



The Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995

Act 9 of 1995

Keyword(s):

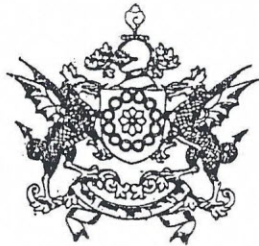
Sikkim Manipal University, Health, Medical, Technological, Science, University

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SIKKIM

GOVERNMENT



GAZETTE

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GANGTOK.

No. 9/L.D/1995

Dated 30th October, 1995.

Notification

The following Act of the Sikkim Legislative Assembly Secretariat having received assent of the Governor on 11th day of October, 1995 is hereby published for general information:-

SIKKIM-MANIPAL UNIVERSITY
OF
HEALTH, MEDICAL
AND
TECHNOLOGICAL SCIENCES ACT, 1995.

(ACT NO. 9 OF 1995)

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SIKKIM-MANIPAL UNIVERSITY OF HEALTH,
MEDICAL AND TECHNOLOGICAL SCIENCES ACT, 1995
(ACT NO. 9 OF 1995)

AN
ACT

to establish and incorporate the Sikkim-Manipal University of Health, Medical and Technological Sciences at Sikkim.

WHEREAS the Government of Sikkim, being desirous of improving the educational opportunities and health services in the State of Sikkim, entered into an agreement dated the 12th day of March, 1992 for collaboration with the Manipal Education and Medical Group, Manipal, a registered Trust, which has wide and accumulated experience in establishing and running various educational institutions of high standard in the State of Karnataka and else where ;

AND WHEREAS the purpose of the collaboration was to establish an Institute of medical sciences for medical, dental, nursing, pharmacy and other allied health training at the under-graduate, graduate and post-graduate levels and establish a referral teaching hospital ;

AND WHEREAS pursuant to the terms of the agreement aforementioned, the said Group or its successor known as 'Manipal Pai Foundation', a registered Trust has established or is engaged in the establishing of several educational institutes in the State of Sikkim ;

AND WHEREAS in furtherance of the above objects and to manage the said Institute, rules have been framed by the said Trust providing for constitution of different authorities and other matters relating to the University ;

AND WHEREAS the Manipal Pai Foundation has requested the State Government to establish the Sikkim-Manipal University of Health, Medical and Technological Sciences on the lines of the rules of the Trust to carry out its objects and functions effectually.

AND WHEREAS it is considered necessary to encourage the establishment by the Manipal Pai Foundation of such Institutes of high standards in the State of Sikkim ;

AND WHEREAS it is deemed expedient therefore to establish the Sikkim-Manipal University of Health, Medical and Technological Sciences for the purposes hereinafter appearing ;

Be it enacted by the Sikkim State Legislature in the 46th year of the Republic of India as follows:

Short title and commencement.

- (1) This Act may be called the Sikkim-Manipal University of Health, Medical and Technological Sciences Act, 1995.
(2) It shall come into force on such date as the State Government, may by notification in the Official Gazette, appoint.

Definations.

2. In this Act, unless the context otherwise requires :-
- (a) 'Board of Studies' means the Board of Studies established for a subject under this Act. ;
 - (b) 'Chancellor' means the Chancellor of the University;
 - (c) 'Director' means the Director of the Institute ;
 - (d) 'Fund' means the fund of the University;
 - (e) 'Governing Council' means the Governing Council of the University constituted under this Act.
 - (f) 'Government' means the Government of Sikkim.
 - (g) 'Institute' means the Institute of Health, Medical and Technological Sciences or any other Institute established by the Manipal-Pai Foundation in the State of Sikkim ;
 - (h) 'Member' means the member of the University.
 - (i) 'Notification' means Notification published in the Official Gazette.
 - (j) 'Prescribed' means prescribed by rules made under this Act.
 - (k) 'Pro-Chancellor' means the Pro-Chancellor of the University referred to in Section 8.
 - (l) 'Registrar' means the Registrar of the Sikkim-Manipal University of Health, Medical and Technological Sciences ;
 - (m) 'Regulations' means the regulation made by the University under this Act.
 - (n) 'Schedule' means the schedule appended to this Act.
 - (o) 'Trust' means the Manipal Pai Foundation *2 of 1882*
Trust registered under Indian Trusts Act, 1882.
 - (p) 'University' means the Sikkim-Manipal University of Health, Medical and Technological sciences, Gangtok established under Section 3.
 - (q) 'Vice-Chancellor' means the Vice-Chancellor of the University appointed under Section 9.

*Establishment
and Incorporation
of
S i k k i m -
Manipal Uni-
versity of
Health, Medi-
cal and Tech-
nological Sci-
ences.*

- (1) With effect from such date as the State Government may, by notification appoint, there shall be established, in the State of Sikkim, a University by the name of Sikkim-Manipal University of Health, Medical and Technological Sciences, which shall consist of a Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Governing Council, the Academic Senate and the Registrar.
- (2) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and to hold property, to contract and shall, by the said name, sue and be sued.
- (3) The Headquarters of the University shall be at Gangtok in the State of

- (b) to develop patterns of teaching in the under-graduate, post-graduate levels and super-speciality of a high standard of medical education and also to develop patterns of teaching in under-graduate and post-graduate levels of technology ;
- (c) to provide for training in para-medical and allied health sciences;
- (d) to provide for training in technological sciences and allied fields;
- (e) to function as referral hospital and a specialized technical institution ;
- (f) to provide for under-graduate, post-graduate and post-doctoral teaching and conduct of research in the relevant discipline of modern medicine and other allied sciences including inter-disciplinary fields of physical, biological and technological sciences.

Power and functions of the University.

5. The powers and functions of the University shall be :-

- (a) to assist in administering and managing the Institute or Institutes and such other centres for research, education and instructions as are necessary for the furtherance of the objects of the University ;
- (b) to provide for instruction, teaching and training in such branches of knowledge or learning pertaining to medicine, technology health and allied sciences, as the University may think fit and to make provision for research, advancement and dissemination of knowledge of medicine and health etc ;
- (c) to hold examinations and to grant and confer degrees, diplomas or certificates and other academic distinctions on persons who have passed a course of study in the institutes, or carry on research, subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, degree or other academic distinctions on good and sufficient cause ;
- (d) to create a centre of excellence for providing health, medical care, education and research facilities of high order in the field of medical sciences and technological institutions, including continuing medical education and hospital administration, dental, nursing and other faculties as may be deemed expedient by the Governing Council ;
- (e) to develop patterns of teaching in under-graduate, post-graduate and super specialities so as to meet a very high standard of medical education ;
- (f) to provide for teaching and training in para-medical and allied health sciences ;
- (g) to provide for training in technological sciences and in the fields related to medicine and health ;
- (h) to function as referral hospital and specialized technological institutions ;
- (i) to provide for under-graduate, post-graduate and post-doctoral teaching and conduct of research in the relevant discipline of modern medicine and other allied sciences, including inter-disciplinary fields of physical, biological sciences and technological sciences ;

- (j) to fix, demand and request fees and other charges ;
- (k) to institute and maintain halls and hostels and to recognise places of residence for the students of the University and to withdraw such recognition accorded to any such places of residence ;
- (l) to establish such special centres, or other units for research and instruction as are, in the opinion of University, necessary for the furtherance of its objects ;
- (m) to supervise and control the residence and to regulate the discipline of the students of the University and to make arrangements for promoting their health ;
- (n) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto ;
- (o) to regulate and enforce discipline amongst the employees of the University and to take such disciplinary measures as may be deemed necessary ;
- (p) to institute professorship, associated professorship, assistant professorship, readership, lectureship, or any other teaching, academic or research posts required by the University ;
- (q) to appoint persons as professors, assistant professors, readers, lecturers, or otherwise as teachers and researchers of the University ;
- (r) to institute and award fellowships, scholarships, prizes and medals ;
- (s) to provide for printing, reproduction and publication of research and other works and to organise exhibitions ;
- (t) to co-operate with other organisations in the matter of medical and health education, training and research for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine ;
- (u) to co-operate with institutions of higher learning in any part of the world having objects wholly or partly similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive for furtherance of the objects of the University ;
- (v) to regulate the expenditure and to manage the accounts of the University ;
- (w) to establish and maintain within the premises of the University or else where, such class rooms, study halls as the University may consider necessary and adequately furnish the same.
- (x) to receive grants, subscriptions, donations and gifts for the purpose of University and consistent with the objects for which the University is established ;

- (aa) to enter into agreements with the Central Government, State government, the University Grants Commission or other authorities for receiving grants ;
- (ab) to accept grants of money, securities or property of any kind on such terms and conditions as may be deemed expedient ;
- (ac) to raise and borrow money on mortgage, promissory notes or on other obligations or securities based upon on or any of the properties and assets of the University with or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenditures incidental to the raising of money and to repay and redeem any money borrowed ;
- (ad) to invest the funds of the University or money entrusted to the University in other such securities and in such manner as it may deem fit and from time to time transpose any investment ;
- (ae) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and management of the University and to alter, amend and to rescind them ;
- (af) to delegate all or any of its powers to the Pro-Chancellor, the Vice-Chancellor or any committee or sub-committee or to any one or more members of the Trust ; and
- (ag) to do all such other acts and things as the University may consider necessary, conducive or instrument to the attainment and enlargement of the aforesaid objects or any one of them.

Teaching of the University.

- 6.(1) All recognised teaching in connection with the degree, diplomas and certificates of the University shall be conducted, under the control of the Governing Council, by the teachers of the University, in accordance with syllabus prescribed by the regulations of the University or the Medical Council of India or by any other appropriate authority.
- (2) The course and curricula and the authorities responsible for organising such teaching shall be as prescribed by regulations.

The Chancellor.

- 7.(1) The Governor of the State of Sikkim shall be the Chancellor of the University.
- (2) The Chancellor will preside over the convocations of the University.
- (3) The Chancellor shall, once in every five years, cause to be reviewed the progress of the University in such manner as he may think fit.

The Pro-Chancellor.

- 8.(1) The President or Chairman of the Manipal Rai Foundation shall be the Pro-Chancellor of the University.
- (2) The Pro-Chancellor shall preside over the meeting of the Governing Council and Executive Committee and shall exercise such other powers and functions vested with him by or under the provisions of this Act.
- (3) In the absence of the Chancellor, the Pro-Chancellor shall preside over the convocations of the University.

The Vice-Chancellor.

9. (1) The Vice-Chancellor shall be a whole time officer of the University.
- (2) He shall be appointed by the Pro-Chancellor in accordance with the procedures prescribed in Section 10 of the Act.
- (3) No person shall be appointed or hold office as Vice-Chancellor if he has attained the age of 65 years.
- (4) The Vice - Chancellor shall, subject to pleasures of the Pro-Chancellor and the provisions of sub-section (3), hold office for a period of five years; but he shall be eligible for re-appointment ;

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

Provided further that no Vice-Chancellor shall be removed from the office except by an order passed on the ground of mis-behaviour, mis-management, mis-capacity or otherwise after due enquiry by a serving or retired Judge of the Sikkim High Court, appointed by the Chancellor.

- (5) The emoluments and other service conditions of the Vice-Chancellor shall be such as may be determined by the Pro-Chancellor in accordance with the regulations, if any, framed in this behalf and they shall not be varied to his dis-advantage after his appointment.

Method of appointment of Vice-Chancellor.

10. (1) The Vice-Chancellor of the University shall be appointed by the Pro-Chancellor from out of a panel of not less than three persons recommended by a committee consisting of three persons of whom one shall be nominated by the Chancellor; one by the Pro-Chancellor and one by the Academic Senate of the University.

The Chancellor shall appoint one of the three persons to be Chairman of the Committee.

- (2) The committee shall forward the panel of names to the Pro-Chancellor together with a concise statement showing the academic qualifications and other distinctions of each of the persons included in such panel but shall not indicate any order of preference.
- (3) Where a vacancy in the office of the Vice-Chancellor occurs and it cannot be conveniently and expeditiously in accordance with the provisions of sub-sections (1) and (2) or if there is any emergency, the Pro-Chancellor may appoint any suitable person to be the Vice-Chancellor and may, from time to time, extend the term of such appointment provided the total term of such appointment, including the term extended, shall not exceed one year.

the Vice-Chancellor.

- preside over the meetings of the Academic council.
- (2) Without prejudice to the generality of the provisions contained in Sub-section (1), the Vice-Chancellor shall:
- (a) exercise general supervision and control over the affairs of the University ;
 - (b) ensure the observance of the provisions of the Act and regulation of the University;
 - (c) be responsible for imparting of instructions and maintenance of discipline in the University ;
 - (d) create or abolish posts in cadres other than teaching cadres of the University and in respect of teaching cadre to create posts for a period not exceeding six months;
 - (e) in case of any emergency which, in his opinion, requires immediate action, the Vice-Chancellor shall take such action as he deems necessary and shall, at the earliest opportunity thereafter, report the action taken to such authority or body as would in the ordinary course have dealt with the matter:

Provided that if the action taken by the Vice Chancellor is not approved by the authority or body concerned, it may refer the matter to the Pro-Chancellor, whose decision shall be final.

Provided further than if the decision taken by the authority or body on the report of the Vice-Chancellor under this Section affects adversely any person in the service of the University, he may prefer an appeal to the Chancellor within thirty days from the date on which the decision was communicated to him and the decision of the Chancellor on such appeal shall be final.

- (4) the Vice-Chancellor shall exercise such other powers and perform such other duties as may be assigned to him or by under this Act or, as may be delegated to him by the Governing Council or the Pro-Chancellor, as the case may be.

Registrar

12. (1) The Registrar shall be a whole time officer of the University appointed by the Vice-Chancellor with the approval of the Executive Committee from out of a panel of not less than three persons recommended by the Vice-Chancellor to the Executive Committee. If none in the panel is approved by the Executive Committee within the time prescribed by the regulations, the Pro-Chancellor, may in consultation with the Vice-Chancellor, appoint such person as he deems fit to be the Registrar.

(2) The emoluments and terms and conditions of the service of the Registrar shall be such as may be prescribed by the regulations.

(3) The Registrar shall be the ex-officio Secretary of the Executive Committee, the Academic Senate, the Finance Committee and the faculties, but shall not be deemed to be a member of any of these authorities.

(4) The Registrar Shall:-

- (a) comply with all directions and orders of the Executive Committee and the Pro-Chancellor;
- (b) be the custodian of the records, common seal and such other property of the University as the Executive Committee shall commit to his charge;
- (c) issue all notices covering-meeting of the Executive Committee, the Academic Senate, the Finance Committee, the faculties, the Board of Studies and of any committee, appointed by the authori-

- (d) ties of the University;
- (d) keep the minutes of all meetings of the Executive Committee, the Academic Senate, the Finance Committee, the faculties and any committee appointed by the authorities of the University;
- (e) Conduct the official correspondence of Executive Committee and the Academic Senate;
- (f) supply the Chancellor the copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting ;
- (g) call a meeting of the Executive Committee forth with in an emergency, when neither the Vice-Chancellor nor the Officer duly authorised is able to act and to take its directions for carrying on the work of the University;
- (h) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions; and
- (i) perform such other duties as may be assigned, from time to time, by the Executive Committee or the Vice-Chancellor.
- (5) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorise any officer in the service of the University to exercise such powers, functions, and duties of the Registrar as the Vice-Chancellor deems fit.

Authorities of the University.

- 13. The following shall be the authorities of the University;-
 - (1) The Governing Council.
 - (2) The Executive Committee.
 - (3) The Academic Senate.
 - (4) The Finance Committee

The Officers of the University.

- 14. The following shall be the officers of the University, namely:-
 - (a) The Chancellor.
 - (b) The Pro-Chancellor.
 - (c) The Vice-Chancellor.
 - (d) The Registrar.
 - (e) The Dean of the Faculty of Health Sciences.
 - (f) The Dean of the Faculty of Technology.
 - (g) The Director.
 - (h) such other persons as may be prescribed to be the officers of the University.

The Governing Council.

- 15. The Governing Council shall be the supreme authority of the University.

control and general regulation or and be responsible for the maintenance of standards of education, instruction and examination of the University and shall exercise such other powers and functions as may be conferred or imposed upon it by this Act or their regulations. It shall have the right to advise the Executive Committee on all academic matters.

Regulations.

18. (1) Subject to the provisions of this Act, the Executive Committee shall have, in addition to all other power vested in it, the power to frame regulations to provide for the administration and management of the affairs of the University;

Provided that the Executive Committee shall not make any regulation affecting the status, power or the constitution of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Committee:

Provided further that except with the prior concurrence of the Pro-Chancellor, Executive Committee shall not make and/or repeal any regulation affecting any or all of the following matters, namely:-

- (a) The constitution, powers and duties of the Academic Senate and or the Pro-Chancellor;
- (b) The authorities responsible for organising the teaching in connection with the courses of the University and related academic programmes.
- (c) The withdrawal of degrees, diplomas and certificates and other academic distinctions.
- (d) The establishment and abolition of faculties, department halls and institutions.
- (e) The institution of fellowship, scholarships, exhibitions, medals and prizes.
- (f) Conditions and modes of appointment of examiners or conduct or standard of examination or any other course of study.
- (g) Mode of enrollment of admission of students.

(2) The Academic Senate shall have the power to propose regulations on all matters specified in clauses (e) to (g) of the above sub-section and on matters incidental and related thereto in this regard.

(3) Where the Executive Committee has rejected the draft of the regulation proposed by the Academic Senate, the latter may appeal to the Pro-Chancellor and the Pro-Chancellor may, by order, direct that the proposed regulation may be laid before the next meeting of the Governing Council for its approval and that pending such approval of the Governing Council it shall have effect from such date as may be specified in that order.

Provided that if the regulation is not approved by the Governing Council at such meeting, it shall cease to have effect.

(4) All regulations made by the Executive Committee shall be submitted, as soon as may be, for approval to the Pro-Chancellor and to the Governing Council at its next meeting and the Governing Council shall have power by a resolution passed by the Majority of not less than 2/3 of the members present, to cancel any regulation made by the Executive Committee and such regulation shall, from the date of such resolution, cease to have effect.

*Appointment of
University
Review Com-
mittee.*

19 (1) The Chancellor shall at least once in every five years, constitute a committee to review the working of the University and to make recommendation.

(2) The Committee shall consist of not less than three eminent educationists, one of whom shall be the chairman of the committee appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of the appointment of the members shall be such as the Chancellor any determine.

(4) The Committee shall, after holding such enquiry as it deems fit, make its recommendations to the Chancellor.

(5) The Chancellor may take such actions on the recommendations as he deems fit.

*Action not in-
validated
merely on the
ground of the
defect in the
constitution,
vacancy etc.*

20. (1) Notwithstanding that the Governing Council, Executive Committee, Academic Senate or any other authority or body of the University is not duly constituted or there is a defect in its constitution or re-constitution at any time and notwithstanding that there is a vacancy in the membership of such authority or body, no act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

(2) No resolution of any authority of the University shall be deemed to be invalidated on account of any irregularity in the service of notice upon any member provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

*Removal of dif-
ficulty.*

21. If any difficulties 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 the Act or the regulations, the Pro-Chancellor may, at any time, before all such 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 the Act and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty, and every such order shall have the effect as if such appointment or action had been made or taken in the manner provided in this Act and the regulations:

Provided that before making any such order, the Pro-Chancellor shall ascertain and consider the opinion of the Registrar of the University or such appropriate authority as he may deem fit and proper.

*Removal of
Doubts.*

22. For the purpose of removal of doubts, it is hereby declared that nothing in this Act shall be construed as transferring from the Manipal Pai Foundation to the University such rights of ownership or possession, if any, possessed by the said Foundation over or in respect of the Institutes established by it or its predecessor, Manipal Education and Medical Group

The Authorities and Officers of the University etc.

24. The authorities of the University and the composition, powers, functions and other matters related to them the officers of the University and their appointment, powers, functions and other matters relating to them and all other matters relating to the functions, powers, teaching, administration and management of the affairs of the University shall, subject to the provisions of this Act, be as specified in the Schedule or as may be provided by the regulations.

Indemnity.

25. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Pro-Chancellor, the authorities or the officers of the University or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or any regulations made thereunder.

Power to amend the schedule.

26. (1) The Governing council may, with the previous approval of the Pro-Chancellor and the State Government, by notification amend either prospectively or retrospectively the Schedule.

(2) A copy of the Notification made under sub-section (1) shall be laid before the Legislature as soon as may be, after it is made.

The Act to have overriding.

27. The provisions of this Act and any regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act.

SCHEDULE
(See Section 2 (n))

Definitions.

1. In this Schedule, unless the context otherwise requires,-
 - (a) 'Clause' means a clause of the Schedule;
 - (b) 'Teacher' includes Deans, Professors, Associated Professors, Assistant Professors, Readers, Lecturers and any other person imparting instructions in the University.

Membership of the Governing Council.

2. There shall be a Governing Council of the University, which shall consist of the following members, namely:-
 - (a) The Pro-Chancellor.
 - (b) The Vice-Chancellor.
 - (c) The Registrar.
 - (d) Two nominees of the Government of Sikkim.
 - (e) One nominee of the Manipal Pai Foundation
 - (f) The Dean of the Faculty of the Health Sciences.
 - (g) The Dean of the Faculty of Technology.
 - (h) Two experts to be nominated by the Pro-Chancellor.
 - (i) Two Faculty members of the University nominated by the Pro-Chancellor from a panel of four nominees recommended by the Vice-Chancellor.
 - (j) Two Faculty members to be nominated by the Academic Senate.

Chairman, Vice-Chairman and Secretary.

3. (1) The Pro-Chancellor shall be the Chairman of the Governing Council.
 - (2) The Vice-Chancellor shall be the Vice-Chairman of the Governing Council.
 - (3) The Registrar shall be the Secretary of Governing Council.

The term of office of the members of the Governing Council.

4. (1) The term of office of the Governing Council shall, subject to sub-clauses (2) and (3), be five years:
Provided that the term of office of the first Governing Council will expire on constitution of the regular Governing Council under the provisions of the Schedule.
 - (2) Where a member of the Governing Council has become such member by reason of the office or appointment he holds, or is nominated member, his membership shall terminate when he ceases to hold such office or appointment or, as the case may be, his nomination is withdrawn or cancelled.
 - (3) A member of the Governing Council shall cease to be a member, if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Registrar, accepts a full time appointment in the University or if he fails to attend three

Powers and Functions of the Governing Council.

5. (1) The Governing Council shall have all the powers necessary for the administration and management of the University or for conducting its affairs, including power to review the action of the Executive Committee, the Academic Senate, the Finance Committee and all other committees and the power to review the regulations made by the Executive Committee and shall exercise the powers of the University not otherwise provided in this Act.

(2) Without prejudice to the generality of the powers conferred by sub-clause (1), the Governing Council shall,—

- (a) recommend the broad policies and programmes of the University and suggest measures for the improvement and development of the University;
- (b) Consider and pass the resolution on the annual report, the financial estimate and the audit report on such accounts;
- (c) Perform such other functions as it may deem necessary in the proper functioning and administration of the University.

(3) Without prejudice to the generality of the powers conferred by sub-clauses (1) and (2), the Governing Council shall perform the following functions, namely:-

- (a) Take steps for achieving the objectives of the University;
- (b) hold control and administer the property and funds of the University;
- (c) Acquire and hold any movable or immovable property on behalf of the University;
- (d) administer any funds placed at the disposal of the University for specific purposes;
- (e) manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the Institute and for that purpose appoint such agent as it may think fit;
- (f) Invest the money belonging to the University (including any income from trust and endowed property) in such stocks, funds, shares or securities as it may, from time to time, think fit and appropriate;
- (g) enter into, vary, carry out and cancel contracts on behalf of the University;
- (h) regulate and determine all other matters concerning the University in accordance with the provisions of the Act and the rules and regulations made thereunder;
- (i) delegate any of its powers to a committee or the Vice-Chancellor or to any Officer of the University; and
- (j) co-operate with the other Institutions and Universities and other authorities in such manner and for such purpose as it may be determined.

Meetings of the Governing Council.

6. (1) The Governing Council shall meet at least once in a year. Annual meeting of the Governing Council shall be held on a date to be fixed by the Executive Committee, unless some other date has been fixed by the Governing Council in respect of any year.

(2) The Chairman shall preside over the meetings of the Governing Council and in his absence the Vice-Chairman shall preside over the meeting and in the absence of both of them, the Registrar shall preside.

Provided that the Chancellor may attend the meeting of the Governing Council and if he so attends a meeting, he shall preside over the same.

(3) A report of the working of the University during the previous year, together with a statement of receipt and expenditure, the balance sheet as audited and the financial statement shall be presented by the Registrar to the Governing Council at its annual meeting.

(4) The meeting of the Governing Council shall be called by the Chairman, or in his absence by the Registrar either in his own or at the request of not less than five members of the Governing Council.

(5) For every meeting of the Governing Council fifteen days notice shall be given.

(6) Two-thirds of the Members of the Governing Council shall form the quorum.

(7) Each member shall have one vote and if there being equality of vote on any question to be determined by the Governing Council, the Chairman or the person presiding over the meeting, shall, in addition, have a casting vote.

(8) In the case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the Governing Council becomes necessary, the Chairman may permit the business to be transacted by the circulation of papers to the members of the Governing Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the Governing Council. The action so taken shall be forth with intimated to all the members of the Governing Council and the papers shall be placed before the next meeting of the Governing Council for confirmation.

*Membership of
the Executive
Committee.*

7. (1) The Executive Committee shall consist of the following members, namely,

- (a) The Pro-Chancellor.
- (b) The Vice-Chancellor.
- (c) The Registrar.
- (d) Two nominees of the Government of Sikkim.
- (e) The Dean of the faculty of Health Sciences.
- (f) The Dean of the faculty of Technology.
- (g) The Finance Officer,
- (h) A nominee of the Manipal Pai Foundation.

(2) The Pro-chancellor shall be the chairman of the Executive Committee.

The terms of

8. (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when

Committee other than the ex-officio members shall relinquish membership on the expiry of the three years from the date on which he has become member of the Executive Committee but shall be eligible for re-nomination or re-appointment, as the case may be:

Provided that the term of the first Executive Committee shall be five years.

(4) The member of the Executive Committee other than the ex-officio members may resign his office by a letter addressed to the Chairman of the Executive committee and such resignation shall take effect as soon as it has been accepted by the Chairman of the Executive Committee.

Powers and Functions of the Executive Committee.

9. Without prejudice to clause 5 the Executive Committee shall have the following powers and function, namely :-

(1) to appoint, from time to time, the Registrar, the Director, the Librarian, the Professor, Readers, Associated Professors, Assistant Professors and other members of teaching staff, as may be necessary :

(2) to appoint, from time to time, such number of other officers, employees and on such terms and conditions as it may deem fit for carrying out the management and affairs of the University ;

(3) to create administrative, ministerial and other necessary post, and to determine the emoluments of such positions, to specify minimum qualifications for appointment to such posts subject to such law, as may be applicable, and for the time being in force, and to appoint persons to such posts on such terms and conditions of services as may be prescribed by the regulations made in this behalf, after delegating the powers of appointment to such authority or authorities or office or officers as the Executive committee may, from time to time, by resolution, generally or specifically, direct;

(4) to exercise, control and discipline over the employees of the University;

(5) to accept on behalf of the University, endowment, bequests, donations, grants and transfers of any immovable property;

(6) to receive money, securities, instruments or any other movable properties for and on behalf of the University;

(7) to grant receipts, sign and execute instruments and endorsements, discount cheques or other negotiable instruments through its accredited agencies;

(8) to make, sign and account of such documents and instruments as may be necessary or proper for carrying out the management of the property or affairs of the University;

(9) to introduce courses of study at the University and to take decision on the recommendations of the Academic Senate;

(10) to co-operate and co-opt with other educational and medical institutions and authorities in India and abroad;

(11) to create fellowships and scholarships or other assistance on such terms and conditions, as it may prescribe, to such person as it may select to carry out research, investigation or study;

(12) to propose regulations for consideration and adoption of the Governing Council;

(13) to grant in accordance with the regulations leave of absence other than casual leave to any officer of the University and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(14) to manage and regulate finances, accounts, investments, property,

business and all other administrative affairs of the school and for that purpose to appoint such agents, as it may think fit;

(15) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may from time to time, think fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(16) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(17) to enter into, vary, carry out and cancel contracts on behalf of the University and for that purpose to appoint such officers, as it may think fit;

(18) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(19) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the University, the teachers, the students and the University employees, who may, for any reason, feel aggrieved, otherwise than by an act of a Court.

(20) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and traveling and other allowances, after consulting with the Academic Senate;

(21) to select a common seal for the University and to provide for the custody of the seal; and

(22) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

*Meeting of the
Executive
Committee.*

10. (1) The Executive Committee shall meet at least once in three months and not less than 15 days notice shall be given for such meeting.

(2) Four members of the Executive Committee shall constitute a quorum for any meeting thereof.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Committee shall have one vote if there shall be equality of votes on any question to be determined by the Executive Committee, the Chairman of the Executive Committee or the person presiding over the meeting, shall, in addition, have a casting vote.

(5) Every meeting of the Executive Committee shall be presided over by the Chairman and in his absence by a member chosen by the members present to preside on the occasion.

(6) If urgent action by the Executive Committee becomes necessary, the Pro-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Committee.

(7) The action proposed to be taken shall not be so taken unless agreed

to by the majority of the members of the Executive Committee. The action so taken shall be forthwith intimated to all the members of the Executive Committee and the papers shall be placed before the next meeting of the Executive Committee for confirmation.

*Constitution of
a standing
Committee and
appointment of*

11. (1) Subject to the provisions of this Act and the regulations made in this behalf, the Executive Committee may, by resolution, constitute such standing committee or appoint Ad-hoc Committees for such purposes and with such powers as the Executive Committee may think fit for exercising any power for discharging

Ad-hoc Committee by the Executive Committee.

any function of the university or for enquiring into, reporting or advising upon any matter relating to the Institute.

(2) The Executive Committee may co-opt such person to the Standing Committee or Ad-hoc Committee as it consider suitable and permit them to attend the meeting of the Executive Committee.

Delegation of powers by the Executive Committee.

12. Executive Committee may, by resolution, delegate to the Registrar or to a committee such of its powers as it may deem fit subject to the condition that the action taken by the Registrar or such committee in the exercise of powers so delegated shall be reported at the next meeting of the Executive Committee.

Membership of the Academic Senate.

13. (1) The Academic Senate shall consist of the following persons, namely:-
(a) Vice-Chancellor- Chairman.
(b) Registrar - Secretary.
(c) Deans of the Faculties.
(d) Four professors from the faculty members nominated by the Vice-Chancellor.
(e) One nominee of Pro-Chancellor.
(f) Four external experts nominated by the Pro-Chancellor.
(2) The term of office of the members other than ex-officio members shall be three years.

Provided that the terms of the first Academic Senate shall be five years.

Powers and duties of the Academic Senate.

14. Subject to the provisions of this Act and the regulations, the Academic Senate shall, in addition to all other powers vested in it, have the following powers, namely:-

(1) to report on any matter referred or delegated to it by the Governing Council or the Executive Committee;

(2) to make recommendations to the Executive Committee with regard to the creation, abolition or classification of teaching posts in the University and the emoluments and the duties attached thereto;

(3) to formulate and modify or revise schemes for the organisation of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Committee as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another.

(4) to make arrangements through regulations for the instruction and

(11) to make arrangements for the conduct of examinations and to fix dates for holding them;

(12) to declare the result of the various examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licenses, titles and marks of honour;

(13) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;

(14) to publish lists of prescribed or recommended text-books and to publish syllabus of the prescribed courses of study;

(15) to prepare such forms and registers as are, from time to time, prescribed by regulations; and

(16) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

*Procedure of
the Meetings of
the Academic
Senate.*

15. (1) The Academic Senate shall meet as often as may be necessary, but not less than two times during an academic year.

(2) One half of the total number of members of the Academic Senate shall form quorum for meeting of the Academic Senate.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Academic Senate, including the Chairman of the Academic Senate shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Senate, the Chairman of the Academic Senate or, as the case may be, the member presiding over the meeting, shall, in addition, have a casting vote.

(5) Every meeting of the Academic Senate shall be presided over by the Chairman of the Academic Senate and in his absence, by a member chosen by the meeting to preside on the occasion.

(6) If urgent action by the Academic Senate becomes necessary, the Chairman of the Academic Senate may permit the business to be transacted by circulation of papers to the members of the Academic Senate. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Senate. The action so taken shall be forthwith intimated to all the members of the Academic Senate. The papers shall be placed before the next meeting of the Academic Senate for confirmation.

*Finance Com-
mittee.*

16 (1) There shall be a Finance Committee constituted by the Academic Senate consisting of the following, namely:-

(a) The Pro-Chancellor.

(b) The Vice-Chancellor.

(c) The Finance Officer.

(d) A nominee of the State Government of Sikkim.

(e) Two nominees of the Governing Council.

(f) One nominee of the Pro-Chancellor.

(3) the functions and duties of the Finance Committee shall be as follows:-

- (a) to examine and scrutinise the annual budget of the University and to make recommendation on financial matters to the Executive Committee.
- (b) to consider all proposals for new expenditure and to make recommendations to the Executive Committee.
- (c) to examine the annual accounts of the University and advise the Executive Committee thereon.
- (d) to examine the annual budget estimate and advise the Executive Committee thereon.
- (e) to review the financial position of the University from time to time.
- (f) to make recommendations to the Executive Committee on all financial matters relating to the University, and
- (g) to make recommendations to the Executive Committee on all proposals involving the raising of funds, receipts and expenditure.

(4) The Finance Committee shall meet at least twice in every year.

Three members of the Finance Committee shall form the quorum.

(5) The Pro-Chancellor shall preside over the meeting of the Finance Committee and in his absence, the Vice-Chancellor shall preside.

(6) In the case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

Director.

17. (1) The Director of the Institute shall be appointed by Manipal Pai Foundation in accordance with the rules made by it in this behalf.

(2) The Director shall be an academic person possessing such qualifications as may be prescribed by the rules or regulations of the Medical Council of India.

(3) The Director shall be a whole time officer of the Institute and shall exercise powers of management and administration of the Institute.

Heads of Departments.

18 (1) There shall be a head of the department for each of the department in the University.

(2) The powers, functions, appointments and the conditions of service of the heads of the department shall be as prescribed by regulations.

Boards of

19. (1) There shall be a Board of studies for each faculty in the University.

prescribed by the regulations.

Provident Fund, Gratuity, Pension and any other benefit Scheme.

21. All the permanent employees of the University shall be entitled to the benefit of the provident fund and gratuity in accordance with such regulations as may be framed in that behalf by the Executive Committee.

Funds of the University.

22. (1) There shall be a fund for the University which shall include:-

- (a) any contribution or grant made by the Manipal Pai Foundation, Manipal Dakshna Kannada, Karnataka;
- (b) any contribution or grant made by the State Government of Sikkim;
- (c) any contribution or grant made by the University Grants Commissions or Central Government;
- (d) any contribution or grant made by the Medical Council of India;
- (e) any bequests, donations, endowments or other grants made by the private individuals or institutions;
- (f) income received by the University from fees and charges; and
- (g) amounts received from any other sources.

(2) The amount in the said fund shall be kept in a Scheduled Bank as defined by the Reserve Bank of India Act, 1934 or in the corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or may be invested in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Governing Council.

(3) The fund may be operated for such purposes of University and in such manner as may be prescribed by regulations.

Annual Accounts and Audit.

23. (1) The Annual Accounts of the University shall be prepared under the directions of the Executive Committee.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Committee.

Provided that the State Government shall have power to direct, whenever considered necessary, an audit of the account of the University, including the institutions managed by it, by such auditors, as it may specify.

(3) The accounts when audited shall be published by the Executive Committee and a copy of the accounts together with the audit report shall be placed before the Governing Council and also shall be submitted to the State Government.

(4) The Annual Accounts shall be considered by the Governing Council at its annual meeting. The Governing Council may pass resolutions with reference thereto and communicate the same to the Executive Committee. The Executive Committee shall consider the suggestions made by the Governing Council and take such action thereon as it thinks fit. The Executive Committee shall inform the Governing Council at its next meeting all actions taken by it or the reasons for not taking action.

(2) The Executive Committee may, in case where the expenditure in excess of the amount provided in the budgets is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the Governing Council at its next meeting.

Annual Report.

25. (1) The Executive Committee shall prepare the annual report containing such particulars as the Governing Council may specify, covering each financial year and submit it to the Governing Council on or before such date as may be prescribed by the regulations. The Governing Council may pass resolutions thereon and the Executive Committee shall take action in accordance therewith. The action taken shall be intimated to the Governing Council.

(2) Copies of the annual report along with the resolution of the Governing Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at their next earliest session.

*Execution of
Contracts.*

26. All contracts relating to the Management and administration of the University shall be expressed to have been made by the Executive Committee, and shall be executed by Vice-Chancellor when the value of the contract is above ten lakhs of rupees and by the Registrar, when its value does not exceed ten lakhs of rupees.

*Eligibility for
Admission of
Students.*

27. (1) No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by the regulations.

(2) The University shall give preference to local people of the State while granting admission to the Institutions under it.

*Residence of
Students.*

28. Every student of the University shall reside in a hostel maintained or recognised by the University or under such conditions as may be prescribed by the regulations.

*Honorary
Degrees.*

29. If not less than two-thirds of the member of the Academic Senate, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the

(3) A copy of the resolution passed by the Governing Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the Governing Council may appeal to the Chancellor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Chancellor in such appeal shall be final.

Discipline.

31. (1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of the University, hostels and Institutions.

(2) Notwithstanding anything contained in sub-clause (1), the punishment of debarring a student from the examination or restriction from the University or a hostel or an institution, shall on the report of the Vice-Chancellor be considered and imposed by the Executive Committee:

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

Sponsored Schemes.

32. Whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University, notwithstanding anything in this Act and Regulations:-

(a) the amount received shall be kept by the University separately from the University Fund and utilised only for the purpose of the scheme; and

(b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

By Order of the Governor,

B. R. Pradhan
Secretary to the Government of Sikkim,
Law Department

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Thursday, 15th May, 1997

No 78

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.

No. 8/LD/97

Dated: the 13th May, 1997.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 24th day of April, 1997 is hereby published for general information:-

THE SIKKIM-MANIPAL UNIVERSITY OF HEALTH, MEDICAL
AND TECHNOLOGICAL SCIENCES (AMENDMENT) ACT, 1997

(ACT NO. 8 OF 1997)

AN
ACT

to amend the Sikkim-Manipal University of Health Medical and Technological Sciences Act, 1995.

Be it enacted by the Legislature of Sikkim in the Forty-eighth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Sikkim-Manipal University of Health, Medical and Technological Sciences (Amendment) Act, 1997.
(2) It shall be deemed to have come into force on the 8th day of January, 1997.

Amendment of section 5.

2. In section 5 of the Sikkim-Manipal University of Health, Medical and Technological Sciences Act, 1995 (hereinafter referred to as the "principal Act"):-
(i) in clause (a), for the words "education and instructions", the words "education and instructions, within the State of Sikkim" shall be substituted;
(ii) in clause (w), for the words "or elsewhere, within the State of Sikkim" shall be substituted.

Amendment of section 10.

3. In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-
“(1) The Vice-Chancellor of the University shall be appointed by the Pro-Chancellor from out of a panel of not less than four persons recommended by a Committee consisting of four persons of whom one shall be nominated by the Chancellor, one by the Pro-Chancellor, one by the Academic Senate of the University and one by the University Grants Commission.

- Insertion of new section 23. 4. Section 23 to 27 of the principal Act shall be renumbered as sections 24 to 28 respectively and before section 24, as so renumbered, the following section shall be inserted namely:-
- Power of Government to issue directions. “23. Nothing contained in section 5 shall prevent the Government from issuing such directions, consistent with the laws in force in Sikkim, as are considered necessary in matters relating to higher education including the fees structure and the University shall comply with such directions.”
- Repeal and Saving. 5. (1) The Sikkim-Manipal University of Health, Medical and Technological Sciences (Amendment) Ordinance, 1997 (Ordinance No. 1 of 1997), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,

B.R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.

(FileNo.16(289)LD/95-97)

SIKKIM

GOVERNMENT  **GAZETTE**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Thursday 8th April, 2010 No. 136

LAW DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

NO. 13/LD/P/2010

Date: 08/04/2010

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 22nd day of January, 2010 is hereby published for general information:

**THE SIKKIM MANIPAL UNIVERSITY OF HEALTH MEDICAL AND TECHNOLOGICAL
SCIENCE (AMENDMENT) ACT, 2009
ACT NO. 13 OF 2009.**

**AN
ACT**

further to amend the Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995.

Be it enacted by the Legislature of Sikkim in the Sixtieth year of the Republic of India as follows:

- | | |
|-------------------------------------|---|
| Short title and commencement | 1. (1) This Act may be called the Sikkim Manipal University of Health, Medical and Technological Sciences (Amendment) Act, 2009. (2) It shall come into force at once. |
| Amendment of long Title | 2. In the Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995 (9 of 1995) (hereinafter referred to as the "said Act"), in the long title, the words "of Health, Medical and Technological Sciences" shall be omitted. |
| Amendment of preamble | 3. In the said Act, in the preamble, for the words "Sikkim Manipal University of Health, Medical and Technological Sciences", wherever they occur, the words "Sikkim Manipal University" shall be substituted. |
| Amendment of Section 1 | 4. In the said Act, in sub-section (1) of section 1, the words "of Health, Medical and Technological Sciences" shall be omitted. |

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Thursday 20th April, 2017 No. 136

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 6/LD/17

Dated: 19 April, 2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 22nd day of March, 2017 is hereby published for general information:-

**THE SIKKIM MANIPAL UNIVERSITY OF HEALTH, MEDICAL AND TECHNOLOGICAL
SCIENCES (AMENDMENT) ACT, 2017
(ACT NO. 6 OF 2017)**

AN

ACT

further to amend the Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995

Be it enacted by the Legislature of Sikkim on the Sixty-eighth Year of the Republic of India as follows:-

- Short title and commencement** 1. (1) This Act may be called the Sikkim Manipal University of Health, Medical and Technological Sciences (Amendment) Act, 2017.
- (2) It shall come into force at once.
- Amendment of Section 5** 2. In the Sikkim Manipal University of Health, Medical and Technological Sciences Act, 1995 in section 5,
- (i) proviso to clause (a) after the words "Distance Education mode" the words, "approved by UGC/erstwhile DEC", shall be inserted
- (ii) in proviso to clause (w) for the words "in various parts of the country and abroad" the words "anywhere in the State of Sikkim" shall be substitute.

Jagat B. Rai (SSJS)
L.R-cum-Secretary,
Law Department.

S.G.P.G. - 136/ Com. 2/Gazette /100 Nos./ Dt:- 20.04.2017.

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