

CHAPTER X

MISCELLANEOUS

47. Filling of casual vacancies. — All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled as soon as conveniently may be, by the person or body, who or which nominated of such authority or body, for the residue of the term, for which the person whose place he fills would have been a member:

Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days not earlier than two months from the date on which the vacancies arise, as he thinks fit :

Provided further that no casual vacancy shall be filled if such vacancy occurs within six months before the date of the expiry of the term of the member of any authority or other body of the University.

48. Proceedings of the 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 of any defect or irregularity in the election or appointment of a member of any authority or other Head of the University, of any defect or irregularity in such act or proceeding not affecting the merits of the case or on the ground only that the Senate did not meet twice in any year.

49. Removal from membership of the University. — (1) The Syndicate may —

(a) on the recommendation of not less than two-thirds of the members of the Syndicate, remove by an order, in writing, made in this behalf, the name of any person from the register of graduates; or

(b) remove by an order in writing made in this behalf any person from membership of any authority of the University by a resolution passed by a majority of the total membership of the Syndicate and by a majority of not less than two-thirds of the members of the Syndicate present and voting at the meeting, if such person has been convicted by a criminal court for an offence which in the opinion of the Syndicate involves moral turpitude or if he has been guilty of gross misconduct and for the same reason, the Syndicate may withdraw any degree or diploma conferred on or granted to that person by the University.

(2) The Syndicate may also by an order in writing made in this behalf remove any person from the membership of any nominated or elected member whose place has become vacant, and the person nominated or elected to a casual vacancy shall cease to be a member of the authority of the University if he becomes of unsound mind or deaf-mute or suffers from leprosy or has applied to be adjudicated or has been adjudicated as an insolvent.

(3) No action under this section shall be taken against any person unless he has been given a reasonable opportunity to show cause against the action proposed to be taken.

(4) A copy of every order passed under sub-section (1) or sub-section (2), as the case may be, shall, as soon as may be, after it is so passed, be communicated to the person concerned, in the manner prescribed by regulations.

50. *Dispute as to constitution of University authorities and bodies.* — If any question arises whether any person has been duly elected or nominated as, or is entitled to be, a member of any authority of the University or other body of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

51. *Constitution of committees.* — All the authorities of the University shall have power to constitute or reconstitute committees and to delegate to them such of their powers as they deem fit. Such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons if any, as the authority in each case may think fit.

52. *Power to obtain information* — Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, by order in writing, call for any information from the University on any matter relating to the affairs of the University and the University shall, if such information is available with it, furnish the Government with such information within a reasonable period :

Provided that in the case of information which the University considers confidential, the University may place the same before the Chancellor and the Pro-Chancellor.

53. Registration of Graduates. — (1) On and after the notified date every person ordinarily resident within the University area who

(i) has been for at least three years a graduate of any University in the territory of India ; or

(ii) is a registered graduate of any University in the territory of India, shall be entitled to have his name entered in the register of graduates maintained under this Act for a period of five years on payment of such fee and subject to such conditions as may be prescribed by the statutes.

(2) All applications for registration under sub-section (1) shall be sent to the Registrar together with the prescribed fee and such proof of qualifications as may be prescribed by the statutes.

(3) The Registrar shall, on receipt of an application made under sub-section (2) and after making such enquiry as he deems fit, enter in the register of graduates the name of the applicant.

(4) Every person whose name has been entered in the register of graduates under sub-section (3) shall be entitled to have such entry renewed every five years on application made in that behalf to the Registrar within such time, in such manner and on payment of such fee as may be prescribed by the statutes.

54. Appointment of the first Vice-Chancellor. — Notwithstanding anything contained in sub-section (1) of section 12, within three months from the date of publication of this Act in the *Tamil Nadu Government Gazette*, the first Vice-Chancellor shall be appointed by the Government on a salary to be fixed by them for a period not exceeding three years and on such other conditions as they think fit:

Provided that a person appointed as first Vice-Chancellor shall retire from office, if, during the term of his office, he completes the age of sixty-five years.

55. Appointment of the first Registrar. — Notwithstanding anything contained in sub-section (1) of section 14 within three months from the date of publication of this Act in the *Tamil Nadu Government Gazette*, the first Registrar shall be appointed by the Government on a salary to be fixed by them for a period not exceeding three years and on such other conditions as they think fit :

Provided that the person appointed as first Registrar shall retire from office, if during the term of his office, he completes the age of fifty-eight years.

56. *Transitory powers of the first Vice-Chancellor.* — (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate and the Standing Committee on Academic Affairs and such other authorities of the University within six months after the notified date or such longer period not exceeding one year as the Government may by notification, direct.

(2) The first Vice-Chancellor shall, in consultation with the Government, make such rules as may be necessary for the functioning of the University.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date *as the Government may, by notification, specify in this behalf.

(4) It shall be the duty of the first Vice-Chancellor to draft such statutes, ordinances and regulations as may be necessary and submit them to the respective authorities competent to deal with them for their disposal. Such statutes, ordinances and regulations when framed shall be published in the *Tamil Nadu Government Gazette*.

(5) Notwithstanding anything contained in this Act and the statutes and until such time an authority is duly constituted, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under this Act and the statutes.

57. *Transfer of service of certain employees of University of Madras to the University.* — (1) Every person who, immediately before the notified date, is serving in connection with the affairs of the University of Madras in the University Centre at Coimbatore shall, as from the said date, become an employee of the Bharathiar University and shall cease to be an employee of the University of Madras.

(2) (a) As soon as may be after the notified date, the Government may, after consulting the Vice-Chancellors of the University of Madras and the Bharathiar University, direct by general or special order that such of the employees of the University of Madras as are specified in such order shall stand allotted to serve in connection with the affairs of the Bharathiar University with effect on and from such date as may be specified in such order :

Provided that no such direction shall be issued in respect of any such person without his consent for such allotment ;

*Has come into force on 5th July, 1983.

(b) With effect from the date specified in the order under clause (a), the persons specified in such order shall become employees of the Bharathiar University and shall cease to be employees of the University of Madras.

(3) Every person referred to in sub-section (1) or sub-section (2) shall hold office under the Bharathiar University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension or gratuity, if any, and other matters as he would have held the same on the notified date or the date specified in the order under sub-section (2), as the case may be, as if this Act had not been passed.

(4) The liability to pay pension and gratuity to the persons referred to in sub-sections (1) and (2) shall be the liability of the Bharathiar University.

58. *Transfer of accumulations in provident fund and other like funds.* —

(1) The sums at the credit of the provident fund accounts of the persons referred to in sub-section (1) of section 57 as on the notified date and of the persons referred to in sub-section (2) of that section as on the date specified in the order under clause (a) of the said sub-section (2) shall be transferred to the Bharathiar University and the liability in respect of the said provident fund accounts shall be the liability of the Bharathiar University.

(2) There shall be paid to the Bharathiar University out of the accumulations in the superannuation fund and other like funds, if any, of the University of Madras, such amounts as have been credited to the superannuation fund or other like funds, if any, on behalf of the persons referred to in sub-section (1) and (2) of section 57. The amount so paid shall form part of the superannuation fund or other like funds, if any, that may be established by the Bharathiar University for the benefit of its employees.

59. *Payment of certain amount by the University of Madras.* —

(1) The University of Madras shall, out of its funds as on the notified date, pay to the Bharathiar University such amount as the Government may, in consultation with the University of Madras, specify.

(2) The amount payable under sub-section (1) shall be in addition to the amounts payable by the University of Madras to the Bharathiar University under section 58.

60. Tamil Nadu Act VII of 1923 not to apply. — (1) Subject to the provisions of sub-sections (2) to (9)¹, [and Section 60-A] of the Madras University Act, 1923 (Tamil Nadu Act VII of 1923) (hereafter in this section referred to as the 1923 Act) shall with effect, on and from the notified date, cease to apply in respect of the areas to which the provisions of this Act extend.

(2) Such cesser shall not affect —

(a) the previous operation of the 1923 Act in respect of the areas to which the provisions of this Act extend, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the 1923 Act, or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), the statutes, ordinances and regulations made under the 1923 Act and in force on the notified date, shall in so far as they are not inconsistent with this Act, continue to be in force in the University area until they are replaced by the statutes, ordinances and regulations to be made under this Act.

(4) Notwithstanding anything contained in this Act, the statutes, ordinances and regulations continued in force under sub-section (3) or made under this Act, every person who immediately before the notified date was a student of a college within the University area affiliated to or approved by the University of Madras, and of the Departments of the University or was eligible for any of the examinations of the University of Madras, shall be permitted to complete his course of study in the Bharathiar University, and the Bharathiar University shall make arrangements for the instruction, teaching and training for such students, for such period and in such manner as may be determined by the Bharathiar University in accordance with the course of study in the University of Madras and such students shall, during such period, be admitted to the examinations held or conducted by the University of Madras and the corresponding degree, diploma or other academic distinctions of the University of Madras shall be conferred upon the qualified students on the result of such examinations, by the University of Madras.

1. This expression was inserted by section 3 of the Bharathiar University (Amendment) Act 1983 Tamil Nadu Act 45 of 1983 and shall be deemed to have come into force on the 1st April 1982.

(5) All property, whether movable or immovable, including lands, buildings, equipment, books and library and all rights of whatsoever kind owned by or vested in, or held in trust immediately before the notified date, by the University of Madras at the University Centre at Coimbatore as well as all liabilities legally subsisting against that University at the Centre shall, stand transferred to, and vest in, the Bharathiar University.

(6) All colleges including oriental colleges, within the University area which immediately before the notified date.—

(a) continue to be affiliated to, or recognised by, the University of Madras; and

(b) provide courses of study for admission to the examination for degrees of the University of Madras;

shall be deemed to be colleges affiliated to the Bharathiar University under this Act and the provisions of this Act shall, as far as may be, apply accordingly.

(7) All colleges within the University area which immediately before the notified date, continue to be recognised by the University of Madras as oriental colleges providing courses of study for admission to the examinations of the said University, for titles and diplomas, shall be deemed to be colleges approved by the Bharathiar University under this Act and the provisions of this Act shall, as far as may be, apply accordingly.

(8) All hostels within the University area which continue to be recognised by the University of Madras immediately before the notified date shall be deemed to be hostels recognised by the Bharathiar University under this Act and the provisions of this Act shall, as far as may be apply accordingly.

(9) Subject to the provisions of sub-section (2) but without prejudice to the provisions of sub-sections (3) to (7), anything done or any action taken before the notified date under any provision of the 1923 Act in respect of any area to which the provisions of this Act extend shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to have effect accordingly unless and until superseded by anything done or any action taken under the corresponding provision of this Act.

Section 60-A was inserted under section 4 of the Bharathiar University (Amendments) Act, 1983, (Tamil Nadu Act 45 of 1983) and shall be deemed to have come into force on 7th January, 1982.

1. "60-A.* Tamil Nadu Act VII of 1923 to apply to the Defence Services Staff College, Wellington, the Nilgiris district.— Notwithstanding anything contained in section 60 or any other provisions of this Act, the Defence Services Staff College, Wellington, the Nilgiris district, which is a college within the University area and which immediately before the notified date was affiliated to the University of Madras shall not be deemed to be a college affiliated to the Bharathiar University under this Act, but shall continue to be affiliated to the said University of Madras and accordingly. —

(i) all the provisions of the Madras University Act, 1923 (Tamil Nadu Act VII of 1923) and the statutes, ordinances and regulations made thereunder shall continue to apply to the said college; and

(ii) nothing in this Act except this section shall apply to the said Defence Services Staff College, Wellington, the Nilgiris district."

61. The Librarian. — The Librarian shall be a whole-time officer of the University appointed by the Syndicate on the recommendation of the Selection Committee constituted for the purpose, for such period and on such terms and conditions as may be prescribed.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Syndicate;

62. Special mode of appointment. — (1) The Syndicate may invite a person of high academic distinction and professional attainments to accept a post of Professor in the University on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

(2) The Syndicate may appoint a teacher or any other member of the academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the ordinances.

63. Report on affiliated colleges. — The Syndicate shall, at the end of every year from the notified date, submit a report to the Government on the condition of affiliated and approved colleges within the University area. The Government shall take such action on it as they deem fit.

64. Omitted as per Amendment in Act No. 20 of 1986.

65. Power to remove difficulties. — (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the notified date or otherwise in giving effect to the provisions of this Act, the Government may, by notification, make such provision, not inconsistent with the provision of this Act, as may appear to them to be necessary or expedient for removing the difficulty :

Provided that no such notification shall be issued after the expiry of five years from the date of establishment of the University under Section 3.

(2) Every notification issued under sub-section (1) or under any other provisions of this Act shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.