

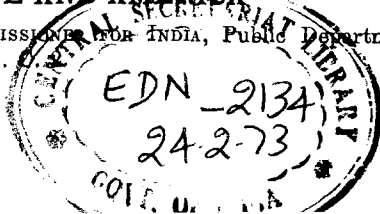
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The Patna University Act, 1951.

[BIHAR ACT XXV OF 1951.]

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THE SCHEDULE.

[Bihar Act XXV of 1951.]
THE PATNA UNIVERSITY ACT,
1951.

[This Act received the assent of the Governor on the 6th July, 1951, and the assent was first published in the Bihar Gazette of the 25th July, 1951.]

AN
ACT

TO ESTABLISH AND INCORPORATE A TEACHING AND RESIDENTIAL UNIVERSITY AT PATNA IN THE STATE OF BIHAR.

WHEREAS it is expedient to establish and incorporate a teaching and residential University at Patna in the State of Bihar;

It is hereby enacted as follows:—

Short title.
and commencement.

1. (1) This Act may be called the Patna University Act, 1951.

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

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Academic Council" means the Academic Council of the University;

(b) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 17 and declared by the Statutes to be the annual meeting of the Senate;

(c) "Chancellor" means the Chancellor of the University;

[*The Patna University Act, 1951.*]

(d) "college" means an institution maintained or controlled by the University, in accordance with the provisions of this Act, in which instruction is given, subject to the provisions contained in the proviso to clause (15) or clause (16) of section 4, to the students of the University up to and including a standard below the post-graduate standard under conditions prescribed in the Statutes and includes the Patna College, the Patna Science College, the Bihar College of Engineering, the Patna Training College, the Patna Law College, the Prince of Wales Medical College, the Magadh Mahila College, the Patna Women's College and the Bihar National College and any other educational institution which may be established at any time before or after the commencement of this Act and transferred to the control of the University in accordance with the provisions of this Act and the Statutes.

(e) "Head of a college department" means the head of any department of a college;

(f) "Head of a University department" means the head of any department established and maintained by the University for imparting instruction to the students of the Univer-

[*The Patna University Act, 1951.*]

sity in the post-graduate standard under conditions prescribed in the Statutes, and includes the director of any institute established by the University for the promotion of research or for imparting instruction to the students of the University in the post-graduate standard;

- (g) "hostel" means a place of residence for students of the University maintained or recognised by the University, either as part of or separate from a college, in accordance with the provisions of this Act;
- (h) "prescribed" means prescribed by this Act or by the Statutes, the Ordinances, the Regulations or the Rules framed thereunder;
- (i) "Principal" means the head of a college;
- (j) "professor" means a teacher on the staff of a college possessing such qualifications as may be prescribed by the Statutes;
- (k) "Public Service Commission" means the Public Service Commission for the State of Bihar constituted under Article 315 of the Constitution of India;
- (l) "registered graduate" means a graduate of the University entered in the register of registered graduates maintained under the provisions of

[The Patna University Act, 1917.]

this Act on payment of a registration fee of ten rupees to the University by every person admitted to a degree of the University along with the fee for admission to such degree:

Provided that where any person is admitted to more than one degree of the University, he shall not be required to pay such registration fee more than once:

Provided further that—

- (i) every person who has paid a fee for the retention of his name for life on any register of registered graduates prepared under the Patna University Act, 1917, and the Regulations made thereunder shall be deemed to be a registered graduate under the provisions of this Act;
- (ii) any person who is a graduate of the Patna University, established and incorporated under the Patna University Act, 1917, shall, subject to such conditions as may be prescribed by the Statutes, be entitled to have his name entered in the register of registered graduates maintained under the provisions of this Act; and
- (iii) any person [other than the person referred to in clause (i) or (ii) of this provision] whose name was entered in the register of registered graduates prepared under the Patna University Act, 1917, and in force immediately before the commencement of this Act shall, subject to such conditions

[*The Patna University Act, 1951.*]

as may be prescribed by the Statutes, be entitled to have his name entered in the register of registered graduates maintained under the provisions of this Act;

((m) " Senate " means the Senate of the University;

((n) " Statutes ", " Ordinances ", " Regulations " and " Rules " mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University for the time being in force;

((o) " Syndicate " means the Syndicate of the University;

((p) " teachers " include Principals, University professors, professors, readers, lecturers and other persons imparting instruction in departments or institutes established and maintained by the University or in any of its colleges but do not include research scholars or research Fellows;

((q) " University " means the Patna University;

((r) " University Fund " means the Patna University Fund established under sub-section (1) of section 37;

((s) " University professor " means a teacher engaged in giving instruction in a department or institute established and maintained by the University for imparting instruction to the students of the University in the post-graduate standard

[*The Patna University Act, 1951.*]

and possessing such qualifications as may be prescribed by the Statutes;

(t) "Vice-Chancellor" means the Vice-Chancellor of the University; and

(u) "Warden" means the head of a hostel.

The University and its officers.

3. (1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Patna University.

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

Purposes and powers of the University.

4. The purposes and powers of the University shall be the following, namely—

(1) to provide—

(i) for instruction in such branches of learning as the University may think fit including professional studies and technology, and

(ii) for research and for the advancement and dissemination of knowledge;

(2) to hold examinations and to grant and confer degrees, diplomas and certificates and other academic distinctions to and on persons who—

(a) shall have pursued an approved course of study in the University and shall have passed the

[*The Patna University Act, 1951.*]

- examinations of the University, under conditions laid down in the Statutes, the Ordinances or the Regulations;
- (b) are teachers in educational institutions, under conditions prescribed in the Statutes, the Ordinances or the Regulations, and shall have passed the examinations of the University, under like conditions; or
- (c) shall have carried on independent research under conditions laid down in the Statutes, the Ordinances and the Regulations;
- (3) to confer honorary degrees or other distinctions on persons approved in the manner prescribed in the Statutes;
- (4) to provide such lectures and instruction for, and to grant such diplomas to, persons, not being members of the University, as the University may determine;
- (5) to inspect all colleges, University departments and hostels;
- (6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (7) to institute Professorships, Readerships, Lecturerships, and any other teaching posts required by the University and to appoint persons to such Professorships, Readerships, Lecturerships and posts;
- (8) to recognise teachers as qualified to give instruction in colleges;
- (9) to institute and award Fellowships, including travelling Fellowships,

[*The Patna University Act, 1951.*]

scholarships, exhibitions, medals and prizes in accordance with the Statutes, the Ordinances and the Regulations;

(10) to institute, maintain and manage colleges and hostels and to recognise hostels not maintained by the University;

(11) to demand and receive such fees as may be prescribed in the Ordinances;

(12) to supervise and control the residence and discipline of students of the University and to make arrangements for promoting their health and general welfare and for that purpose to have powers to appoint and constitute such Committees as may be prescribed by the Statutes and the Ordinances;

(13) to enter into agreements with other bodies or persons for the purpose of promoting the purposes of this Act including the assuming of the management of any institution under them and the taking over of its properties and liabilities;

(14) to hold and manage endowments, bequests, donations and other transfers of properties made to and for the benefit of colleges either itself or through such agencies as were administering the said endowments, bequests, donations and other trust properties, immediately before the commencement of this Act, subject to such conditions and restrictions as may be prescribed by the Statutes;

(15) to undertake the conduct of post-graduate teaching, research and work in departments established and maintained by the University:

[*The Patna University Act, 1951.*]

Provided that if the University, at any time, decides to conduct the post-graduate teaching in any subject in any college, it shall be lawful for the University to arrange and provide for the post-graduate teaching in that subject in that college, and to utilise, for the said purpose, the buildings of that college or any portion thereof and such members of the staff and the articles of furniture, library, books, laboratories, stores, instruments and other equipments of that college as may be prescribed in the Statutes;

(16) to centralise the conduct of under-graduate teaching of any standard in any subject or subjects. Where the University decides to centralise the conduct of such under-graduate teaching, it shall be lawful for the University to arrange and provide centrally for the delivery of lectures in such subject or subjects, and to utilise, for the said purpose, the buildings of one or more colleges and such members of the staffs and the articles of furniture, libraries, books, laboratories, stores, instruments and other equipments of such college or colleges as may be prescribed by the Statutes :

Provided that where the University conducts under-graduate teaching in any subject or subjects, the colleges shall be responsible for the imparting of tutorial instruction in such subject or subjects in accordance with such conditions as may be prescribed by the Regulations;

(17) to do all such other acts and things, whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the

[*The Patna University Act, 1951.*]

University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

Territorial
jurisdiction
of University.

5. Save as otherwise provided in this Act, the territorial jurisdiction of the University shall extend to such local areas as were comprised, on the date of the commencement of this Act, within the limits of the Patna City Municipality and within the limits of Patna as defined in section 2 of the Patna Administration Act, 1915, and no educational institution within those limits shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution, within those limits prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act:

B. & O.
Act I of
1915.

Provided that nothing in this section shall apply to any agricultural or other technical institution established and maintained by the University with the sanction of the State Government outside such limits.

University
open to all
classes, castes
and creeds.

6. No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study, on the sole ground of sex, race, creed, class, caste or political belief and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat, or to

[*The Patna University Act, 1951.*]

enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

Teaching of
the University.

7. (1) All recognised teaching in connection with the University courses shall be conducted under the control of the Academic Council and shall include lecturing, work in laboratories or workshops, and other teaching conducted in the University or colleges by the University professors, professors, readers, lecturers and other teachers thereof in accordance with any syllabus prescribed by the Regulations.

(2) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Regulations.

(4) In addition to recognised teaching, tutorial and other supplementary instruction shall be given in the University, or under the control of the University in colleges.

(5) It shall not be lawful for the University or for any college to maintain classes for the purpose of preparing students for admission to the University.

Officers of the
University.

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

- (1) the Chancellor,
- (2) the Vice-Chancellor,
- (3) the Treasurer,
- (4) the Registrar,
- (5) the Deans of the Faculties, and

[*The Patna University Act, 1951.*]

(6) such other persons as may be declared by the Statutes to be the officers of the University.

The Chancellor

9. (1) The Governor of Bihar shall be the Chancellor. He shall, by virtue of his office, be the head of the University and the president of the Senate, and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(2) The Chancellor shall have the right to make an inspection, or to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, workshops and equipment and of any college or hostel, and also of the examinations, teaching and other work conducted or done by the University, and to make an inquiry, or to cause an inquiry to be made, in like manner in respect of any matter connected with the University:

Provided that the Chancellor shall, in every case, give notice to the Vice-Chancellor of his intention to make an inspection or inquiry or to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) (a) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Syndicate and the Academic Council the views of the Chancellor.

(b) The Syndicate and the Academic Council shall report to the Chancellor such action, if any, as they have taken or may propose to take upon the results of such inspection or inquiry, and such report shall be submitted within such time as the Chancellor may

[*The Patna University Act, 1951.*]

direct through the Senate which may express its opinion thereon.

(c) Where the Syndicate and the Academic Council do not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Senate, the Syndicate and the Academic Council, issue such directions as he may think fit, and the Syndicate and the Academic Council shall comply forthwith.

(4) The Chancellor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes, the Ordinances and the Regulations:

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

(5) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

(6) Where power is conferred upon him by the Act or the Statutes to nominate persons to authorities and bodies of the University, the Chancellor shall, to the extent necessary and without prejudice to such powers, nominate persons to represent interests not otherwise adequately represented.

(7) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

10. (1) No person shall be deemed to be qualified to hold the office of Vice-Chancellor unless such person—

(i) is above forty years of age; and

The Vice-
Chancellor.

[*The Patna University Act, 1951.*]

(ii) (a) is an educationist having experience of administering the affairs of any University in India for not less than six years, or

(b) is or has been a Principal or a Head of a University or college department having served as a teacher of the University or of any other University or college in India for not less than ten years.

(2) The Vice-Chancellor shall be appointed by the Chancellor from amongst the persons qualified to hold the office of the Vice-Chancellor under subsection (1) in accordance with such procedure as may be prescribed by the Statutes.

(3) The Vice-Chancellor shall hold office for a term of three years from the date on which he assumes charge of the office, on the expiration of which term he may be re-appointed for only one more term which shall not exceed three years.

(4) The Vice-Chancellor shall be a whole-time officer and shall be appointed and hold office on such terms and subject to such conditions as may be prescribed by the Statutes.

(5) The Vice-Chancellor shall be paid a salary of two thousand rupees *per mensem*, and shall be provided by the University with a suitable rent-free house for his residence at Patna.

(6) The Vice-Chancellor shall be the principal executive and academic officer

[*The Patna University Act, 1951.*]

of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate and at any convocation of the University. He shall be the chairman of the Syndicate and of the Academic Council and shall be entitled to be present and to speak at any meeting of any authority or other body of the University:

Provided that the Vice-Chancellor shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(7) The Vice-Chancellor shall, subject to the provisions of this Act, the Statutes and the Ordinances, have power to make appointments to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the clerical staff and other servants of the University, not being teachers and officers of the University, and have control and full disciplinary powers over such staff and servants.

(8) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University:

Provided that the Vice-Chancellor may delegate the power under this subsection to any other officer of the University.

(9) The Vice-Chancellor shall have the right of visiting and inspecting the colleges and buildings, laboratories, workshops and equipments thereof and any other institutions associated with the University.

(10) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal

[*The Patna University Act, 1951.*]

and suspension of an officer or teacher of the University and shall exercise general control over the educational arrangements of the University. He shall be responsible for the discipline of the University.

(11) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Act, the Vice-Chancellor shall take such action as he deems fit, and shall, as soon as may be thereafter, report the action so taken by him to the Syndicate or, as the case may be, to the Academic Council, which may either confirm the action so taken by the Vice-Chancellor or disapprove of it.

(12) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules and to report to the Chancellor every proceeding which is not in conformity with such provisions.

(13) The Vice-Chancellor shall exercise such further powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes and the Ordinances.

The Treasurer.

11. The Treasurer shall, subject to the approval of the Chancellor, be appointed by the Senate from a panel of three persons recommended by the Syndicate upon such conditions and shall receive such remuneration (if any) from the

[*The Patna University Act, 1951.*]

funds of the University, as the Senate shall deem fit. He shall hold office for a period of three years from the date on which he assumes charge of the office, on the expiration of which term he may be re-appointed for another term which shall not exceed three years. He shall be an *ex-officio* member of the Syndicate and shall—

- (a) exercise general supervision over the funds of the University, and advise in regard to its financial policy and be responsible for the preparation and presentation of the annual estimates and statement of accounts to the Senate on behalf of the Syndicate;
- (b) be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted by the appropriate authority; and
- (c) exercise such other powers as may be prescribed by the Statutes and the Ordinances.

Temporary
vacancy in the
office of the
Vice-Chancellor
or Treasurer.

12. When any temporary vacancy occurs in the office of the Vice-Chancellor or the Treasurer by reason of leave, illness or any other cause, the Syndicate shall forthwith report the same to the Chancellor who shall make such arrangements as he thinks fit for carrying on the office of the Vice-Chancellor or the Treasurer, as the case may be:

Provided that until such arrangements are made—

- (a) in the case of a temporary vacancy in the office of the Vice-Chancellor, it shall be lawful

[*The Patna University Act, 1951.*]

for the Treasurer to exercise the powers and perform the duties of the Vice-Chancellor;

- (b) in the case of a temporary vacancy in the office of the Treasurer, the Syndicate shall appoint one of its own members to exercise the powers and perform the duties of the Treasurer

The Registrar

13. The Registrar shall be a whole-time officer and shall act as Secretary to the Senate, the Syndicate and the Academic Council. He shall—

- (a) manage the property and investments of the University;
- (b) sign all contracts made on behalf of the University;
- (c) exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinances, the Regulations and the Rules, or as may, from time to time, be conferred and imposed on him by the Senate, the Syndicate and the Academic Council; and
- (d) generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties.

Authorities of the University.

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

- (1) the Senate,
- (2) the Syndicate,
- (3) the Academic Council,
- (4) the Faculties, and
- (5) such other authorities as may be declared by the Statutes to be the authorities of the University.

[*The Patna University Act, 1951.*]

the Senate.

15. (1) The Senate shall consist of the following persons, namely :—

Class I—Ex-officio members.

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Treasurer;
- (iv) the Chief Justice of the High Court of Judicature at Patna;
- (v) the Secretary to the Government of Bihar in the Department of Education;
- (vi) the Director of Public Instruction, Bihar;
- (vii) the Inspector-General of Civil Hospitals, Bihar;
- (viii) the Director of Industries, Bihar;
- (ix) the Deans of Faculties;
- (x) such of the Principals and Heads of University departments as are not Deans;
- (xi) the Chairman of the Patna City Municipality; and
- (xii) all ex-Vice-Chancellors appointed to hold office under the Patna University Act, 1917, or ^{XVI of} 1917, under this Act.

Explanation.—For the purposes of this clause, the expression “ ex-Vice-Chancellor ” does not include any ex-Vice-Chancellor who was appointed to fill a casual or temporary vacancy.

Class II—Life members.

- (i) seven persons appointed by the Chancellor on the ground that they have rendered eminent service to the cause of education;

[*The Patna University Act, 1951.*]

- (ii) every person who has given, whether in one or more instalments, a sum of not less than one lakh of rupees in cash or property of the equivalent value to or for the purposes of the University or of a college.

Explanation.—Every person who has been appointed for life to be the Fellow of the Patna University under clause (ii) of Class II of sub-section (1) of section 7 of the Patna University Act, 1917, shall, for the purposes of this clause, be deemed to be a life member of the Senate, provided that the beneficial interest arising out of any property endowed by such person accrues wholly or mainly to the University or to the colleges or departments transferred to the maintenance and control of the University under the provisions of this Act.

Class III—Representative members.

- (i) thirty-five teachers, other than Deans, Principals, and Heads of the University departments, to be elected from and by the teaching staffs of colleges and University departments in such manner as may be prescribed by the Statutes, so that the teaching staff of every college and the teaching staff of every University department shall be represented on the Senate under this sub-head in such number and at such intervals as may be prescribed by the Statutes;
- (ii) fifteen registered graduates to be elected from and by such registered graduates as

[*The Patna University Act, 1951.*]

are not for the time being included, or as would not on payment of any fee prescribed by the Statutes be eligible for inclusion, in the electorate, referred to in sub-head (i);

(iii) five persons, to be elected by such associations or public bodies and in such number by every such association or body as may be prescribed by the Statutes;

(iv) eight persons, to be elected by and from the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;

(v) two persons, to be elected by and from the members of the Bihar Legislative Council in such manner as may be prescribed by the Chairman of the Council.

Class IV—Nominated members.

Not more than five persons to be nominated by the Chancellor:

Provided that of the persons so nominated, two shall be members of the teaching staffs of colleges including University departments.

(2) No person shall be qualified to be chosen as a representative member of the Senate under Class III of sub-section (1) unless he is at least twenty-five years of age.

[*The Patna University Act, 1951.*]

Term of office
of members of
the Senate.

16. The term of office of members of the Senate, other than the *ex-officio* members and life members, shall be for a period of three years with effect from the dates of their respective elections or appointments, as the case may be:

Provided that a member elected or appointed as a representative of any body shall be deemed to vacate office with effect from the date on which he ceased to be a member of the body which elected or appointed him.

Meetings of the
Senate.

17. (1) The Senate shall, on dates to be fixed by the Vice-Chancellor, meet twice in every year, at meetings to be called the ordinary meetings of the Senate. One of the ordinary meetings shall be declared by the Statutes to be the annual meeting of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate

Powers and
duties of the
Senate.

18. (1) Subject to the provisions of this Act and the Statutes, the Senate shall be the supreme governing body of the University and shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall exercise all the powers of the University, not otherwise provided for, to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Senate shall exercise the

[*The Patna University Act, 1951.*]

following powers and perform the following duties, namely :—

- (a) of making Statutes, and amending or repealing the same;
- (b) of considering and cancelling Ordinances and Regulations;
- (c) of considering and passing resolutions on the annual reports, the annual accounts and the financial estimates;
- (d) of constituting, from amongst its own number, a Finance Committee under the chairmanship of the Treasurer; and
- (e) such other powers and duties as may be conferred or imposed upon it by this Act or the Statutes.

The Syndicate.

19. (1) The Syndicate shall be the chief executive body of the University and shall consist of the following persons, namely :—

Class I—Ex-officio members.

- (i) the Vice-Chancellor;
- (ii) the Treasurer;
- (iii) the Secretary to the Government of Bihar in the Department of Education;
- (iv) the Director of Public Instruction, Bihar;
- (v) two Principals and four Heads of University departments to be determined in such manner as may be prescribed by the Statutes so as to enable the Principal of every college and

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the Head of every University department to have a seat on the Syndicate by rotation at every stated interval.

Class II—Other members.

Eleven members elected from and by the members of the Senate in the manner prescribed by the Statute of whom seven shall be non-teachers and four shall be teachers other than Principals and Heads of University departments.

(2) The term of office of members, other than the *ex-officio* members, shall be for a period of three years with effect from the dates of their respective elections:

Provided that any member elected by any body from among its own number shall be deemed to vacate office with effect from the date on which he ceased to be a member of the body which elected or appointed him.

Powers and duties of the Syndicate.

20. The Syndicate—

- (a) shall hold, control and administer the property and funds of the University including endowments, bequests, donations and other transfers of property made to and for the benefit of colleges;
- (b) shall determine the form, provide for the custody and regulate the use of the common seal of the University;
- (c) shall, subject to the powers conferred by or under this Act on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with the Act, the

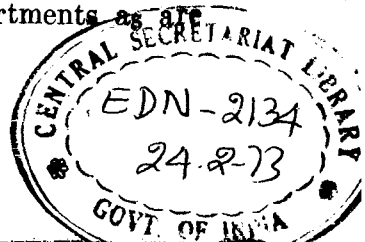
[*The Patna University Act, 1951.*]

- Statutes, the Ordinances and the Regulations;
- (d) shall administer any funds placed at the disposal of the University for specific purposes;
- (e) save as otherwise provided in this Act or the Statutes, shall appoint officers (other than the Vice-Chancellor and the Treasurer) and teachers of the University and shall define their duties and shall provide for the filling of temporary vacancies in the offices of such officers and teachers;
- (f) shall determine, after considering the recommendations of the Academic Council, rates of emoluments of examiners or class of such examiners;
- (g) shall have power to accept on behalf of the University transfers of any movable or immovable property made to and for the benefit of a college or the University; and
- (h) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes.

The Academic Council.

21. (1) The Academic Council shall consist of—

- (i) the Vice-Chancellor;
- (ii) the Deans of Faculties;
- (iii) such Principals and Heads of University departments as are not Deans;



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(iv) the Director of Public Instruction, Bihar; and

(v) four teachers, to be elected from and by the members of the teaching staffs of the colleges and University departments, other than the Deans, Principals and Heads of University departments.

(2) The term of office of members, other than the *ex-officio* members, shall be for a period of three years with effect from the dates of their respective elections.

Powers and duties of Academic Council.

22. The Academic Council shall be the chief academic body of the University and shall—

(a) subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Syndicate, determine and regulate all academic matters concerning the University in accordance with this Act, the Statutes and the Ordinances;

(b) have the power of superintendence and control over, and be responsible for the maintenance of, standards of instruction and education including the conduct of post-graduate teaching and the centralised under-graduate teaching of any standard in any subject or subjects and the promotion of research work in the University;

(c) have the power to establish an Examination Board which shall,

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subject to the general supervision and control of the Academic Council, be responsible for making all arrangements for the conduct of the University examinations including the publication of results; and

- (d) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

The Faculties.

23. (1) The University may include the Faculties of Arts, Science, Medicine, Law, Education, Commerce and Engineering and such other Faculties as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and the research work in such subjects as may be assigned to such Faculty by the Regulations.

(2) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(3) Subject to the provision of subsection (2), each Faculty shall consist of—

- (a) such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Academic Council in accordance with the qualifications of such teacher-members;

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(b) such number of members of the Senate as are not teachers, not exceeding one-fourth of the total number of members of each Faculty, as may be elected from and by the Senate in the manner prescribed by the Statutes; and

(c) such number of members, to be co-opted as experts by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provided that no person shall be a member of more than two Faculties.

(4) There shall be a Dean of each Faculty, who shall be elected in the manner laid down in sub-section (6) and shall be responsible for the due observance of the Statutes, the Ordinances and the Regulations relating to the Faculty.

(5) Each Faculty shall comprise such departments of teaching as may be prescribed by the Regulations. The head of every such department shall be the professor of a college department or the University professor of a University department, or, if there is no such professor or University professor, the reader of a college department or, as the case may be, the reader of a University department. If there are more than one professor or more than one University professor or more than one reader in a department, the Vice-Chancellor, in consultation with the Principal in the case

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of a college department and in consultation with the Dean in the case of a University department, shall appoint, to be the Head of a department, such one of the professors or University professors or such one of the readers as he thinks fit. The Head of a department shall be responsible to the Dean for the organisation of the teaching in that department:

Provided that where it is proposed to appoint any teacher to be the Head of a department who is not the seniormost professor, University professor or reader of the department, as the case may be, no appointment shall be made under this sub-section except with the prior concurrence of the Public Service Commission.

(6) The Dean of a Faculty shall be elected by the Faculty from amongst the Heads of University departments of the Faculty and the Principals. The Dean shall hold office as Dean for a period of three years, but no person shall be elected to be the Dean of a Faculty for two consecutive terms:

Provided that the provision of this sub-section relating to the restriction of election of a Dean of a Faculty for two consecutive terms shall not apply in the case of a Faculty in which the University does not conduct post-graduate teaching.

(7) Subject to the provisions of **this** Act, each Faculty shall have the following powers, namely:—

- (a) to constitute the Boards of Courses and Studies in departments assigned to it; and

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(b) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

Appointment to posts of teachers and officers of the University.

24. (1) Subject to the provisions of this Act and the Statutes made thereunder, the Public Service Commission shall, in relation to appointments to posts of teachers and officers of the University (other than the Vice-Chancellor and the Treasurer), discharge, so far as may be, the same functions as have been assigned to it by Article 320 of the Constitution of India in relation to the services of the State.

(2) In making recommendations for appointment to every post of teacher, the Public Service Commission shall have the assistance of two experts in the subject for which an appointment is to be made, of whom one shall be a teacher of the University to be nominated by the Syndicate and the other shall be a person, other than a teacher of the University, to be nominated by the Academic Council. In making recommendations for appointment to every post of officer of the University (other than the Vice-Chancellor and the Treasurer) the Public Service Commission shall have the assistance of only one expert to be nominated by the Syndicate. The expert or experts shall be associated with the Public Service Commission, as assessor or assessors whose duty it shall be to give expert advice to the Commission but who shall have no right to vote.

(3) Subject to the provisions of subsections (1) and (2), the Public Service Commission shall recommend to

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the Syndicate, for appointment to every post of teacher or officer of the University, names of two persons arranged in order of preference and considered by the Public Service Commission to be the best qualified therefor.

(4) In making appointment to a post of teacher or officer of the University, the Syndicate shall make its selection out of the names recommended by the Public Service Commission, provided that if the Syndicate, in the first instance, does not consider the names recommended by the Public Service Commission to be suitable, it shall refer the matter back to the Public Service Commission for reconsideration. In no case shall the Syndicate appoint a person who is not recommended by the Public Service Commission.

(5) Notwithstanding anything contained in the preceding sub-sections but always subject to the other provisions of this Act,—

(a) when appointment to a post of teacher or officer of the University is made by promotion or transfer from any other service including the service of the University, it shall not be necessary for the University to consult the Public Service Commission, unless it is proposed, by such promotion or transfer, to fill—

(i) a permanent post substantively,
or

(ii) a permanent post or a temporary post on an officiating or temporary basis for a period exceeding six months:

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Provided that if an appointment is made for a period not exceeding six months and it is proposed by the University to extend the period so that it will exceed six months in all, the Public Service Commission shall be consulted;

(b) when appointment to a post of teacher or officer of the University is made otherwise than by promotion or transfer from another service including the service of the University, it shall not be necessary to consult the Commission if the appointment is not expected to continue for more than six months and cannot be delayed without detriment to the interest of the college or departments or institutions established and maintained by the University:

Provided that if it is proposed to retain the person so appointed in the same post for a period exceeding six months or to appoint him to another post in the service of the University, the Public Service Commission shall be consulted.

Disciplinary
action against a
teacher or
officer of the
University.

25. (1) Subject to the other provisions of this Act, the Public Service Commission shall be consulted by the Syndicate on all disciplinary matters affecting a teacher or officer of the University (other than the Vice-Chancellor and the Treasurer) and no memorials or petitions relating to such matters shall be disposed of nor shall any action be taken against or any punishment imposed on a teacher or officer of the University otherwise than in conformity with the findings of the Public Service Commission:

Provided that if the punishment proposed to be imposed is one of reduction, removal or dismissal, the final order shall not be passed except by the authority

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empowered under this Act to appoint such teacher or officer :

Provided further that no teacher or officer who is a member of the public services in India and whose services have been lent to the University shall be dismissed, removed or reduced in rank except by an order of the Government :

Provided also that if the teaching efficiency of a teacher against whom any disciplinary action is proposed to be taken is in question, two experts in the subject concerned, to be nominated by the Academic Council, shall be associated with the Public Service Commission as assessors whose duty it shall be to give expert advice to the Commission but who shall have no right to vote.

(2) It shall not be necessary to consult the Public Service Commission where only an order of censure, or an order withholding increment, including stoppage at an efficiency bar or an order of suspension pending investigation of charges is passed against a teacher or officer of the University.

Other authorities of the University.

26. The constitution, powers and duties of such other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Finance Committee.

27. The Finance Committee constituted under clause (d) of sub-section (2) of section 18 shall consist of the Treasurer and four members elected by the Senate in the manner prescribed by the Statutes from amongst its own number, whose duty it shall be to give advice to the University on any question

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affecting its finances. The Finance Committee shall—

- (a) prepare and consolidate the annual estimates of income and expenditure of the University including the estimates of colleges and departments of the University;
- (b) subject to any Statutes, have power to scrutinize every item of new expenditure not provided in the budget estimates of the University;
- (c) be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University; and
- (d) discharge such other functions of financial nature as may, from time to time, be prescribed by the Statutes or entrusted to it by the Senate or the Syndicate.

STATUTES, ORDINANCES, REGULATIONS AND
RULES.

Statutes.

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

- (a) the conferment of honorary degrees;
- (b) the institution of Fellowships, scholarships, exhibitions, medals and prizes;
- (c) the designations and powers of the officers of the University;
- (d) the constitution, powers, functions and duties of the

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- authorities of the University including the Finance Committee;
- (e) the institution of colleges and hostels and their maintenance and management;
 - (f) the classification, mode of appointment and recognition of teachers of the University;
 - (g) the number, qualifications, grades, pay, and conditions of service, of teachers, officers and other servants of the University including the creation of new posts, after considering the recommendations of the Academic Council and the Syndicate, in the case of posts of teachers and the recommendations of the Syndicate in the case of posts of officers and other servants of the University;
 - (h) the constitution of pension, insurance or provident funds for the benefit of the officers, teachers and other servants of the University;
 - (i) the maintenance of a register of registered graduates;
 - (j) the maintenance of a register of teachers;
 - (k) the maintenance of accounts of the income and expenditure of the University including the income and expenditure of colleges and the forms and registers in which such accounts shall be kept; and
 - (l) all other matters which, by this Act, are to be or may be prescribed by the Statutes.

[*The Patna University Act, 1951.*]

Statutes, how
made.

29. (1) The Senate may take into consideration the draft of any Statutes either of its own motion or on the submission thereof by the Syndicate :

Provided that no draft of any Statutes having the effect of varying the scales or grades of pay of teachers, officers and other servants of the University shall be taken into consideration by the Senate unless the Chancellor has recommended to the Senate the consideration of the draft.

(2) Where the draft of any Statute or part thereof submitted by the Syndicate to the Senate has been returned to the Syndicate for reconsideration and the Syndicate after such reconsideration does not agree to any amendments suggested by the Senate, it shall be lawful for the Senate to pass the draft of the Statute or part thereof in such form as it thinks fit and the decision of the Senate shall, subject to the provisions of sub-section (3) and sub-section (4), be final.

(3) Where the draft of any Statute has been passed by the Senate, it shall be submitted to the Chancellor and the Chancellor may declare that he assents to the Statute :

Provided that the Chancellor may, as soon as possible after the presentation to him of the draft of the Statute so passed for assent, return the draft together with a message requesting that the Senate will reconsider the draft and when a draft is so returned, the Senate shall reconsider the draft accordingly and if the draft is passed again by the Senate with or without any amendment and presented to the Chancellor for

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assent, the Chancellor shall assent thereto.

(4) A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

(5) The Syndicate shall not propose the draft of any Statute affecting the status, powers and constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Senate:

Provided that on matters appertaining to the status, powers, functions or constitution of the Academic Council, it shall be lawful for the Academic Council to initiate the draft of any such Statute and forward it to the Syndicate for transmission to the Senate with such recommendations as the Syndicate may wish to make.

(6) Where any member of the Senate proposes to the Senate the draft of any Statute, the Senate may refer the same to the Syndicate and it shall thereupon be the duty of the Syndicate to consider the draft and the Syndicate may either recommend to the Senate that the proposal be rejected or submit the draft to the Senate in such form as the Syndicate may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Senate by the Syndicate.

Ordinances.

30. Subject to the provisions of this Act and to Statutes, the Syndicate may make Ordinances to provide

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for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such;
- (b) the conditions of residence of the students of the University, the levying of fees for residence in hostels maintained or recognised by the University and the recognition of hostels not maintained by the University, including the suspension or withdrawal of such recognition;
- (c) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University;
- (d) the constitution, powers and duties of the Committees of the University; and
- (e) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

Ordinances, how made.

31. An Ordinance made by the Syndicate under section 30 shall be submitted, as soon as may be, to the Chancellor and the Senate, and thereupon it shall be the duty of the Senate to consider the Ordinance at its next meeting and the Senate may, by a resolution passed by a majority of the members present and voting at such meeting, either reject the Ordinance or approve it with such modifications, if any, and from such future date as it may direct:

Provided that if at any time, except when the Senate is in session, the Syndicate makes an Ordinance and considers

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its immediate enforcement necessary, the Syndicate may recommend to the Chancellor accordingly and the Chancellor shall thereupon, by order published in the Official Gazette, direct that the Ordinance shall come into immediate effect, but such Ordinance shall cease to have effect on the expiry of seven days from the date of the next meeting of the Senate unless confirmed by it.

Regulations,
and Regulations
how made.

32. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations to provide for all or any of the following matters, namely:—

- (a) the courses of study to be laid down for all degrees and diplomas of the University;
- (b) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for degrees and diplomas;
- (c) the formation of departments of teaching in the Faculties;
- (d) the constitution, powers, functions and duties of the Examination Board;
- (e) the conditions and mode of appointment and duties of examiners and the conduct of examinations; and
- (f) all other matters which by this Act, the Statutes or the Ordinances are to be or may be provided for by Regulations.

(2) A Regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be, to the

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Syndicate for transmission to the Senate, and the Syndicate shall duly forward the same to the Senate with such recommendations, if any, as it may wish to make and shall have no power to return it to the Academic Council for reconsideration, unless such Regulation, in the opinion of the Syndicate, relates to matters which directly or indirectly affect the finances of the University. Such Regulation shall have effect from the date on which it is confirmed by the Senate or from such other future date as the Senate may appoint:

Provided that if at any time, except when the Senate is in session, the Academic Council makes a Regulation and considers its immediate enforcement necessary, the Academic Council may recommend to the Chancellor accordingly and the Chancellor shall thereupon, by order published in the Official Gazette, direct that the Regulation shall come into immediate effect, but such Regulation shall cease to have effect on the expiry of seven days from the date of the next meeting of the Senate unless confirmed by it:

Provided further that if any Regulation made by the Academic Council under the preceding proviso involves expenditure from the University fund, the Regulation shall be forwarded to the Chancellor through the Syndicate.

(3) Where the Syndicate has returned to the Academic Council a Regulation made by it and the Academic Council, on a reconsideration of the matter, does not agree with the Syndicate, the Academic Council may refer back the matter to the Senate through the Syndicate and

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thereupon the Senate may either confirm the Regulation or reject it.

Rules.

33. (1) The authorities and the Boards of the University may make Rules consistent with this Act, the Statutes, the Ordinances and the Regulations—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (b) laying down the procedure to be observed by Committees subordinate to any such authorities and the Boards at their meetings and the member of members required to form a quorum;
- (c) providing for all matters which by this Act, the Statutes, the Ordinances or the Regulations are to be prescribed by Rules, and
- (d) providing for all other matters solely concerning such authorities, Committees and Boards and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(2) Every authority of the University shall make Rules providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Senate may direct the amendment, in such manner as it may specify, of any Rules made under this section or the annulment of any Rules made under sub-section (1).

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RESIDENCE AND HOSTELS.

Residences. 34. Every student of the University shall reside in hostel, or under such supervision, control or conditions as may be prescribed by the Statutes and the Ordinances.

Hostels. 35. (1) The hostels shall be such as may be maintained by the University and colleges or approved and recognized by the Syndicate on such general or special conditions including conditions of residence in hostels as may be prescribed by the Ordinances.

(2) Wardens and superintending staffs of hostels shall be appointed in the manner prescribed by the Statutes.

ANNUAL REPORT OF THE UNIVERSITY.

Annual report. 36. The annual report on the working of the University shall be prepared under the direction of the Syndicate and shall include annual accounts of the University and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at its annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate for such action, if any, as may be specified in such resolutions :

Provided that no decision shall be taken on the annual accounts nor shall there be anything in the resolutions on the annual report which shall have the effect of anticipating the report of the auditors on the annual accounts.

FINANCE. ACCOUNTS AND AUDIT OF THE UNIVERSITY.

University Fund. 37. (1) There shall be established for the University a Fund to be called the

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Patna University Fund which shall be vested in the University for the purposes of this Act, subject to the provisions therein contained.

(2) There shall be placed to the credit of the University Fund—

- (a) all sums allotted to the University from the Consolidated Fund of the State of Bihar by the State Government and all sums borrowed by the University for the purposes of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (b) all moneys received by or on behalf of the University, the colleges and institutions and departments established and maintained by the University including all sums paid to the University under any provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (c) such percentage of the balance, if any, standing to the credit of the Patna University, established and incorporated under the Patna University Act, 1917, immediately before ^{XVI of} the commencement of this Act, ^{1917.} as may be determined by the Governor of Bihar having regard to the claims of other Universities established by law in the State on the date of the commencement of this Act;
- (d) all interests and profits arising from endowments and bequests

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made to and for the benefit of the colleges, and all contributions, donations and subsidies received from any local authority or private persons;

(e) all fees payable and levied under this Act and the Statutes, Ordinances and Regulations made thereunder; and

(f) all other sums received by the University not included in clause (a), (b), (c), (d) or (e).

(3) The University Fund shall be kept in such scheduled bank within the meaning of the Reserve Bank of India Act, 1934, or invested in such securities^{II of 1934.} authorised by the Indian Trusts Act, 1882, as may, from time to time, be^{II of 1882.} approved by the State Government.

(4) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the Patna University established under the Patna University Act, 1917, by any declaration of^{XVI of 1917.} trust executed by or on its behalf or by any scheme settled under the Charitable Endowments Act, 1890, for the administration of the trust, in so far as such trust or scheme relates to the University^{VI of 1890.} or to the colleges transferred to it under the provisions of this Act.

Contribution
by Government
to the University.

38. (1) The State Government shall contribute to the University Fund annually a recurring grant which shall include all such expenses not being expenses of a capital or non-recurring nature, as were incurred by the State Government immediately before the

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commencement of this Act out of the Consolidated Fund of the State for and in respect of the Patna University, its departments, and the colleges and institutions transferred to the University for maintenance under section 51, increased by thirty-three and one-third *per centum* of such expenses. The amount of the annual recurring grant shall be worked out by the State Government in consultation with the Vice-Chancellor in accordance with the principles laid down in the section and shall be specified in a notification to be published in the Official Gazette within sixty days from the commencement of this Act, and the amount so worked out and specified in the notification shall be final and shall not be questioned in any court of Law.

(2) The State Government may contribute, from time to time, such additional grants to the University Fund as it may deem fit having regard to the need of expansion and development of the University.

Annual estimate
of income and
expenditure.

39. (1) Every college shall prepare in the prescribed form an estimate of its probable income including income from endowments and bequests, if any, and expenditure for the next ensuing financial year and shall submit the same to the Syndicate on or before such date as may be prescribed by the Statutes.

(2) On receipt of the estimate under sub-section (1), it shall forthwith be referred by the Syndicate to the Finance Committee for examination and report.

(3) The Finance Committee shall prepare the annual estimates of income and expenditure of the University for the next ensuing financial year incorporating

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therein the estimates as revised by it under sub-section (2) and shall, on or before such date as may be prescribed by the Statutes, forward the same together with a memorandum containing explanatory notes thereon, to the Syndicate which may approve the estimates either without alteration or with such alteration as it thinks fit. The estimates so approved by the Syndicate shall be laid before the Senate at its annual meeting.

(4) Every estimate prepared under sub-section (3) shall make provisions for the due fulfilment of all the liabilities of the University including the liabilities of the colleges and the departments of the University and for the efficient administration of the Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder.

(5) Every estimate under this section shall be prepared in such form and shall contain such details as may be prescribed by the Statutes.

Consideration
of estimates
by the Senate.

40. The Senate shall consider every estimate laid before it under sub-section (3) of section 39 and shall sanction the same, either without alteration or with such alterations as it may think fit.

Restrictions on
expenditure not
included in the
budget.

41. (1) No sum shall be expended by or on behalf of the University unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such amount as may be prescribed by the Statutes.

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Objects to which
University Fund
may be applied.

42. The University Fund shall be applicable to the following objects, and in the following order :—

- (a) to the repayment of debts incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;
- (b) to the upkeep of colleges, departments established by the University, residences and hostels;
- (c) to the payment of the salaries and allowances of the officers and servants of the University, members of the teaching staff and the establishment employed in the colleges and the departments of the University for and in furtherance of the purposes of this Act, and the Statutes, the Ordinances, the Regulations and the Rules made thereunder and to the payment of any provident fund contributions to any such officers and servants, members of the teaching staff or the members of such establishments;
- (d) to the payment of the travelling and other allowances of the members of the Senate, Syndicate and the Academic Council and any other authorities of the University or the members of any Committees or Boards appointed by any of the authorities of the University in pursuance of any provisions of the Act, and the Statutes,

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the Ordinances, the Regulations and the Rules made thereunder;

- (e) to the payment of the cost of audit of the University Fund;
- (f) to the expenses of any suit or proceedings to which the University is a party;
- (g) to the payment of any expense incurred by the University in carrying out the provisions of this Act, and the Statutes, the Ordinances, the Regulations and the Rules made thereunder; and
- (h) to the payment of any other expense, not specified in any of the preceding clauses, declared by the Senate to be the expense for the purposes of the University.

Account and
audit of the
University Fund.

43. (1) Subject to the provisions of this Act and the Statutes made thereunder, the annual accounts of the University shall be audited by the auditors appointed by the Accountant-General, Bihar.

(2) A copy of the annual accounts of the University together with the auditors' report thereon shall be submitted by the Syndicate to the State Government, the Chancellor and the Senate and the Chancellor shall cause the same to be published in the Official Gazette.

(3) On receipt of the auditors' report under sub-section (2), the Senate shall, as soon as may be, appoint an *ad hoc* committee consisting of the Accountant-General, Bihar, and eight members of the Senate who are not members of

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the Syndicate. This Committee shall be known as the University Audit Committee and shall have power, for the purpose of examining the auditors' report, to call for explanations from the controlling and disbursing officers and to suggest ways and means to avoid in future any misuse of the University Fund or irregularity in the accounts of the University.

(4) The auditors' report together with the University Audit Committee's report thereon shall be laid before the Senate for such action as it thinks fit.

SUPPLEMENTARY PROVISIONS.

Appointment
of Commission
to inquire
into working
of University.

44. (1) The State Government shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of a period of every ten years, by order published in the Official Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five in number as the State Government may appoint, and the order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

- (i) the working of the University during the period of inquiry;
- (ii) the financial position of the University including the financial position of its colleges and departments;
- (iii) any changes to be made in the provisions of the Act or the Statutes, Ordinances and Regulations made thereunder with a

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view to bring about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the State Government;

and make such recommendations to the State Government as it thinks fit.

(3) On receipt of the recommendations of the Commission under sub-section (2), the State Government shall forthwith refer the same to the Senate for consideration and report, and immediately after the Senate has considered the recommendations and submitted its report to the State Government, it shall be the duty of the State Government to take the report into consideration and pass such order thereon as it thinks fit and cause the same to be published in the Official Gazette.

Disputes as to constitution of University authorities and bodies.

45. If any question arises whether any person has been duly elected as, or is entitled to be, a member of the Senate, the Syndicate or the Academic Council, the matter shall be referred to the Chancellor, whose decision thereon shall be final.

Filling of vacancies.

46. All vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as conveniently may be, by the person or body who or which appointed, elected or co-opted the member whose place has become vacant, and the person so appointed, elected or co-opted shall be a member of such authority or body for the full term prescribed for the membership of such authority or body by or under this Act;

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Provided that pending the appointment or election of any person to fill any such vacancy in the manner aforesaid, the vacancy (other than a vacancy in the Senate) may, if the authority or body of the University so decides, be filled by the co-option of any person qualified to fill such vacancy under the provisions of this Act, or the Statutes, Ordinances and Regulations made thereunder and any person so co-opted shall hold office as a member of such authority or body until a person is appointed or elected thereto under the provisions of this Act.

Proceedings
of University
authorities and
bodies not
invalidated
by vacancies.

47. 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 vacancies among its members.

Conditions
of service.

48. (1) Every salaried officer of the University and every teacher employed in the University departments, other than officers and teachers who are members of the public services in India and whose services have been lent to the University under clause (i) of sub-section (2), shall be appointed on a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University shall, subject to the approval of such appointment by the Government concerned and the terms thereto, have the option—

(i) of having his services lent to the University and remaining liable to recall to the service of the

[*The Patna University Act, 1951.*]

Government at the option of the Government concerned, or
 (ii) of resigning the service of the Government on entering the service of the University:

Provided that where the University, after consultation with the Public Service Commission, is satisfied that an officer or teacher, being a servant of the Government whose services have been lent to the University, deserves the punishment of reduction in rank, removal or dismissal, the University shall forward to the Government the proceedings instituted against such officer or teacher together with all connected papers including the findings of the Public Service Commission and thereupon the Government shall forthwith cause the said officer or teacher to be reverted to the service of the Government and take such action against him as it thinks fit.

Pension,
 Insurance
 and provident
 funds.

49. (1) The University shall constitute, for the benefit of its officers, teachers and other servants, other than teachers, officers or other servants who are members of the public services in India and whose services have been lent to the University under clause (i) of subsection (2) of section 48, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where any such pension, insurance or provident fund has been so constituted, the State Government may declare that the provisions of the Provident Funds Act, 1897, shall apply to such fund as if it were a State Provident Fund.

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Teachers
of clinical
subjects in
the Prince
of Wales
Medical
College
to be nomi-
nated by
Government.

50. Notwithstanding that the Prince of Wales Medical College is a college, the hospitals attached to that college shall not be transferred to the University until such date as the State Government may, by notification, appoint and until the date of such transfer, all teachers of clinical subjects in the said college shall be appointed in accordance with the provisions of this Act by the University from amongst officers nominated by the State Government and all teachers so appointed shall be deemed to be members of the staff of the hospitals attached to the said college:

Provided that the University shall not be bound to appoint any such persons if they do not possess the qualification required by any Statutes, Ordinances or Regulations for the time being in force relating to the qualifications necessary for such teachers.

Transfer of
colleges, institu-
tions, etc., to
the Univer-
sity.

51. (1) The following colleges, namely, the Patna College, the Patna Science College, the Bihar College of Engineering, the Patna Law College, the Patna Training College, the Prince of Wales Medical College, the Magadh Mahila College, the Patna Women's College and the Bihar National College and attached hostels and other buildings forming part of such colleges and hostels together with the articles of furniture, libraries, books, laboratories, stores, instruments, apparatus, appliances and equipments of such colleges shall, at the commencement of this Act, be deemed to have been and are hereby transferred to the maintenance and control of the University as its colleges:

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Provided that—

- (a) *first*, in the case of the **Patna Women's College** and the **Bihar National College**, the ownership of the property attached to the respective colleges including bequests and endowments held for the benefit of such colleges shall continue to **vest** in the respective colleges and the management and control thereof shall be on such terms and subject to such conditions, if any, as may be agreed upon between the State Government and the governing bodies of the respective colleges;
- (b) *secondly*, if the governing body of the **Patna Women's College** so desires, the college may appropriate such portion of income from the bequests and endowments held for the benefit of the college as may be considered necessary in its opinion for maintaining such staff of the college as belong to any religious order;
- (c) *thirdly*, in the case of the **Patna Women's College**, the power of appointment and control including the power to prescribe conditions of service of such staff as belongs to any religious order shall vest in the governing body of the college subject to the condition that the members of such staff shall possess the qualifications required by any Statutes, Ordinances or Regulations to be possessed by teachers;

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(d) *fourthly*, that until arrangements are made by the University, the State Government shall be, and continue to be, responsible for keeping the buildings of the said colleges, including fixtures, fittings and connections, in a proper state of repairs, as may from time to time be required by the University.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument or deed of agreement having the force of law, the buildings known as the Wheeler Senate House and the Krishna Kunj including the buildings housing the offices, the library and the departments of the Patna University established and incorporated under the Patna University Act, 1917, and the buildings intended for the residence of officers^{XVI} of or teachers of that University together with all lands appurtenant thereto including fixtures, electric and sanitary fittings and water connection and apparatus, appliances, equipments and books shall, at the commencement of this Act, be deemed to have been, and are hereby transferred to the maintenance and control of the University.

(3) Nothing in this section shall be deemed to authorise the University to sell, lease, exchange or otherwise dispose of any land or building transferred to the University under sub-section (1) or (2).

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Employment by
the University
of the teaching
staff and
other servants
of the State
Government
and officers,
teachers and
other servants
of the Patna
University.

52. Notwithstanding anything contained in this Act—

- (1) the University shall employ on such terms as may be determined by the State Government, all members of the teaching staffs and other servants of the State Government employed in the colleges transferred to the University under subsection (1) of section 51 including members of the teaching staffs and other servants employed in the Patna Women's College and the Bihar National College, who, immediately before the commencement of this Act, were serving in, or were attached to, the colleges;
- (2) all officers, teachers and other servants who, immediately before the commencement of the Act, were in the employ of the Patna University established and incorporated under the Patna University Act, 1917,^{XVI of 1917.} shall, at such commencement and subject to such general or special order of the Chancellor apportioning such officers, teachers and servants between the University and any other University or Universities established by law in the State on the date of the commencement of this Act, be deemed to have been and are hereby transferred to the service of the University and the University shall employ such officers, teachers and other servants who are allotted to the University on the same terms

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and subject to the same disciplinary control as are for the time being applicable to the officers, teachers and other servants of the University appointed under this Act;

- (3) the University shall consider, in consultation with the State Government, the claims to appointment in the service of the University of such teachers employed in educational institutions outside Patna as were in the service of the Government immediately before the commencement of this Act, in vacancies which may, in the event of such vacancies being filled by appointment or promotion of teachers who were immediately before the commencement of this Act in the service of the Government, result in the supersession of the claims of the teachers employed in educational institutions outside Patna.

Qualifications
for enrolment
of students
of the Univer-
sity.

53. No student shall be enrolled as a student of the University unless he has passed the Matriculation Examination or any other equivalent examination held by the University or any other University or body incorporated by any law for the time being in force and recognised by the University.

TRANSITORY PROVISIONS.

54. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act, the

Removal
by Chancellor
of difficul-
ties at the
commencement
of the Act.

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Chancellor may, at any time before all the authorities of the University have been constituted, by order make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the Statutes, which appears to him necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act:

Provided that, before making any such order, the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor, if a Vice-Chancellor has been appointed, and of such of the appropriate authorities of the University as may have been constituted, on the proposed order.

Transitory provisions.

55. (1) On the day on which this Act comes into force, the Chancellor, shall appoint any person qualified under subsection (1) of section 10 to be the Vice-Chancellor of the University.

(2) Notwithstanding anything contained in this Act, the Vice-Chancellor may, for a period of three months from the commencement of this Act and with the previous approval of the Chancellor and subject to the provision of funds by the State Government or otherwise, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and for that purpose may exercise any powers or perform any duties which by this Act are to be exercised or performed by any officer or authority of the University, not being an officer or authority in existence at the time when such powers are exercised or such duties are performed.

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Continuance in force of Regulations made under the Patna University Act, 1917, until new Statutes, Ordinances, etc., are made under this Act.

56. Until Statutes, Ordinances, Regulations and Rules are made under the appropriate provisions of this Act, any Regulations made under the Patna University Act, 1917, which were ^{XVI of} 1917, in force immediately before the commencement of this Act, shall continue to be in force, so far as they are not inconsistent with this Act, subject to such modifications and adaptations, if any, as may be made therein by the Vice-Chancellor and approved by the Chancellor, and shall be deemed to be the Statutes, Ordinances, Regulations and Rules made under the corresponding provisions of this Act.

Holding of elections for the purposes of constituting Senate, Syndicate and Academic Council under the Act.

57. The Vice-Chancellor shall make arrangements for holding elections under this Act so that the newly-elected members of the Senate, the Syndicate and the Academic Council, as constituted under this Act, shall come into office on the date following the expiration of the period specified in sub-section (2) of section 55 and the terms of office of the members of the said authorities of the University shall be deemed to commence from the said date.

Repeal of certain enactments and savings.

58. The enactments specified in the Schedule annexed to this Act, in their application to the colleges transferred to, and the departments established and maintained by, the University under this Act are hereby repealed, provided that all appointments made, orders issued, degrees conferred, privileges granted or other things done under any of the said enactments and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with this Act, be deemed to have been respectively made, issued, conferred, granted or done under this Act.

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THE SCHEDULE.

(See SECTION 58.)

Year.	No.	Short title.
1	2	3
1917	XVI	... The Patna University Act, 1917.
1918	B. & O. Act II	... The Patna University (Amendment) Act, 1918.
1922	B. & O. Act I	... The Patna University (Amendment) Act, 1921.
1923	B. & O. Act III	... The Patna University (Amendment) Act, 1923.
1932	B. & O. Act I	... The Patna University (Amendment) Act, 1932.
1934	B. & O. Act IX	... The Patna University (Amendment) Act, 1934.
1948	Bihar Act XVIII	... The Patna University (Amendment) Act, 1948.

