

Himalayiya University Act, 2019

UTTARAKHAND

India

Himalayiya University Act, 2019

Act 08 of 2019

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Himalayiya University Act, 2019(Uttarakhand Act No. 08 of 2019)Last Updated 7th October, 2019Statement of objective and Reasons. - To encourage the development of the State as an education hub and to promote private sector participation in the field of higher education, it is decided that in village Fatehpur Tanda, Jeevanwala, Dehradun a private University named Himalayiya University, sponsored by Himalayiya Ayurvedic Yoga Evam Prakartik Chikitsa, is to be established. The aim of the said University is to provide innovation of education, new method of teaching and learning, and for the overall development of personality, to provide education to the socially and economically deprived class and to provide employment recourse.[Dated 2.4.2019]An Act To establish and incorporate a University in the name of Himalayiya University with the objective of providing facilities of Education, Training and Research work in Ayush Education, Health, Technical, Management, Law, Medical, Journalism and related areas, sponsored by Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan, Fatehpur Tanda, Jeevanwala, Dehradun, Uttarakahnd registered under the Societies Registration Act, 1860.It is hereby enacted by the Uttarakhand State Legislative Assembly in the Seventieth Year of the Republic of India as follows;Chapter- I Preliminary

1. Short title and Commencement.

(1)This Act may be called the Himalayiya University Act, 2019.(2)It shall come into force on such date, as the State Government may by notification in the official Gazette, appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires :-(a)"Academic Council" means the Academic Council of the University;(b)"Board of Governors" means the Board of Governors of the University;(c)"Board of management" means board of management of the University;(d)"Chancellor", "Vice-Chancellor", "Pro Vice-Chancellor", "Registrar", "Controller of Examination" and "Finance Officer" respectively means the "Chancellor", "Vice-Chancellor", "Pro

Vice-Chancellor", "Registrar", "Controller of Examination" and "Finance Officer" of the University;(e)"Finance committee" means the Finance committee of the University;(f)"Authority" means the Authority of the University;(g)"Statutory/Regulatory Body" means a body so constituted by the Central/State Government Act for setting and maintaining standards in the relevant areas of higher education, such as All India Council for Technical Education (AICTE), Medical Council of India (MCI), Dental Council of India (DCI), National Council for Teacher Education (NCTE), Central Council of India Medicine (CCIM) and Bar Council of India (BCI), etc.;(h)"Government" means the Government of Uttarakhand;(i)"Faculty" means faculty of the University.(j)"State" means State of Uttarakhand;(k)"Open and Distance learning mode" means a mode of providing flexible learning services opportunities by overcoming separation of teacher and learner using a variety of media, including print, electronic, online and occasional interactive face-to-face meetings with the presence of an Higher Education Institution or Learner Support Services to deliver teaching-learning experiences, including practical or work experiences;(l)"Employee" means employee appointed by the University and also includes teachers and other staff of the University.(m)"Hall" or "Hostel" means a unit of residence for students maintained or recognized by the University ;(n)"Permanent Resident" means any resident of the state who has the valid domicile/permanent resident certificate the state of Uttarakhand issued by the prescribed authority as per the rules framed by the State Government from time to time;(o)"Fee and Admission Regulatory Committee and its powers" means the Fee and Admission Regulatory Committee constituted under Section 4 of the Uttarakhand Unaided Private Professional Educational Institution (Regulation of Admission and fixation of Fee) Act, 2006 and the powers given to the committee in the said Act;(p)"Sponsor Society" means Himalayiya Ayurvedic Yoga Evam Prakartik Chikitsa Sansthan, Fatehpur Tanda, Post office Jeevanwala, Dehradun, Uttarakhand registered under the Society Registration Act, 1860;(q)"Degree" means a degree specified under sub-section (3) of Section 22 of the University Grants Commission Act, 1956;(r)"Statutes" and "Rules" mean respectively the statues and Rules of the University;(s)"Teacher" means a Professor, Associate Professor, Assistant Professor, Lecturer or such other person as may be appointed under norms of University Grants Commission for imparting instruction or conducting research in the University;(t)"University Grants Commission" means University Grants Commission established under University Grants Commission Act, 1956;(u)"University" means the Himalayiya University established under this Act;(v)"Visitor" means the Visitor of the University;CHAPTER- II The University and its Objectives

3. Proposal for the establishment of the University.

(1)The Sponsor Society shall have the right to establish the Himalayiya University in accordance with the provision of this Act.(2)A proposal related to establishment of University along with the records shall be presented to State Government by the Sponsor Society.

4. Establishment of the University.

(1)A University in the name of Himalayiya University, shall be established by the sponsor society in Dehradun Uttarakhand.(2)The University shall be a corporate body;(3)The Headquarters of University shall be at Fatehpur Tanda, Jeevanwala, Dehradun, Uttarakhand;(4)The Chancellor, the

Vice-Chancellor and members of the Board of Governors, Board of Management and the Academic Council of the University for the time being holding office as such in the University so established, shall constitute a body corporate and may sue and be sued in the name of the University.(5)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.(6)The University shall fulfill the minimum criteria in terms of all courses, faculty, land, building and any other infrastructural facilities, financial viability, etc., as laid down from time to time by the UGC and other concerned Statutory/Regulatory body.(7)On the establishment of the University the land and other movable and immovable properties acquired created, arranged or built by the University for the purpose of the University, except the properties of Himalayiya Yog Evam Prakartik Chikitsa Sansthan, shall stand transferred to and vested in the University.(8)The University shall not provide its programmes to the private institutions through franchising arrangement whether the courses are to be conducted through distance education system.(9)The University shall comply with the UGC (Establishment and Maintenance of Standards in Private Universities) Regulation, 2003 and amendments made there in from time to time.(10)The University shall comply with the University Grants Commission (Open and Distance Learning) Regulation, 2017 and amendments made there in from time to time.(11)The University Shall award only such degrees as are specified by the University Grants Commission and published in the Official Gazette(12)The University Shall conduct their first degree and Master s degree programmers in accordance with the regulations notified by the University Grants Commission in this regard.

5. Conditions for the establishment of the University.

- The Sponsor Society shall for the purposes of establishing the University under the Act shall fulfill the following conditions, namely-(a)Duly possesses minimum 10 acres contiguous land for the university;(b)Building construction on land mentioned in clause (a) of minimum of 20,000 sqm carpet area in which at least 50 percent, shall be for academic and administrative purposes;(c)Install equipments in offices and laboratories of the building as specified in clause (b) worth a minimum rupees four crore;(d)The Sponsor society shall make available to the State Government environmental clearance obtained as per rules from the Government of India;(f)The university shall establish a permanent endowment fund in the name of the State Government Under section 45.

6. Starting of the University.

(1)The State Government shall issue the authority letter after verifying the proposal along with documents received from the Sponsor Society to the effect that all conditions referred to in section 5 has been fulfilled.(2)The Sponsor society shall start the functioning of the University only after obtaining the authority letter for the commencement of the functioning of the University, by the state Government.

7. University shall not be entitled for any financial Assistance etc.

- The University shall be self-financed and shall neither make a demand nor shall be entitled to any grant in-aid or any other financial assistance from the State Government or any other body or

corporation owned or controlled by the State Government.

8. No power to affiliate any institution.

- The University shall have no power to affiliate any college or institution for conducting courses leading to award of its diplomas, degrees or other qualifications.

9. Objectives of the university.

- The objectives for which the University is established are as follows:-(a)To provide for extensive study, teaching, and research in all elements of Ayush Education;(b)To conduct the courses of Ayush, Technical, Management, Medical, Science, Humanities, Himalaya Studies, Education, Journals etc; with the prior permission and to adhere to procedure and norms laid down by UGC and Statutory/Regulatory body and State Government;(c)To promote research and innovations in the Ayush, Technical, Management, Medical, Science, Humanities, Himalayiya Studies, Education, Journals;(d)To undertake extramural studies, extension programs and field outreach activities to contribute to the development of society;(e)To promote National integration, secularism, social equity and engineering understanding and ethics;(f)To contribute to the promotion and development of economically and socially deprived class and provide to such students the opportunity to join mainstream.(g)As necessary, doing all that is necessary, relevant and helpful for achieving all or any of the objectives of the University.

10. Powers of the University.

- The University shall have the following Powers, :-(a)To provide for instruction in all disciplines pertaining to Ayush Education, Health, Technical, Management, Law, Medical Science, Humanities, Himalayiya Study, Journalism Education and allied fields and to make provision for research and for the advancement and dissemination of knowledge;(b)To carry out all such activities as may be necessary or feasible in furtherance of the objectives of the University;(c)To hold examinations for, and to institute grant and confer degrees or other academic distinctions to, and on, persons, who-(i)Have pursued a course of study in the University or in under its distance education system; or(ii)Have carried on research in the University or under its distance education system.(d)To confer honorary degree or other academic distinctions in the manner and under condition laid down in the Statutes/provisions;(e)To award fellowships, scholarships, and prizes etc. in accordance with the Statutes;(f)To demand and receive such fee, bills and invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;(g)To make provisions for the advancement of education in Ayush Education, Health, Technical, Management, Law, Medical, Science, Humanities, Himalayiya Studies, Journalism Education and other areas mentioned in Section 9;(h)To provide other extracurricular activities for students and employees apart from education;(i)To make appointment of faculty, officers and employees in the University;(j)To receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable and immovable property, including trust and endowment properties for the purpose of the University with the prior permission of Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan.(k)To establish and maintain halls and to recognize places of residence for students of the University;(l)To supervise and control the

residence, and regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;(m)To create the necessary posts of the employees in the administrative, management and other sectors;(n)To co-operate or collaborate with other University in such a manner and for such purposes as the university may determine from time to time.(o)To provide distance education system and the manner in which distance education in relation to the academic programmes of the University may be organized as per procedure and norms prescribed by University Grants Commission and other concerned Statutory/Regulatory body ;(p)To organize and conduct refresher courses, orientation courses, workshops, seminars, and other programs for teachers, writers, evaluators and other academic staff;(q)To determine standards of admissions to the University through specialized committees with the approval of Academic Council;(r)To make special provision for students belonging to the state of Uttarakhand for admission in any course of the University;(s)To do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to pursue the objectives of the University;(t)To prescribe courses for Bachelor Degree, Post Graduate and Research and to start the courses for diploma, Certificates etc;(u)To clearly set apart Academic Activities of the University from the activities the sponsor Society;(v)To provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD and other softwares;(w)To recognize examinations of, or periods of study (whether in full or in part) at, other universities, Institutions or other places of higher learning as equivalent to examination or periods of study in the University and to withdraw such recognition at any time;(x)To raise, collect, subscribe and borrow money with the approval of the Board of Governors, with or without the security of property of the University for the purpose of the University;(y)To enter into, carry out, vary or cease contracts;

11. Access to all classes, castes, creed, and gender in the university.

- The University shall be open to all persons irrespective of class, creed, castes, or gender:Provided that nothing in this Section shall be deemed to prevent the University from making special provisions for admission to students of the State of Uttarakhand:Provided further that nothing in this Section shall be deemed to require the University admit in any course of Study a larger number of students than may be determined by the UGC and other concerned Statutory/ Regulatory body.

12. National Accreditation.

- The University shall seek accreditation from the national University accreditation bodies as per rules.Chapter-III Officers of the University

13. Officers of the University.

- The following shall be the officers of University:(a)The Visitor;(b)The Chancellor;(c)The Vice-Chancellor;(d)The Pro Vice Chancellor;(e)The Dean of faculties;(f)The Registrar;(g)The Finance Officer; and(h)Such other officers as may be declared by the statues as the officers of the University.

14. The Visitor.

(1)The Governor of Uttarakhand shall be the Visitor of the University.(2)The Visitor shall, when present, preside at the convocation of the University for conferring degree and diplomas.(3)The Visitor shall have the following powers namely:-(a)To call for any record, paper or information relating to the affairs of the university.(b)On the basis of the information received by the Visitor, if he is satisfied that any order, minutes or decision taken by any authority or University is not in conformity with the Act, Statues or Rules, Regulation ordinance he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned office bearers.(4)Every proposal for the conferment of an honorary degree or distinction shall be subject to the approval of the Visitor.

15. The Chancellor.

(1)Chairman of Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan shall be the first Chancellor of the Himalayiya University, who s tenure shall be of three years. There after the Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan, with the prior concurrence of the Visitor, shall appoint Chancellor from amongst its members.(2)The Chancellor shall have such powers as may be conferred on him by this Act or the Statues made there under.

16. The Vice-Chancellor.

(1)The Vice-Chancellor shall be appointed on such Terms and conditions as may be prescribed by the Statues for a terms of three years by the Chancellor from a panel of three persons recommended by the Committee constituted in accordance with the provisions of sub-section (2).(2)The Committee referred to in sub-section (1) shall consist of the following persons, namely:- (a)One member nominated by the Visitor;(b)One member nominated by the Chancellor(c)The Principal Secretary/Secretary to the State Government in the Higher Education Department;(d)Four members nominated by the Board of Governors, one of whom shall be nominated as the convener of the committee by the Board of Governors.(3)The Committee shall, on the basis of merit prepare a panel of names of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with a concise statement showing the academic qualifications and other distinctions of each person.(4)The Vice-Chancellor shall be the Principal Executive and Academic Officer of the University who shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.(5)Where any matter other than the appointment of a teacher is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officers or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit with prior approval of the Chancellor.(6)The Vice-Chancellor shall exercise such other power and perform such other duties as may be laid down by the Statutes or the Rules.(7)The Chancellor is empowered to remove the Vice-Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice-Chancellor during enquiry keeping in view upon the seriousness of the charges, as he may deem fit.

17. Pro Vice-Chancellor.

- A Pro Vice-Chancellor may be appointed by the Vice-Chancellor with prior approval of the Chancellor in such manner as may be prescribed by Statutes and Pro-vice chancellor shall exercise such power and perform such duties as may be prescribe by Statutes.

18. Dean of Faculties.

- Deans of faculties shall be appointed by the Vice-Chancellor in such manner as may be prescribed in the statutes and he shall exercise such powers and perform such duties as may be prescribed by Statutes.

19. The Registrar.

(1)The Registrar shall be appointed by the Chancellor in such manner and on such term and conditions as may be prescribed by the statute.(2)The Registrar shall enter into and sign all contracts on behalf of the University.(3)The Registrar shall have the power to authenticate records on behalf of the University and shall exercise such other power and perform such other duties as may be prescribed or may be required by the Chancellor or the Vice-Chancellor from time to time.(4)The Registrar shall be responsible for the due custody of the records and the common seal of University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and document as may be necessary for transaction of their business.

20. The Finance Officer.

- The Finance Officer shall be appointed by the Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed.

21. Other officers.

- The manner of appointment, terms and condition of service and power and duties of the officers of the University shall be such as may be prescribed.Chapter-IV Authorities of the University

22. Authorities of the University.

- The following shall be the authorities of the University, namely:-(a)The Board of Governors;(b)The Board of Management;(c)The Academic Council;(d)The Finance Committee; and(e)Such other authorities as may be declared by the Statutes to be authorities of the University;

23. The Board of Governors and its Power.

(1)The Board of Governors shall consist of;(a)The Chancellor - Chairman;(b)The Vice Chancellor Member-Secretary;(c)Principal Secretary/Secretary to the State Government in the Higher

Education Department;(d)Five persons nominated by the Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan, Fatehpur Tanda, Jeevanwala, Dehradun;(e)One officer amongst from the officers nominated in the institutes such as Central University, Indian Institute of Technology/Indian Institute of Management/Indian Institute of Science/Institute of National Ayurveda nominated by the Chancellor;(f)Three academicians nominated by the Visitor;(g)Three members of industrial sector nominated by the Visitor.(2)The Board of Governors shall be the Principal governing body of the University & shall have the following powers; namely:--(a)to lay down policies to be pursued by the University;(b)to review decisions of the other authorities of the university if they are not in conformity with the provision of this Act, or the Statutes or the Rules;(c)to approve the budget and annual report of the University;(d)to make new or additional Statutes or Rules or amend or repeal, the earlier statutes and Rules;(e)to take decision about voluntary winding up of the university;(f)to approve proposals for submission to the State Government; and(g)to take such decisions and steps as are found desirable for effectively carrying out the objective of the University.(3)The Board of Governors shall, meet at least three times in a year at such time and place as the Chancellor thinks fit.

24. The Board of Management.

(1)The Board of Management shall consist of following members:-(a)The Vice-Chancellor;(b)One officer amongst from the officers nominated in the Indian Institute of Technology/Indian Institute of Management/Indian Institute of Science/Institute of National Ayurveda nominated by the Chancellor;(c)Five Persons, nominated by the Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan, Fatehpur Tanda, Jeevanwala, Dehradun.(d)Two Professor of the University, by rotation on the basis of seniority for a period of one year;(e)Two Deans of the faculties nominated by the Chancellor;"(f)Principal secretary/Secretary to the Government in the Higher Education Department or his nominee not below the rank of Joint Secretary to the State Government. The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management.(2)The powers and functions of the Board of Management shall be such as may be prescribed

25. The Academic Council.

(1)The Academic Council shall consist of following members:-(a)the Vice-Chancellor Chairman;(b)the Registrar Secretary;(c)Such other members as may be prescribed in Statutes.(2)The Academic Council shall be the Principal Academic body of the University and shall, subject to the provisions of this Act, and the Statutes and the Rules made thereafter, co-ordinate and exercise general supervision over the academic policies of the University

26. The Finance Committee.

(1)The Finance Committee shall consist of:-(a)the Vice-Chancellor Chairman(b)the Finance Officer;(c)Principal Secretary/Secretary to the State Government in the Higher Education Department or his nominee not below the rank of Joint Secretary to the State Government;(d)Such other member as may be the prescribed in the Statutes.(2)The Finance Committee shall be the

Principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Statutes and Rules, co-ordinate and exercise general supervision over the financial matters of the University.

27. Other Authorities.

- The constitution, power and functions of the other Authorities of the University shall be such as may be prescribed in Statutes/Rules.

28. Proceeding not Invalidated on account of Vacancy.

- No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

29. Fee Structure.

- The fee structure of the courses run by the university shall be determined by the Admission and Fee Regulatory Committee. Chapter-V Statutes and Rules

30. Statutes.

- Subject to the provisions of this Act, the statutes may provide for any matter relating to the University and officers/employees as given below :-(a)The procedure for transaction of business of the Authorities of the University and the composition of bodies not specified in this Act;(b)The operation of the permanent endowment fund, the general fund and the development fund;(c)Appointment of the Chancellor, his powers and functions;(d)The terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance officer and their powers and functions;(e)The mode of recruitment and the conditions of service of the other officers, teachers, faculty members and employees of the University;(f)The procedure for resolving disputes between the University and its officers, teachers, faculty members, employees or students;(g)Creation, abolition and restructuring of departments and faculties;(h)The manner of co-operation with other Universities and Institutions of higher learning.(i)The procedure for conferment of honorary degrees;(j)Provisions regarding grant of freeship and scholarships;(k)Number of seats in different courses of studies and the procedure of admission of student to such courses including procedure of reservation of seats for Uttarakhand students;(l)Institution of fellowships, scholarships, studentships, freeships, medals and prizes;(m)procedure of creation and abolition of posts;(n)other matters which may be prescribed.

31. How to make Statutes.

- The First statutes framed by the Board of Governors shall be submitted to the State Government for its approval within three months after the Act being effect, which may give its approval with or without modification within three month.

32. Power to amend the Statutes.

- The Board of Governors may, with the prior approval of the State Government, make new or additional statutes or amend or repeal the existing Statutes.

33. Rules.

- Subject to the provisions of this Act, the Rules may be framed for any of the following matters, namely:-(a)Admission of students to the University, their enrolment and continuance as such;(b)The course of study to be laid down for all degrees and other academic distinctions of the University;(c)The award of degree and other academics distinctions;(d)The conditions of the award of fellowships, scholarships, studentships, medals, and prizes;(e)The conduct of examinations and the conditions and mode of appointment and duties of examining bodies examiners, invigilators, tabulators and moderators;(f)Fee chargeable from students for various courses of studies;(g)The fee to be charged for the examination, degrees and other academic distinctions of University;(h)The conditions of residence of the students at the University ;(i)To maintain discipline among the students of the University;(J)All other matters as may be provided under the rules made under this Act.

34. How to make Rules.

- The First rules framed by the Board of Governors shall be submitted to the State Government for its approval within three months after the Act being effective, which may, within three months, give its approval with or without modification.

35. Power to amend Rules.

- The Board of Governors may, with the prior approval of the State Government, make new or additional rules or amend or repeal the existing rules.

36. Service condition of employee.

(1)Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.(2)Disciplinary action against the students, employees, teachers and officers shall be governed by procedure prescribed in the Statutes.(3)Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a arbitration tribunal consisting of one member appointed by the Board of Management, one member nominated by the employee concerned and an adjudicator appointed by the Chancellor.(4)The decision of the tribunal in such matter shall be final.(5)The procedure for regulating the work of the Tribunal shall be such as may be prescribed.

37. Provision for Permanent Resident of Uttarakhand.

(1) For admission in various courses conducted by the University, minimum 31% seats shall be reserved for the permanent residents of the State of Uttarakhand. If the reserved seats for permanent residents remain vacant, then the said vacant seats may be filled from amongst the other candidates with prior permission of the State Government. (2) 31% rebate shall be given to the permanent residents of Uttarakhand in the fees fixed for various courses conducted by the University, as mentioned in sub-section (1) above. (3) All posts of Group C and D employees shall be filled by the permanent residents of State of Uttarakhand. (4) The University shall follow the reservation policy applicable from time to time by the State Government with regard to seats reserved under sub section (1) above.

38. Right to appeal.

- Every employee or student of the University notwithstanding anything contained in the proposed Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision and thereupon the Board of Management may confirm, modify or change or set-aside the decision appealed against.

39. Provident fund and pension.

- The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

40. Disputes as to constitution of University authorities And bodies.

- If any question arises as to whether any person has been duly elected or appointed as, or is entitled, to be a member of any authority University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

41. Constitution of Committee.

- Whenever any authority of the University is given power by this Act or the statutes to appoint Committee, such committees shall, save as otherwise provided, consist of any or all the members of the authority concerned and of such other person, if any, as the authority in each case thinks fit.

42. Filling of causal Vacancies.

- Any causal vacancy among the members, other than ex-officio members of any Authority or body of the University shall be filled in same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling vacancy shall be a member of such authority or body for the remaining term for which the person whose place he/she fills would have been a member.

43. Protection of action taken in good faith.

- No suit or other legal proceeding shall lie against any officer or other employee of the University for anything, which is done or intended to be done in good faith in pursuance of the provisions of this Act, the Statutes or the Rules made there under.

44. Transitional Provision.

- Notwithstanding anything contained in any other provision of this Act and the Statutes. (a) The first vice-Chancellor, Pro-Vice-Chancellor, if any shall be appointed by the chancellor and the said officer shall hold office for a term of three year; (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years; (c) The first Board of Governors shall hold office for a term not exceeding three years; (d) The first Board of Management, the first Finance Committee and the first Academic council shall be constituted by the Chancellor for a term of three years.

45. Permanent Endowment fund.

- The University shall establish a permanent endowment fund of Rs. Five Crores in the form of a Bank Guarantee of a Nationalized Bank pledged in the name of State Government of Uttarakhand whose tenure shall be of five years and after the completion of the duration it shall be renewed after every five years and the said Bank Guarantee will be increased by 25% after every 5 years.

46. General fund.

(1) The University shall establish a general fund to which the following amount shall be credited, namely:-(a) All fees which may be charged by the University; (b) All sums received from any other source; (c) All contributions made by the Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan. (d) All contribution/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force. (2) The funds credited to the general fund shall be used to meet all the recurring expenditure of the University.

47. Development fund.

(1) A development fund shall be established by the University, in which the following funds shall be credited, namely:-(a) Development fees which may be charged from students; (b) All amounts received from any other source for the purpose of the development of the University; (c) All contributions made by the Himalayiya Ayurvedic Yoga Evam Prakartik Chikitsa Sansthan. (d) All contribution/donation made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and (e) All incomes received from the permanent endowment fund. (2) The funds credited to the development fund from time to time shall be utilized for the development of the University.

48. Maintenance of fund.

- The funds established under sections 45, 46 and 47 shall subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

49. Annual Report.

(1)The annual report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.(2)The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification.(3)A copy of the annual report duly approved by the board of Governors shall be sent to Visitor and the State Government before 31 December following close of the financial Year in 31 March each year.

50. Account and Audit.

(1)The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.(2)The annual accounts of the University shall be audited by an auditor, who is a member of the Institute of Chartered Accountants of India, every year.(3)A copy of the annual accounts and the Balance sheet together with the audit report shall be submitted to the Board of Governors well before 31 December following close of the financial year in 31 March each year.(4)The annual accounts, the Balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observation thereon before the 31st December each year.(5)The direction of the State Government on the subject arising out of the accounts and audit report of the University shall be binding on the University.

51. Mode of proofing the University record.

- A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the university or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof shall, if produced, have been admissible in evidence.

52. Dissolution of University.

(1)If Himalayiya Ayurvedic Yog Evam Prakartik Chikitsa Sansthan proposes dissolution of the Himalayiya University in accordance with the law governing its constitution or incorporation; it shall give at least three months notice in writing to the State Government.(2)On identification of

mismanagement, maladministration, in-discipline, failure in the accomplishment of the objectives of University and economic hardships in the management systems of University, the State Government would issue directions to the management systems of university. If the directions are not followed within such time as may be prescribed by the State Government, the right to take direction for winding up of the University shall vest in the State Government after giving due opportunity for hearing to the management systems of the university.(3)The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf.(4)On receipt of the notice referred to in sub-section (1), the State Government shall acquire the administration of the university as per rules.

53. Expenditure of the University during Dissolution.

(1)The expenditure for administration of the University during the taking over period of its management under section 52 shall be met out of the permanent endowment fund, the general fund or the development fund.(2)If the funds referred to in-sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

54. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provision of this Act, the State Government may, by a notification or order, make such provision, 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 or order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.(2)Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State legislative Assembly.