

ACT 4 OF 2011

THE KERALA UNIVERSITY OF HEALTH SCIENCES ACT, 2010

An Act to establish and incorporate a University of Health Sciences in the State of Kerala and to provide for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to establish and incorporate a University of Health Sciences for the purpose of ensuring proper and systematic instruction, teaching, training and research exclusively in Modern Medicine, Homoeopathy and Indian Systems of Medicine including Ayurveda, Siddha, Yoga, Naturopathy, Unani and allied sciences in the State of Kerala and to have uniformity in the various academic programmes in medical and allied subjects in the State, and to provide for matters connected therewith or incidental thereto;

BE it enacted in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala University of Health Sciences Act, 2010.

(2) It shall be deemed to have come into force on the 7th day of December, 2009.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Academic Services Unit” means a University department of study and research including schools and centres, Academic Staff College, University Computing Resource Centre, Library, Instrumentation or diagnostic facility or any other unit providing specialised services for the promotion of any of the objectives of the University;

(b) “Affiliated College or Institution” means a college or institution imparting education in health and allied sciences which is affiliated to the University in accordance with the provisions of this Act and the Statutes;

(c) “Aided College or Institution” means a private college or institution which is entitled to have financial assistance from the Government ;

(d) “Approved Institutions” mean recognised institutions such as hospital, health centre or such other institutions recognised by the University as an institution in which a person may undergo training, if any, required by a course of study before the conferring of any degree, diploma or other academic distinction of the University;

(e) “Authorities” mean the authorities of the University as provided in section 19 of this Act;

(f) “Autonomy” means a privilege of the University conferred by regulations permitting a college, institution or a department of the University to conduct academic programmes and examinations, develop syllabus for the respective subjects and issue certificates of passing the examinations etc., and having full academic, administrative and financial autonomy, subject to the provisions of this Act and Statutes;

(g) “Autonomous College”, “Autonomous Institution” or “Autonomous Department” means a college, institution or department to which autonomy is granted and is designated to be so by Statutes;

(h) “Central or State Councils” mean various Councils of medical and allied sciences constituted by the Central Government or State Government such as Medical Council, Nursing Council, Pharmacy Council and other Councils;

(i) “Collaboration” means collaborative academic activity of the University with other universities, academic institutions (local, regional, national or international), research institutions and organisations;

(j) “College” means an institution imparting education in medical and allied sciences, conducted by the University or affiliated to the University situated in the State of Kerala;

(k) “Constituent college” means a college maintained and managed by the University;

(l) “Educational agency” means any person or body of persons who or which establishes or maintains one or more private college or educational institutions;

(m) “Government” means the Government of Kerala;

(n) “Government College” means a college maintained by the Government and affiliated to the University;

(o) “Hostel” means a unit of residence for the students of the University maintained or recognised by the University in accordance with the provisions of this Act or Statutes;

(p) "Indian Systems of Medicine" includes Ayurveda, Yoga, Naturopathy, Siddha, Unani and such other disciplines as may be notified by the Government;

(q) "Management" means the trustees, or the managing or governing body by whatever name called, of any trust or society registered under the relevant laws, responsible for management and administration of the educational institutions or colleges and in relation to any college or institution established or maintained by the Central Government or State Government or a society or agency, established by the Central Government or State Government or a local authority, such as panchayath, municipality, it means, respectively, the Central Government or the State Government or the society or agency, or the concerned local authority, such as the panchayath, municipality as the case may be;

(r) "Health Sciences" mean scientific medicine in all its branches concerning preventive, promotive, curative and rehabilitative health of human beings including Modern Medicine, Dental Sciences, Pharmacy, the Indian Systems of Medicine in all its branches including Ayurveda, Siddha, Yoga, Naturopathy, Unani and Homoeopathy and allied sciences including those concerned with interdisciplinary areas related to health, nursing, other medical, para medical and allied subjects and all its branches;

(s) "Prescribed" means prescribed by Statutes, Ordinances or Regulations made by or under this Act;

(t) "Private college" means a college maintained by an educational agency other than the Government or Local Self Government Institutions or the University and affiliated to the University;

(u) "Professional college" means a college or like institution in which instruction is given in any of the subjects that comes under the University including Modern Medicine and all its branches, Ayurveda, Homoeopathy, Siddha, Unani, Yoga, Naturopathy, Pharmacy, Nursing, Paramedical and other allied subjects including Medical Laboratory Technology, Physiotherapy, Optometry, Radiology, Audiology, Speech Pathology, Medical Anatomy, Medical Biochemistry, Medical Microbiology etc., or any other subjects as may be notified by the Government;

(v) "Recognised Institution" means an institution of higher learning, research or specialised studies, other than an affiliated college and recognised to be so by the University;

(w) "Scheduled Castes" mean such castes, races or tribes or parts of or groups within castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of Kerala under article 341 of the Constitution of India;

(x) "Scheduled Tribes" mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Kerala under article 342 of the Constitution of India;

(y) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University;

(z) "Student" means a part-time or full-time student receiving instruction or undergoing house surgency/internship/residency programme or carrying on research in any of the Colleges, University Departments/Schools or recognized institutions;

(za) "Un-aided college or institution" means a private college or institution which is not entitled to have financial assistance from the Government or University;

(zb) "University" means the Kerala University of Health Sciences established under section 3 of this Act;

(zc) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956).

CHAPTER II

THE UNIVERSITY

3. *Establishment and incorporation of the Kerala University of Health Sciences.*—(1) There shall be established a University by name "the Kerala University of Health Sciences", which shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of the Act, to acquire and hold property, to contract and shall, by the said name sue and be sued.

(2) Notwithstanding anything contained in any other law for the time being in force, the territorial jurisdiction of the University shall extend to the whole of the State of Kerala.

(3) The headquarters of the University shall be at Thrissur.

(4) In all suits and other legal proceedings by or against the University the pleadings shall be signed and verified by the Registrar or any other person authorised by him in this behalf and all processes in such suits and proceedings shall be issued to and served on the Registrar.

(5) The University may establish study centres at such other places within the State of Kerala with the approval of the Governing Council and at places outside the State of Kerala with the prior approval of the Government.

(6) The University shall be both a teaching and an affiliating University.

