



## The Alliance University Act, 2010

Act 34 of 2010

### Keyword(s):

Academic Council, Agenda Matters, Board of Governors, Board of Management, Chancellor, Vice-Chancellor, Campus, Committees, Company, Constituent College, Distance Education, Distance Education Committee, Finance Committee, Government, National Accreditation Bodies, Principal, Registrar, Regional Centre, Sponsoring Authority, State, Statutes, Study Centre, Teacher, University Grants Commission, Visitor

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**KARNATAKA ACT 34 OF 2010**  
**THE ALLIANCE UNIVERSITY ACT, 2010**

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#### **STATEMENT OF OBJECTS AND REASONS**

**Amending Act 34 of 2010.-** In view of the announcement made in the budget speech for the year 2008-2009 for encouraging establishment of Private University, the Alliance Business School, Bangalore which is an institution managed by Schedule Tribe Community has come forward to establish a private university in the State. The Karnataka State Higher Education Council has recommended for the establishment of private university by this organization. It is felt that it would certainly help in spreading the quality education to the needy students. This private university focuses on teaching, training, in the fields of Business, Education and in the field of Management. This accelerates the enhancement of gross enrolment ratio in the higher education sector, which presently stands at 11.5% in Karnataka.

Therefore, it is considered necessary to enact a legislation for establishment of the Alliance University.

Hence the Bill.

[L.A.Bill No.02 of 2010, File No.Samvyashae 56 Shasana 2009]

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

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**KARNATAKA ACT 34 OF 2010**

(First published in the Karnataka Gazette Extraordinary on the Twenty eighth day of July, 2010)

**THE ALLIANCE UNIVERSITY ACT, 2010**

(Received the assent of the Governor on the Twenty second day of July, 2010)

An Act to establish and incorporate in the State of Karnataka a University of Global Standards in the private sector that would be comparable to any in the world in so far as education, research and community service activities are concerned.

Whereas it is expedient to establish and incorporate in the State of Karnataka a University of Global Standards in the private sector to bring about value knowledge, by rendering quality education accessible to all, and to set new benchmarks in an era of increasing globalization, and for the purposes hereinafter appearing;

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

**CHAPTER - I****PRELIMINARY**

**1. Short title and commencement.-** (1) This Act may be called the Alliance University Act, 2010.

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

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

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

- (a) "Academic Council" means the Academic Council of the University as specified in section 25;
- (b) "Agenda Matters" means all the matters and businesses to be designated in the Statutes each of which can be either included in the Agenda or be taken up for discussion and decision at a meeting of the Board of Governors or the Board of Management as the case may be, only subject to the prior written approval of the Chancellor. Consenting to the passing of such matters and businesses at such a meeting;

- (c) "Board of Governors" means the Board of Governors of the University as specified in section 23;
- (d) "Board of Management" means the Board of Management of the University as specified in section 24;
- (e) "Chancellor", "Vice-Chancellor", and "Pro Vice-Chancellor" means respectively the Chancellor, Vice-Chancellor and Pro Vice-Chancellor of the University;
- (f) "Campus" means a campus established, maintained or recognized by the University, wherever situated;
- (g) "Committees" means the Nominating Committee, Finance Committee, the Distance Education Committee, and any other committees formed by the various functionaries of the University as the case may be;
- (h) "Company" means Alliance Business School Private Limited, which is a Company and to be registered under section 25 of the Companies Act, 1956 or any other Company formed and registered by the Promoters under section 25 of the Companies Act, 1956;
- (i) "Constituent College" means a college or institution maintained by the University;
- (j) "Distance Education" means the process of imparting education to locations away from a classroom, building or site to another classroom, building, or site by using video, audio, computer, multimedia broadcasting, telecasting technologies and communications and includes a correspondence course, seminar, contact program, or a combination of any two or more such means;
- (k) "Distance Education Committee" means the Distance Education Committee of the University as specified in section 27;
- (l) "Finance Committee" means the Finance Committee of the University as specified in section 28;
- (m) "Government" means the Government of Karnataka;

- (n) "National Accreditation Bodies" means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council of Technical Education, Medical Council of India, Pharmaceutical Council of India, Indian Council of Agriculture Research, National Assessment and Accreditation Council, National Council of Teacher Education, Distance Education Council, Council of Scientific and Industrial Research, and includes the Government;
- (o) "Prescribed" means prescribed by the State Government by rules made under this Act;
- (p) "Principal in relation to a Constituent College" means the head of the Constituent College and includes, where there is no Principal or in the absence of a Principal appointed, the Vice-Principal or any other person for the time being appointed to act as Principal;
- (q) "Registrar" means the Registrar of the University;
- (r) "Regional Centre" means a Centre established or maintained by the University for the purpose of coordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;
- (s) "Sponsoring Authority" or "Sponsoring Body" in relation to this Act means the Company;
- (t) "State" means the state of Karnataka;
- (u) "Statutes" and "Regulations" means respectively the Statutes and Regulations of the University;
- (v) "Study Centre" means a centre established, maintained, or recognized by the University for the purpose of advising, counselling, or for rendering any other assistance required by the students;
- (w) "Teacher" means and includes a Distinguished Professor, Professor, Associate Professor, Assistant Professor, or Research Associate or such other person as may be appointed for imparting instruction or conducting or guiding research in the University or in a Constituent College, and includes the Principal of the Constituent

College in conformity with the norms prescribed by the University Grants Commission;

- (x) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956);
- (y) "University" means the Alliance University established and incorporated under section 4;
- (z) "Visitor" and "Pro-Visitor" means the Visitor of the University and the Pro-Visitor of the University as specified in sections 13 and 14.

## **CHAPTER - II**

### **THE UNIVERSITY AND SPONSORING BODY**

**3. Proposal for the establishment of the University.-** (1) The Company shall have the right to establish the University subject to and in accordance with the provisions of this Act.

(2) The proposal to establish a University shall be made to the State Government by the Company (the promoters belong to the Scheduled Tribe community).

(3) The proposal shall contain the following particulars, namely:-

- (i) The objects of the University along with the details of the Company.
- (ii) The extent and status of the University and the availability of land.
- (iii) The nature and type of programmes of study and research to be undertaken by the University during a period of five academic years immediately following the commencement date.
- (iv) The nature of faculties, courses of study and research proposed to be started.
- (v) The campus development such as buildings, equipment and structural amenities.



- (vi) The phased outlays of capital expenditure for a period of five academic years immediately following the commencement date.
  - (vii) The item-wise recurring expenditure, sources of finance and estimated expenditure for each student;
  - (viii) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source.
  - (ix) The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes.
  - (x) The details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on students who are either non-resident Indians or persons of Indian origin or sponsored by non-resident Indians or persons of Indian origin and students of nationalities other than India.
  - (xi) The years of experience and expertise in the concerned discipline at the command of the Company, as well as the financial resources.
  - (xii) The system for selection of students to the courses of study at the University; with reserved seats to backward community.
  - (xiii) The status of fulfilment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.
- (4) A Screening Committee shall be constituted to examine the proposals received and shall make recommendations to the State Government.

**4. Establishment of the University.-** (1) Where the State Government on considering the recommendations of the Screening Committee and after such inquiry as it may deem necessary, if satisfied that the Company has ability to run an University with sufficient infrastructure based on the furnished particulars required in sub-section (3) of section 3, it may direct the Company to establish the permanent Statutory Endowment Fund as specified in section 47.

(2) After the establishment of the Permanent Statutory Endowment Fund, the State Government may, by notification, in the Official Gazette, accord sanction for establishment of the University in the State by the name of "Alliance University."

(3) The head quarters of the University shall be at such place, as may be decided by the Sponsoring Body in the State. The University shall have Campuses or Regional Centres, and Study Centres anywhere in India or overseas, subject however to the permission of the concerned Government, if any, required.

(4) The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.

(5) On the establishment of the University under sub-section (2), the land and other movable and immovable properties acquired, created, arranged, or built by the University for the purpose of the University wherever situated shall vest in the University.

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

(7) The land, building, and other properties in the University shall not be used for any other purpose.

**5. Grants and Financial Assistance.-** The University shall be self-financing and shall neither make a demand nor shall be entitled to any maintenance, grant-in-aid or any other financial assistance from the State or any other body or corporation owned or controlled by the State:

Provided that, the State may, provide financial support including, through grants or otherwise:-

(a) for research, development and other activities for which other State Government organizations are provided financial assistance; or

(b) for any specific research or programs based support from the State Government; and

(c) provided to or for the benefit of similar Universities in the State whether subject to a change in State Policy or otherwise.

**6. Power to establish constituent college.-** The University may have Constituent Colleges, Regional Centres, and Study Centres at such places in the State as it deems fit.

**7. Objects of the University.-** The University shall employ a broad range of strategies to achieve its vision, mission, and objectives as under:-

- (i) provide instruction, teaching, training, research, development and community service activities in various disciplines such as Business Administration and Management, Public Policy and Governance, Technology, Life Sciences including Health Sciences, Environment and Climate Change, Globalization and Transnationalization, Issues affecting Society at large including but not limited to gender, race, ethnicity, age, social and economic groupings, and in general to engage in activities that have the potential to improve the quality of life for humankind;
- (ii) innovate, design, and deliver high quality training, capacity building, skills enhancement and development for teachers, educators, practitioners, administrators and other professionals engaged in nation-building activities in any sector in India and overseas;
- (iii) design and develop resource centres in various states in India and overseas to contribute to improving the overall quality of life;
- (iv) establish and operate Campuses and study centres at various locations in India and in other countries to strengthen relations with all nations and develop a holistic understanding of the myriad problems facing humanity and suggest solutions there for;
- (v) offer continuing and Distance Education programs to reach out to large numbers of people in meaningful ways that would otherwise be difficult for them to have access to;
- (vi) institute and Award degrees, diplomas, certificates and other academic distinctions like award and transfer of credits from and to similar entities on the basis of

successful completion of rigorous academic work evaluated through multiple, modern, relevant and accepted methods of assessment and evaluation;

- (vii) collaborate and co-operate with other colleges, universities, research institutions, not-for-profit organizations, industry associations, professional associations or bodies, or other organizations in India and Overseas to conceptualize, innovate, design, develop, deliver, offer, evaluate and validate specific educational and research programs, training programs, consulting assignments, and exchange programs for students, faculty members and others;
- (viii) develop and Inspire informed public opinion on matters of national and international importance through seminars, workshops, symposiums, discussions, conferences, continuous education programs, community development programs, publications, training programs, and events;
- (ix) initiate and undertake programs for the development and training of faculty, researchers, and support staff of the University in partnership, collaboration, cooperation, joint venture, strategic alliance or any other form of mutually beneficial relationship with any other institution or institutions of similar vision, mission, strategic architecture, and objectives across the world;
- (x) initiate and undertake collaborative research and consulting and advocacy with any organization in India or overseas;
- (xi) formulate, undertake and implement necessary or expedient action to pursue, promote, achieve, and enhance the objectives of the University;
- (xii) pursue any other worthwhile objective or objectives as may be approved by the Government, that have the potential to improve the quality of life for all and to bring about national development.

**8. Powers of the University.-** The University shall have the following powers, namely:-

- (i) to establish, maintain, and recognize such Regional Centres and Study Centres as may be determined by the University from time to time in the manner laid down by the statutes;

- (ii) to carry out all such other activities as may be necessary or feasible in furtherance of the objectives of the University;
- (iii) to confer degrees or other academic distinctions in the manner and under conditions laid down in the statutes;
- (iv) to institute and award fellowships, scholarships and prizes etc., in accordance with the statutes;
- (v) to demand and receive such fees, bills, invoices, and collect charges as may be fixed by the statutes or rules, as the case may be;
- (vi) to make provisions for extra-curricular activities for students and employees;
- (vii) to make appointments of the faculty, officers, and employees of the University or a Constituent College, Regional Centre and Study Centres;
- (viii) to receive voluntary donations and gifts of any kind and to acquire, hold, manage, maintain, and dispose of any movable or immovable property, including company, trust, and endowment properties for the purpose of the University or a Constituent College, or a Regional Centre, or a Study Centre;
- (ix) to institute and maintain halls and to recognize places of residence for the students, staff and faculty of the University or a Constituent College;
- (x) to supervise and control the residence, and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (xi) to create academic, administrative, and support staff and other necessary positions;
- (xii) to co-operate and collaborate with other Universities in such a manner and for such purposes as the University may determine from time to time;
- (xiii) to provide distant education system and the manner in which distance education in relation to the academic programs of the University may be organized;
- (xiv) to organize and conduct refresher courses, orientation courses, workshops, seminars, and other programs for faculty, research associates, staff and other employees;

- (xv) to determine standards of admission to the University or a Constituent College, Regional Centre, and Study Centre with the approval of the Academic Council;
- (xvi) to make special provisions for students belonging to the State of Karnataka for admission in any course of the University or in a Constituent College, Regional Centre or Study Centre;
- (xvii) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University;
- (xviii) to establish such courses for the Bachelor's, Master's and Doctoral level degree courses, whether by academic study or by research or a combination thereof, that would be covered by the UGC, AICTE, MCI, or other regulatory bodies, but the University shall have the right to start diplomas, certificate courses, short-term courses etc., in its own subjects;
- (xix) to clearly set apart the academic activities of the University from the activities of the Company;
- (xx) to provide for the preparation of instructional materials including films, cassettes, tapes, video cassettes, CDs, VCDs, DVDs and other media;
- (xxi) to recognize examinations of, or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher Learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
- (xxii) to raise, collect, subscribe and borrow with the approval of the Governing Body whether on the security of the property of the University, or otherwise, money for the purposes of the University;
- (xxiii) to undertake any other activities connected with or incidental to further the objectives of the University mentioned above.

**9. University open to all classes, castes, creed and gender.-** (1) The University shall be open to all persons irrespective of class, creed, gender, ethnicity or economic background:

Provided that not less than twentyfive percent of total seats in academic programmes of the University shall be reserved for students domiciled in the State subject to fulfilment of admission criteria:

Provided further that, if adequate number of candidates are not available, the seats so reserved shall be filled by candidates from General Merit.

(2) The University may make special provision for admission to students of the State of Karnataka.

**10. National Accreditation.-** The University shall seek accreditation from respective national accreditation bodies.

**11. Powers of the Sponsoring Body.-** The sponsoring body shall have the following powers with reference to the University each of which may be exercised by the Sponsoring Body at its discretion, namely:-

- (i) to appoint or re-appoint or terminate the appointment of the Chancellor;
- (ii) to constitute the first Board of Governors of the University;
- (iii) to nominate the Chairperson of the Board of Governors;
- (iv) to nominate three persons as members of the Board of Governors;
- (v) to nominate two persons as members of the Board of Management;
- (vi) to determine the source of funds to be contributed to the University Endowment Fund;
- (vii) to determine the application and spending of monies by the University;
- (viii) to resolve a Conflict at the meeting of the Board of Governors in the manner provided for in this Act.

### **CHAPTER – III**

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

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

- (i) The Visitor
- (ii) The Pro-Visitor
- (iii) The Chancellor
- (iv) The Vice-Chancellor

(v) The Pro-Vice-Chancellor

(vi) The Registrar

(vii) The Finance Officer, and

(viii) Such other officers as may be declared by the Statutes to be Officers of the University

**13. The Visitor.-** (1) The Governor of Karnataka shall be the Visitor of the University.

(2) The Visitor shall, when present, preside at the Convocation of the University for conferring Degrees and Diplomas.

(3) The Visitor shall have the following powers, namely:-

(i) to call for any paper or information relating to the affairs of the University;

(ii) on the basis of the information received by the Visitor, if he is satisfied that any order, proceedings, or decision taken by any authority of the University is not in conformity with the Act, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.

**14. The Pro-Visitor.-** (1) The Hon'ble Minister for Higher Education of the Government of Karnataka shall be the Pro-Visitor of the University.

(2) The Pro-Visitor shall, when the Visitor is absent, preside at the Convocation of the University for conferring Degrees and Diplomas.

**15. The Chancellor.-** (1) The Chancellor shall be appointed by the Sponsoring Body.

(2) The current Chairperson of the Sponsoring Body shall be the first Chancellor, who shall hold the office of the Chancellor for life.

(3) The subsequent Chancellor shall be either the Chairperson of the Sponsoring Body or such other person including the Director of the Sponsoring Body, at the relevant time, when such an appointment is being considered, as may be decided by the Sponsoring Body.



(4) The subsequent Chancellor so appointed shall hold office as determined by the Sponsoring Body.

(5) The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes made there under, which shall include the following powers, namely:-

- (i) To function as the head of the University;
- (ii) To preside at all convocations of the University in the absence of the Visitor or Pro-Visitor;
- (iii) To function as a member and the Chairperson of the Board of Governors of the University and also attend all the meetings of the Board of Governors;
- (iv) To appoint or re-appoint or terminate the appointment of the Vice- Chancellor, in accordance with the provisions of this Act and the Statutes;
- (v) To nominate a person as a member of the Nomination Committee as referred to in section 16(2) of this Act;
- (vi) To pre-approve the appointment of the Pro-Vice-Chancellor, the Dean, the Registrar, and the Finance Officer;
- (vii) To nominate two academicians as members on the Board of Governors;
- (viii) To appoint the first Pro-Vice-Chancellor and the Finance Officer;
- (ix) To constitute the first Board of Management, the Finance Committee, the Research Council, the Distance Education Committee, and the Academic Council;
- (x) To pre-approve the Agenda Matters in the manner provided for in the Act;
- (xi) To resolve a conflict (excluding conflicts at a meeting of the Board of Governors) in the manner provided for in this Act.

(6) In the event of there being a conflict inter-se between the functionary or functionaries or body or bodies and any other functionary or body of the University, then the issue shall be referred to the Chancellor and the decision of the Chancellor in respect of such issue shall be final and binding on the University.

**16. The Vice-Chancellor.-** (1) The Vice-Chancellor shall be appointed by the Chancellor, on such terms and conditions as may be laid down by the Statutes from among three persons recommended by the Nomination Committee constituted in accordance with the provisions of sub-section (2).

(2) The Nomination Committee referred to in sub-section (1) shall consist of the following persons:-

- (a) One person nominated by the Chancellor;
- (b) Two nominees of the Board of Governors, one of whom shall be nominated as the Convenor of the Committee by the Board of Governors;
- (c) The committee shall, on the basis of merit, prepare a panel of names of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with a concise statement showing the academic qualifications and other distinctions of each person.

(3) The Vice-Chancellor shall be the Principal Executive and Academic Officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.

(4) Where any matter other than the appointment of a teacher 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 to deal with it, the Vice-Chancellor may take such action as he may deem fit with the prior approval of the Chancellor.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the statutes or the rules.

(6) The Chancellor is empowered to remove the Vice-Chancellor with the approval of the Board of Management after following the principles of natural justice and after providing an opportunity to present his / her case including for termination on disciplinary grounds.

(7) The Vice-Chancellor shall preside over the Convocation of the University in the absence of the Visitor, Pro-Visitor and the Chancellor.

**17. The Pro-Vice-Chancellor.-** The Vice-Chancellor shall appoint Pro-Vice-Chancellors, not exceeding three in number, with the written approval of the Chancellor in such manner and they shall exercise such powers and perform such duties as may be laid down by Statutes.

**18. Deans of Faculties.-** Deans of Faculties shall be appointed by the Vice-Chancellor with the written approval of the Chancellor in such manner and shall exercise such powers and perform such duties as may be laid down by the Statutes.

**19. The Registrar.-** (1) The Registrar shall be appointed by the Vice-Chancellor with the written approval of the Chancellor in such a manner and on such terms and conditions as may be laid down by Statutes.

(2) All contracts as defined in the rules shall be entered into and signed by the Registrar on behalf of the University.

(3) The Registrar shall have the power to authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Chancellor or the Vice-Chancellor.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor, or any other authority, all such information and documents as demanded.

**20. The Finance Officer.-** The Finance Officer shall be a chartered accountant or possess an equivalent degree and shall be appointed by the Vice-Chancellor with the written approval of the Chancellor in such manner and shall exercise such powers and perform such other duties as may be laid down by Statutes.

**21. Other Officers:** The manner of appointment, terms, and conditions of service and powers and duties of the other officers of the University shall be such as may be laid down by Statutes.

#### **CHAPTER – IV**

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

**22. Authorities of the University.-** The following shall be the authorities of the University, namely:-

- (i) The Board of Governors;
- (ii) The Board of Management;
- (iii) The Academic Council;
- (iv) Research Council;
- (v) Distance Education Committee;

- (vi) The Finance Committee; and
- (vii) Such other authorities as may be declared by the Statutes to be the authorities of the University.

**23. The Board of Governors and its powers.-** (1) The Board of Governors shall consist of the following, namely:-

- |       |  |   |             |
|-------|--|---|-------------|
| (i)   | The Chancellor   | - | Chairperson |
| (ii)  | The Vice-Chancellor  | - | Member      |
| (iii) | The Principal Secretary / Secretary to the State Government in the Higher Education Department                       | - | Member      |
| (iv)  | One eminent educationist and academician preferably a woman from the panel of names to be recommended by the Visitor | - | Member      |
| (v)   | Three persons each of whom may be nominated by the Sponsoring Body   | - | Member      |
| (vi)  | One eminent educationist nominee of the University Grants Commission   | - | Member      |

(2) The Registrar and Pro-Vice-Chancellor shall always be non-voting invitees on the Board of Governors.

(3) The tenure of office of the members of the Board of Governors, appointment of members, other than two Government nominees, renewal and removal, terms of office etc., shall be such as may be laid down by the Statutes.

(4) All meetings of the Board of Governors shall always be chaired by the Chancellor and in his absence by any one of the nominees of the sponsoring body and where the sponsoring body has not nominated any nominees, then by the Vice-Chancellor.

(5) Quorum for all meetings of the Board of Governors shall be three members attending and voting at such meeting:

Provided that the presence of either the Chancellor or one nominee of the Sponsoring Body and in the absence of the Chancellor or one nominee of the Sponsoring Body, the Vice-Chancellor shall always be necessary to form the quorum for any meeting of the Board of Governors.

(6) No resolution shall be passed or decision be taken by the Board of Governors at their meeting, in respect of any Agenda Matters except pursuant to an affirmative vote by the Chancellor in favour of the Agenda Matter.

(7) In the event of a conflict of opinion at a meeting of the Board of Governors, then the issue shall be referred to the Sponsoring Body and the decision of the Sponsoring Body in respect of such issue shall be final and binding on the University.

(8) The Board of Governors shall be the Principal Governing Body of the University and shall have the following powers, namely:-

- (i) To appoint the Statutory Auditors of the University;
- (ii) To lay down policies to be pursued by the University;
- (iii) To review the decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Rules;
- (iv) To approve the Budget and Annual Report of the University;
- (v) To make new or additional statutes or amend or repeal the earlier Statutes and Rules;
- (vi) To take decision about voluntary winding up of the University;
- (vii) To approve proposals for submission to the Government;

- (viii) To take such decisions and steps as are found desirable for effectively carrying out the objects of the University.

(9) The Board of Governors shall meet at such time and place as laid down by the Statutes.

**24. The Board of Management.-** (1) The Board of Management shall consist of the following, namely:-

- (i) The Vice-Chancellor
- (ii) The Pro-Vice-Chancellor
- (iii) The Registrar
- (iv) Two nominees of the sponsoring body
- (v) Two Deans of the faculties as nominated by the Vice-Chancellor

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be specified by the Statute.

(4) All meetings of the Board of Management shall always be chaired by the Vice-Chancellor and in the absence of the Vice-Chancellor, by the nominee of the Sponsoring Body, and where the Sponsoring Body has not nominated any nominees, then by any other member.

(5) In the event of a conflict of opinion at a meeting of the Board of Management, then the issue shall be referred to the Chancellor, and the decision of the Chancellor in respect of such issue shall be final and binding on the University.

**25. The Academic Council.-** (1) The Academic Council shall consist of the following, namely:-

- (i) The Vice-Chancellor - Chairperson
- (ii) The Pro-Vice-Chancellor - Member
- (iii) The Registrar - Secretary
- (iv) Such other person as may be specified in the Statutes.

(2) The Academic Council shall be the principal academic body of the University, and shall, subject to the provisions of this Act, the Statutes, Regulations, and the Rules, co-ordinate and exercise general supervision over the academic policies of the University.

**26. The Research Council.-** (1) The Research Council shall be the principal Research Committee of the University and shall provide the larger holistic vision of the kind of research to be undertaken by the University, including prioritization of the research areas. The Research

Council shall, subject to the provisions of this Act, the Statutes, Regulations, and the Rules, co-ordinate and exercise general supervision over the Research Policies of the University.

(2) The Research Council shall consist of the following, namely:-

- (i) The Vice-Chancellor - Chairperson
- (ii) The Pro-Vice-Chancellor - Member
- (iii) The Dean of Research - Secretary
- (iv) Deans of all faculties - Members
- (v) Such other members as may be specified in the Statutes.

**27. Distance Education Committee.-** (1) The Distance Education Committee shall be the principal body in the University driving Distance Learning Initiatives including the associated research work to reach out to a larger learner community who may or may not come to the main campus. The Distance Education Committee shall, subject to the provisions of this Act, the Statutes, Regulations and the Rules, co-ordinate and exercise general supervision over the Distance Learning programmes / policies of the University.

(2) The Distance Education Committee shall consist of the following, namely:-

- (i) The Vice-Chancellor - Chairperson
- (ii) The Pro-Vice-Chancellor - Member
- (iii) The Registrar - Secretary
- (iv) Such other members as may be specified in the Statutes.

**28. The Finance Committee.-** (1) The Finance Committee shall consist of the following, namely:-

- (i) The Chancellor or his nominee - Chairperson
- (ii) The Vice-Chancellor - Member
- (iii) The Registrar - Member
- (iv) The Finance Officer - Secretary
- (v) One nominee of the Sponsoring Body - Member
- (vi) Such other members as may be specified in the Statutes.

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Rules and Statutes, co-ordinate and exercise general supervision over the financial matters of the University.

**29. Other Authorities.-** The constitution, powers, and functions of the other authorities of the University shall be such as may be specified in the Statutes.

**30. Proceedings not invalidated on account of vacancy.-** No act or proceedings of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

**31. Provisions pertaining to Agenda Matters.-** (1) No Agenda Matter shall be either included in the Agenda or taken up for discussion and decided upon, in the meeting of the Board of Governors or the Board of Management or any other Committees without obtaining the prior written approval of the Chancellor.

(2) In the event of breach, the Chancellor shall be entitled to at all times to immediately take remedial action by reversing all decisions taken by any functionary or functionaries or body or bodies of the University in breach of the provisions of the Act and consequent upon the pursuit of such a remedial action all such actions taken by the functionary or functionaries or body or bodies of the University in breach of the provisions of the Act shall be deemed to be null and void, ab initio and consequently the status quo ante shall prevail in respect of the matter or decision in breach.

## **CHAPTER – V**

### **STATUTES AND REGULATIONS**

**32. Statutes.-** Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and staff, as given below, namely:-

- (i) The procedure for the transaction of business of the Authorities of the University and the Composition of the bodies not specified in this Act;
- (ii) The operation of the permanent statutory endowment fund, University endowment fund, the general fund and the development fund;
- (iii) The terms and conditions of appointment of the Vice-Chancellor, the Registrar, and the Finance Officer and their powers and functions;
- (iv) The mode of recruitment and the terms and conditions of service of the other Officers, Teachers, and Employees of the University;
- (v) The procedure for resolving disputes between the University and its officers, faculty members, employees, and students;
- (vi) Creation, abolition or restructuring of departments and faculties;
- (vii) The manner of co-operation with other Universities and institutions of higher learning;



- (viii) The procedure for conferment of honorary degrees;
- (ix) Provisions regarding grant of scholarships and free ships;
- (x) The number of seats in different courses of studies and the procedure for admission of students to such courses;
- (xi) The fee chargeable from students for various courses of studies;
- (xii) Institution of fellowships, scholarships, studentships, free ships, medals, and prizes;
- (xiii) Procedure for creation and abolition of posts;
- (xiv) Other matters which may be prescribed.

**33. Statutes how made.-** (1) The first statutes framed by the Board of Management shall be submitted to the Board of Governors for its approval.

(2) The Board of Governors shall consider the First Statutes, submitted by the Board of Management and shall give its approval thereon with such modifications, if any, as it may deem necessary.

(3) Where the Board of Governors fails to take any decision with respect to the approval of the statutes within a period of three months, it shall be deemed to have been approved by the Visitor.

(4) The University shall publish the First Statutes, as approved by the Board of Governors, in the University Notification, and thereafter, the First Statutes shall come into force from the date of their publication.

**34. Power to amend the statutes.-** The Board of Governors may make new or additional Statutes or amend or repeal the Statutes.

**35. Regulations.-** Subject to the provisions of this Act, the regulations may provide for all or any of the following matters, namely:-

- (i) Admission of students to the University and their enrolment and continuance as such;
- (ii) The courses of study to be laid down for all degrees and other academic distinctions of the University;
- (iii) The award of degrees and other academic distinctions;
- (iv) The conditions for the award of fellowships, scholarships, studentships, medals, and prizes;
- (v) The conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators, and moderators;
- (vi) The fee to be charged for admission to the examinations, degrees, and other academic distinctions of the University;
- (vii) The conditions of residence of the students at the University or a Constituent College;
- (viii) Maintenance of Discipline among the students of the University or a Constituent College;
- (ix) All other matters as may be provided in the Statutes under the Act.

**36. Regulations how made.-** The regulations shall be made by the Academic Council and approved by the Board of Management.

**37. Power to amend regulations.-** The Academic Council may, with the approval of the Board of Management, make new or additional regulations or amend or repeal the regulations.

**38. Fee Regulation Committee.-** (1) There shall be a Fee Regulation Committee constituted by the Board of Governors which shall consist of the Principal Secretary/Secretary to Government incharge of Higher Education or his nominee as a member and the Chancellor, as Chairman of the Committee and three other members nominated by the Chairman.

(2) The Committee shall lay down the procedure and modalities consistent with the Statute for fixation of fee structure for all the academic programmes.

(3) The fee structure so proposed by the Committee shall be placed before the Board of Governors for approval.

**CHAPTER – VI****MISCELLANEOUS**

**39. Conditions of Service of Employees.-** (1) Every employee shall be appointed under a written contract, which shall be kept in the University, and a copy of which shall be furnished to the employee concerned.

(2) Disciplinary action against the employees shall be governed by the procedure prescribed in the Statutes.

(3) Any dispute arising out of the contract between the University and an employee shall be resolved in the manner provided for in the written contract and in accordance with the Statutes.

**40. Right to appeal.-** In case of disciplinary action by the University against its employee or student, the aggrieved employee or student shall have the right to appeal as specified in the Statutes.

**41. Provident fund and pension.-** The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be specified in the Statutes.

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

**43. Constitution of Committees.-** Any authority of the University mentioned in section 22, shall be empowered to constitute a committee of such authority, consisting of such members of such authority and having such powers as the authority may deem fit.

**44. Filling of Casual Vacancies.-** When any casual vacancy among the members occurs, other than ex-officio members of any authority or body of the University, the same shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person in whose place he / she fills would have been a member.

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

**46. Transitional Provisions.-** Notwithstanding anything contained in any other provisions of this Act and the Statutes,-

- (i) The first Vice-Chancellor and Pro-Vice-Chancellor if any shall be appointed by the Chancellor;
- (ii) The first Registrar and the first Finance Officer shall be appointed by the Chancellor;

- (iii) The first Board of Management, the first Finance Committee, the first Distance Education Committee, the first Research Council and the first Academic Council shall be constituted by the Chancellor.

**47. Permanent Statutory Endowment Fund.-** (1) The University shall establish a Permanent Statutory Endowment Fund of rupees twentyfive crores which may be increased suo moto but shall not be decreased.

(2) The University shall have power to invest the permanent Statutory Endowment Fund in such manner as may be prescribed.

(3) The University may transfer any amount from the General Fund or the Development Fund to the permanent Statutory Endowment Fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from permanent Statutory Endowment Fund for other purposes.

(4) Seventy five percent of the incomes received from permanent Statutory Endowment Fund shall be used for the purpose of development or general work of the University. The remaining twenty five percent shall be reinvested in the permanent Statutory Endowment Fund.

**48. University Endowment Fund.-** (1) The University shall establish a University Endowment Fund having such funds as may be determined by the Sponsoring Body which can include donations and other funds received from time to time.

(2) The University shall have the power to invest the University Endowment Fund in a manner as may be specified in the Statutes.

(3) The University Endowment Fund is a self-imposed fund that the University desires to maintain voluntarily and invest it responsibly to protect itself from financial challenges that may arise on account of pursuing social objectives and / or unforeseen circumstance.

(4) The University may transfer any amount from the General Fund or the Development Fund to the University Endowment Fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the University Endowment Fund for other purposes.

(5) Eighty percent of the incomes received from the University Endowment Fund shall be used for the purposes of development or general work of the University. The remaining twenty percent shall be reinvested into the University Endowment Fund.

**49. General Fund.-** (1) The University shall establish a General Fund to which the following amount shall be credited, namely:-

- (i) All fees which may be charged by the University;
- (ii) All sums received from any other source;
- (iii) All contributions made by the University;
- (iv) All contributions / donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force.

(2) The funds credited to the General Fund shall be applied to meet all the recurring expenditure of the University.

**50. Development Fund.-** (1) The University shall also establish a Development Fund to which the following funds shall be credited, namely:-

- (i) Development fees which may be charged on students;
- (ii) All sums received from any other source for the purposes of the development of the University;
- (iii) All contributions made by the University;
- (iv) All contributions / donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
- (v) All incomes received from the Permanent Statutory Endowment Fund.

(2) The funds credited to the Development Fund from time to time shall be utilized for the development of the University.

**51. Maintenance of Funds.-** The funds established under sections 47, 48, 49 and 50 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

**52. Annual Report.-** (1) The Annual Report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.

(2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification.

(3) A copy of the Annual Report duly approved by the Board of Governors shall be sent to the Visitor and the State Government before 31<sup>st</sup> December following close of the financial year in 31<sup>st</sup> March of each year.

**53. Account and Audit.-** (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from all sources and all amounts disbursed or paid shall be entered in the account maintained by the University.

(2) The annual accounts of the University shall be audited by an auditor, who is a member of the Institute of Chartered Accountants of India, every year.

(3) A copy of the annual accounts and the balance sheet together with the audit report shall be submitted to the Board of Governors before 30<sup>th</sup> November following close of the financial year in 31<sup>st</sup> March of each year.

(4) The annual accounts, the balance sheet, and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the Government along with its observations thereon before the 31<sup>st</sup> December each year.

(5) In the event of any material alteration in the Report of the Auditors, the State Government may issue directions to the University, and such directions shall be binding on the University.

**54. Mode of proof of University record.-** A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof, if produced, have been admissible in evidence.

**55. Power to dissolve the University.-** (1) If the University proposes dissolution in accordance with the law governing its constitution or incorporation, it shall give at least six months' notice in writing to the Government.

(2) On identification of mismanagement, mal-administration and indiscipline, the Government shall issue directions to the management of the University to set right the administration. If the direction is not followed within such time as may be prescribed, the right to take a decision for winding up the University shall vest with the Government.

(3) The manner of winding up of the University shall be such as may be prescribed by the Government in this behalf:

Provided that no such action shall be initiated without affording a reasonable opportunity to show cause to the University.

(4) On receipt of the notice referred to in sub-section (1), the Government shall, in consultation with the relevant Regulatory Authority make such arrangements for administration of the University from the proposed date of dissolution of the University and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be specified in the Statutes.

**56. Expenditure of the University during dissolution.-** (1) The expenditure of administration of the University during the taking over period of its management under sub-section (3) of section 55 shall be met out of the Permanent Statutory Endowment Fund, the General Fund, or the Development Fund.

(2) If the fund referred to in sections 47, 48, 49 and 50 are not sufficient to meet the expenditure of the University during the take-over period of its management, such expenditure may be met by disposing off the properties or assets of the University, by the Government.

(3) Where the dissolution of the University is due to mismanagement or mal-administration, the Government is at liberty to identify the persons responsible for such mismanagement or mal-administration and to impose penalty as it deems fit.

**57. Removal of difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or by order, make such provisions, which are not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no notification or order under this section shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as after it is made, be laid before the State Legislature.

**58. Power to make rules by the State Government.-** (1) The State Government may make rules, by notification, to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry

of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The above translation of ಅಲಿಯನ್ಸ್ ವಿಶ್ವವಿದ್ಯಾಲಯ ಅಧಿನಿಯಮ, 2010 (2010ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 34) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

**H.R.BHARDWAJ**

GOVERNOR OF KARNATAKA

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

**G.K. BOREGOWDA**

Secretary to Government

Department of Parliamentary Affairs and Legislation