nominated by the Chancellor in consultation with the State Government.

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

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

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

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

(6) The Board shall interview, adjudge the merit of each candidate in accordance with the qualifications advertised and prepare a list of persons selected arranged in the order of merit. It shall forward the list to the Board of Management who shall make appointments in accordance with the same.

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

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

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

(9) Whenever any new subject is introduced, appointment of Professors, Readers and Lecturers in such new subject shall be made in such manner as may be prescribed by Statutes.

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

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

13. Appointment in accordance with promotion schemes .- Notwithstanding anything containing in clause - 11 but subject to the rules and orders issued by the State Government from time to time for reservation of appointments and posts for Scheduled Castes, Scheduled Tribes and other Backward Classes, appointments to the posts of Readers and Professors in University institutions and departments may be made by the Board of Management in accordance with a promotion scheme, if any, prescribed by statutes made in this behalf, if the University institution or department has both Under-Graduate and Post Graduate Courses.

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

(2) The Board shall consists of ,-

(i) the Vice-Chancellor ex-officio Chairman;

(ii) the Registrar;

(iii) one person supervising the work of the section for which recruitment is made nominated by the Vice-Chancellor and where there is no such person the Head of the Department of the concerned section;

(iv) three persons nominated by the Chancellor in consultation with the State Government, one of whom shall be a person belonging to the Scheduled Castes or the Scheduled Tribes and the other shall be a person belonging to any socially and educationally backward classes of citizens declared as such by the State Government or any religious or linguistic minority and another shall be a woman.

(3) The quorum for a meeting of the Board shall be one third of the total members.

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

(5) While preparing the list of candidates selected for appointment to the direct recruitment vacancies, the Board shall comply with the orders issued by the State Government from time to time for reservation of posts for the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens.

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

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

(7) Notwithstanding anything in the preceding sub-clauses, appointments to posts in the University equivalent to group 'C' and 'D' posts in the State Civil Services shall be made by the Chancellor in accordance with the Statutes to be framed for the purpose and in accordance with orders issued by the State Government from time to time for reservation of posts for Scheduled Castes, Scheduled Tribes and other Backward Communities.

15. Recognised Teachers.- (1) The qualifications for recognition of persons working in other Universities, institutions or organisations as teachers shall be prescribed by the Ordinances.

(2) The manner of recognising teachers, the period of recognition and withdrawal of recognition shall be prescribed by the Ordinances.

16. Committees.- (1) Any authority of the University may appoint as many standing or special committees as it may deem fit and may appoint to such committees, persons who are not members of such authority.

(2) Any committee appointed under sub-clause (1) may deal with any subject delegated to it subject to the subsequent confirmation by the authority appointing it.

17. Terms and conditions of service and code of conduct of the teachers and other academic staff of the University.- (1) All the teachers and other academic staff of the University shall in the absence of any contract to the contrary, be covered by the terms and conditions of service and code of conduct as are specified in the Statutes and in the Ordinances.

(2) Every teacher and member of the academic staff of the University shall be appointed on a written contract the form of which shall be specified in the Statutes.

(3) A copy of every contract referred to in sub-clause (2) shall be deposited with the Registrar.

18. Terms and conditions of service and code of conduct of other employees of the University.- All the employees of the University, other than the teachers and other academic staff of the University shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes and the Ordinances.

19. Removal of employees of the University .- (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff, and the authority competent to appoint (hereinafter referred to as appointing authority) in the case of other employees may, by order in writing place such teacher, member of the academic staff or other employees under suspension and shall forthwith report to the Board of Management the circumstances in which the order was made.

(2) Notwithstanding anything contained in the terms of the contracts of appointment or of any other terms and conditions of service of the employees, the Board of Management in respect of teachers and other academic staff and the appointing authority in respect of other employees shall have the power to remove a teacher or a member of the academic staff or as the case may be the employees on grounds of misconduct.

(3) Save as aforesaid, the Board of Management or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months notice or on payment of three months salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under sub-clause (2) or (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employees shall take effect from the date on which the order of removal is made: Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this statutes, a teacher, member of the academic staff or other employee may resign , -

(a) if he is permanent employee, only after giving three months notice in writing to the Board of Management or the appointing authority, as the case may be, or by paying three months salary.

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Board of Management or as the case may be the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Board of Management, or the appointing authority as the case may be.

20. Maintenance of discipline amongst students of the University .- (1) The powers regarding discipline and disciplinary action in regard to the students of the University shall vest with the Vice-Chancellor. The Vice-Chancellor may delegate all or any of the powers, as he may deem fit.

(2) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action as he may deem appropriate for the maintenance of discipline, the Vice-Chancellor may, in the exercise of his power by order, direct that any student or students be expelled or rusticated for a specified period and not admitted to a course or period or be punished with a fine for an amount to be specified in the order, or debar him from taking an examination or examinations conducted by the University or a recognised institution for one or more years or that the result of the student or students concerned in the examination or examinations in which she or he has appeared to be cancelled.

(3) The heads of recognised institutions shall have the authority to exercise all such disciplinary powers over the students in their respective institutions as may be necessary for proper conduct of such institutions.

(Section 3 of Karnataka Act 16 of 2003)

²**[3. Validation of certain actions etc.-** Notwithstanding anything contained in the principal Act, anything done, any action taken or any proceeding held (including any appointment or delegation made or order, instrument or direction issued) by the University or any authority, officer or employee of the University with effect from the First day of June 1996 under the statutes, ordinances, regulations or rules of the Mysore University which are deemed to be, the statutes, ordinances or regulations of the University under section 42 of the principal Act and have continued as such, shall be deemed to be as valid and effective as if the provisions of section 42 of the principal Act as inserted by this Act and the statutes, ordinances or regulations continued under that section were in force at all relevant times when such thing, action or proceeding was done, taken or held.]²

* * *

(The above translation of the ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಧಿನಿಯಮ, 1992 (1994ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ.46) was published in the Karnataka Gazette (Extraordinary) Part IV-2B dated 26.05.1995 as No.747 under clause (3) of article 348 of the Constitution of India.)

THE KARNATAKA STATE OPEN UNIVERSITY ACT, 1992 (46 of 1994) has been amended by the following Acts, namely:-

Amendments (Chronological)

Sl.No.	Act No. and year	Sections Amended	Remarks
1.	46 of 1994	-	w.e.f. 1.6.1996 by Notification No. ED 1 UOV 95 dt:12.2.96
2.	16 of 2003	42	w.e.f. 7.4.2003

Amendments (Section-wise)

Sections	Act No. and year	Remarks
42	16 of 2003	w.e.f. 7.4.2003

NOTIFICATION

Bangalore, dated 12th February, 1996. [No. ED 1 UOV 95]

S.No.215.- In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka State Open University Act, 1992 (Karnataka Act No, 46 of 1994), the Government of Karnataka hereby appoints the first day of June, 1996 to be the date on which the said Act shall come into force.

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

Mohamed Khaleelur Rahman,
Under Secretary to Government,
Education Department (University).

(Published in Karnataka Gazette (Extraordinary) Part IV-2C(ii) dated 13.2.1996 as No. 223)

KARNATAKA ACT NO. 28 OF 2016

(First published in the Karnataka Gazette Extra-ordinary on the Twelfth day of August, 2016)

THE KARNATAKA STATE OPEN UNIVERSITY (AMENDMENT) ACT, 2016

(Received the assent of the Governor on the Ninth day of August, 2016)

An Act further to amend the Karnataka State Open University Act, 1992.

Whereas it is expedient further to amend the Karnataka State Open University Act, 1992 (Karnataka Act 46 of 1994) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty seventh year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka State Open University (Amendment) Act, 2016.

(2) It shall come into force at once.

Section 3 is incorporated in the principal Act.