

# THE HEMWATI NANDAN BAHUGUNA MEDICAL EDUCATION UNIVERSITY BILL, 2014

(THE UTTARAKHAND BILL No. 05 OF 2014)

[Enacted by the State Legislative Assembly in the Sixty-fourth Year of the Republic of India]

to provide for the establishment of Medical University in Uttarakhand for the advancement and development of Medical Education and for matters connected therewith or incidental thereto.

**A**

**BILL**

**CHAPTER I**

**PRELIMINARY**

**1. Short title, extent and commencement :-** (1) This Act may be called Hemwati Nandan Bahuguna Medical Education University Act, 2014.

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

(3) It shall come into force with immediate effect.

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

- (a) "Government" means the State Government of Uttarakhand;
- (b) 'Uttarakhand' means the State of Uttarakhand.
- (c) "Governor" means Governor of Uttarakhand;
- (d) "Chancellor" means Chancellor of the university i.e. Governor of Uttarakhand;
- (e) 'Regulations' means the Regulations of the University made under this Act ;
- (f) "Medical sciences" means modern scientific medicine in all its branches, concerning preventive, promotive, curative and rehabilitative services, and includes surgery, obstetrics and gynecology, pharmacy, dental sciences, nursing, paramedical and other allied subjects;
- (g) 'Medical Education' means all courses/programmes of education research and training in Medical sciences recognized by MCI/DCI/INC/UPC etc. The courses/programmes are

- (i) MBBS-Bachelor of Medicine and Bachelor of Surgery,
  - (ii) BDS- Bachelor of Dental Surgery,
  - (iii) MD- Doctor of Medicine.
  - (iv) MS- Doctor of Surgery.
  - (v) MDS- Masters in Dental Surgery.
  - (vi) Diploma Courses in various disciplines
  - (vii) Any other/ Certificate Course duly notified by the concerned regulatory authority.
  - (viii) Various Courses recognized by Indian Nursing Council.
  - (ix) Various Courses recognized by Uttarakhand Paramedical Council.
- (h) 'MCI' means Medical Council of India.
- (i) "Prescribed" means prescribed by this Act or by the Government, or Regulations;
- (j) "University" means the HEMWATI NANDAN BAHUGUNA MEDICAL EDUCATION UNIVERSITY established under section 3 of this Act ;
- (k) 'College' means a college or an institution affiliated to the University in accordance with this Act and the Regulations;
- (l) "University Area" means the area under the jurisdiction of the University.
- (m) "University Campus College" means a college established or maintained by the University, including the hospital attached thereto and providing courses of study qualifying students for admission to University examinations in accordance with this Act as may be prescribed.
- (n) "Affiliated College" means a college or institution situated within the State of Uttarakhand or University Area and affiliated to the University in accordance with the provisions of this Act.
- (o) "Autonomous College" means an affiliated or associated college declared as such in accordance with the provisions of this Act;

- (p) 'Constituent College' means an institution maintained by the University or by the State Government and declared as such by the Act / Regulations;
- (q) 'Existing College' mean a college or an institution which imparts medical education and is run and maintained by a University established by or under the state university Act (as applicable to the State of Uttarakhand) (and includes a faculty of such University imparting medical education);
- (r) "Approved institution" means a hospital, health centre, affiliated college or such other institution recognized by the University as an institution in which a person may undergo training, if any, required by a course of study before the award of any degree, diploma or other academic distinction of the University;
- (s) 'Principal' means the head of the college, by whatever name called, and includes where there is no Principal, a person for the time being duly appointed, to Act as Principal and in the absence of the Principal or working or the Acting Principal the Vice Principal, duly appointed as such;
- (t) "Student of the University" means a person enrolled in the University for undergoing a course of study for a degree, diploma or other academic distinctions of the University;
- (u) "teachers" includes Professors, Associate Professor, Assistant Professors, and such other persons giving instruction on full time basis in a college or institution of Medical sciences;
- (v) "Teachers of the University" means persons appointed for the purpose of imparting instructions on full time basis in the University or in any college maintained by the University;
- (w) 'Backward Classes of Citizens' means the Scheduled Caste, Scheduled Tribe and Other Backward Classes of the State of Uttarakhand and reservation shall be as per provisions of the State.
- (x) 'DCI' means Dental Council of India.
- (y) 'INC' means Indian Nursing Council .
- (z) 'UPC' means the Uttarakhand State Paramedical Council.

## **CHAPTER II**

### **THE UNIVERSITY**

**3. Establishment and incorporation of the University.-** (1) There shall be established a university by the name " Hemwati Nandan Bahuguna Uttarakhand Medical University " with jurisdiction over the whole of the State of Uttarakhand.

(2) The University shall provide affiliation to all Medical/Dental/ Paramedical and Nursing colleges of the State and may start Post Graduate and Super Specialty Courses on its own resources as per the norms and conditions laid down by the concerned council/Central Government. The University may also conduct Research and Investigation from its own resources.

(3) The University shall primarily be an affiliating University.

But, with the prior approval of state Government/Medical Council of India (MCI), University shall be able to establish their own campus college and can declare affiliated Government Colleges as its own campus.

**4. Jurisdiction and Affiliation** (1) The University shall, in the exercise of its powers under this Act, have jurisdiction over the whole State of Uttarakhand.

(2) Every College or Institution imparting education in medical sciences in the State on the date of commencement of this Act shall apply for affiliation afresh. The State Government, by notification shall constitute a high level screening committee for a certain period of time for this purpose. No college shall be run in the state/admit new students without affiliation from the University.

Provided that a student pursuing his study in medical sciences in any college or institution on the date of such commencement of the Act shall be entitled and allowed to continue and complete such study under the erstwhile

University after such commencement and the erstwhile University shall hold examination of such students and confer degree or any other academic distinction on him.

- (3) The Headquarters of the University shall be at Dehradun and Doon Medical College shall be main campus of the University.

**5. Powers and functions of the University** - Subject to the provisions of this Act and such conditions as may be prescribed by the Act, the University shall have the following powers which shall be subject to the provisions of Central Acts and the norms of MCI/DCI/INC and UPC etc., namely:-

- (i) to institute and award degrees, diplomas, certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University college or affiliated colleges unless exempted there from in the manner prescribed and shall have passed the prescribed examinations of the University, or shall have carried on research satisfactorily under conditions as may be prescribed;
- (ii) to hold examinations and to confer degrees or other distinctions under conditions as may be prescribed;
- (iii) to institute, maintain and administer University colleges, hospitals and laboratories and institutes of research, libraries or other institutions, necessary to carry out the objects of the University.
- (iv) to affiliate colleges and institutions and to withdraw such affiliation;
- (v) to institute and award scholarships, studentships, stipends, medals and prizes;
- (vi) to exercise such control over the students of the University as to secure their health, well being and discipline and to exercise through the affiliated colleges control for similar purposes over the students of affiliated colleges;
- (vii) to manage and control all immovable properties transferred to the University by the Government for the purpose of this Act ;
- (viii) to accept, hold and manage any grants from State Government, Central Government, UGC or any other type of aid provided by Central or State Government. Research chair or any other work related to improvement of quality of medical education can be sponsored in the University as per the norms of the University Grants Commission/ MCI and other councils.

- (ix) to borrow money with or without security for such purposes as may be approved by the Government from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act ;
- (x) to fix fees and demand and collect such fees as fixed by the Committee constituted by the Higher Education Department of State Government or Finance Committee of the University;
- (xi) to undertake publication of works of merit and research pertaining to health sciences;
- (xii) to co-operate with other Universities and academic institutions;
- (xiii) to establish and maintain University libraries, research station, museums and press and publication bureau;
- (xiv) to establish research posts and to appoint suitable persons to such posts;
- (xv) to award prizes and medals to deserving students, on the basis of approved endowments;
- (xvi) generally to do such other Acts or make such other provisions as may be deemed necessary or desirable to further the objects of the University.
- (xvii) to provide and upgrade education, training and research in medical education and to create entrepreneurship and conducive environment for pursuit of the medical education in close cooperation with industries;
- (xviii) to admit any college to privileges of affiliation or to enlarge the privileges of any college already affiliated, or to withdraw or curtail any such privilege and guide and control the work of such colleges.
- (xix) to hold examinations for, and to grant and confer degrees or other academic distinctions to and on, persons who-(one) have pursued a course of study in a college ; or(Two) have carried on research in a college recognized in that behalf by the university, under conditions laid down in the regulations.
- (xx) to make provision for the advancement of medical education amongst classes and communities which are educationally backward;
- (xxi) to make provision for:-
  - (One) the maintenance of national cadet corps or other similar organization;
  - (Two) physical and military training; and

(Three) sports and athletic clubs.

(xxii) to make appointments of officers and other employees of the university to the posts created by the State Government;

(xxiii) to lay down the conditions of affiliation of colleges and to satisfy itself by periodical inspection that such conditions are satisfied;

(xxiv) to cooperate or collaborate with other universities and authorities in such manner and for such purpose as the university may determine from time to time;

(xxv) to conduct the entrance examinations for various courses in medical sciences, as determined by the Government from time to time and discharge miscellaneous responsibilities (related to entrance/ admissions) as indicated by the government from time to time.;

(xxvi) to do all such other Acts or things whether incidental the objects of the university.

**6. Jurisdiction and admission to privileges .-** (1) No college in the State of Uttarakhand imparting education in medical sciences shall, save with the consent of the University be associated in any way with or seek admission to any privileges of any other University in India or abroad.

(2) Any such privilege enjoyed from other University before the appointed date by any medical college or institution of medical sciences situated in the State shall be deemed to be withdrawn with effect from such date.

(3) With effect on and from the date of commencement of this Act , all colleges and autonomous institutions of medical sciences previously affiliated to the Universities of Kumaon and Garhwal or any other university in the State shall be deemed to be affiliated to the University subject to Sub-Section (2) of Section 4 of the Act .

**7. University open to all .-** (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the Government, maintain, affiliate any college exclusively for women.

- (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 as students in any college or institution maintained or controlled by the University for the Scheduled Castes the Scheduled Tribes and Other Backward Classes;

Provided that the university shall abide by the provisions of norms of Government for reservation for various categories, for admission in various courses .

- (3) The University shall be open to all persons irrespective of caste, creed, race, language etc.

Provided that nothing in this section shall be deemed to require the University to admit to any course of study more than the number of students as may be determined by the Regulations.

Provided further that nothing in this section shall be deemed to prevent the University from making special provision for admission on students belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes of the State.

### **CHAPTER III**

#### **OFFICERS OF THE UNIVERSITY**

**8. Officers of the University .-** The following shall be the officers of the University namely:-

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Registrar;
- (iv) The Controller of Examinations;
- (v) The Finance Officer;



(vi) Such other officers and ministerial staff of the University as may be sanctioned by the State Government from time to time;

**9. The Chancellor .-** (1) The Governor shall by virtue of his office be the Chancellor of the University.

- (2) The Chancellor shall be the Head of the University and shall, when present, preside at any convocation of the University.
- (3) No honorary degree shall be conferred by the University upon any person without the approval of the Chancellor.
- (4) The Chancellor shall have the authority to control, regulate, guide, direct and also, if needed, administer the University in case of extra-ordinary conditions, and his directions shall be implemented and obeyed by the concerned officials of the University. He also would be having suo motu powers to inquire and initiate any disciplinary action against any of the officers of the University whenever he deems it fit.
- (5) The Chancellor shall exercise such other powers and perform such other duties as may be conferred upon him by or under this Act or the Government.
- (6) It shall be the duty of the Vice-Chancellor to furnish such information of records relating to the administration of the affairs of the university as the Chancellor may call for.

**10. The Vice-Chancellor .-** (1) The Vice-Chancellor shall be a full time officer of the University.

- (2) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellor. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a medical college or Medical University system or ten years of experience in an equivalent position in a reputed organization of medical sciences.
- (3) The selection of Vice Chancellor shall be through proper identification of a panel of 3-5 names by a Search Committee through a public notification or a talent search process or in combination. The constitution of the Search Committee shall be as per

Sub-Section (4) of Section 10 of the Act . While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the medical education system in the country and abroad, and adequate experience in academic and administrative governance to be given in writing along with the panel, when being submitted to the Chancellor.

(4) The Search Committee shall consist of the following members namely:-

(a) Chief Secretary, Government of Uttarakhand will be the Chairperson of the Search Committee  
**Chairperson**

(b) One member from amongst Vice Chancellor of KGMU Lucknow or Director PGI Chandigarh/Lucknow or Director, AIIMS, Delhi or any eminent person from medical sciences to be nominated by the Chancellor- **Member**

(c) Principal Secretary or Secretary to the State Government in the Medical Education Department shall be the convener and member secretary of the Committee-

**Member Secretary**

(5) The Vice-Chancellor shall be appointed by the Chancellor from out of the panel of persons placed by the Search Committee. The panel shall be placed by a committee constituted under sub-section (4);

Provided that,-

- (a) the first Vice-Chancellor shall be appointed by the State Government;
- (b) No person shall be appointed or hold office as Vice-Chancellor if he has attained the age of 65 years;
- (c) If the Chancellor does not approve of any one of the persons recommended by the committee or if the person so recommended is not willing to accept the appointment, the Chancellor may call for fresh recommendations from the committee;

(6) The Vice-Chancellor shall, subject to the pleasure of the Chancellor and hold office for a period of three years, but he shall be eligible for re-appointment:

Provided that no person shall be appointed as Vice-Chancellor for more than two terms in total;

Provided further that no Vice-Chancellor shall be removed from the office except by an order passed on the ground of misbehavior, mismanagement, incapability or otherwise after due enquiry by a serving or retired Judge of a Supreme Court or High Court appointed by the Chancellor. Chancellor shall after making such enquiry as he deems proper, by order, remove the Vice – Chancellor.

- (7) When any temporary vacancy occurs in the office of the Vice-Chancellor by reason of leave, illness or other cause, the Chancellor shall make such arrangements for carrying on the duties of the Vice-Chancellor firstly for six months but not more than two times. Regular Vice-Chancellor shall be appointed within said interim period;
- (8) The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government from time to time.

Provided that the emoluments and other conditions of services of Vice-Chancellor shall not be varied to his disadvantage during the term of his office.

**11. Powers and duties of the Vice-Chancellor .-** (1) The Vice-Chancellor shall be the principal executive and academic officer of the University. He shall exercise general 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 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.

- (3) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Act .
- (4) The Vice-Chancellor shall convene meetings of the Executive Council, and the Academic Council and he may by order in writing, delegate the power of

- convening any of the said meetings to any of the officer of the University. He shall be the ex-officio Chairman of the Academic Council and Finance Committee and preside over the committee in the absence of the Chancellor.
- (5) The Vice-Chancellor shall ensure faithful observance of the provisions of this Act , Regulations and rules.
  - (6) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimate and the annual accounts and balance sheet to the Executive Committee.
  - (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.
  - (8) The Vice –Chancellor shall be the principal academic officer of the University and Colleges:
  - (9) The Vice-Chancellor shall give effect to the decisions of the authorities of the University;
  - (10) The Vice-Chancellor shall in the absence of the Chancellor, preside at the convocation of the University;
  - (11) The Vice-Chancellor shall be responsible for the maintenance of discipline in the University;
  - (12) The Vice-Chancellor shall be responsible for holding and conducting the entrance and University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on due dates.
  - (13) The Vice –Chancellor shall be ex-officio member and Chairman of the Executive Council, the academic Council and the finance Committee.
  - (14) The Vice –Chancellor shall have the right to speak in and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

- (15) It shall be the duty of the Vice –Chancellor to ensure the faithful observance of the provisions of this Act and regulations and he shall, without prejudice of the powers of the Chancellor, possess all such powers as may be necessary in that behalf.
- (16) The Vice –Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Academic Council and the Finance Committee.

Provided that he may delegate such power to any other officer of the University.

- (17) Where any matter is of urgent nature requiring immediate Action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act on deal with it, the Vice –Chancellor may take such Action as he may deem fit and shall forthwith report the Action taken by him to the chancellor and also the officer, authority or other body who or which in the ordinary course would have dealt with that matter.

Provided that no such Action shall be taken by the Vice –Chancellor without the previous approval of the chancellor, if it involves a deviation from the provision of the regulations.

Provided further that if the officer, authority or other body is of the opinion that such Action ought not to have been taken, it may refer to the matter to the chancellor who may either confirm the Action taken by the Vice –Chancellor or annul the same or modify it in such manner, as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice –Chancellor.

Provided also that any person in the services of the university who is aggrieved by the Ordinanc or decision taken by the Vice –Chancellor

under this sub section, shall have the right to appeal against such Act or decision of the Executive Council within three months from the date on which decision on such Action is communicated to him and thereupon, the Executive Council may confirm, modify or reverse the Act or decision taken by the Vice –Chancellor.

Any person aggrieved by the decision of executive council , may appeal before the Chancellor and decision of the Chancellor shall be final.

(18) Nothing in sub-section (6) shall be deemed to empower the Vice –Chancellor to incur any expenditure not duly authorized and provided for in the budget.

(19) The Vice –Chancellor shall exercise such others powers as may be laid down by the regulations

**12. The Registrar :-** (1) The Registrar shall be a full time officer of the University and shall be appointed by the State Government. The qualifications of the Registrar shall be such as may be prescribed by the State Government.

(2) The selection committee shall consist of following members :-

- a) Principal Secretary/Secretary of the State Government – Chairperson,
- b) Vice Chancellor of the University – Member,
- c) Director Medical Education – Member.

(3) The salary and allowance and other condition of the service of the Registrar shall be such as may be prescribed by the UGC/State Government.

(4) He shall perform such other duties as may be prescribed by the Act and Rules as required from time to time by the State Government or the Vice-Chancellor.

(5) The Registrar shall be a full-time chief executive officer of the University. He will exercise powers as laid down by the government from time to time.

(6) The selection process of the Registrar shall be such as may be prescribed by the State Government.

(7) The registrar shall have the power to authenticate records on behalf of the University.

- (8) The registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be *ex-officio* Secretary of the Executive Council/Academic Council/Finance Committee/any other committee and shall be bound to place before the Executive Council all such information as may be necessary for the trans Action of its business. He shall also perform such other duties as may be prescribed or required from time to time, by the Executive Council or the Vice –Chancellor but he shall not, by virtue of this sub-section, be entitled to vote.
- (9) The Registrar shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.
- (10) All contracts shall be entered into and signed by the Registrar on behalf of the University.
- (11) Other powers and functions of the Registrar shall be such as may be prescribed by the Regulations.

**13. The Controller of Examinations:-** (1) The Examination controller shall be a full time officer of the University and shall be appointed by the State Government. The qualifications of the Examination controller and selection process of the Examination controller shall be such as may be prescribed by the State Government.

- (2) The selection committee shall consist of following members :-
  - a) Principal Secretary/Secretary of the State Government – Chairperson,
  - b) Vice Chancellor of the University – Member,
  - c) Director Medical Education – Member.
- (3) He shall be in charge of the conduct of examinations in the University and matters relating thereto and shall perform such other duties as may be prescribed by the Government or as may be directed by the Vice-Chancellor.
- (4) The salary and allowances and other conditions of service of the Examination Controller shall be such as may be prescribed by the State Government.

- (5) The Controller of Examinations shall be responsible for the due custody of the records pertaining to his work. He shall be *ex-officio* Secretary of the examination Committee of the University and shall be bound to place before such committee all such information as may be necessary of transAction of his business. He shall also perform such other duties as may be prescribed by the Regulations or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote. He may require, from any college, the production of such return or this furnishing of such information as may be necessary for it discharge of his duties.
- (6) Subject to the superintendence of the Vice-Chancellor, Controller of Examinations shall have administrative control over the employees working under him.
- (7) Subject to the superintendence of the Examinations Committee, the Controller of Examinations shall conduct the entrance and university examinations as make all other arrangements therefore and be responsible for the due execution of all processes connected therewith.
- (8) The Controller of Examinations shall not be offered nor shall accept any remuneration for any work in the University except in accordance with the order of the state Government.
- (9) While the Controller of Examinations is for any reason unable to Act or the office of Controller of Examinations is vacant, all duties of the office shall be performed by Registrar, until the Controller of Examinations resumes his duties or, as the case may be, the vacancy is filled.

**14. The Finance Officer** .- (1) The Finance Officer shall be a full time officer of the University and shall be appointed among the officers from the State Government, by the Government.

- (2) The salary and allowances and other conditions of service of the Finance Officer shall be such as may be prescribed by the Government.
- (3) He shall manage the property and investments by the University. He shall advise the Vice-Chancellor in all matters pertaining to financial policy. He shall be responsible for the proper maintenance of accounts of the University, including



the preparation of the annual financial estimates and annual accounts and the balance sheet.

- (4) He shall ensure that no expenditure not authorised in the financial estimates as approved by the Government is incurred by the University and he shall not allow any expenditure which is not sanctioned by the competent authority.
- (5) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of the accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.
- (6) The Finance Officer shall have the right to speak in and otherwise to take part in the proceedings of the Executive Council but shall not be entitled to vote.
- (7) The Finance Officer shall have the following duties:-
  - a) To ensure that no expenditure, not authorized in the budget is incurred by the University otherwise than by way of investment;
  - b) to disallow proposed expenditure which may contravene the provisions of this Act or the terms of any Regulations;
  - c) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during audit;
  - d) to ensure that the property and investments of the University are duly preserved and managed.

**15. Other officers and staff .-** The manner of appointment, the powers and duties and the conditions of service of other officers/faculty and ministerial staff of the University/campus college/constituent college referred to in clause (vi) of section 8 shall be such as may be prescribed by the Government,

Except as otherwise provided in this Act , the mode of appointment, terms and conditions of service and the powers and duties of the officers of the University other than the Chancellor, the Vice-Chancellor, the Finance Officer and the Registrar shall be such as may be described.

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

#### **CHAPTER IV**

#### **AUTHORITIES OF THE UNIVERSITY**

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

- (i) The Executive Council;
- (ii) The Academic Council;
- (iii) The Finance Committee;
- (iv) The Examination Committee; and
- (v) Such other bodies as may be declared by the Government to be the Authorities of the University.
- (vi) Such other authorities as may be declared by the Regulation to be authorities of the University.

**18. The Executive Council .-** (1) The Executive Council shall consist of the following members, namely:-

- (a) the Vice-Chancellor, who shall be the Chairman thereof;
- (b) Principal Secretary/ Secretary to the State Government in the Medical Education Department or his nominee.
- (c) Principal Secretary/ Secretary to the State Government in the Health Department or his nominee.
- (d) Principal Secretary/Secretary to the State Government in the Finance Department or his nominee.
- (e) The Secretary to Government incharge of Higher Education, or his nominee not below the rank of Additional Secretary to Government
- (f) Vice-Chancellor Kumaon University, Nainital;

- (g) Vice-Chancellor KGMU, Lucknow or his nominee.
  - (h) Chairman, Medical Council of India or his nominee;
  - (i) Two reputed industrialists nominated by the Chancellor on the advice of the Vice-Chancellor;
  - (j) Two eminent medical professionals nominated by the Chancellor on the advice of the Vice-Chancellor;
  - (k) Two Principals of colleges, by rotation, nominated by the Vice-Chancellor.
  - (l) Two eminent persons nominated by Chief Minister from the field of medical education.
  - (m) Chairman, Indian Nursing Council or his nominee;
  - (n) Chairman, Dental Council of India or his nominee;
  - (o) Chairman, Paramedical Council of Uttarakhand or his nominee
  - (p) The Director of Medical Education;
  - (q) The Director General of Health and Family Welfare;
  - (r) Two persons nominated by the Chancellor from amongst persons having special interest in health sciences out of whom one shall be person belonging to the Scheduled Castes and one belonging to the Scheduled Tribes, of whom one shall be a woman;
- (2)** Notwithstanding anything in subsection (1), no person shall be appointed as a member of the Executive Council unless he is a post graduate.
- (3) The term of office of members mentioned in clause (h),(i),(j) (k),(l) and (r) shall be two years.
- (4) A person shall be disqualified for being nominated as, and for being a member of the Executive Council if he or his relative, accepts remuneration for any work in. or for, the University or any contract for the supply of goods to or for the execution of any work for the University;

Explanation: In this sub-section “relative” mean the relations defined in section (6) of the Companies Act ,1956 and includes the wife’s (or husband’s) father, wife’s (or husband’s sister ) , brother’s son and brother’s daughter.

**19. Meetings of the Executive Council .-** (1) A meeting of the Executive Council shall be held at least twice a year on dates to be fixed by the Vice-Chancellor, one of such meetings shall be the annual meeting.

- (2) A 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 the consideration of the Executive Council at the annual meeting of the Executive Council convened under sub-section (1).
- (3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than ten members of the Executive Council, convene a special meeting of the Executive Council.

**20. Powers and functions of the Executive Council .-**

- (1) The Executive Council shall be the principal executive body of the University and save as otherwise expressly provided in this Act the Executive Council shall have the following powers, namely:-
  - (i) The Executive Council shall have power to review from time to time the policies of the University and to suggest measures for the improvement and development of the University and to consider and pass resolutions on the annual accounts and audit reports of the University.
  - (ii) to institute and confer degrees, diplomas and other academic distinctions;
  - (iii) to confer, honorary degrees or other academic distinctions;
  - (iv) to exercise such other powers and perform such other duties as may be conferred by the Government, Act s and Rules.
  - (v) to supervise and control the affairs of the University;
  - (vi) to hold and control the property and funds of the University;
  - (vii) to approve academic programmes;
  - (viii) to make, amend or repeal Regulations;

- (ix) to prepare the budget of the University;
- (x) to administer any funds placed at the disposal of the University;
- (xi) to acquire or transfer any movable, immovable or intellectual property of the University after approval from the Government;
- (xii) to direct the form and use of the common seal of the University;
- (xiii) to appoint such committees as may be required for the efficient functioning of the University;
- (xiv) to determine the emoluments and terms and conditions of service of the staff of the University in the accordance with the Government Policy;
- (xv) to authorize operation of bank accounts of the University;
- (xvi) to regulations and determine all other matters concerning the University in accordance with this Act or the Regulations.

**(2)** Every meeting of the Executive Council shall be held on such date, time and place as may be fixed by the Vice-Chancellor.

**(3)** The members of the Executive Council shall be entitled to such allowance as may be prescribed.

**(4)** No immovable property of the University shall except with the prior sanction of the state Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sale, exchange, gift or otherwise nor shall any money be borrowed, or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the state Government from any other person.

**(5)** The Executive Council shall not exceed the limits or recurring and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

**(6)** The Executive Council may, subject to any conditions laid down in the Regulations, delegate such of its powers as, it deems fit, to an officer or any other Authority of the University or Committee appointed by it.

**21. 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 and the

Regulations, have the control and general regulation of, and be responsible for the maintenance of standard of instruction, education and examinations in the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the regulations and may advise the Executive Council on all academic matters,

**(2)** The academic Council shall consist of the following members namely:-

(a). The Vice-Chancellor **Chairman**

(b). Director, Medical Education **Member**

(c). Two such Principals of colleges who are  
noted members of the Executive Council **Member**

(d). One Head of the Department of the of Doon  
University, nominated by the Vice-Chancellor  
of that university **Member**

**(3)** The term of office of the members referred to in clause (c) of sub-section (2) shall be one year.

## **22. The Finance Committee .-**

(1) The Finance Committee shall consist of the following members, namely:

(a). The Vice-Chancellor **Chairman**

(b). The Principal Secretary/ Secretary to the State  
Government in the Medical Education Departments or his nominee not below  
the rank of additional secretary ; **Member**

(c). The Principal Secretary/Secretary to the state Government in the Finance  
Department or his nominee not below the rank of additional secretary ;  
**Member**

(d). Two members of the Executive Council nominated  
by the Vice-Chancellor; and Member

(e). The Finance Officer **Member**

- (2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resources of the University, fix limits for the total recurring and non-recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits so fixed shall be binding on the Executive Council.
- (3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Regulations.
- (4) Unless a proposal having financial implications has been recommended by the Finance Committee, the Executive Council shall not take a decision thereon, and if the Executive Council disagrees with the recommendation of the Finance Committee, it shall refer the proposal back of the Finance Committee the matter shall be referred to the Chancellor whose decision thereon shall be final.

### **23. Examination committee.**

- (1) There shall be an Examination Committee in the University, the constitution of which shall be such as may be provided for in the regulations or constituted by Vice-Chancellor .
- (2) The Committee shall supervise generally all the examination of the University, including Entrance tests of all courses and perform the following functions, namely:-
  - (a) to appoint examiners and moderators and if necessary, to remove them;
  - (b) to review from time to time the results of the University examinations and submission of reports, thereon to the Academic Council;
  - (c) to make recommendations to the Academic Council for the improvement of the examination system;

- (d) to scrutinize the list of examiners proposed by the board of Studies, finalize the same and declare the result of the University.
  - (e) moderation and tabulation.
- (3) The Examination Committee may appoint such number of sub-committee as it thinks fit, and in particular; may delegate to any one or more persons or sub-committee. The power to deal with and decide cases relating to the use of unfair means by the examinees.
- (4) Entrance test for MBBS, BDS, MDS, MD, MS, courses related to Nursing and Paramedical Sciences, and other courses shall be conducted as per the directions given by the Government from time to time;
- (5) Notwithstanding anything contained in this Act it shall be lawful for the Examination Committee or as the case may be, for a sub-committee or any person to whom the Examination Committee has delegated its power in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.
- (6) Subject to the provision of this Act and the Regulation, the Examination Committee may issue such directions as it considers necessary for making arrangements for conducting the examinations.

**24. The Faculties** .- The Faculties of the University and their composition shall be such as may be prescribed by the Government.

**25. Other Authority-** The Constitution, powers and duties of other Authorities of the University shall be such as may be prescribed.

## **CHAPTER V REGULATIONS**

**26. Regulation** - (1) Subject to the provisions of this Act , the Government may frame regulations for the following matters,



Provided, first regulations shall be notified in Gazette and power to make further regulations/rules, amendments and deletion shall be vested in executive council;

- (a) the constitution, functions and powers of the authorities of the University and such other bodies as may be declared to be authorities of the University from time to time;
  - (b) the election and continuance in office of the members of the said authorities or bodies and filling up of vacancies of members and all other matters relating to these authorities or bodies;
  - (c) the conferment of honorary degrees;
  - (d) holding of convocations for conferring degrees;
  - (e) the withdrawal of degrees, diplomas, 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 affiliations may be withdrawn;
  - (h) institution of fellowships, scholarships, studentships, medals, prizes, etc;
  - (i) the procedure of election to the authorities and the procedure to be followed at meetings of authorities, including stipulation of quorum for transAction of business, where such stipulations are not already made in this Act ;
  - (j) the classification of teachers of the University and in affiliated colleges;
  - (k) acceptance and management of the bequests, donations and endowments;
  - (l) registration of graduates and maintenance of a register of registered Graduates of different classes;
  - (m) all other matters, in which under this Act , Government are required to be made.
- (2) The Government shall provide that certain posts in the University shall be reserved for those belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes of citizens in accordance with State policy from time to time.
- (3) Every new Regulation or addition to the Regulations or any amendment or repeal of a Regulation shall require the approval of the Chancellor, who may

assent thereto or withhold assent or remit to the Executive Council for consideration.

- (4) A new Regulations or a Regulation amending or repealing an existing Regulation shall have no validity unless it has been assented to by the Chancellor.

**27. Rules -** (1) The Government/executive council may make Rules consistent with this Act /councils and the Act s in respect of matters which are within its powers.

(2) The Rules may provide for -

- (a) suitable recruitment procedure both for teaching and non-teaching posts;
- (b) 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 the meetings and of the business to be transActed at the meeting and also for keeping the record of the proceedings of the meeting;
- (d) the procedure to be followed at the meetings; and
- (e) all matters concerning such Authority and not provided for by this Act , the Government, or the Acts.

(3) Every new Rules or addition to the Rules or any amendment or repeal of a Rule shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for consideration.

(4) A new Rule or a Rule amending or repealing an existing statute shall have no validity unless it has been assented to by the Chancellor.

(5) Every Rule made under this section shall come into force on the date specified by the Government. It shall also be published in the Official Gazette.

## **CHAPTER VI**

### **FINANCE AND ACCOUNTS**

**28. General funds** - The University shall have a general fund to which shall be credited,-

- (a) its income from fees, endowments and grants, if any;
- (b) contributions or grants from the State Government on such conditions as may be imposed;
- (c) grants from the Central Government, the University Grants Commission, International Donor Agencies like the World Health Organisation, UNICEF, etc.

**29. Other funds** - The University may have such other funds as may be prescribed by the Government.

**30. Power to borrow** - The University may, for any of the purposes prescribed by the Government, borrow money from a bank or a corporation. Where the total amount borrowed exceeds rupees five crore prior approval of the Government shall be obtained for such borrowing.

**31. Management of funds** - All the funds of the University shall be managed in such manner as may be prescribed by the Government.

**32. Power of Government to direct audit** - The Government shall have power whenever deemed necessary to order the audit of the accounts of the University by such auditors as it may direct.

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

(2) The Government 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 Government.

**34. Annual accounts and audit** - (1) The annual accounts of the University shall be prepared under the direction of the Vice-Chancellor and a copy shall be sent to the Government.

- (2) The accounts of the University shall, once at least in a year at intervals of not more than fifteen months be audited by the Controller of State Accounts.
- (3) The audited accounts of the University together with the auditor's report shall be published by the Government in the Official Gazette and copies thereof shall be placed before the Executive Council.
- (4) The annual accounts shall be considered by the Executive Council at its annual meeting. The Executive Council may pass resolutions with reference thereto and communicate the same to the Government. The Government shall take the suggestions made by the Executive Council into consideration and take any Action thereon as it thinks fit. The Government shall inform the Executive Council at its next meeting of the Action taken by it or of the reasons for not taking Action.

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

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

## **CHAPTER VII**

### **AFFILIATION OF COLLEGES AND RECOGNITION OF INSTITUTIONS**

**36. Affiliation of colleges** - (1) Colleges within the University Area may, on satisfying the conditions specified in this section, be affiliated to the University as affiliated colleges by the University with prior approval of the Chancellor on the recommendations made by the Executive Council and norms fixed by the respective councils i.e. MCI/DCI/INC/UPC etc.

- (2) A college applying for affiliation to the University shall send an application to the Registrar within the time limit fixed by the University and shall satisfy the Academic Council,-
- (a) that it will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision in the neighborhoods and the suitability of the locality where the college is to be established;
  - (b) that it is to be under the management of a regularly constituted governing body;
  - (c) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;
  - (d) that the building in which the college is to be located are suitable and that provision will be made in conformity with the provisions for the residence in the college or in lodging approved by the college, for students not residing with their parents or guardians and for the supervision and welfare of students;
  - (e) that due provision has been made or will be made for a library;
  - (f) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Government, and Rules for imparting instruction in the branch of science in a properly equipped laboratory or museum;
  - (g) That due provision will, as far as circumstances may permit, be made for the residence of the Principal and members of the teaching staff in or near the college or the place provided for the residence of students;
  - (h) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and
  - (i) that rules fixing the fees, if any, to be paid by the students have been framed as per norms fixed by the committee constituted for this purpose .
- (3) The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements, not

being fulfilled or continued to be fulfilled, shall be forthwith reported to the Government and or such authority as the Government may specify.

The Registrar shall forward all such applications to the Government with inspection reports for further and necessary action.

- (4) On receipt of a letter of application under sub-section (2), the Government shall,
  - (a) direct a local inquiry to be made by a competent person or persons authorized by the Government in this behalf in respect of such matters as may be deemed necessary and relevant;
  - (b) make such further inquiry as may appear to it to be necessary; and
  - (c) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused, either in whole or in part, stating the result of any inquiry under clauses (a) and (b).
- (5) The schedule and procedure for affiliation and the fees etc shall be notified by the Government from time to time.
- (6) The Registrar shall within such time as the Government may from time to time specify submit application and all proceedings, if any, of the Academic Council and send to the Government which, after such inquiry as may appear to it to be necessary, shall make their recommendations for the grant of the application or any part thereof or refuse the application or any part thereof and the University shall issue orders accordingly.
- (7) Where the affiliation or any part thereof is granted, the order of the University shall specify the courses of instruction in respect of which and the period for which the college is affiliated, and where the application or any part thereof is refused by the Government or the University, the grounds of such refusal shall be stated;

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

- (8) As soon as possible after the Government or the University makes its order, the Registrar shall submit to the Executive Council a full report regarding the

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

(9) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (5).

(10) Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by sub-sections (2) to (8) shall, so far as may be, followed.

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

(b) The maximum number of students to be admitted to a course of study shall not exceed the intake fixed by the University or the Government, as the case may be, and any admission made in excess of the intake shall be invalid;

(c) No student whose admission has become invalid under clause (b) shall be eligible to appear nor shall be presented by the college to appear at any examination conducted by the University.

**37. Recognition of certain institutions** - (1) Any institution situated within or outside the University Area other than a college which conduct research or specified studies, may be recognised by the Government as the recognised institution for such purpose and in such manner and subject to such conditions as may be prescribed by the Government.

(2) Any such recognition may be withdrawn either in whole or in part or modified in such manner and for such reasons as may be prescribed by the Government.

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

(2) The Government shall cause every such college to be inspected from time to time by one or more competent persons authorised by it in this behalf.

- (3) The Government may call upon any college so inspected to take, within a specified period, such Action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (2) of section 45.

**39. Withdrawal of affiliation** - (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified with the prior approval of the Chancellor on the recommendation of the executive council if the college has failed to comply with any of the provisions of sub-section (2) of section 45 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interest of education.

- (2) A motion for the withdrawal or the modifications of such rights shall be initiated only in the Executive Council. The member of the Executive Council who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.
- (3) Before taking the said motion into consideration the Executive Council shall send a copy of the notice and written statement mentioned in sub-section (2) to the Principal of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Executive Council.

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

- (4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Executive Council after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by it in this behalf and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall make a report to the Government.
- (5) On receipt of the report under sub-section (4) the Executive Council shall, after such further inquiry, if any, as may appear to it to be necessary record its opinion in the matter:

Provided that no resolution of Executive Council recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the



resolution has obtained the support of two-thirds of the members present at a meeting of the Executive Council, such majority comprising not less than one-half the members of the Executive Council.

- (6) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Executive Council relating thereto to the Government which after such inquiry, if any, as may appear to it to be necessary, shall make, their recommendations to the University which shall thereafter make such order, as it deems fit.
- (7) Where by an order made under sub-section (6), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

## **CHAPTER VIII**

### **GENERAL**

**40. Vacating of office** .- (1) Any member other than an ex-officio member of any authority or body of the University may resign his office by a letter addressed to the Registrar and the resignation shall take effect on receipt of the letter by the Registrar.

- (2) A person who is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold office so long only as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.
- (3) A member of any authority or body of the University shall cease to be a member on his being convicted by a court of law for any offence which involves moral turpitude.

**41. Filling of casual vacancies** .- All casual vacancies amongst the members other than ex-officio members of any authority or other body of the University shall be filled, as soon as may be by the person or body who or which nominated the member whose place has become vacant and the persons nominated to a casual vacancy shall be member of such authority or body for the residue of the term for which the person in whose place he is nominated would have been a member:

Provided that no casual vacancy shall be filled, if such vacancy occurs within six months before the date of the expiry of the term of the members of any authority or other body of the University.

**42. Protection of Action taken in good faith .-** No suit or other legal proceedings shall lie against any 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 , the Government or Acts or Rules made thereunder.

**43. Proceedings of the University authorities not invalidated by vacancies .-** No Act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any vacancy or of any defect or irregularity in the election, or appointment of a member of any authority or other body of the University or any defect or irregularity in such Act or proceeding not affecting the merits of the case.

**44. Disputes as to constitution of University authorities and bodies -** If any question arises whether any person has been duly elected or 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.

**45. Transitory powers of the first Vice-Chancellor -** (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Councils and other Authorities of the University within six months from the date of commencement of this Act 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 Chancellor, make such rules as may be necessary for the functioning of the University.
- (3) It shall be the duty of the first Vice-Chancellor to draft such Government as may be immediately necessary and submit them to the Competent Authority 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 .

**46. Vice-Chancellor and other officers etc., to be public servants** - The 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, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

**47. Continuance of Rules etc** - Until Rules are made under appropriate provisions of this Act Regulations and rules which were made under the State of Uttarakhand in this matter 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 Government, Acts, Regulations and Rules made under the appropriate provisions of this Act .

**48. Saving as to certain examinations** - (1) Notwithstanding anything contained in this Act, or the Rules,-

- (a) any student who immediately prior to the commencement of this Act was studying for a degree in health science of the Kumaon University, the Garhwal University or in any other University of the State, in accordance with the Regulations in force under those Acts, may until such examinations is provided by the University, be admitted to the examinations of the Universities of Kumaon and Garhwal and other concerned University of the State and be conferred the degree in Medical Sciences of the inter universities for which he qualifies on the result of such examination.
- (b) If the Kumaon University, the Garhwal University and other university has held any examination the result of which has 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 Kumaon University the Garhwal University and other concerned University of the State .

**49. Act to prevail over the enActments** - This Act and any Rules made under this Act shall in respect of any college in the University Area have effect notwithstanding

anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II of the Seventh Schedule to the Constitution of India.

**50. Removal of difficulty** - (1) If any difficulty arises in giving effect to the provisions of this Act , the Government may, by executive order within three years from commencement of this Act , do anything which appears to it to be necessary for the purpose of removing the difficulty.

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

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

**51. Repeal and Saving-** (1) The Hemwati Nandan Bahuguna Affiliating University of Medical Education Ordinance, 2013 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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