PARLIAMENTARY AFFAIRS AND LEGISLATION SECRETARIAT

NOTIFICATION

No.DPAL 35 SHASANA 2020, Bengaluru, Dated:19.06.2020

KARNATAKA ORDINANCE NO. 11 OF 2020

THE KARNATAKA STATE UNIVERSITIES AND CERTAIN OTHER LAW (AMENDMENT) ORDINANCE, 2020

(Promulgated by the Governor of Karnataka in the Seventy first year of the Republic of India and First published in the Karnataka Gazette Extra-ordinary on the 19th day of June, 2020)

An Ordinance further to amend the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001) and the Karnataka Janapada Vishwavidyalaya Act, 2011 (Karnataka Act 11 of 2012) and for matters connected therewith or incidental thereto;

Whereas the Karnataka Legislative Assembly and the Karnataka Legislative Council are not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action to promulgate the Ordinance for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

1.Short title and Commencement.-(1) This Ordinance may be called the Karnataka State Universities and certain other law (Amendment) Ordinance, 2020.

(2) sub-section (1), clause (c) of sub-section (2), clause (d) of sub-section (4), sub-section (20), sub-section (22), clause (ii) of sub-section (23) and sub-section (25) of Section 2, shall be deemed to have come into force with effect from the 12th day of September, 2001 and remaining provisions shall come into force at once.

2. Amendment of Karnataka Act 29 of 2001.- In the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001),-

(1) in section 2,-

(a) after clause (1), the following shall be inserted, namely:-

"(1-a) "Assessment Year" means the year following the year in which the income of a financial year is assessed or taxed";

(b) after clause(3), the following shall be inserted, namely:-

"(3-a) "Financial Year" means a period of twelve consecutive months commencing on 1st day of April every year";

(c) after clause (4), the following shall be inserted, namely:-

"(4-a)"New university" means the university established by the State Government by an amendment of the Principal Act."

(d) after clause(5), the following shall be inserted, namely:-

"(5-a) "person having a substantial interest in a concern" shall have the same meaning as assigned to this expression in explanation 3 below sub-section(9) of section 13 of the Income Tax Act, 1961(hereinafter referred to as the Income Tax Act);

(5-b) "Previous university" means the university from which new university is carvedout and established.

(5-c) "Previous Year" means the financial year immediately preceding the assessment year;"

(2) In section 3,-

(a) in sub-section (1F),-

(i) for the word "Shivajinagar", the words "Shivaji Nagara", shall be substituted;

(ii) after the words "Home Science, Bengaluru", the words and brackets "except Government Science College (Autonomous), Nrupathunga Road, Bengaluru" shall be inserted;

(b) after sub-section (1J), the following shall be inserted, namely:-

"(1K) There shall be established the Nrupathunga University, Bengaluru of unitary in nature with headquarters at Bengaluru and territorial jurisdiction extending over the Government Science College (Autonomous), Nrupathunga Road, Bengaluru."

(c) after sub-section(4), the following shall be inserted, namely:-

"(4-a) The establishment of the University shall be a non-profit making institution and the University shall not transfer directly or indirectly of the whole or any part of income or of any movable or immovable property of the university to any person or to give any person any right to assume power directly or indirectly over the whole or any part of the income or of any movable or immovable property of the University".

(3) After section 3, the following shall be inserted, namely.-

"3A.Appointment of special officer.-Whenever principal Act is amended for the establishment of the new university, the Government may by order, appoint an officer not below the rank of group A officer of the senior scale as special officer for taking steps to establish the new university.

3B. Powers of special officer.-The Special officer appointed by the State Government for the purpose of taking steps to establish the new University under the principal Act, after the commencement of the Amendment Act for establishment of new university, shall exercise such powers and perform such functions of the University and the Vice-Chancellors as may be specified by the State Government, until the first Vice-Chancellor is appointed."

(4) In section 4,-

(a) in clause (i), for the words and brackets "(including instruction by correspondence)", the words and brackets "(excluding instruction by correspondence)" shall be substituted;

(b) in clause (viii), for the words “to maintain and administer”, the words “to establish, maintain and administer constituent” shall be substituted;

(c) in clause (xxiii), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that, nothing in clause (xix) and (xxii) shall apply to the Nrupathunga University, Bengaluru."; and

(d) after clause (xxiii), the following shall be inserted, namely:-

“(xxiv) Undertake necessary or expedient action to pursue and promote the objective of the University as a non-profit organization.”

(5) In section 5,-

(a) in sub-section(1),-

(i) for the first proviso, the following shall be substituted, namely:-

“Provided that no University except Karnataka State Open University shall offer the programme in Open and Distance Learning mode within or outside the University area”;

(ii) after fourth proviso, the following shall be inserted, namely:-

“Provided also that, nothing in this sub-section pertaining to affiliation shall be applicable to the Nrupathunga University, Bengaluru.”

(iii) after sub-section (13), the following shall be inserted, namely:-

“(14) Any privilege enjoyed from the Bengaluru Central University by the Government Science College (Autonomous), Nrupathunga Road, Bengaluru, situated in the Karnataka Legislative Assembly Constituency of Shivaji Nagara, before the date of commencement of the Karnataka State Universities and certain other Laws (Amendment) Ordinance, 2020 shall, with effect from such date as may be specified by the State Government in this behalf, be deemed to be withdrawn and Government Science College (Autonomous), Nrupathunga Road, Bengaluru previously admitted to the privileges of, or affiliated

to, the Bengaluru Central University shall be deemed to be admitted to the privileges of the Nrupathunga University, Bengaluru as constituent college or a schools of the said University."

(6) after section 5,the following shall be inserted, namely:-

"5A. Savings of certain examination.-Notwithstanding anything contained in the Principal Act as amended by the Amendment Act, to establish a new university or the statutes, ordinances, regulations and rules made there under, where immediately before the commencement of such Amendment Act,-

(a) any student studying for a degree of the previous University in accordance with the statues, ordinances, regulations and rules inforce he may until such examination is provided by the new University, as the case may be admitted to the examination of the previous University and be conferred with the degrees or diplomas for which he qualifies on the result of such examination; and

(b) the Previous University has held any examination, the result of which has been published but the degrees or diplomas relating thereto have not been conferred or issued or the result of any such examination has not been published by the Previous University then such examination shall be deemed to have been held by the previous University."

(7) In section 11, in clause (m), after first proviso, the following shall be inserted, namely:-

"Provided further that, in the case of the Nrupathunga University, Bengaluru, the officers of the Universities shall, in addition to the officers specified above except clause (f), also consists of the Directors of schools."

(8) In section 14, in sub-section (4),-

(a) after the eighth proviso, the following shall be inserted, namely:-

"Provided also that, notwithstanding anything contrary contained in this section, first Vice-Chancellors of the Maharani

Cluster University, Bengaluru and the Mandya University, Mandya shall be appointed by the State Government subject to such terms and conditions as may be specified by it."

(b) after the ninth proviso, the following shall be inserted, namely:-

"Provided also that notwithstanding anything contrary contained in this section, first Vice-Chancellor of any University established under the Principal Act after the commencement of the Karnataka State Universities and certain other law (Amendment) Ordinance, 2020 shall be appointed by the State Government subject to such terms and conditions as may be specified by it"

(9) After section 14, the following shall be inserted, namely:-

"14A.Duties of the first Vice-Chancellor.-(1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Syndicate, Academic Council and other authorities of the newly established university, as the case may be within six months from the date of establishment of the University or such longer period not exceeding one year as the Chancellor may direct.

(2) The Authorities constituted under sub-section (1) shall commence to exercise their powers and perform their functions on such date as the Chancellor may specify in this behalf.

14B.Transitory provisions on establishment of new university.- (1) Notwithstanding anything contained in the Principal Act, the first Vice-Chancellors may, with the previous approval of the Chancellor, discharge all or any of the functions of the new University, as the case may be, for the purpose of carrying out the provisions of the Principal Act as amended by the Amendment Act and for that purpose may exercise any power or perform any duty which by the principal Act as amended by the Amendment Act, is to be exercised or performed by any Authority of the University until such Authority comes into existence as provided by the principal Act.

(2) All statues, ordinances, regulations and rules made by the Previous University from which new university is carved out applicable to

the colleges or other educational institutions which are deemed to be the constituent colleges or schools of the new University as the case may be, under section 5 of the principal Act shall be deemed to be the Statutes, ordinances, regulations and rules made by the new University as the case may be, and shall continue as such till the new University makes its own statutes, ordinances, regulations and rules:

Provided that, the Vice-Chancellor may with the approval of the Chancellor make such modification and adaptations therein as he may consider necessary."

(10) In section 17, for sub-section (1), the following shall be substituted namely:-

"(1) The Registrar shall be a whole time officer of the University. The State Government may appoint an Officer belonging to All India Service or an Officer belonging to Karnataka Administrative Service not below the rank of the Group 'A' officer of the senior scale and above, to be a Registrar of a University."

(11) In section 19,-

(i) for sub-section (1), the following shall be substituted namely:-

"(1) The Finance Officer shall be a whole time officer of the University appointed by the State Government from the persons being officers in the cadre of Joint Controller of Karnataka State Audit and Accounts Department or an officer of the rank of Deputy Accountant General having experience in audit, accounting and financial administration. If none of the person is appointed within the time prescribed by the Statutes, the Chancellor may in consultation with the State Government, appoint such other person as he deems fit to be the Finance Officer'; and

(ii) for sub-section (2), the following shall be substituted, namely:-

"(2) The term of office of the Finance Officer shall be three years and the emoluments of the Finance Officer and other terms and conditions shall be as prescribed by the Statutes."

(12) In section 21, in sub-section (1), after the fourth proviso, the following shall be inserted, namely:-

"Provided also that, in respect of the Nrupathunga University, Bengaluru, the Dean shall be called as Director of schools and faculty shall be called as schools."

(13) In section 28, in sub-section (1), after the third proviso, the following proviso shall be inserted, namely:-

“Provided further that, in the case of the Nrupathunga University, Bengaluru, the Syndicate shall not consist of the members specified in clauses (b), (c), (d), (f), (i), (j) and (k) specified above but shall consists of the Principal Secretary to Government, Higher Education or his nominee not below the rank of Deputy Secretary to Government, two directors of the schools nominated by the Vice-chancellor for a period of one year by rotation according to seniority.”

(14) In section 29, in sub-section (2), in clause (w), after the proviso, the following shall be inserted, namely:-

“Provided further that, the provisions of clause (j) shall not be applicable in respect of the Nrupathunga University, Bengaluru."

(15) In section 30, in sub-section (1), after the third proviso, the following proviso shall be inserted, namely:-

“Provided also that, in the case of the Nrupathunga University, Bengaluru, the Academic Council shall not consist of members specified in clauses (vi), (ix) but shall consists of the five directors of the schools nominated by the Vice-chancellor by the rotation in the order of seniority, each for a term of two years.”

(16) In section 31, in sub-section (2), in clause (xx), after the first proviso, the following shall be inserted, namely:-

"Provided further that, in respect of the Nrupathunga University, Bengaluru, the provisions pertaining to affiliation shall not be applicable."

(17) In section 34, after sub-section (11), the following shall be inserted, namely:-

"(12) Notwithstanding anything contained in this section, in respect of the Nrupathunga University, Bengaluru, the faculty shall be called as schools and the Deans shall be called as Director of schools."

(18) In section 36, in sub-section (2), after the first proviso, the following shall be inserted, namely:-

“Provided further that, in the case of the Nrupathunga University, Bengaluru, in addition to clauses (i), (ii) and (iv) except clauses (iii), (v) and (vi), specified above also consists of two teachers teaching the subjects within concerned departments of studies in the school nominated by the Vice-chancellor.”

(19) In section 40, in sub-section (1),-

(i) in clause (s),for the words “Mandya unitary University, Mandya” the words “Mandya Univerisity, Mandya or Nrupatunga University, Bengaluru,” shall be substituted;

(ii) in clause (t),for the words “Mandya unitary University, Mandya” the words ““Mandya Univeristy, Mandya or Nrupatunga University, Bengaluru,” shall be substituted; and

(iii) in clause (t), after the proviso, the following proviso shall be inserted, namely:-

"Provided further that in the case of the Nrupathunga University, Bengaluru, clause (g), shall not be applicable."

(20) In section 41, after sub-section (7), the following shall be inserted, namely:-

“(8) Notwithstanding anything contained in this section, the Syndicate shall not make or adopt any new statute or amend, modify or repeal any statutes affecting the objectives of the University”

(21) In section 42, in sub-section (1), in clause (n), after the proviso, the following shall be inserted, namely:-

“Provided further that, in the case of the Nrupathunga University, Bengaluru, clause (j), shall not be applicable.”

(22) In section 46, after sub-section(3), the following shall be inserted, namely:-

"(4) No part of the income of the University shall be utilised directly or in directly for the benefit of any Officer or Authority of the University or any other person who has made substantial contribution to it or of any relative of such Officer or Authority or person or any relative of such officer or Authority or person has a substantial interest"

(23) in section 47,-

(i) in sub-section(3), for the words "Controller of State Accounts", the words "Principal Director, Karnataka State Audit and Accounts Department" shall be substituted.

(ii) after sub-section (4), the following shall be inserted, namely:-

"(5) The University shall, where its total income as computed under the Income Tax Act, 1961(Central Act 43 of 1961) without giving effect to the provisions of sections 11 and 12 of that Act exceeds the maximum amount which is not chargeable to income-tax in any previous year, get its accounts for that year audited by an accountant as defined in the Explanation to sub-section (2) of section 288 of the Income Tax Act, 1961 and furnish along with its return of income for the relevant assessment year the report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed, in accordance with clauses (b) and (ba) of sub-section (1) of section 12A of the Income Tax Act, 1961.

(6) The University shall utilize its income and movable and immovable property only of the furtherance of its objects, shall not invest or deposit any income accumulated or set apart for application to charitable purpose in India in any form or mode other than those specified in sub-section (3) of section 11 of the Income Tax Act, 1961 and shall not distribute its income or property to any person by way of profit, dividend and interest or in any other manner".

(24) After section 58A, the following shall be inserted, namely:-

"**58B. Application of provision of sections 59 to 67.-** Notwithstanding anything contained in this Act, the provisions of sections 59 to 67 shall not be applicable to the Nrupathunga University, Bengaluru"

(25) After section 84, the following shall be inserted, namely:-

"**84A. Dissolution or winding up of the University.-** In the event of dissolution or winding up of the University, the assets remaining as on the date of dissolution shall under no circumstances be distributed among the officers of the University or members of the Syndicate or Finance Committee or among any person having substantial interest of their relative, but the same shall be transferred to another University whose objects are similar to that of this University".

(26) Substitution of expression.- For the words "Bengaluru Central University" wherever they occur, the words "Bengaluru City University" shall be substituted.

3. **Amendment of Karnataka Act 11 of 2012**.-In the Karnataka Janapada Vishwavidyalaya Act, 2011 (Karnataka Act 11 of 2012), in section 46, in sub-section(3), for the words "Controller of State Accounts", the words "Principal Director, Karnataka State Audit and Accounts Department" shall be substituted.

4. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the Official Gazette, make such provision not inconsistent with the provisions of this Ordinance, as may appear to it necessary or expedient for the purposes of removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of two years from the date of commencement of the Amendment Ordinance.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

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

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation.

ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:- ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು

R.N.I. No. KARBIL/2001/47147 POSTAL REGN. No. RNP/KA/BGS/2202/2017-19
Licensed to post without prepayment WPP No. 297

SUNIL GARDE Digitally signed by SUNIL GARDE Date: 2020.06.20 13:21:14 +05'30'