

THE HIMACHAL PRADESH UNIVERSITY OF HEALTH SCIENCES BILL, 2017

ARRANGEMENT OF CLAUSES

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Bill No. 16 of 2017

THE HIMACHAL PRADESH UNIVERSITY OF HEALTH SCIENCES BILL, 2017

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to establish and incorporate a University in the State of Himachal Pradesh to be known as “the Himachal Pradesh University of Health Sciences” for the purpose of affiliating and teaching and ensuring proper and systematic instructions, training and research in the Modern System of Medicine and the Indian System of Medicine.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty- eighth Year of the Republic of India as follows:—

CHAPTER-I PRELIMINARY

1. Short title and commence-ment.—(1) This Act may be called the Himachal Pradesh University of Health Sciences Act, 2017.

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

2. Definitions.—In this Act, unless the context other wise requires,-

- (a) “Academic Council” means the Academic Council of the University constituted under section 29;
- (b) “academic course” means a course of study in any discipline of health sciences according to syllabi and curricula prescribed by the University;
- (c) “affiliated college” means a college providing for academic courses and affiliated to the University;
- (d) “approved institution” means a hospital, health centre or such other institution recognized by the University as an institution in which a person may undergo training, required by a course of study before the award of any degree or other qualification, laid down by the University;
- (e) “Board of Management” means the Board of Management constituted under section 27 to manage the affairs of the University;
- (f) “Chancellor” means the Chancellor of the University;

- (g) “Council” means a professional council pertaining to any Health Sciences discipline constituted under any State Act or the Central Act;
- (h) “Dean” means the Dean of faculty of the University;
- (i) “department” means a unit set up for the purpose of imparting instructions and for courses of study in Health Sciences or any discipline allied thereto;
- (j) “field unit” means a unit established outside the University for validating and disseminating the benefits of new techniques and practices developed by the University;
- (k) “Government” or “State Government” means the Government of Himachal Pradesh;
- (l) “Health Sciences” means the Modern System of Medicine and the Indian System of Medicine in all their branches concerning preventive, promotive, curative or rehabilitative services;
- (m) “hostel” means a unit of residence for the students of the University maintained or recognized by the University;
- (n) “Indian System of Medicine” shall include Ayurveda, Unani, Sidha, Homeopathy, Naturopathy, Yoga and such other disciplines, as may be prescribed;
- (o) “Modern System of Medicine” means all branches of the Modern Medicine and Dentistry dealing with pre-clinical, para clinical, clinical, para medical and para dental disciplines at the degree level and above and such other disciplines, as may be prescribed;
- (p) “prescribed” means prescribed by the rules, statutes, ordinances or regulations made under this Act;
- (q) “Principal” means the head of an affiliated college or University College;
- (r) “Registrar” means the Registrar of the University;
- (s) “Section” means a section of this Act;
- (t) “State” means the State of Himachal Pradesh;
- (u) “statutes”, “ordinances” and “regulations” means respectively the statutes, ordinances and regulation of the University made under this Act;
- (v) “student” means a person enrolled in the University or one of its affiliated colleges for undergoing a course of study leading to a degree, diploma or certificate of the University;
- (w) “teacher” includes Principals, Professors, Readers, Associate Professors, Assistant Professors, Lecturers and such other persons imparting instructions on full time basis in the University or an affiliated college;
- (x) “University” means the Himachal Pradesh University of Health Sciences established under section 3 of this Act;

- (y) “University area” means the area under the jurisdiction of the University;
- (z) “University Campus” means the area comprised within the local limits of the headquarter of the University or such other colleges and institutions, as may be declared by the Government, by notification published in the Official Gazette; and
- (za) “University College” means a college established or attached with or administered by the University including the hospital attached thereto.

CHAPTER-II ESTABLISHMENT OF THE UNIVERSITY

3. Establishment of the University.—(1) There shall be established a University by the name “The Himachal Pradesh University of Health Sciences” having jurisdiction within the State of Himachal Pradesh.

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

(3) The headquarter of the University shall be at Shri Lal Bahadur Shastri Government Medical College, Mandi at Ner Chowk or at such place, as may be notified by the Government.

4. Mission of the University.—The mission of the University shall be to create an intellectual academic and physical environment which shall be conducive to free flow of ideas and exchange of information between various faculties of the University, between this University and other universities of Health Sciences in the country and abroad, thereby opening a window to the health professionals, health planners, health managers, bio-medical and social scientists and educators in health sciences of the country.

5. Objects of the University.—The objects of the University shall be,-

- (a) to establish uniformity in standards of education in all faculties of Health Sciences including the Modern System of Medicine, Dental Medicine and surgery, Indian Systems of Medicine, Homeopathy and various paramedical and para dental disciplines such as Nursing, Medical laboratory technology, Pharmacy, Physiotherapy and Speech therapy, with a view to enhance the quality of such education and consistently aiming to modernize, improve and achieve the highest standards of academic excellence at all levels;
- (b) to promote and carryout research in various disciplines of Health Sciences with special focus on the social and economic relevance of such research, and with emphasis on occupational and environmental health issues affecting the people;
- (c) to establish and develop study centres integrating all disciplines relevant to health sciences especially those which are not presently included in the syllabi and curricula of undergraduate and post graduate medical courses. These shall include, but not to be restricted to, population sciences, health systems and health services, management, human resource development, educational technology, bio-informatics and telematics and continuing education in Health Sciences;
- (d) to promote the development and use of information technology as a part of technological infrastructure with a view to provide attractive and innovative facilities

for studies in various modalities of information technology including telecommunications and access to INTERNET, LIBNET, MEDLARS and other networks;

- (e) to enhance computer literacy amongst the health professionals, faculty and students; and
- (f) to attain the highest standards of academic excellence by providing the necessary physical infrastructure and creating an intellectual environment conducive to free flow of ideas and meaningful exchange of information.

6. Powers and functions of the University.—The University shall have the following powers and functions, namely:—

- (a) to formulate and implement syllabi and curricula for various academic courses of the University;
- (b) to conduct or regulate the conduct of entrance examinations for all academic courses of studies, instituted by the University, in the manner as may be prescribed;
- (c) to standardize methods of evaluation and assessment and to hold examinations for awarding various degrees, diplomas and certificates as per guidelines;
- (d) to institute and award degrees, diplomas, certificates and other academic distinctions;
- (e) to develop standards for up-gradation and starting new departments and study centres in medical and allied specialities;
- (f) to confer honorary degrees or other distinctions on such terms and conditions, as may be prescribed;
- (g) to prescribe conditions under which the award of any degree, title, diploma and other academic distinctions may be withheld;
- (h) to institute, maintain and administer University colleges, hospitals, laboratories, institutes of research libraries and other institutions necessary to carry out the objectives of the University;
- (i) to prescribe conditions for affiliation or recognition of colleges and institutions and to lay down conditions under which such affiliation or recognition may be withdrawn or suspended;
- (j) to prescribe conditions for creation and filling up of adequate posts of medical faculty;
- (k) to institute and award Emeritus professorship, Travelling or Visiting professorship, Travelling fellowships, scholarships, incentives, prizes, or other forms of encouragement to study and research in the prescribed manner;
- (l) to institute and implement such measures, as may be necessary to secure the health and well being of the students and to maintain disciplines in the affiliated colleges;

- (m) to manage and control all the immovable and movable properties owned by the University or transferred to it subject to the provisions of and for the purposes of this Act;
- (n) to accept, hold and manage any endowments, donations or funds, which may be vested in the University by way of grant, testamentary deposition or otherwise, and to invest such endowments, donations or funds in any manner as the University may deem fit:

Provided that no donation from a foreign country, foreign foundation or any individual in such country or foundation shall be accepted by the University without the approval of the Government;

- (o) to borrow money with or without security for such purpose, as may be approved by the Government from the Central Government or any State Government, the University Grants Commission, Banks or other incorporated bodies subject to the provisions of this Act;
- (p) to fix fees, demand and collect such fees, as may be prescribed;
- (q) to promote and conduct research disciplines in health sciences and to undertake publication of works of merit;
- (r) to co-operate with any other university, authority, institution, professional academy or association or any other public or private body within India or outside India for the purposes and objects similar to those of the University on such terms and conditions, as may from time to time, be prescribed;
- (s) to establish and maintain University libraries, research centres, museums, press and publication bureau; and
- (t) to do all such acts and things whether incidental to the powers and functions aforesaid or not, as may be necessary or desirable to the objects of the University.

7. Jurisdiction and admission privileges.—(1) No college in the State imparting education in health sciences shall, save with the consent of the University and the sanction of the Government, be associated with or seek admission to any privileges of any other university in India or abroad.

(2) Any such privileges enjoyed from any other university before the commencement of this Act by any medical college or any institution of health sciences in the State, shall be deemed to be withdrawn with effect from such date, as may be notified by the Government.

(3) All colleges and other educational institutions of health sciences in the State previously admitted to the privileges of or affiliated to any other university, or council of affiliating body shall be deemed to be admitted to the privileges, or affiliated to the University from the date of commencement of this Act.

8. University open to all.—(1) No person shall be denied any office of the University or membership of any of its authorities or admission to any degree, diploma or other academic distinction or course of study on the sole ground of caste, creed, gender or religion.

(2) Subject to the provisions of sub-section (1), the University shall, in accordance with the special or general directions of the Government, reserve seats for the purpose of admission in any college or institution affiliated with or administered by the University.

9. Transfer of Government Colleges to the University.—(1) The Government may at any time, by notification, in the Official Gazette, transfer any Government college or hospital of health sciences to the University and from the date of such transfer, the said college or hospital, as the case may be, shall be a University College and hospital.

(2) When any Government college or hospital is transferred to the University under sub-section (1), the following consequences shall ensue, namely,—

- (a) all the assets including the properties and liabilities pertaining to the said college or hospital, as the case may be, stand transferred to and vest in the University; and
- (b) all teaching and non-teaching employees of the department of the Medical Education and Research serving in the transferred college or hospital, who are either permanent or on probation, shall be taken by the University into its service, if found suitable by the University:

Provided that no person shall be taken by the University into its service, unless such employee gives his option in writing:

Provided further that the employees surplus to the requirement of the University or found ineligible for service of the University or not consenting for transfer to the University, and holding liens against the permanent posts, shall be absorbed by the Government elsewhere.

10. Inspection and control.—(1) The Chancellor, on the advice of the Government, shall have the right to cause an inspection or enquiry to be made by such person as it may direct, of the affairs and properties of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any college or institution, administered, affiliated, recognized or approved by the University and also of examinations, teaching and other work conducted or done by the University or in respect of any other matter connected with the University.

(2) The Chancellor shall forward to the Vice-Chancellor a copy of the inspection report for obtaining the views of the Board of Management thereof, and on receipt of such views, the Chancellor may give such directions, as he considers necessary and fix a time limit for action to be taken by the University.

(3) The Board of Management shall within the time limit fixed by the Chancellor, report to the Chancellor through the Vice-Chancellor, the action taken under sub-section (2).

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

(5) The Chancellor shall be the final appellate authority in such matters.

11. Setting up field units.—The University shall develop field units for health systems research for assessing the efficiency and effectiveness of health care delivery programmes and disseminating the benefits of new techniques and practices and the State Agencies shall render all necessary co-operation for this purpose.

CHAPTER-III OFFICERS OF THE UNIVERSITY

12. Chancellor of the University.—(1) The Governor of Himachal Pradesh 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 over at the convocation of the University.

(3) Honorary degree shall be conferred by the University upon any person with the approval of the Chancellor.

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

13. Officers of the University.—The following shall be the officers of the University, namely:—

- (a) The Vice-Chancellor;
- (b) The Deans;
- (c) The Registrars;
- (d) The Controller of Examinations;
- (e) The Finance Officer; and
- (f) Such other officers, as may be declared by the University, by the statutes to be the officers of the University.

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

(2) The Vice-Chancellor shall be appointed by the Chancellor on the advice of the Government.

(3) The Vice-Chancellor shall be appointed preferably from amongst the serving or retired eminent professionals from the field of health sciences education.

(4) The Vice-Chancellor shall hold office for a term of three years at the pleasure of the Chancellor and shall be eligible for re-appointment on the advice of the Government, but not beyond the age of sixty-five years.

(5) The Chancellor shall determine the amount of remuneration and other conditions of service of the Vice-Chancellor and such terms and conditions shall not be altered to his disadvantage during his term of office.

(6) When any temporary vacancy occurs in the office of the Vice-Chancellor by reason of leave, illness or other causes, the Chancellor, on the advice of the Board of Management, shall make such arrangement for carrying out the duties of the Vice-Chancellor, as he may deem fit:

Provided that pending the making of such arrangement by the Chancellor, the Vice-Chancellor with the prior approval of the Board of Management, may designate one person from amongst the Deans of the University to be the In-charge of current duties of the Vice-Chancellor for a period not exceeding one month or till arrangements are made by the Chancellor, whichever is earlier.

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

(2) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred upon any authority of the University under this Act and inform such authority about the action taken by him on such matters and obtain rectification for the same:

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

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

(4) The Vice-Chancellor shall convene the meetings of the Senate, the Board of Management, the Academic Council and the Finance Committee and he may by order in writing, delegate the powers of convening any of the said meetings to any of the officers of the University. The Vice-Chancellor shall be the Ex-officio convener of the Board of Management and Ex-officio Chairman of the Senate, Academic Council and Finance Committee and preside over the meetings of these bodies in the capacity of Chairman.

(5) The Vice-Chancellor shall ensure strict observance of the provisions of this Act and the statutes and ordinances made thereunder.

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

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

16. The Pro Vice-Chancellor.—(1) The Pro Vice-Chancellor shall be appointed by the Chancellor of the University.

(2) The Pro Vice-Chancellor shall hold the office for a term of three years which may be extended by the Chancellor on the advice of the Government, for a period not exceeding three years at a time.

(3) The Chancellor shall determine the amount of remuneration and other conditions of service of the Pro Vice-Chancellor.

(4) The Pro Vice-Chancellor shall be the Member- Secretary of the Board of Management and shall exercise such other powers and perform such other duties, as may be assigned to him, by the Chancellor.

(5) In the case of illness or absence or leave of the Vice-Chancellor or in any other contingency, the Pro Vice-Chancellor shall preside over the meetings of the University and shall exercise such other powers and perform such other duties, as may be assigned to him by the Board of Management.

(6) In the case of illness or absence or leave of the Vice-Chancellor or in any other contingency, the Chancellor, on the advice of the Board of Management, may appoint a person from amongst the Deans of the University to act as the Pro Vice-Chancellor, or make such other arrangements, as he may think fit for the disposal of business during the absence of the Pro Vice-Chancellor.

17. The Deans.—The manner of appointment and powers and duties of the Deans of the University shall be such, as may be prescribed by the statutes.

18. The Registrar.—(1) The Registrar shall be the whole time salaried officer of the University, appointed by the Board of Management on such terms and conditions, as may be prescribed.

(2) The Registrar shall be appointed,—

- (a) from amongst the academicians in the field of health sciences who are not lower in rank than that of a Professor with five years standing; or
- (b) from amongst the officers of the Government, who are not lower in rank than that of an Additional Secretary to the Government; or
- (c) by transfer from amongst the Registrars of other universities of health sciences, Medical or Technical universities in the Country.

(3) The Registrar shall hold office for a period of four years and shall be eligible for re-appointment for a further period of four years:

Provided that no person appointed as Registrar, shall hold office on or after attaining the age of sixty years.

(4) The Registrar shall be the Ex-officio Secretary of the Senate, the Academic Council and the Finance Committee, but shall not be deemed to be a member of any of these authorities.

(5) When the office of the Registrar is vacant, or when the Registrar, by reason of illness, absence, or any other reason is unable to perform the functions and discharge the duties of the office, the functions and duties of the office of the Registrar shall be performed and discharged by such person, as the Vice-Chancellor may designate for the purpose.

(6) It shall be the duty of the Registrar to,—

- (a) manage the property and the investments of the University including trusts and endowed property in accordance with the decision of the Finance Committee and the Board of Management;

- (b) be the custodian of the records, the common seal and such other properties of the University, as the Board of Management shall commit to his charge; and
- (c) issue all notices convening meetings of the Senate, the Board of Management, the Academic Council, the Finance Committee and any other committee appointed by the authorities of the University.

(7) The registrar shall exercise such powers, perform such functions and discharge such other duties, as may be prescribed.

(8) 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.

19. Controller of Examinations.—(1) The Controller of Examinations shall be a whole time officer appointed by the Board of Management.

(2) He shall be In-charge for conducting the examinations in the University and matters relating thereto and shall perform such other duties, as may be prescribed by the statutes or ordinances or as may be directed by the Vice-Chancellor.

(3) The Salary and allowances and other conditions of service of the Controller of Examinations shall be such, as may be prescribed.

20. Finance Officer.—(1) The Finance Officer shall be a whole time salaried officer of the University, appointed by the Board of Management. He shall hold office subject to such terms and conditions, as may be prescribed.

(2) The Finance Officer shall be responsible for preparation of annual financial estimates, the annual statements of accounts and balance sheets, and shall exercise general supervision over the funds of the University and exercise such other powers and perform such other functions, as may be assigned to him by the Board of Management or as may be prescribed by the statutes or ordinances.

(3) The emoluments and other conditions of service of the Finance Officer shall be such, as may be prescribed by the statutes or ordinances.

21. Other officers.—The manner of appointment, powers and duties and the conditions of service of other officers of the University referred to in clause (f) of section 13, shall be such as may be prescribed by the statutes.

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

CHAPTER-IV AUTHORITIES OF THE UNIVERSITY

23. Authorities of the University.—The following shall be the authorities of the University, namely:—

- (a) the Board of Management;

- (b) the Academic Council;
- (c) the Planning Board;
- (d) the Finance Committee;
- (e) the faculties; and
- (f) such other bodies, as may be declared by the statutes to be the authorities of the University.

24. The Senate.—(1) The Senate shall be an advisory body, constituted by the Chancellor, on the advice of the Government, and shall consist of the following members, namely:—

- (i) the Vice-Chancellor;
- (ii) the Secretary to the Government (Medical Education Department) or his nominee not below the rank of Additional Secretary to the Government;
- (iii) the Director Medical Education, Himachal Pradesh;
- (iv) the Director, Health and Family Welfare, Himachal Pradesh;
- (v) three members of the Himachal Pradesh Legislative Assembly, to be nominated by the Legislative Assembly;
- (vi) four members from amongst the persons having special interest in health sciences;
- (vii) three heads of medical colleges affiliated to the University, by rotation, according to age for a period of two years;
- (viii) One head of dental colleges, by rotation, according to age for a period of two years;
- (ix) one head of colleges of Homeopathy, Ayurveda or other Indian System of Medicine, by rotation, according to age for a period of two years;
- (x) one head of colleges of nursing or colleges of other para medical sciences, by rotation, according to age for a period of two years;
- (xi) three Professors from amongst the Professors of medical colleges, by rotation, according to age for a period of two years;
- (xii) one Professor from amongst the Professors of Dental Colleges, by rotation, according to age for a period of two years;
- (xiii) one Professor from amongst the Professors of colleges of Homeopathy, Ayurveda and other Indian System of Medicine, by rotation, according to age for a period of two years;
- (xiv) one Professor or Head of Department from amongst the Professors or Heads of the Department of colleges of nursing or colleges of other para medical sciences, by rotation, according to age for a period of two years;
- (xv) three teachers other than Professors from Medical Colleges, by rotation, according to age for a period of two years;
- (xvi) one teacher other than Professor of Dental Colleges, by rotation, according to age for a period of two years;
- (xvii) one teacher other than Professor of colleges of Homeopathy, Ayurveda and other Indian System of Medicine, by rotation, according to age for a period of two years;
- (xviii) one teacher other than Professor or Head of the Department of colleges of nursing and other para medical sciences, by rotation, according to age for a period of two years;
- (xix) one person from amongst the reputed pharmaceutical and Medical equipment manufactures of the State of Himachal Pradesh;
- (xx) one person from the department of Finance not lower than the rank of Additional Secretary to the Government;
- (xxi) one person from amongst the reputed educationists of the State who are members of the University Grants Commission, fellows of the National Academy of

- Medical Sciences, or members of the Medical Council of India or any other statutory professional councils in the field of health sciences;
- (xxii) one non-teaching official of the University for a period of two years; and
- (xxiii) two members from amongst the individuals or organizations, who have made donations to the University or its affiliated colleges or hospitals of an amount of not less than ten lakh rupees or more either in cash or kind, for a period of two years.

(2) Notwithstanding anything contained in sub-section (1), any member of the Senate shall cease to be a member if he ceases to be a member of the parent body to which he belonged to or on his retirement from service.

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

(2) The report on the working of the University during the previous year, together with a statement of receipts and expenditure, the financial estimates and the last audit report, shall be presented for consideration of the Senate at the annual meeting of the Senate.

(3) The Vice-Chancellor may, whenever he thinks fit or upon a requisition in writing, signed by not less than one-third members of the Senate, convene a special meeting of the Senate.

26. Powers and functions of the Senate.—Subject to the provisions of this Act, the Senate shall have the following powers and functions, namely,—

- (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for their improvement and development of University;
- (b) to advise the Chancellor in respect of any matter, which may be referred to it for advice; and
- (c) to perform such other duties and exercise such other functions, as may be assigned to it under this Act or the statutes or by the Chancellor.

27. The Board of Management.—(1) The Board of Management shall be constituted by the Chancellor, on the advice of the Government, and it shall consist of the following, namely:—

- | | |
|--|----------------------|
| (i) the Vice-Chancellor | Ex-officio Chairman; |
| (ii) the Chief Secretary to the Government | Ex-officio Member; |
| (iii) the Secretary to the Government (Medical Education and Research) | Ex-officio Member; |
| (iv) the Secretary to the Government (Finance Department) | Ex-officio Member; |
| (v) the Director Medical Education and Research, Himachal Pradesh | Ex-officio Member; |
| (vi) three eminent persons to be nominated by the Government | Members; and |
| (vii) five eminent persons with recognized national and international contributions Towards education and research | Members |

in the field of health sciences, of whom a minimum of three persons shall be from the State to be nominated by the Government for the constitution of the first Board of Management, and subsequently as provided for under the rules.

(2) The Registrar shall be the Secretary to the Board of Management.

(3) The term of office of the nominated members of the Board of Management shall be five years and in case of ex-officio members tenure shall be co-terminus with the term of the offices held by them.

(4) Five members of the Board of Management shall form a quorum for meeting.

(5) The Chairman shall preside over the meetings of the Board of Management. In absence of the Chairman, member senior in age, shall preside over such meetings.

(6) The first Board of Management shall be constituted by the Government within one month of the commencement of this Act.

28. Powers and functions of the Board of Management.—(1) The Board of Management shall be the Principal Executive Authority of the University.

(2) Powers and functions of the Board of Management shall be such, as may be prescribed, by the statutes.

29. The Academic Council.—(1) The Academic Council shall be the Principal Academic body of the University and shall, subject to the provisions of this Act, statutes and ordinances, co-ordinate and exercise general supervision and control over the academic policies of the University and be responsible for the maintenance of standards of instructions, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the statutes.

(2) The Academic Council shall consist of the following members, namely:—

- (i) the Vice-chancellor;
- (ii) the Director Medical Education and Research;
- (iii) the Dean of Faculties of the University;
- (iv) the heads of the colleges affiliated to the University, not represented by the Deans of Faculties; and
- (v) two eminent experts in health sciences education who are from outside the University or its affiliated Colleges.

30. Powers and functions of the Academic Council.—(1) Subject to the provisions of this Act, the statutes and the ordinances, the Academic Council shall have the following powers, namely:—

- (a) to make regulations and amend or repeal the same;

- (b) to advise the Board of Management on the promotion of research in the University; and
- (c) to suggest measures for review and innovations in academic and research programmes.

(2) The Academic Council shall ordinarily meet twice a year. The Academic Council may, however, meet on such other occasions, as may be decided, by the Vice-Chancellor.

(3) One-third of the total strength of the Members of the Academic Council shall be the quorum required for a meeting of the Academic Council.

(4) The Vice Chancellor shall preside over all the meetings of the Academic Council. If the Vice-Chancellor cannot be present at a meeting of the Academic Council due to any reason, the senior most Dean shall act as Chairman.

31. The Planning Board.—The constitution, powers and functions of the Planning Board shall be such, as may be prescribed by the statutes.

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

33. The Faculties.—The Faculties of the University, their constitution, functions and powers shall be such, as may be prescribed by the statutes.

34. The Board of studies.—There shall be a Board of Studies attached to each faculty of the University. The constitution and powers of the Board of Studies shall be such, as may be prescribed by the statutes.

CHAPTER-V FINANCE AND ACCOUNTS

35. General fund.—The University shall have a general fund to which shall be credited,—

- (a) its income from fees, endowments and grants, and any other income accruing to the University;
- (b) grants from the Government on such conditions, as may be imposed by the Government; and
- (c) grants from the Central Government, the University Grants Commission, International Donor Agencies like the World Health Organization and the United Nations International Children's Fund.

36. Other funds.—The University may have such other funds, as may be prescribed by the statutes.

37. Power to borrow.—The University may, for any of the purposes prescribed by the statutes, borrow money from a bank or a corporation. If the total amount to be borrowed exceeds twenty five lacs rupees, the prior approval of the Government shall be obtained for such borrowings.

38. Management of funds.—All funds of the University shall be managed in such a manner, as may be prescribed by the statutes.

39. Power of Government to direct audit.—The Government shall have power to order special audit of the accounts of the University by such auditors, as it may direct.

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

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

41. Annual accounts and audit.—The Accounts of the incomes and expenditures of the University shall be submitted once in every year to the Government for such examination and audit, as the Government may direct.

42. Annual report.—The Annual report of the University shall be prepared under the directions of the Board of Management, and shall be submitted to the Senate on or before such date, as may be prescribed by the statutes, and shall be considered by the Senate at its annual meeting.

CHAPTER-VI STATUTES, ORDINANCES AND REGULATIONS

43. Statutes.—Subject to the provisions of this Act, the statutes may provide for,—

- (a) the constitution, functions and powers of the authorities of the University and such other bodies, as may be declared to be the authorities of the University, from time to time;
- (b) the continuance in office of the members of the said authorities or bodies, filling up of vacancies of members and such other matters relating to other authorities;
- (c) the conferment of honorary degrees;
- (d) holding of convocations for conferring degrees;
- (e) the withdrawal of degrees, diplomas and certificates and other academic distinctions;
- (f) the establishment, maintenance and abolition of faculties, departments, hostels, colleges and institutions;
- (g) the conditions of affiliation of colleges, and those under which affiliation may be withdrawn;
- (h) the institution of Emeritus professorships, visiting professorships, fellowships, scholarships, studentships, medals and prizes;
- (i) the procedure to be followed at meetings of the authorities, including stipulation of quorum for transaction of business, where such stipulations are not already made in this Act;
- (j) the classification and nomenclature of teachers and other posts of University and its affiliated colleges;
- (k) the acceptance and management of bequests, donations and endowments; and
- (l) all other matters, in which statutes are required to be made under this Act.

44. The making of statutes.—(1) The Board of Management may, from time to time, make statutes or may amend or repeal the same.

(2) Every statute or any amendment or repeal thereof, shall require the approval of the Chancellor who, on the advice of the Government, may sanction, disallow or remit it for further consideration.

(3) No statute passed by the Board of Management, shall have validity until approved by the Chancellor and it shall come into force on the date of its approval or on such other date, as the Chancellor may fix.

45. Ordinances.—(1) Subject to the provisions of this Act and the statutes, the ordinances may provide for,—

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the procedure to be adopted for granting and obtaining of the same;
- (d) the fees to be charged for courses of study in the University and its affiliated colleges and for admission to the examinations degrees and diplomas of the University;
- (e) the conditions for the award of fellowships, scholarship, studentships, medals and prizes;
- (f) the conduct of examination, including the terms of office and manner of appointment and the duties of the examining bodies, examiners and moderators;
- (g) the maintenance of discipline among the students of the University;
- (h) the conditions of residence of students at the University;
- (i) the emoluments and the terms and conditions of service of teachers and non-teaching employees of the University;
- (j) the management of Colleges and other institutions founded or administered by the University;
- (k) the supervision and inspection of Colleges and other institutions admitted to the privileges of the University; and
- (l) all other matters, which by this Act or the statutes are to be or may be provided for by the ordinances.

46. Making of ordinances.—(1) The ordinances shall be made, amended or repealed by the Board of Management:

Provided that any ordinance affecting,—

- (a) the admission or enrolment of students or prescribed examinations to be recognized as equivalent to the University examination; or
- (b) the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study

shall be made according to the recommendations of the Academic Council.

(2) If the Board of Management does not agree with the recommendations of the Academic Council, it may return the same for reconsideration by the Academic Council either in whole or in part, together with any amendment, which the Board of Management may suggest or it may reject the recommendations after these have been submitted for the second time.

(3) Every ordinance made by the Board of Management shall have effect from such date, as the Board of Management may specify and shall be submitted to the Chancellor for information.

47. Making of Regulations.—(1) The Authorities of the University may, make regulations consistent with this Act, the statutes and ordinances in respect of matters which are within their powers.

(2) The regulations may provide for,—

- (a) the recruitment procedure both for teaching and non- teaching posts;
- (b) the conduct of University employees and disciplinary procedure to be followed in case of misconduct and other lapses in the discharge of their duties;
- (c) giving of notice to the members of each authority of the dates of meetings;
- (d) the procedure to be followed at the meetings; and
- (e) all matters concerning such authority not provided for under this Act, the statutes or the ordinances made thereunder.

(3) Every regulation made under this section, shall come into force on the date, specified by the Board of Management.

CHAPTER-VII

AFFILIATION OF COLLEGES AND RECOGNITION OF INSTITUTIONS

48. Affiliation of Colleges.—(1) Colleges related to various disciplines of health sciences, located within the University area may, on satisfying such conditions as laid down by statute or ordinances for the purposes of affiliation, be affiliated to the University.

(2) The rights conferred on a College by affiliation may be withdrawn in whole or in part or may be modified, if the College has failed to comply with any of the provisions of statutes or ordinances governing the affiliation or if the affairs of the college are conducted in a manner which is prejudicial to the interests of education.

49. Recognition of Institutions other than Colleges.—(1) Any institution situated within or outside the University area, which conducts specified research or studies may be recognized by the Board of Management as a recognized 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 parts or may be modified in such manner and for such reasons, as may be prescribed by statutes.

50. Inspection of the Colleges and reports.—(1) Every affiliated College shall furnish to the Registrar such reports, returns and other information, as the Board of Management may require to enable it to judge the efficiency of the College or institution.

(2) The Board of Management shall cause every such College to be inspected, from time to time, by any authority or persons authorized by it, in this behalf.

(3) The Board of Management may call upon any College so inspected to take within a specified period, such action, as may appear to it necessary, in respect of the inspection referred to in sub-section (2).

CHAPTER-VIII

APPOINTMENT OF TEACHERS AND OTHER EMPLOYEES OF THE UNIVERSITY

51. Appointment to various posts.—(1) While making appointments to various posts in the University, the University shall give priority to efficiency and economy without compromising on the quality of work to be accomplished by each employee.

(2) No excessive manpower shall be created and wherever possible the University shall appoint employees on contractual basis on such terms and conditions, as may be prescribed.

(3) Administrative work and maintenance of record may, as far as possible, be conducted by modern methods like computerization for reasons of efficiency, economy and transparency.

(4) The methods of selection and appointment, remuneration, terms and conditions of service of teaching and non-teaching employees of the University not already laid down in this Act, shall be, as prescribed by the statutes and ordinances.

52. Visiting Professors.—Notwithstanding anything contained in section 51, the Board of Management shall be competent to invite, on the recommendations of the Vice-Chancellor, a person of high academic distinction and professional attainments to accept the post of Visiting Professor in the University on such terms and conditions, as may be mutually agreed upon, for a period not exceeding one year at a time.

CHAPTER-IX
GENERAL

53. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against the University for anything, which is done in good faith or intended to be done in pursuance of any of the provisions of this Act, statutes or ordinances made thereunder.

54. Proceedings of the University Authorities not invalidated by vacancies.—No act done, or proceeding taken, under this Act by any authority of the University, shall be invalid merely on the ground,—

- (a) of any vacancy or defect in the constitution of the authority or a person acting as a member thereof;
- (b) of any defect or irregularity in nomination or appointment of a person acting as a member thereof; or
- (c) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

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

56. Transitory powers of the first Vice-Chancellor.—(1) It shall be the duty of the Vice-Chancellor to make arrangement for constituting the authorities of the University other than the Board of Management within a period of six months from the date of commencement of this Act or within such longer period not exceeding one year, as the Government may, by notification, direct.

(2) The first Vice-Chancellor, with the approval of the Board of Management, may make such ordinances and statutes as may, be necessary for the functioning of the University.

(3) It shall be the duty of the first Vice-Chancellor to draft such statutes, as may be necessary, and submit them to the Board of Management for approval.

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

57. Vice-Chancellor and other officers to be public servants.—The Vice-Chancellor, Pro-Vice-Chancellor, Registrar, Finance Officer and other employees of the University, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, statute, ordinance or regulations, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

58. Continuance of statutes, ordinances etc.—Until statutes, ordinances and regulations are made under appropriate provisions of this Act, the statutes ordinances and regulations framed under the relevant laws 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 endorsement of the Board of Management and approval of the Chancellor, in so far as they are not inconsistent with the provisions of this Act, deemed to be statutes, ordinances and regulations made under the provisions of this Act.

59. Power to make rules.—The Government may by notification, in the Official Gazette make rules for carrying out the purposes of the Act.

60. Saving as to certain examinations.—(1) Notwithstanding anything contained in this Act, the statutes or the ordinances,—

- (a) any student, who, immediately prior to the commencement of this Act, was studying for degree in health sciences of the Himachal Pradesh University in accordance with the regulations in force under the respective Act under which the Himachal Pradesh University was established, may until such examinations are provided by the University, be admitted to the examination of the Himachal Pradesh university and be conferred the degree in Health Sciences of the said university, for which he qualified on the result of such examination.
- (b) If the Himachal Pradesh University has held any examinations, the result of which have been published but the degrees relating thereto have not been conferred or issued or the result of any such examination has not been published by the said university, then such examination shall be deemed to have been held by the Himachal Pradesh University of Health Sciences.

61. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly.

62. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force.