

GOVERNMENT OF BIHAR.
LAW DEPARTMENT

पटना यूनिवर्सिटी ऐक्ट, १९६१

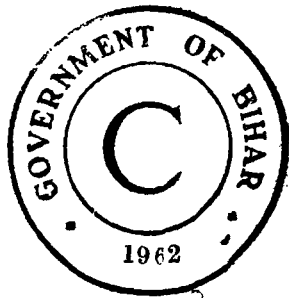
[बिहार ऐक्ट ३, १९६२ ।]

The Patna University Act, 1961.

[BIHAR ACT III OF 1962.]



सत्यमेव जयते



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THE PATNA UNIVERSITY ACT, 1961.

[*Bihar Act III of 1962.*]

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[BIHAR ACT III OF 1962]

THE PATNA UNIVERSITY ACT, 1961,[1]

[This Act received the assent of the Governor on the 16th January, 1962 and the assent was first published in the Bihar Gazette, Extraordinary, of the 19th January, 1962.]

AN

ACT

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

BE it enacted by the Legislature of the State of Bihar in the Twelfth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Patna University Act, 1961.

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

2. *Definitions.*—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 (i) of section 18 and declared by the Statutes to be the annual meeting of the Senate;

(c) “Bihar State University Commission” means the Commission established under section 3 of the the Bihar State University Commission Act, 1961 ;

(d) “Chancellor” means the Chancellor of the University;

(e) “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, the Women’s Training College and the Bihar National College and any other educational institution 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 ;

[1] For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary, of the 14th October, 1961, for Report of the Joint Select Committee, see Bihar Gazette, Extraordinary, of the 14th December, 1961.

- (f) "Head of a college Department" means the Head of any Department of a college ;
- (g) "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 University 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;
- (h) "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 ;
- (i) "Institute" means an institute for post-graduate studies or research or both recognised by the University;
- (j) "prescribed" means prescribed by this Act or by the Statutes, the Ordinances, the Regulations or the rules made thereunder;
- (k) "Principal" means the Head of a college;
- (l) "professor" means a teacher on the staff of a college possessing such qualifications as may be prescribed by the Statutes;
- (m) "Public Service Commission" means the Public Service Commission for the State of Bihar constituted under Article 315 of the Constitution of India;
- (n) "registered graduate" means a graduate of the University entered in the register of registered graduates maintained under the provisions of this Act on payment of a registration fee of ten rupees to the University by any person admitted to a degree of the University and includes a person who having graduated from any of the Colleges situated within the territorial jurisdiction of the University was or was deemed to be a registered graduate of the Patna University under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) :

Provided that such registered graduate of the Patna University under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), who ordinarily resides outside such territorial jurisdiction, may, before the twelfth day of July, 1963, elect in writing to be treated as a registered graduate also of that University established under the Bihar State Universities (Patna, University

of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), within whose territorial jurisdiction he ordinarily resides and on such election being made he shall be deemed to be a registered graduate of that University also:

Explanation.—Any person who is admitted to more than one degree of the University shall not be required to pay such registration fee more than once.

- (o) "Senate" means the Senate of the University;
- (p) "Statutes", "Ordinances", "Regulations" and "Rules" mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University for the time being in force;
- (q) "Syndicate" means the Syndicate of the University;
- (r) "teachers" means Principals, University professors, professors, readers, lecturers, demonstrators and any other person imparting instruction in departments established and maintained by the University or in any of its colleges or institutes;
- (s) "University" means the Patna University incorporated under this Act;
- (t) "University Fund" means the Patna University Fund established under sub-section (1) of section 39;
- (u) "University professor" means a teacher engaged in giving instruction in a department established and maintained by the University for imparting instruction in the post-graduate standard or in an institute and possessing such qualifications as may be prescribed by the Statutes; and
- (v) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. *The University and its officers.*—(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.

4. *Purposes and powers of the University.*—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 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, 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 :

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

5. *Territorial jurisdiction of the University.* – Save as otherwise provided in this Act, the territorial jurisdiction of the University shall extend to the local areas within the Patna Municipal Corporation bounded by the river Ganga on the north, the main railway lines on the south, the Patna Digha Railway lines on the west

and a straight line on the east joining the B. N. R. Training College and mile post number 337 on the main railway line, and no educational institution beyond the said territorial jurisdiction shall form part of or be admitted to the privileges of the University, 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:

Provided that nothing in this section shall affect the provisions of the Kameshwar Singh Darbhanga Vishwavidyalaya Act, 1960 (Bihar Act VI of 1960).

6. *University open to all classes, castes and creeds.*—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 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.

7. *Teaching of the University.*—(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 :

Provided that the University or any college may maintain classes for preparing students who have passed the matriculation examination or secondary school examination or higher secondary school examination or any equivalent examination held by any

other University or body incorporated by law for the time being in force and recognised by the University for admission to a degree course of the University.

8. *Officers of the University.*—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 Finance Officer;
- (6) the Deans of the Faculties; and
- (7) such other persons as may be declared by the Statutes to be the officers of the University.

9. *The Chancellor.*—(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 times as the Chancellor may 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 therewith 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 or 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 this 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. *The Vice-Chancellor.*—(1) No person shall be deemed to be qualified to hold the office of Vice-Chancellor unless such person—

(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 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 sub-section (1).

(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 wholetime officer and shall be appointed and shall hold office on such terms and subject to such conditions as may be prescribed by the Statutes.

(5) (i) 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.

(ii) Where the person appointed as Vice-Chancellor is in receipt of a pension from Government, the amount of the pension payable to him shall be treated as part of the salary specified in clause (i).

Explanation.—For the purpose of this sub-section the word 'Government' shall include the Central Government and any State Government.

(6) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the

Chancellor, preside at meetings of the Senate and at any convocation of the University, and 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 sub-section 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 and suspension of an officer or teacher of the University and shall exercise general control over the educational arrangements of the University and 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 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.

11. *The Treasurer.*—(1) The Treasurer shall be appointed by the Chancellor on such terms and conditions as may be laid down by the Chancellor and 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 only one more term which shall not exceed three years.

(2) 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.

12. *Arrangement of work during temporary vacancy in the office or absence of Vice-Chancellor or Treasurer.*—(1) During the temporary absence of the Vice-Chancellor or the Treasurer by reason of leave, illness or any other cause, which shall be immediately reported to the Chancellor by the Syndicate, the Chancellor shall make such arrangement 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 arrangement is made—

- (a) in the case of temporary absence of the Vice-Chancellor, it shall be lawful for the Treasurer to exercise the powers and perform the duties of the Vice-Chancellor;
- (b) in the case of temporary absence of the Treasurer, the Syndicate shall appoint one of its own members to exercise the powers and perform the duties of the Treasurer.

(2) During the period a vacancy in the office of the Vice-Chancellor or the Treasurer remains unfilled, the provisions of sub-section (1) shall apply to such vacancy.

13. *The Registrar.*—(1) The Registrar shall be a whole-time officer and shall act as Secretary to the Senate, the Syndicate and the Academic Council.

(2) 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.

14. *The Finance Officer.*—The Finance Officer shall be a whole-time officer and shall act as Secretary to the Finance Committee constituted under sub-section (1) of section 29 and shall exercise and perform such powers and duties as may be prescribed or as may, from time to time, be conferred and imposed on him by the Senate, the Syndicate, the Vice-Chancellor, the Treasurer or the Registrar.

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

- (1) the Senate;
- (2) the Syndicate;
- (3) the Academic Council;
- (4) the Faculties;
- (5) the Finance Committee ;
- (6) the Examination Board; and
- (7) such other authorities as may be declared by the Statutes to be the authorities of the University.

16. *The Senate.*—The Senate shall consist of the following persons, namely:—

Ex-officio members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Treasurer;
- (iv) the Advocate-General, Bihar ;
- (v) the Secretary to the Government of Bihar in the Department of Education;
- (vi) the Director of Public Instruction, Bihar;
- (vii) the Director of Health Services, Bihar ;
- (viii) the Director of Industries, Bihar ;
- (ix) the Deans of Faculties ;

- (x) all Directors of Institutes ;
- (xi) such of the Principals and Heads of University departments as are not Deans;
- (xii) the Mayor of the Patna Municipal Corporation;

Life members—

- (xiii) all ex-Vice-Chancellors of the University established under the Patna University Act, 1917 (XVI of 1917), or under the Patna University Act, 1951 (Bihar Act XXV of 1951) or 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.

- (xiv) not more than five persons appointed by the Chancellor on the ground that they are distinguished scholars and have rendered eminent service to the cause of education;
- (xv) every person who has given to the satisfaction of the Chancellor whether in one or more instalments, a sum of not less than one lac of rupees in cash or property of the equivalent value to or for the purposes of the University or of a College;
- (xvi) every person who was or was deemed to be appointed for life to be a member of the Senate of the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), shall be deemed to be a life member of the Senate of the University; if he proves to the satisfaction of the Chancellor that he has given a sum of not less than one lac of rupees or the property of the equivalent value to or for the purposes of the University or of College.

Explanation.—Where a person has become a life member by virtue of his having endowed any property, he shall continue to be a life member only so long as the beneficial interest arising out of such property accrues substantially to the University or the College.

Representative members—

- (xvii) thirty-five teachers, other than Deans, Principals and Heads of the University departments, having not less than five years' teaching experience 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;
- (xviii) fifteen registered graduates other than teachers of the University or its Colleges who have completed five years after graduation to be elected by the registered graduates in the manner prescribed by the Statutes;
- (xix) five persons of whom three to be elected one each by the Bihar Chamber of Commerce, Bihar *Hindi Sahitya Sammelan* and State Branch of Indian Medical Association and two to be elected by such associations and bodies as may be prescribed by the Statutes;
- (xx) nine 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;
- (xxi) three 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;

Nominated members—

- (xxii) not more than five persons to be nominated by the Chancellor of whom two shall be members of the teaching staff of colleges including University departments.

17 *Term of office of members of the Senate.*—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.

18. *Meeting of the Senate.*—(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 which 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.

19. *Powers and duties of the Senate.*—(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 following powers and perform the following duties, namely :—

- (a) of making Statutes, and amending or repealing the same;
- (b) of considering, amending and repealing Ordinances and Regulations;
- (c) of considering and passing resolutions on the annual reports, the annual accounts and the financial estimates; and
- (d) such other powers and duties as may be conferred or imposed upon it by this Act or the Statutes.

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

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

Other members—

- (vi) (a) five non-teacher members elected from and by the members of the Senate in the manner prescribed by the Statutes ;

(b) four teachers, other than Principals, Deans and Heads of University departments of whom two shall be nominated by the Chancellor and two co-opted by the Syndicate.

(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.

21. *Powers and duties of the Syndicate.*—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 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.

22. *The Academic Council.*—(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;
- (iv) the Director of Public Instruction, Bihar;
- (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 ; and
- (vi) not more than two experts, preferably not in the service of the University, to be co-opted by the Academic Council as and when necessary for specific purposes.

(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.

23. *Powers and duties of the Academic Council.*—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) exercise supervision and control over the conduct of teaching in the Colleges in such manner as may be prescribed by the Statutes;
- (d) subject to the provisions of section 25, have powers of general control over the Examination Board and may review the results of the University examinations; and
- (e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

24. *The Faculties.*—(1) (i) 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.

(ii) 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 sub-section (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 having regard to the qualifications of such teacher-members ;

(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 assigned 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 appointed 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) (i) Each Faculty shall comprise such departments of teaching as may be prescribed by the Regulation.

(ii) 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 prior concurrence of the Public Service Commission.

(6) The Dean of a Faculty shall be appointed by the Vice-Chancellor, by rotation, in the manner prescribed by the Statutes, from amongst the Heads of University Departments of the rank of University Professor and Principals in the Faculty concerned for a period of two years at the end of which he shall not be eligible for re appointment unless there is only one such Head of University Department or Principal in the Faculty concerned.

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

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

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

25. The Examination Board.—(1) Subject to the provisions of the Regulations, all arrangements for the conduct of examinations shall be made by an Examination Board consisting of the Vice-Chancellor as Chairman and the Deans of Faculties as members.

(2) The Examination Board shall be responsible for conducting the examinations and making all arrangements for the appointment of examiners, setting and moderating question papers, moderating and preparing and publishing results of examinations and reporting such results to the Academic Council and generally for formulating ways and means for the purpose of improving the machinery for the true assessment of the attainments of the students of the University.

26. Appointment to posts of teachers and officers of the University.—(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, the Treasurer and the Dean, 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) (i) 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 whenever possible 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.

(ii) In making recommendations for appointment to every post of officer of the University (other than the Vice-Chancellor, the

Treasurer and the Dean) the Public Service Commission shall have the assistance of only one expert to be nominated by the Syndicate.

(iii) The expert or experts shall be associated with the Public Service Commission 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 sub-sections (1) and (2) the Public Service Commission shall, wherever feasible, recommend to 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 within three months from the date of receipt under sub-section (3) 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 and 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:

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.

27. *Disciplinary action against a teacher or officer of the University.*—(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 in rank, removal or dismissal, the final order shall not be passed except by the authority empowered under this Act to appoint such teacher or officer :

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

28. *Other authorities of the University.*—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.

29. *The Finance Committee.*—(1) The Finance Committee shall consist of the Treasurer as the Chairman, an officer of the State Government not below the rank of a Deputy Secretary and four other members to be elected by the Senate from amongst its own members not being members of the Syndicate.

(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 respective dates of their election and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election, not being an election to fill up any casual vacancy under section 48.

(3) The Finance Committee shall—

- (a) give advice to the University on any question affecting its finances ;
- (b) prepare and consolidate the annual estimates of income and expenditure of the University including the estimates of colleges and departments of the University;
- (c) subject to any Statutes, have power to scrutinize every item of new expenditure not provided in the budget estimates of the University;
- (d) be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University; and
- (e) 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.

31. *Statutes.*—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 degree and honorary distinction;
- (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 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 account 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.

21. Statutes, how made.—(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 grade 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 who may, after consulting the Bihar State University Commission, 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 assent, the Chancellor shall declare either that he assents thereto or that he withholds assents therefrom:

Provided further if the draft is so passed for the second time by the Senate by a majority of not less than three-fourth of the members present and voting the Chancellor shall assent thereto unless it involves financial implication in which case he may not 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 and 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 forms 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.

32. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Syndicate may make Ordinances to provide 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, degree, 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.

33. *Ordinances, how made.*—An Ordinance made by the Syndicate under section 32 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 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.

34. *Regulations and Regulations, how made.*—(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 course 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 subsection (1) shall be forwarded, as soon as may be, to the 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 finance of the University and after it is confirmed by the Senate with or without amendment it shall have effect from the date on which it is so confirmed or from such date as may be appointed by the Senate :

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 thereupon the Senate may either confirm, amend or reject the Regulation.

(4) A regulation passed by the Senate shall have no validity until it has been approved by the Bihar State University Commission.

35. *Rules.*—(1) The authorities and the Board 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 number 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).

RESIDENCE AND HOSTELS.

36. *Residence.*—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.

37. *Hostels.*—The hostels shall be such as may be maintained by the University and colleges or approved and recognised by the Syndicate on such general or special conditions including conditions of residence in hostels as may be prescribed by the Ordinances.

ANNUAL REPORT OF THE UNIVERSITY.

38. *Annual Report.*—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 and 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 in respect of the annual accounts nor shall there be anything in the resolution 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.

39. *University Fund.*—(1) There shall be established for the University a Fund to be called the 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 or from the Fund of the Bihar State University Commission 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 Universities including all sums paid to the University under any provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (c) the balance, if any, standing to the credit of the Patna University, established and incorporated under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) immediately before the commencement of this Act;
- (d) all interests and profits arising from endowments and bequests 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 (II of 1934) or invested in such securities authorised by the Indian Trusts Act, 1882 (II of 1882) as may, from time to time, be 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 (XVI of 1917), or the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), by any declaration of trust executed by or on its behalf or by any scheme settled under the Charitable Endowments Act, 1890 (VI of 1890), for the administration of the trust, in so far as such trust or scheme relates to the University or to the colleges transferred to it under the provisions of this Act.

40. *Contribution by Government to the University.*—(1)(i) The State Government shall contribute to the University Fund annually or place at the disposal of the Bihar State University Commission for such contribution a recurring grant which shall include all such expenses of a capital or non-recurring nature, as were incurred by the State Government immediately before the commencement of this Act out of the Consolidated Fund of the State for and in respect of the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), its departments, and the colleges and institutions transferred to the University for maintenance under section 53, increased by thirty-three and one-third *per centum* of such expenses.

(ii) 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 this 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, through the Bihar University Commission 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.

41. *Annual estimate of income and expenditure.*—(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 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 and 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.

42. *Consideration of estimates by the Senate.*—The Senate shall consider every estimate laid before it under sub-section (3) of section 41 and shall sanction the same, either without alteration or with such alterations as it may think fit.

43. *Restrictions on expenditure not included in the budget.*—(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.

44. *Objects to which University Fund may be applied.*—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 the 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, 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 expenses, not specified in any of the preceding clause, declared by the Senate to be the expense for the purposes of the University.

45. *Account and audit of the University Fund.*—(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 auditor's 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) (i) On receipt of the auditor's 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 the Syndicate.

(ii) The *ad hoc* Committee shall be known as the University Audit Committee and shall have power, for the purpose of examining the auditor's 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 auditor's 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.

46. *Appointment of Commission to inquire into working of University.*—(1) The State Government may at any time and 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 enquire 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 view to bringing 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.

47. *Disputes as to constitution of University authorities and bodies.*—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.

48. *Filling of vacancies.*—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 :

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.

49. *Proceedings of University authorities and bodies not invalidated by vacancies.*—No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

50. *Conditions of Service.*—(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 and it 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 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.

51. *Pension, Insurance and Provident Funds.*—(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 sub-section (2) of section 50, 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, 1925 (XIX of 1925), shall apply to such fund as if it were a State Provident Fund.

52. *Teachers of clinical subjects and Pathology in the Prince of Wales Medical College to be nominated by Government.*—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 and Pathology 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.

53. *Transfer of colleges, institutions, etc., to the University.*—(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, the Women's Training College and the Bihar National College and attached hostels and other buildings forming part of such colleges and hostels and all Departments maintained by the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) together with the articles of furniture, libraries, books, laboratories, stores, instruments, apparatus, appliances

and equipments of such colleges and Departments 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 and Departments:

Provided that—

- (a) first, in the case of the Patna Women's College, 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;
- (d) fourthly, 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 office, the library and the buildings intended for the residence of officers or teachers of the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) 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).

54. *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.*—Notwithstanding anything contained in any law or contract—

- (1) The University shall employ all members of the teaching staffs and other servants of the State Government and of the Patna Women's College and the Bihar National College, who immediately before the commencement of this Act, were employed in the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) on such terms and conditions as were applicable to them before such commencement ;
- (2) All officers, teachers and other servants who, immediately before the commencement of the Act, were in the employ of the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) shall, at such commencement subject to the provision of sub-section (3), 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 on the same terms 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 State Government may, within three months of the commencement of this Act, on representation made by any person who was an officer or other servant of the Patna University established under the Patna University Act, 1951 (Bihar Act XXV of 1951) and who has been apportioned under clause (a) of sub-section (3) of section 55 of the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) to the University of Bihar or the Bhagalpur University or the Ranchi University established under the latter Act, transfer him to the University established under this Act :

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to any officer or other servant of the University who considers

himself to be or likely to be adversely affected by the transfer to make a representation.

- (4) With regard to an officer or servant of the University who in the opinion of the State Government is adversely affected by an order of transfer made under sub-section (3), the State Government may for the purpose of mitigating any hardship to him make such order as it may deem proper including an order for transfer of such officer to any of the Universities mentioned in section 3 of the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), and the University to which he is transferred shall employ him on such terms and conditions as apply in the University to officers or servants of the category to which he belongs.
- (5) If any officer or other servant of the University is found by the University within three months of the commencement of this Act to be in excess of its requirements, it may within the said period make a report to the State Government to that effect and the State Government may, thereupon, within two months of the receipt of the report allot him to any one of the four Universities mentioned in section 3 of the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), :

Provided that before making any order under sub-section (4) or sub-section (5) the State Government shall consult the University to which it is proposed to allot the officer or servant concerned.

- (6) If consequent upon a transfer made under sub-section (3), (4) or (5), a dispute arises as to the post or rank which the transferred officer or servant should hold in the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

ENROLMENT AND DEGREES.

55. *Qualifications for enrolment of students of the University.*—No student shall be enrolled as a student of the University unless he has passed the Higher Secondary School Examination or any 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.

56. *Removal by Chancellor of difficulties at the commencement of the Act.*—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 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, and of such of the appropriate authorities of the University as may have been constituted, on the proposed order.

57. *Transitory provisions.*—(1) On the day on which this Act comes into force, the Chancellor, shall appoint any person qualified under sub-section (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 six 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 purposes 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.

58. *Continuance in force of Regulations made under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960, until new Statutes, Ordinances, etc., are made under this Act.*—Until Statutes, Ordinances, Regulations and Rules are made under the appropriate provisions of this Act, any Regulations made under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960), which were 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.

59. *Holding of elections for the purpose of constituting Senate, Syndicate and Academic Council under the Act.*—The Vice-Chancellor shall make arrangements for holding election 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 57 and the terms of office of the members of the said authorities of the University shall be deemed to commence from the said date.

60. *Transitory provision for Government Dental College.*—Notwithstanding anything contained in this Act or the Statutes, Ordinances and the Regulations made or deemed to be made thereunder till such time as the Government Dental College remains situated within the territorial jurisdiction of the University, the University shall conduct the teaching in and hold examinations for and confer degrees on the students of the said college.

61. *Repeal of certain enactments and Savings.*—(1) The Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) and the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) (Amendment) Act, 1961 (Bihar Act VI of 1961) in so far as they apply to the Patna University established under the former Act are hereby repealed :

Provided that all appointments made, orders issued, degrees conferred, diplomas, certificates, privileges, granted or other things done under the said Act shall, in so far as they apply to the Colleges and Departments mentioned in section 53 and are not inconsistent with this Act, be deemed to have been respectively made, issued, conferred, granted or done by the University under this Act.

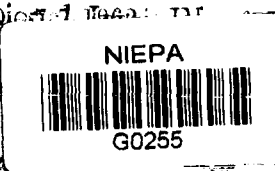
(2) Any student of any of the Colleges or Departments mentioned in section 53 who immediately prior to commencement of this Act was studying for a degree, diploma or certificate of the Patna University established and incorporated under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) in accordance with the Regulations in force under that Act, shall be admitted to the examination of the University established and incorporated under this Act and be conferred the degree, diploma or certificate of the University for which he qualifies on the result of such examination.

(3) If the Patna University established under the Bihar State Universities (Patna, University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960) has held any examination in respect of the Colleges or Departments mentioned in section 53 the result of which has been published but the degrees, diplomas or certificates relating thereto have not been conferred or issued, or the result of any such examination has not been published by the said University then such examination shall be deemed to have been held and the result shall be published by the University established and incorporated under this Act.

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Sub. National Systems Unit

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Education
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7. Messrs. K. L. Mathur & Bros., Dewan Mohalla, Patna City.
8. Messrs. Pahuja Brothers, Law Booksellers and Publishers,
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9. Messrs. Oxford Book and Stationery Co., Scinedia House,
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10. Messrs. Pustak Mahal, Ranchi.
11. Messrs. National Book Depot., Khalifabagh, Chowk.
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12. Sri Bias Bijaya Press, Jail Road, Arrah.
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