

SIKKIM



GOVERNMENT

GAZETTE

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No. 298

**GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK**

No. 11(656)L&PAD/2025/18

Dated: 17.07.2025

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 13th day of June, 2025 is hereby published for general information:-

**THE SIKKIM MEDICAL SCIENCE UNIVERSITY ACT, 2024
(ACT NO. 02 OF 2024)**

**AN
ACT**

to provide for establishment and incorporation of the Sikkim Medical Science University in the State of Sikkim and for matters connected therewith and incidental thereto.

Whereas with a view to keep pace with the rapid development in all spheres of knowledge in the world and the country, it is essential to create a world level modern research and study facilities in the State for advancement of knowledge in the field of medical, healthcare and allied sciences (giving special emphasis on Oncology), for overall development of healthcare in Sikkim by providing a comprehensive and high quality medical education program, fostering a culture of academic excellence, research driven learning and ethical and medical practice;

And whereas, the Dream Educational Charitable Trust, is a private trust, registered under the Indian Trust Act, 1882 having its registered office at 2/B, Ajit Road, Bhatinda, Punjab-151001;

Now therefore, the Dream Educational Charitable Trust proposes to establish the Sikkim Medical Science University, a self-funded Private University in the State of Sikkim to provide education in the field of Medical, Healthcare and Allied Sciences with the world class education system and infrastructure.

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

CHAPTER-I

PRELIMINARY

Short title, extent and commencement	1.	<p>(1) This Act may be called the “Sikkim Medical Science University Act, 2024”.</p> <p>(2) It shall extend to the whole of Sikkim.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.</p>
Definitions	2.	<p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) “Academic Council” means the Academic Council of the University as specified in section 24 of the Act;</p> <p>(b) “Administrator” means an Administrator appointed by the State Government;</p> <p>(c) “Annual Report” means the Annual Report of the University as referred to in section 40 of the Act;</p> <p>(d) “Board of Management” means the Board of Management of the University specified under section 23 of the Act;</p> <p>(e) “Campus” means the area of the University in which it is established;</p> <p>(f) “Chancellor” means the Chancellor of the University appointed under section 12 of the Act;</p> <p>(g) “The Chief Finance and Accounts Officer” means the Chief Finance and Accounts Officer of the University appointed under section 18 of the Act;</p> <p>(h) “Controller of Examinations” means the Controller of Examinations of the University appointed under section 19 of the Act;</p> <p>(i) “College” means any medical college or any institution maintained by the University providing courses of study or training in medical science, pharmacy, nursing, para-medical and traditional courses for admission to the examinations for degrees, diplomas and other academic distinctions of the University;</p> <p>(j) “Development Fund” means the development fund of the University;</p> <p>(k) “Education and Training or Information Institution” means an organization recognized by the University;</p> <p>(l) “Employee” means employee appointed by the University and includes teachers and others staff of the University or of a constituent college;</p>

- (m) "Endowment fund" means the endowment fund of the University established under section 37 of the Act;
- (n) "Faculty" means group of academic departments of similar disciplines;
- (o) "Fee" means monetary collection made by the University from the students for the purpose of any course of study in the University;
- (p) "General Fund" means the General fund of the University established under section 38 of the Act;
- (q) "Governing Body" means the Governing Body of the University constituted under section 22 of the Act;
- (r) "Hostel" means a unit of residence for the students maintained or recognized by the University;
- (s) "National Medical Commission" means National Medical Commission of India, a regulatory body which regulates medical education and medical professionals;
- (t) "National Assessment and Accreditation Council" means National Assessment and Accreditation Council, Bengaluru, an autonomous institution of the University Grants Commission;
- (u) "Prescribed" means prescribed by the Statutes and the rules made under this Act;
- (v) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University appointed under section 15 of the Act;
- (w) "Registrar" means the Registrar of the University appointed under section 17 of the Act;
- (x) "Regulatory Body" means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, National Medical Commission, All India Council for Technical Education, Medical Council of India, Pharmacy Council of India, National Assessment and Accreditation Council, Indian Nursing Council, Central Council of Indian Medicine, etc. and includes the Government or any such body constituted by the Government of India or the State Government;
- (y) "Rules" means the rules made by the State Government under this Act;
- (z) "Schedule" means schedule appended to this Act;
- (aa) "Sponsoring Body" in relation to the Sikkim Medical Science University means the Dream Educational Charitable Trust, a private trust registered under the Indian Trust Act, 1882;

- (bb) "State" means the State of Sikkim;
- (cc) "State Government" means the State Government of Sikkim;
- (dd) "Statutes", "Ordinances", and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (ee) "Student of the University" means a person enrolled in the University for taking a course of study for a degree, diploma, or other academic distinction duly instituted by the University, including a research degree;
- (ff) "Teacher" means a Professor, Associate Professor, Assistant Professor or such of the other person as may be appointed for imparting instruction or conducting research in the University or in a Constituent College or Institution and includes the Principal of a Constituent College or institution, in conformity with the norms prescribed by the University Grants Commission;
- (gg) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;
- (hh) "University" means "Sikkim Medical Science University", established under this Act;
- (ii) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 13 of the Act;
- (jj) "Vocational Education" means such education that prepares a person to work as a technician in any healthcare facilities, or in support role in professions such as nursing, medicine, para-medical and allied health science, etc.

CHAPTER – II

ESTABLISHMENT OF THE UNIVERSITY

Establishment of University

3. (1) There shall be established a University by the name "Sikkim Medical Science University" which shall be a self-financed private university.
- (2) The headquarters of the University shall be within the State of Sikkim and shall be situated at Namchi, Sikkim.
- (3) The University shall start operation after the State Government issues the letter of authorization.
- (4) The University shall follow all the rules, regulations, guidelines and other criteria issued by the regulatory bodies of the Central Government notified for establishment of the Medical University and shall also obtain necessary permission from the Medical Assessment and Rating Board before establishing a new medical

institution or starting any post graduate courses or before increasing the number of seats as per section 28 of the National Medical Commission, Act, 2019.

- (5) The University shall meet the conditions mentioned in the Schedule “A” of the Act within the stipulated time.
- (6) The Governing Body, the Board of Management, the Academic Council, the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the teachers, the Chief Finance and Accounts Officer and such other officers or members or authorities so long as they continue to hold such office or membership of the University hereby constitute a body corporate by the name of the University.
- (7) The University shall function as a non-affiliating University and they shall not affiliate nor recognize any center or college or institute for the conferment of degree, diploma and for grant of certificate to the students admitted therein.
- (8) The University shall be a body corporate by the name “Sikkim Medical Science University” and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property (through lease), to contract and shall, by the said name, sue or be sued.
- (9) The University may establish or maintain medical education, health and allied sciences training institution, either by itself or in collaboration with other renowned medical institution in Sikkim.
- (10) The campus of the University shall be in Sikkim and it may have Regional Centers, Study Centers strictly in accordance with the UGC (University Grants Commission) regulations or conditions issued by the concerned Statutory Bodies like UGC (University Grants Commission), National Medical Commission (NMC) and State Government from time to time.
- (11) The University shall not seek any grant-in-aid or other financial assistance from the State Government or the Central Government or any other body or corporation owned or controlled by the State Government or the Central Government:

Provided that, the State Government or the Central Government after careful consideration may provide financial support, including grants or otherwise:-

- (a) for research, development and other activities for which other State Government organizations are provided financial assistance, or
- (b) for any specific research or program-based activity.

**Properties of
the University
and its
Application**

4. (1) Subject to the laws prevalent in the State of Sikkim, on the establishment of the University, the land and other movable and immovable properties acquired on lease, created, arranged, or built by the University for the purpose of the University in the State of Sikkim shall vest in the University subject to the provisions of this Act.
- (2) The land, building and other properties acquired for the University shall not be used for any purpose other than that for which the same is acquired.
- (3) The properties, movable or immovable, of the University shall be administered by the Governing Body in such manner as may be provided for by the regulations.
- (4) The properties in the name of the University under sub- section (1) shall be applied for meeting the debts and liabilities of the University in the event of winding up or dissolution of the University in such manner as maybe prescribed in the Rules.

**Restrictions and
Obligations of the
University**

5. (1) The tuition fees for professional courses such as Bachelor of Medicine and Bachelor of Surgery, Bachelor of Dental Surgery, Bachelor of Pharmacy, Bachelor of Nursing, Bachelor of Ayurvedic Medicine and Surgery, Bachelor of Physiotherapy, Bachelor of Homeopathic Medicine and Surgery, Bachelor of Occupational Therapy, Bachelor of Medical Lab Technology, Bachelor of Radiation Technology, Bachelor of Veterinary and Animal Husbandry, Master of Medicine, Master of Surgery, Master of Dental Surgery, Master of Pharmacy, etc. in the University shall be determined by the University under the supervision of the regulatory body notified by the State Government from time to time.
- (2) Admission in the University shall be strictly on the basis of the criteria prescribed by the National Medical Commission and the State Government from time to time: Provided that, the admission in professional educational colleges or institutions of the University shall be governed by the provisions of the Regulatory Bodies.
- (3) The University shall allow merit scholarship to at least 5 (five) percent of the total strength, to the students belonging to poor and economically backward classes. The relevant criteria for determining the poor and economically backward classes shall be such as may be determined by the State Government from time to time.
- (4) The University shall make provisions for reservation of seats for the students domiciled in the State of Sikkim to the extent of at least 25 (twenty five) percent of the total students in the University. The reservation of seats shall be regulated by the prevalent laws and orders of the State Government from time to time.

- (5) The University shall provide to the State Government 30 (thirty) free seats and 20 (twenty) paid seats for the local students of Sikkim for under graduate medical course.
- (6) The University shall provide 20% discount to the students of Sikkim in all other courses run by the University except MBBS.
- (7) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers and officers of the University shall not be lower than that prescribed by the relevant Regulatory Bodies.
- (8) The University shall place in the public domain every information in relation to the University which would be of interest to the students and other stakeholders *inter alia*, including the courses offered, number of seats under different categories, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information.
- (9) The Convocations of the University for conferring degrees, diplomas or for any other purpose shall be held every academic year in the manner as may be prescribed by the Statutes.
- (10) The University shall obtain accreditation from the National Assessment and Accreditation Council (NAAC) within 3 (three) years of its establishment and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall renew such accreditation from time to time.
- (11) Notwithstanding anything contained in this Act, the University shall be bound to comply with the conditions mentioned in the Schedule of this Act, and all the rules, regulations, norms and any such directions of the regulating bodies of Government of India and State Government and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Objectives of the University

6. The objectives of the University shall be:-
 - (a) to disseminate advance knowledge in medical, healthcare and allied sciences by providing instructional, research and extension of facilities in such branches of learning as it may deem fit;
 - (b) to endeavor to provide to students and teachers the necessary atmosphere and facilities;
 - (c) to provide instruction, teaching, training, research and development in various disciplines in areas such as Bachelor of Medicine and Bachelor of Surgery, Bachelor of Dental Surgery, Bachelor of Pharmacy, Bachelor of Nursing, Bachelor of Ayurvedic Medicine and Surgery, Bachelor of Physiotherapy,

Bachelor of Homeopathic Medicine and Surgery, Bachelor of Occupational Therapy, Bachelor of Medical Lab Technology, Bachelor of Radiation Technology, Bachelor of Veterinary and Animal Husbandry, Master of Medicine, Master of Surgery, Master of Dental Surgery, Master of Pharmacy, etc. and such other emerging areas of importance and relevance to the society and nation, through formal and continuing mode of education and learning and make provisions for research, advancement and dissemination of knowledge in these fields;

- (d) to establish specialized research centers focusing on various medical disciplines, especially on Oncology and on such other disciplines such as Neurosciences etc.;
- (e) to deliver high quality medical education, adhering to national and international standards, and producing competent and compassionate healthcare professionals;
- (f) to investigate healthcare systems, health outcomes and patient care delivery to improve health care practices;
- (g) to foster a culture of research and innovation, conducting cutting-edge medical research to contribute to the advancement of medical sciences and improve patient care;
- (h) to collaborate with leading private and government research centers of India;
- (i) to actively engage with the local community and address healthcare challenges, promoting health awareness and providing medical services to underserved population;
- (j) to establish strong partnerships with hospitals and healthcare institutions, offering comprehensive clinical training opportunities to students to develop practical skills;
- (k) to promote international collaborations with renowned medical institutions and researchers, facilitating student and faculty exchanges, joint research and academic programs;
- (l) to provide modern and well equipped facilities, including laboratories, libraries, simulation centers, technology enhanced classrooms, to support effective teaching and research;
- (m) to attract and retain highly qualified faculty members, providing them with opportunities for professional development, research funding and recognition;
- (n) to instill ethical values and professionalism in students, emphasizing the importance of patient-centered care and integrity in medical practice;
- (o) to prioritize the overall well-being of students, offering counseling services, mentorship programs and support for extracurricular activities;

- (p) to emphasize translational research that bridges the gap between basic science discoveries and practical medical applications;
- (q) to conduct research on the existing disease prevalent in the region, focusing on prevention and health promotion;
- (r) to foster a diverse and inclusive learning that respects and celebrates different cultures, backgrounds and perspectives;
- (s) to collaborate with pharmaceutical companies, healthcare organization, medical device manufacturers to enhance industry-academia partnerships and promote technological advancements in healthcare;
- (t) to regularly evaluate and enhance the curricula, teaching methodologies, research initiatives to keep pace with emerging trends and best practices in medical education;
- (u) to organize health camps, medical missions and awareness campaigns to address prevalent health issues in the region;
- (v) to promote entrepreneurial endeavors and support students and faculty in translating innovative medical ideas into practical solutions;
- (w) to work towards necessary accreditations and recognitions from relevant authorities, validating the University's commitment to academic standards and quality;
- (x) to embrace a patient-centered approach, demonstrating empathy, compassion and sensitivity in health care practice;
- (y) to ensure that the standard of education/teaching adopted by the University is not below the standards prescribed by the regulatory bodies.

University to be open to all irrespective of sex, religion, class, colour, creed etc.

7. No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any course of study leading to a degree, diploma or other academic distinction on the grounds of sex, race, creed, class, caste, place of birth and religious belief or political or other opinion.

Powers and functions of the University

8. The powers and functions of the University shall be:-
- (a) to administer and manage the University, establish, administer and manage its constituent colleges and centers for research, education, training, extension and outreach including continuing education and e-learning at its campus within the State of Sikkim;
 - (b) to provide for research, higher education, professional education, teaching training, extension and outreach including continuing education and e-learning in the field of medical science, dental surgery, nursing, pharmacy physiotherapy, veterinary, ayurvedic science, and any other medical or healthcare fields;

- (c) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programs with such institutes to constantly improve the delivery of education and to achieve international standards of education;
- (d) to design the program structures, curricular, credit system, teaching learning methodology, evaluation pedagogy and adopt all measures in respect of study, teaching and research relating to the courses offered by the University;
- (e) to hold examination and confer degree, diploma or grant certificate and other academic distinctions or title on persons subject to such condition as the University may determine and to withdraw or cancel any such degree, diploma or certificates and other academic distinction or titles in the manner prescribed by the Regulations;
- (f) to confer honorary degrees or other distinction on the manner prescribed by the Statutes;
- (g) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;
- (h) to establish knowledge resource centre and other facilities center as required under the guidelines of higher education or regulatory bodies for any scheme of Government of India;
- (i) to sponsor and undertake research and educational programs in the fields of medical science, dental surgery, physiotherapy, pharmacy, homeopathy, veterinary and animal husbandry and any other allied areas;
- (j) to collaborate or associate with any educational institution with like or similar objects;
- (k) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;
- (l) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;
- (m) to render services of research, training, consultancy and such other services as required for the purposes of the University;
- (n) to develop and maintain relationships with faculty, researchers, administrators and domain experts in Bachelor of Medicine and Bachelor of Surgery, Bachelor of Dental Surgery, Bachelor of Pharmacy, Bachelor of Nursing, Bachelor of Ayurvedic Medicine and Surgery, Bachelor of Physiotherapy, Bachelor of Homeopathic Medicine and Surgery, Bachelor of Occupational

Therapy, Bachelor of Medical Lab Technology, Bachelor of Radiation Technology, Bachelor of Veterinary and Animal Husbandry, Master of Medicine, Master of Surgery, Master of Dental Surgery, Master of Pharmacy, etc. and other allied areas for achieving the objects of the University;

- (o) to accept or collect the donations for scientific research, medical science research, technical research, any other research related to any project undertaken by the University or approved by its board of studies from any company or institution or organization for the purposes of section 35(1)/ 35(2)/ 35AC of Indian Income Tax Act, 1961 with prior approval of the State Government;
- (p) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- (q) to receive funds, movable properties, equipment, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University with prior approval of the State Government;
- (r) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;
- (s) to construct, manage and maintain, centers, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;
- (t) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;
- (u) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;
- (v) to take on lease or accept as gifts, bequests, legacies or otherwise any land subject to local laws of the State or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (w) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;
- (x) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based up on all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay all expenses out of the funds of the University;

- (y) to define norms of examination or any other measure of assessment of knowledge in the area of medical, healthcare and allied sciences;
- (z) to appoint, either on contract, or otherwise, Professors, Assistant Professors, Readers, Lecturers, Visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Course Writers and such other person who may contribute to the advancement of the objects of the University;
- (aa) to reach out and partner with Central Ministries, State Governments, National bodies, International bodies for accessing funding, grants, resources via applying to various schemes which can help further the objects of the University;
- (bb) to provide for the preparation of instruction materials, learning resources, workplace training practices, knowledge repositories, e-learning platforms, digital learning experiences, including films, digital media, video, streaming content, multimedia content, visualization, simulations and other software;
- (cc) the convocation of the University shall be held every academic year in the manner, as may be specified by the statutes for conferring degrees, diplomas, awards or for any other purpose.

Bar to affiliation 9. The University shall not admit any center or college or institution to the privilege of affiliation or recognition.

CHAPTER - III

OFFICERS OF THE UNIVERSITY

- Officers of the University** 10. (1) The following shall be the officers of the University, namely:
- (a) The Visitor;
 - (b) The Chancellor;
 - (c) The Vice-Chancellor;
 - (d) The Pro-Vice-Chancellor;
 - (e) Director/Principal;
 - (f) The Registrar;
 - (g) The Chief Finance and Accounts Officer;
 - (h) The Controller of Examinations;
 - (i) The Dean of Students Welfare;
 - (j) The Dean of Faculty;
 - (k) The Proctor; and
 - (l) Such other officers as may be declared by the Statute to be the officers of the University.

- The Visitor**
11. (1) The Governor of Sikkim shall be the Visitor of the University.
- (2) The Visitor shall, when present, preside at the convocation of the University for conferring Degree, Diploma, Classes, Designation and Certificate.
- (3) The Visitor shall have the right to visit the University or any institution maintain by the University to ensure the standard of the education, discipline, decorum and proper functioning of the University.
- The Chancellor**
12. (1) The Chancellor shall be appointed by the Sponsoring Body for a period of 5 (five) years in due consultation with the State Government. On the expiry of the term, the Chancellor may be reappointed by the Sponsoring Body after consultation with the State Government:
- Provided that such re-appointment shall not exceed seventy (70) years of age under any circumstances.
- (2) The Chancellor by virtue of his office shall be the head of the University.
- (3) The Chancellor shall preside over the meetings of Governing Body and shall preside over the convocation of the University for conferring Degrees, Diplomas, or other academic distinctions.
- (4) The Chancellor may in writing under his hand addressed to the head of the Sponsoring Body resign from his office.
- (5) In case of vacancy in the office of Chancellor occurring because of his death, resignation or removal or otherwise shall be filled as soon as possible after, and in no case later than three (3) months from, the date of occurrence of the vacancy; and the person appointed shall be entitled to hold office for the full term of five (5) years from the date on which he enters upon his office.
- (6) On the basis of the information received, if is satisfied that any order, proceeding or decision taken by any other authority of the University is not in conformity with the Act, or the Regulations or Rules prescribed, the Chancellor may issue such directions as he may deem fit in the interest of the University which shall be binding on all concerned. Chancellor shall have veto power over any decision taken by the authority, officers or committees. He can change, hold or modify the decision taken by authority, officers or committees.
- (7) The Chancellor shall have the following powers, namely:-
- (a) to call for any information or record;
- (b) to appoint the Vice-Chancellor;
- (c) to remove the Vice-Chancellor in accordance with the provisions of this Act;

- (d) such other powers as may be conferred on him by this Act or Statutes made here under;
- (e) to remove or appoint any position as and when required in the favor of the University in consultation with Vice-Chancellor and registrar.

The Vice-Chancellor

- 13. (1)** The Vice-Chancellor shall be appointed by the Chancellor as per the qualifications prescribed by the University Grants Commission and shall hold office for a period of 5 (five) years: Provided that, after the expiry of the term of five years, the Vice-Chancellor shall be eligible for re- appointment for another term of 5 (five) years:

Provided further, that a person appointed as Vice-Chancellor shall retire from office during tenure of his office or extension thereof, if any when he completes the age of 70 (seventy) years.

- (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.
- (3) In the absence the Chancellor, the Vice-Chancellor shall preside over the convocation of the University.
- (4) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters:

Provided that if the authority of the University or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub section may prefer an appeal to the Chancellor within 1 (one) month from the date of communication of such decision. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

- (5) The Vice-Chancellor shall exercise such powers and such other functions as may be prescribed.

Removal of the Vice-Chancellor

- 14. (1)** If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor: -
- (a) has failed to discharge any duty imposed upon him by or under this Act, the Statutes, the Ordinances; or
 - (b) has acted in a manner prejudicial to the interests of the University; or

(c) is incapable of managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor, by an order in writing stating the reason therefore, to resign his post from the date as may be specified in the order.

(2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed, has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

(3) Notwithstanding anything contained in sub-section (1) and (2), the Chancellor may, at any time after the Vice-Chancellor has entered upon his office by order in writing, remove the Vice-Chancellor from office on grounds of unsuitability, misconduct or violation of statutory provisions:

Provided further, that the Chancellor may at any time before making such order, place the Vice-Chancellor under suspension pending enquiry.

The Pro-Vice-Chancellor

15. (1) The Pro-Vice-Chancellor may be appointed by the Chancellor in such manner and shall exercise such powers and perform such functions as may be prescribed.
- (2) The Pro-Vice-Chancellor appointed under sub-section (1) shall discharge his duties in addition to his duties as a Professor.
- (3) The Pro-Vice-Chancellor may assist the Vice-Chancellor in discharging his duties as and when required by the Vice-Chancellor.
- (4) The Pro-Vice-Chancellor may get honorarium of such amount as may be determined by the Sponsoring Body.

**Director(s)/
Principal(s)**

16. The Director or Principal shall be appointed in such manner and shall exercise such powers and perform such functions as maybe prescribed.

The Registrar

17. (1) Registrar shall be appointed by the Chairperson of the Sponsoring Body in such manner, as may be specified in the Statutes. The Registrar shall possess the qualifications prescribed by the University Grants Commission.
- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other power and perform such other functions as may be prescribed.
- (3) The Registrar shall be the ex-officio Member Secretary of the Executive Council and the Academic Council but shall not have a right to vote.

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| The Chief Finance and Accounts Officer | <p>18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chairperson of the Sponsoring Body in such manner as may be specified by the Statutes.</p> <p>(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified by the Statutes.</p> |
| The Controller of Examinations | <p>19. (1) The Controller of Examinations shall be whole time officer of the University and shall be appointed by the Chancellor in accordance with the Statutes.</p> <p>(2) It shall be the duty of the Controller of Examinations:-</p> <ul style="list-style-type: none"> (a) to conduct examinations in a disciplined and efficient manner; (b) to arrange for the setting of question papers with strict regards to secrecy; (c) to arrange for the evaluation of answer sheets in accordance with the planned time schedule for results; (d) to constantly review the system of examinations in order to enhance the level of impartiality and objectivity with a view to make it better instrument for assessing the attainments of students; (e) to deal with any other matter connected with examinations which may, from time to time be assigned to him by the Vice-Chancellor. |
| Other Officers | <p>20. Manner of appointment and power and duties of the other officers of the University including the Dean of Students Welfare, Dean of faculty, and Chief Proctor shall be such as may be prescribed.</p> |

CHAPTER - IV

AUTHORITIES OF THE UNIVERSITY

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| Authorities of the University | <p>21. The following shall be the authorities of the University namely:</p> <ul style="list-style-type: none"> (a) The Governing Body; (b) The Board of Management; (c) The Academic Council; (d) The Finance Committee; (e) The Planning Board; (f) Such other authorities as may be declared by the Statutes to be the authorities of the University. |
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**The Governing
Body**

- 22.** (1) The Governing Body shall have the following members, namely:
- (a) The Chancellor;
 - (b) The Vice-Chancellor;
 - (c) The Secretary to the Government of Sikkim in the Education Department or his nominee;
 - (d) 5 (Five) persons nominated by the Sponsoring Body, out of which 2 (two) shall be eminent educationists from the medical field;
 - (e) One expert of healthcare management or technology from outside the University, nominated by the Chancellor; and
 - (f) One expert of finance, nominated by the Chancellor.
- (2) The Governing Body shall be the supreme authority and principal Governing Body of the University and shall have the following powers, namely:-
- (a) to provide general superintendence and directions and to control the functioning of the University by using all such powers as are provided by this Act, Statutes, Ordinances Regulations or Rules;
 - (b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of Act, Statutes, Ordinances, Regulations or Rules;
 - (c) to approve the budget and annual report of the University;
 - (d) to lay down the extensive policies to be followed by the University;
 - (e) to recommend to the Sponsoring Body for the dissolution of the University if a situation arises when there is no smooth functioning of the University in spite of best efforts; and
 - (f) such other powers as may be specified by the Statutes.
- (3) The Governing Body shall meet at least 3 (three) times in a calendar year.
- (4) The quorum of the meeting shall be 2/3rd of the members.

**The Board of
Management**

- 23.** (1) The Board of Management shall consist of the following members, namely:
- (a) The Vice-Chancellor;
 - (b) Secretary to the Government of Sikkim in Education Department or his nominee;

- (c) Secretary to the Government of Sikkim in Health and Family Welfare Department or his nominee;
 - (d) 2 (Two) members of the Governing Body, nominated by the Sponsoring Body;
 - (e) 3 (Three) nominees of the Sponsoring Body having an experience in industry and in the field of university (academic fields);
 - (f) 3 (Three) persons, from amongst the senior most teachers, nominated by the Sponsoring Body;
 - (g) 2 (Two) teachers, nominated by the Vice-Chancellor.
- (2) The Vice-Chancellor shall be the Chairperson of the Board of Management.
 - (3) The powers and functions of the Board of Management shall be such as may be specified by the Statutes.
 - (4) Two-third of the total number of members of the board shall form the quorum of a meeting of the board out of which the Secretary to Government of Sikkim, Education Department or his nominee and Secretary to the Government of Sikkim, Health and Family Welfare Department or his nominee shall be present:

Provided that, the Secretary to the Government, Education Department, Sikkim, or in his absence, his nominee and Secretary to the Government, Health and Family Welfare Department or his nominee shall be present in each meeting in which decisions on issues including Government policies or instructions are to be taken.

The Academic Council

- 24.** (1) The Academic Council shall consist of the Vice- Chancellor and such members as may be specified by the Statutes.
- (2) The Vice-Chancellor shall be the Chairperson of the Academic Council.
- (3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, Statutes, Ordinances, Regulations or Rules, coordinate and exercise general supervision over the academic policies of the University.
- (4) The quorum for meetings of the Academic Council shall be such as may be specified by the Statutes.

The Finance Committee

- 25.** (1) The Finance Committee shall be the principal financial body of the University to take care of the financial matters.(2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.

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| The Planning Board | <p>26. (1) The Planning Board shall be the principal planning body of the University and shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission, National Medical Commission and other respective Councils.</p> <p>(2) The constitution of the Planning Board, term of office of its members and its power and functions shall be such as may be prescribed.</p> |
| Other Authorities | <p>27. The constitution, powers and functions of other authorities of the University, shall be such as may be prescribed.</p> |
| Disqualification for membership of an authority or body | <p>28. A person shall be disqualified from being a member of any of the authorities or bodies of the University, if he;</p> <ul style="list-style-type: none"> (a) has been adjudged by a competent court to be of unsound mind; (b) is an undischarged insolvent; (c) is a discharged insolvent who has not obtained from the court certificate that his insolvency was caused by misconception without any misconduct on his part; (d) has been convicted by a court of an offence involving moral turpitude; (e) it has been established that he has indulged in or promoted unfair practice in the conduct of an examination, in any form, anywhere; (f) if he is guilty of an act of falsification, willful negligence or omission in the discharge of the duties and functions delegated under this Act or by Orders issued by the competent authority from time to time; (g) is unfit to hold the post, in such case the Governing Body shall form an opinion in writing that such member is unfit. |
| Proceedings not to be invalid on account of vacancy or defect in the constitution of any authority | <p>29. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy arising in or defect in the constitution of any authority or body of the University.</p> |
| Constitution of Committees | <p>30. The authorities of the University may constitute such committee with such terms of reference as may be necessary for specific tasks to be performed as may be prescribed by the Statutes.</p> |

CHAPTER - V
STATUTES, ORDINANCE AND REGULATIONS

First Statute

- 31. (1)** Subject to the provisions of this Act, and the Rules made hereunder, the First Statutes may provide for all or any of the following matters, namely:
- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the Chancellor, the Vice-Chancellor and their powers and functions;
 - (c) the manner, terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
 - (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
 - (e) the terms and conditions of service of employees of the University;
 - (f) the procedure for dispute resolution in cases of disputes between employees or students and the University;
 - (g) the conferment of honorary degrees;
 - (h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;
 - (i) framing of policy for admission, including regulation of reservation of seats; and
 - (j) fees to be charged from students.
- (2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.
- (3) The State Government shall consider the First Statutes submitted by the University and shall approve it within 60 (sixty) days from the date of its receipt, with or without modifications as it may deem necessary.
- (4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any or all the modifications made by the State Government under sub-section (3), it may give reasons therefore and after considering such reason, the State Government may or may not accept the suggestions made by the University.
- (5) The State Government shall publish the First Statutes, as finally approved by it, in the Official Gazette, and thereafter it shall come into force.

**Subsequent
Statutes**

- 32.** (1) Subject to the provisions of this Act and the Rules made hereunder, the Subsequent Statutes of the University may provide for all or any of the following matters, namely:-
- (a) creation of new, authorities of the University;
 - (b) accounting policy and financial procedure;
 - (c) representation of teachers in the authorities of the University;
 - (d) creation of new departments and abolition or restructuring of existing departments;
 - (e) institution of medals and prizes;
 - (f) procedure for creation and abolition of posts;
 - (g) revision of fees;
 - (h) alteration of the number of seats in different disciplines; and
 - (i) all other matters which by or under the provision of this Act require to be prescribed by the Statutes.
- (2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.
- (3) The Statutes made under sub-section (2) shall be submitted to the State Government and after careful consideration, it may approve or, if considers necessary, give suggestions for modification as far as possible within two months from the date of receipt of the Statutes.
- (4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.
- (5) The State Government may consider the comments of the Governing Body and may approve the Statutes with or without modifications as it may deem fit and shall publish the same in the Official Gazette which shall come into force from the date of such publication.

First Ordinance

- 33.** (1) Subject to the provisions of this Act, the Rules and the Statutes made hereunder, the First Ordinance may provide for all or any of the following matter, namely:-
- (a) the admission of students to the University and their enrolment as such;
 - (b) the courses of study to be laid down for degrees, diplomas and certificates of the University;

- (c) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
 - (d) the conditions for award of fellowships, scholarships, stipends, medals and prizes;
 - (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies examiners and moderators;
 - (f) fees to be charged for the various courses examinations, degrees or diplomas of the University;
 - (g) the conditions of residence of the students of the University;
 - (h) provision regarding disciplinary action against the students;
 - (i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
 - (j) the manner of co-operation and collaboration with other Universities and institutions of higher education;
 - (k) such other matters which are required to be provided by the Ordinance by or under this Act.
- (2) The First Ordinance of University shall be made by the Chancellor which after being approved by the Board of Management, shall be submitted to the State Government for its approval.
- (3) The State Government shall consider the First Ordinance submitted by the Chancellor under sub-section (2) within sixty days from the date of its receipt and may approve it or give suggestions for modifications therein.
- (4) The Chancellor shall either modify the Ordinance incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinance along with such reasons, if any, to the State Government. The State Government on receipt of the same, shall consider the comments of the Chancellor and may approve the First Ordinance of the University with or without such modifications as it may deem fit and shall publish the same in the Official Gazette which shall come into force from the date of such publication.

Subsequent Ordinances

- 34.** (1) All Ordinances other than the First Ordinance shall be made by the Academic Council which after being approved by the Governing Body shall be submitted to the State Government for its approval.
- (a) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1)

as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

- (b) The Academic Council shall modify the Ordinances incorporating the suggestions of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances along with reason, if any, to the State Government. The State Government on receipt of the same shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications as it may deem fit and shall publish the same in the Official Gazette which shall come into force from the date of such publication.

Regulations

35. The authorities of the University may, subject to the prior approval of the Governing Body make Regulations, consistent with this Act, the Statutes and the Ordinances made thereunder, for the conduct of business of the each such authority and committee constituted by each such authority.

Powers of the State Government to give directions

36. (1) Nothing contained in this Act shall prevent the State Government from issuing such directions, consistent with the laws in force in Sikkim, as are considered necessary in matters relating to higher education including but not limited to fee structure, salaries, etc., and the University shall comply with such directions.
- (2) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.
- (3) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendation.
- (4) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

CHAPTER - VI
FUNDS OF UNIVERSITY

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| Endowment Fund | <p>37. (1) The Sponsoring Body shall establish an Endowment Fund of Rs. 2 crores (Rupees two crores) for the University.</p> <p>(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per the provisions of this Act, the Statutes and the Ordinances. The State Government shall have the power to forfeit, a part or whole of the Endowment Fund in case the University or the Sponsoring Body contravenes the provisions of this Act, Statutes, the Ordinances, the Regulations or the Rules made thereunder.</p> <p>(3) The University may utilize the income from the Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University.</p> <p>(4) The amount of Endowment Fund may be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.</p> <p>(5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.</p> |
| General Fund | <p>38. (1) The University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:-</p> <ul style="list-style-type: none">(a) fees and other charges received by the University;(b) any contribution made by the Sponsoring Body;(c) any income received from consultancy and other work undertaken by the University in pursuance of its objective;(d) trusts, bequests, donations, endowments and any other grants; and(e) all other sums received by the University. <p>(2) The General Fund shall be utilized for the following objects, namely:</p> <ul style="list-style-type: none">(a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations, and the Rules made thereunder with the prior approval of the Governing Body; |

- (b) to upkeep the assets of the University;
- (c) for the payment of the fee for audit of the funds created under section 37;
- (d) to meet with the expenses of any suit or proceedings by or against the University;
- (e) for the payment of salaries, allowances, provident fund contributions, gratuity and other benefits to officers, employees, and members of the teaching and research staff;
- (f) for the payment of travelling and other allowances of the members of the Governing Body, the Executive Council, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the Sponsoring Body or the Chancellor;
- (g) for the payment of fellowships, free-ships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees, or as the case may be, in any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (h) for the payment of any expenses incurred by the University in carrying out the provisions of Act, Statutes, the Ordinances, the Regulations or the Rules;
- (i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India or any, incurred by the Sponsoring Body for setting up the University and the investments made therefore;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act, Statutes, the Ordinances, the Regulations or the Rules;
- (k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the Sponsoring Body, as approved by the Governing Body to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Governing Body, without prior approval of the Governing Body.

Provided that, upon taking over of administration from the Sponsoring Body in the manner as provided for under clause (d) of sub-section (2) the State Government may appoint an administrator in place of the Sponsoring Body, who shall be exceeding the valuation of the movable and immovable properties of the University, he shall be entrusted with the powers, duties and functions of the Sponsoring Body, as prescribed under the Act.

- (2) Subject to the laws prevalent in the State of Sikkim, where upon the winding up of the University, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall vest upon the State Government:

Provided that in the event of winding up of the University there remains any outstanding debts and liabilities, the same shall vest upon the Sponsoring Body.

Dissolution of University

43. (1) The Sponsoring Body, who intends to dissolve the University, shall give notice to the effect in the manner as prescribed under clause (a) to clause (d) of sub-section (2) of section 42 of the Act:

Provided that in the event of dissolution of the University there remain, any debts or liabilities exceeding the valuation of the movable and immovable properties of the University, the said outstanding debts and liabilities shall vest upon the Sponsoring Body.

Ground for dissolution of University

44. (1) The University shall be dissolved on contravention of any provisions of the Act, Rules, Statutes, and Ordinances; financial mismanagement, administrative failure and violation of directives of UGC or State Government.
- (2) In the event of dissolution of the University on contravention of any of the provision of the Act, Rules, Statutes or Ordinances, financial mismanagement, administrative failure or violation of any directives of UGC, NMC or the State Government, all the assets of the University shall vest upon the State Government.

Special powers of State Government under certain circumstances

45. (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made hereunder or has violated any of the direction issued by it under this Act or a situation of financial mismanagement or mal-administration has arisen in the University, it shall issue the notice requiring the University to show cause within 45 (forty-five) days as to why an administrator should not appointed.
- (2) On receipt of reply of the University on the notice issued under sub-section (1), if the State Government is satisfied that there is a *prima facie* case of contravention of any of the provision of this Act, the Rules, the Statutes or the Ordinances made

thereunder or violation of directions issued by it under this Act or there is financial mismanagement or mal-administration, it shall make an order of such inquiry as it may consider necessary.

- (3) The State Government may, by notification for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.
- (4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely: -
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
 - (c) requisitioning any public record from any court or office.
- (5) On receipt of the inquiry report from the officer or officers appointed under sub-section (3), if the State Government is satisfied that the University has contravened all or any of the provisions of this Act, the Rules, the Statutes or the Ordinances made hereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and mal-administration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.
- (6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.
- (7) After having been awarded the degrees, diplomas or, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government.
- (8) On receipt of the report under sub-section (7), the State Government may, by notification dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest upon the State Government.

**Takingover of
Management by
State Government**

46. (1) In the event of the taking over of management by the State Government in any of the conditions prescribed under sections 42, 43, 44 and 45 of the Act, the expenditure for administration of the University shall be met out of the Endowment Fund and the General Fund.

- (2) If the funds referred in sub-section (1) are not sufficient to meet the expenditure of the University during the taking over of its management, such expenditure may be met by disposing off the property(s) or asset(s) of the University, by the State Government.

CHAPTER - IX MISCELLANEOUS

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| Power of the State Government to make rules | 47. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. |
| Completion of courses of students | 48. Notwithstanding anything contained in this Act or the regulations, any student enrolled with the University shall be permitted to complete his course in preparation thereof, and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the University in such manner and for such period as may be prescribed. |
| Power to remove difficulties | 49. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, take steps not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no notification/order under sub-section (1) shall be made after the expiration of a period of 3 (three) years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature. |

SCHEDULE A

1. Acquire not less than 25 acres of land for its main campus, within five years starting the functioning of the University. An integrated campus may have certain facilities in common such as auditorium, cafeteria, hostels, etc. Hence the land requirement may vary accordingly.
2. Construct administrative building of at least 1,000 square meters, academic building including library, lecture theatres, laboratories of at least 10,000 square meters, adequate residential accommodations for teachers, guest houses, hostels which shall gradually be increased to accommodate at least 25% of the total student strength in each course within 5 years of its coming into existence. In case the University is conducting professional programmes of study, prevailing norms and standards of respective statutory body shall be applicable. Existing institutes must undertake expansion/renovation/restructuring to meet the prescribed norms of the State Government.

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