

# Bhagwant Global University Act, 2016

UTTARAKHAND

India

## Bhagwant Global University Act, 2016

### Act 39 of 2016

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Bhagwant Global University Act, 2016(Uttarakhand Act No. 39 of 2016)An Act to establish and incorporate a Private University in the name of "Bhagwant Global University" at Kotdwar, Pauri Garhwal Uttarakhand promoted by Bhagwant Education Foundation, New Delhi (Registration No. S-42899/2002 Year 2002) registered under the Society Registration Act at New Delhi to provide and facilitate knowledge, instruction, training and research in the area of technical, medical, nursing, architecture, arts, science, commerce, education, law, social work, business management, computer science and application, agriculture, horticulture, forestry, dairy, veterinary, animal husbandry, theology, music, fine arts, vocational and other areas of education.It is hereby enacted by Uttarakhand State Legislature in the Sixty seventh Year of the Republic of India as follows:

## Chapter 1

### Preliminary

#### 1. Short title and commencement.

(1)This Act may be called the Bhagwant Global University Act, 2016.(2)It shall come into force on the date, notified by the State Government in the Official Gazette.

#### 2. Definitions.

- In this Act, unless the context otherwise required-(a)"Academic Council" means the Academic Council of the University;(b)"Authorities" means authorities of the University;(c)"Board of Governors" means the Board of Governors of the University;(d)"Board of Management" means the Board of Management of the University;(e)"Board of Studies" means the Board of Studies of the University;(f)"Board of Examinations" means Board of Examinations of the University;(g)"Chancellor", "Pro-Chancellor", "Vice-Chancellor", "Pro Vice-Chancellor", "Registrar", "Controller of Examinations", "Deans of Faculty" and "Finance Officer", respectively means the

"Chancellor", "Pro-Chancellor", "Vice-Chancellor", "Pro Vice-Chancellor", "Registrar", "Controller of Examinations", "Deans of Faculty" and "Finance Officer" of the University;(h)"Campus" means the campus of the University;(i)"Constituent College" means a college institution maintained by the University;(j)"Career Academy Centre" means such centre which is established, conducted and recognised by the University for the purposes of acceptance of e-mails, internet, interactive talk, training, lectures, conduct of seminar and workshops, guidelines, consultation, admission, online/offline examination centre, and or any type of necessary held for students;(k)"Director of the campus" Principal/Dean regarding Constituent College means the Head of that campus or Constituent College and where there is no Director/Principal/Dean appointed, any other person for the time being appointed is also included;(l)"Distance Education System" means the system of imparting education within the State through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, other interactive methods, e-mails, Internet, computer, interactive talk, e-learning correspondence courses, seminars, contact programmes or a combination of any two or more of such means;(m)"Deposits Amount" means collection made by the University from the students under the name deposits, which is refundable;(n)"Dean of Faculty" means the Dean of Faculty of the University;(o)"Department" means a department (Academic Unit) of a college, teaching and undertaking research in a subject or a group of subjects;(p)"Employee" means employee appointed by the University, and includes teachers and other staff of the University or of Constituent College;(q)"Finance Committee" means Finance Committee of the University;(r)"Faculty" means teaching faculty of the University;(s)"Fee" means collection made by the University from the student under the name Fee, which is not refundable;(t)"Government" means the State Government of Uttarakhand;(u)"Hostel" means a unit for residence for students maintained or recognised by the University or Constituent College;(v)"Promoting Society" means Bhagwant Education Foundation (Society) (Registration No.S-42899/2002 Year 2002) Delhi registered under the Societies Act, 1860 having registered office at A-926, DLF Towers, Jasola, New Delhi 110025;(w)"Prescribed" means prescribed by the Statutes;(x)"Permanent Resident" means any resident of the state who has the valid domicile/permanent resident certificate issued by the prescribed authority as per the rules framed by the State Government from time to time;(y)"Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centre and Career Academy Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;(z)"State" means State of Uttarakhand;(za)"Statutes", "Rules" and "Ordinances" means respectively the "Statutes", "Rules" and "Ordinances" of the University made under this Act;(zb)"Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;(zc)"Teacher" means a Professor/Dean, Associate Professor, Assistant Professor/Lecturer or such other person as may be appointed for imparting instruction of conducting research in the University or in Constituent Colleges and institution and includes the Principal/Dean of the Constituent College;(zd)"U.G.C." means the University Grant Commission established under the University Grant Commission Act, 1956;(ze)"University" means "Bhagwant Global University" under this Act;(zf)"Bodies" means the bodies of the University constituted by the relevant authorities;(zg)"Visitor" means the Visitor of the University.

## **Chapter II**

### **The University and its Objects**

#### **3. Establishment of University.**

(1)The Promoting Society shall have the right to establish the Bhagwant Global University (Registration No. S-42899/Year 2002) in accordance with the provisions of this Act;(2)The main campus of the University shall be at Village Jhandi Chaur, Tehsil-Kotdwar, District Pauri Garhwal, Uttarakhand. It can also have Campuses or regional centres, career academy, counselling, admission centres at other places provided that the procedures established are complied with and subject to the approval of Board of Management. The University can open its second campus within the State after the coming into existence with prior approval of the State Government.(3)Where the State Government after such inquiry in satisfied that Promoting Society, has fulfilled the conditions, norms and requirements for establishment of Bhagwant Global University, hence a Private University to be known as Bhagwant Global University is hereby established.(4)The University shall be a body corporate by the name "Bhagwant Global University" and shall have perpetual succession and a common seal and shall sue and be sued by its name.(a)However, to establish new faculties where additional land would be required as per norms of the concerned regulatory body, the University shall establish a split campus either adjoining or nearby within District Pauri Garhwal or at any other location in the State.(5)The Chancellor, the Vice-Chancellor, Registrar, Members of the Board of Governors, Members of Board Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.(6)On the establishment of the University under sub-section (1), the land and other movable and immovable properties acquired, created, arranged or built by promoting Society, for the purpose of the University shall stand transferred to, and vest in the University.(7)The available land, building, various department/faculties of the University shall be according to the standard of Apex Regulatory Commission.(8)The Infrastructural and other facilities of the University campus, off campus center, study center, etc. shall be maintained as per the standards laid down by the U.G.C. and other apex regulatory bodies.

#### **4. State not under any statutory obligation to grant Financial Assistance to the University.**

- The University shall be self financing and shall neither make a demand neither 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.

#### **5. No Power to Affiliate any Institution.**

- The University will have no power to affiliate Study Centres, any other degree College or Institutes. The University will have agreements with other Research Centers and Universities to carry out study and research work.

## **6. Objects of the University.**

- The objectives for which the University is established are as follows-(a)to provide instructions, teaching, training and research in various disciplines leading to certificate, diploma, degree, M.Phil, Ph.D, and Post Doctoral Research in Arts, Science and Commerce, Law and Governance, Languages, Engineering and Technology, Computer Science and Applications, Planning and Architecture, Medical (Medicine and Surgery, Ayurveda, Yunani, Homeopathy, Dental, Hygiene and Tropical Medicine, Nursing), Business and Management, Education, Agriculture, Horticulture, Forestry, Fisheries, Vocational Training, Pharmacy, Veterinary, Animal Husbandry, Dairy, Physiotherapy, Paramedical, Media, Journalism, Film and TV Technology, Mass Communication, Fire and Safety, Sanitary Science and Social Work, International Studies, Foreign Trade, Aviation, online e-Programs, and Distance Learning, Music, Religion, Theology, Programme/Discipline duly approved by the Academic Council and Board of Management of the University-(i)for intellectual development of human resources; and(ii)any other areas of education as listed in Section 22 of the University Grant Commission Act of 1956 as amended from time to time;(b)to establish campuses, Study Centres or Constituent Colleges in the areas of education as in 7(a) for offering certificate, Diploma, Graduate Degree, Post Graduate Degree, M.Phill., and Doctoral degree which would be as nominated by the University Grant Commission, but the University shall, have the right to start other diploma and certificate courses in furtherance of its Objectives;(c)to establish a Constituent Centre for Continuing Education to provide teaching, learning and examination through distance learning methodology for the courses mentioned in programs as given in clause (a) above as and where applicable with the prior approval of the State and the University Grant Commission;(d)to establish examination centres for online and offline mode within the precinct of the State;(e)to institute and confer regular and honorary (honoris causa) degrees, diplomas, certificates, and other academic distinctions on the basis of examination, or any other such method including contributions to a specific field or to society in general;(f)to establish a campus in another State with the consent of U.G.C. and concerning State Government;(g)to establish research and development centre to promote research and innovations through seminars, conferences, workshops, symposium, community radio, educational programmes, community development program, publications, training programmes and study groups etc.;(h)to undertake extra-mural studies, extension programmes and field outreach activities to contribute to the development of the society;(i)to set up off-shore campuses as per the provision laid down by the University Grant Commission;(j)to pursue any other objective as may be approved by the Board of Governors within the rules of the State Government and the University Grant Commission.

## **7. Powers of the University.**

(1)The University shall have the following powers, namely-(a)To provide instructions, teaching, training and research in various disciplines leading to certificate, diploma, degree, M.Phil, Ph.D, and Post Doctoral Research in Arts, Science and Commerce, Law and Governance, Languages, Engineering and Technology, Computer Science and Applications, Planning and Architecture, Medical (Medicine and Surgery, Ayurveda, Yunani, Homeopathy, Dental, Hygiene and Tropical Medicine, Nursing), Business & Management, Education, Agriculture, Horticulture, Forestry, Fisheries, Vocational Training, Pharmacy, Veterinary, Animal Husbandary, Dairy, Physiotherapy,

Paramedical, Media, Journalism, Film and TV Technology, Mass Communication, Fire and Safety, Sanitary Sciences and Social Work, International Studies, Foreign Trade, Aviation, online e-Programs, and Distance Learning, Music, Religion, Theology, Programme/discipline duly approved by the Academic Council and Board of Management of the University,(i)for intellectual development of human resources, and(ii)any other areas of education as listed in Section 22 of the University Grant Commission Act of 1956 as amended from time to time; and to make provision for research and for the advancement and dissemination of knowledge;(b)to carry out all such other activities as may be necessary or feasible in furtherance of the objects of the University;(c)to hold examinations for, and to institute grant and confer degrees or other academic distinction to, and on, persons, who;(i)have pursued a course of study in the University or through its distance education system at Regional Centre/Study Centre/Career Academy Centre; or(ii)have carried on research in the University or in an approval constituent body or under its distance education center program;(d)to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes/Provisions/Ordinances;(e)to institute and award fellowships, scholarships and prizes etc. in accordance with the Statutes;(f)to demand and receive such fees, deposits, bills, invoices and collect charges as may be fixed by the Statutes or rules as the case may be;(g)to establish, maintain and recognize such Regional Centres and Study Centres as may be determined by the University from time to time in the manner laid down by the Statutes after the completion of five years of the University. In this regard the guidelines of the State Government and U.G.C. as applicable from time to time shall be followed;(h)to make provisions for extra curricular activities for students and employees;(i)to make appointments of faculty, officers and employees of the University or a Campus College, Constituent College, Regional Centres, Study Centres, Research Centres, and Career Academy Centre;(j)to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, for the purpose of the University or a Constituent College, or a Regional Centre, Study Centre and Career Academy Centre with prior permission of the promoting Society;(k)to institute and maintain halls/hostels and to recognize places of residence for students of the University or a Constituent College;(l)to supervise and control the residence of students and to 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 Academic, Administrative and Supporting staff and other necessary posts;(n)to cooperate and collaborate with other Universities, Institutions, Organizations, Individuals, Industries and Societies in India and abroad in such a manner and for such purpose as the University may determine from time to time;(o)to provide distance education system with the permission of the State Government and University Grant Commission and the manner in which distance education in relation to the academic programmes of the University may be organized;(p)to organize and conduct refresher course, orientation courses, workshops, seminars and other programmes for teacher, lesson writers, evaluators and other academic staff;(q)to determine standards of admission to the University or Regional Centres, Study Centres, with the approval of Academic Council;(r)to make special provision for permanent residents of Uttarakhand for admission in any course of the University or Regional Centre, Study Centre, Research Centre and Career Academic Centre as per merit;(s)to prescribe such courses for Under Graduate Degree, Post Graduate Degree, Doctor of Philosophy, Doctor of Science Degree and Research and to conduct Diploma, Degree and Certificate Programs in all areas covered under education;(t)to clearly set apart the academic activities of the University from the activities of the promoting Society;(u)to

provide for the preparation of instructional materials, including audio, video films, cassettes, tapes, video cassettes, CD, DVD and other softwares;(v)to recognise examinations of, or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognise at any time;(w)to raise, collect, subscribe and borrow funds with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;(x)to enter into, carry out, amend or cancel contracts in the interest of the University;(y)to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the object of the University;(z)to sue or be used in its own name as a Legal Entity in any Court of Law, Tribunal or Authority through its authorised officer.(2)Notwithstanding anything constrained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the university and distance education system with the prior permission of the University Grant Commission and the State Government and for the determination of standards of teaching, evaluation and research in such systems and for the purpose of performing this function, the University shall have such powers, including the power to allocate and disburse grants to colleges, Regional Centres, Study Centres and Career Academy Centres, whether admitted to its privileges or not or to any other University or Institution of higher learning, as may be specified by the Statutes.

## **8. University open to all classes, Castes, Creed and Gender.**

- The University shall be open to all persons irrespective of class, caste, creed, gender or nationality:Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission to permanent resident of Uttarakhand:Provided further that nothing in this section shall be deemed to require the University or constituent colleges or Regional Centres or Study Centres or Career Academy Centres to admit in any course of study a larger number of students that may be determined by the Statutes.

## **9. National Accreditation.**

- The University shall seek accreditation from respective national Accreditation bodies, if required,

## **Chapter III**

## **Officers of the University**

## **10. University's Officers.**

- The following shall be the officers of the University, namely -(a)the Visitor;(b)the Chancellor;(c)the Pro-Chancellor;(d)the Vice-Chancellor;(e)the Pro Vice-Chancellor;(f)the Registrar;(g)the Deans of Faculties;(h)the Finance Officer; and(i)Such other officers as may be declared by the Statutes to be officers of the University.

## **11. Visitor.**

(1)The Governor of Uttarakhand will be the Visitor of the University;(2)The Visitor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.(3)The Visitor shall have the following powers, namely-(a)To call for 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, proceeding, or decision taken by any authority of the University is not in conformity with the Act, Regulations, Statutes, or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied by all concerned.(c)Every proposal for the conferment of an honorary degree shall be subject to the approval of the Visitor.

## **12. The Chancellor.**

(1)The Chancellor may be appointed from amongst/or by the members of the Promoting Society.(2)The Chancellor shall have such powers as may be conferred on him by this Act or Statutes made thereunder.(3)The Chancellor shall have the following powers, namely -(a)To call for any information or record.(b)Such other powers as may be prescribed by the Statutes.

## **13. The Pro-Chancellor.**

(1)The Pro-Chancellor may be appointed from amongst/or by the members of the Promoting Society.(2)The Pro-Chancellor shall have such powers as may be conferred on him by this Act or Statutes made thereunder.

## **14. The Vice-Chancellor.**

(1)The Vice-Chancellor shall be appointed on such terms and conditions as may be prescribed by the statutes for a term 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 person nominated by the Visitor(b)Principal Secretary/Secretary, Higher Education of State Government;(c)Three nominees of the Board of Governors, in which one member nominated as the convener of the committee.(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, administrative and academic officer of the University and 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 officer 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 the prior approval of the Chancellor.(6)The Vice-Chancellor shall exercise such other powers 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 with. It will be open to the Chancellor to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

### **15. The Pro Vice-Chancellor.**

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

### **16. The Registrar.**

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

### **17. Dean of Faculties.**

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

### **18. 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 by the Statutes.

### **19. Other Officers.**

- The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

## **Chapter IV**

## **Authorities of the University**



## **20. 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.

## **21. The Board of Governors and its powers.**

(1)The Board of Governors shall consist of(a)The Chancellor shall be the Chairman of the Board of Governors;(b)Two regional Member of Legislative Assembly;(c)Co-Chairman (if any) of the Board of Governors shall be nominated from amongst the members of the Promoting Society;(d)The Vice-Chancellor - - Member Secretary;(e)Three Academician nominated by the Visitor;(f)Two members from Industry/Corporate/Professionals nominated by the Promoting Society;(g)One member nominated by the Chairman, Promoting Society from reputed higher education institutions;(2)The Board of Governors shall be the Principal Governing Body of the University and 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 provisions 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 amend or repeal the earlier Statutes and Rules;(e)to take decision about voluntary winding up of the University; W 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 objects of the University;(h)to appoint the Statutory Auditors of the University;(i)to appoint and authorise any person/persons to open, close, operate and manage accounts of the University;(3)The Board of Governors shall, meet at least twice in a year at such time and place as the Chairman, Board of the Governors thinks fit.(4)Five members will form the quorum for conducting business.

## **22. The Board of Management.**

(1)The Board of Management shall consist, namely-(a)The Pro-Chancellor Special invitees;(b)The Vice-Chancellor Chairman;(c)The Pro Vice-Chancellor if any;(d)One member nominated by the Chancellor;(e)Five member, nominated by the promoting society;(f)Two professor of the University, by rotation as nominated by the Chancellor;(g)Two deans of the faculties by rotation as nominated by the Chancellor;(h)Principal Secretary/Secretary to the State Government of the Higher Education Department;(i)The Registrar shall be non-member Secretary.(2)The Board of Management shall be the Principal Managing body of the University.(3)The powers and functions of the Board of Management shall be such as may be prescribed by the statute.

## **23. The Academic Council.**

(1)The Academic Council shall consist of-(a)the Vice-Chancellor Chairman;(b)the Registrar Secretary;(c)such other members as may be prescribed in the Statutes.(2)The Academic Council shall be the Principal Academic Body of the University and shall, subject to the provisions of this

Act, the Rules and the Statutes, coordinate and exercise general supervision over the academic policies of the University.(3)The powers and functions of the Academic Council shall be such as may be prescribed by the Statutes.

## **24. The Finance Committee.**

(1)The Finance Committee shall consist of:(a)The Chancellor Chairman;(b)The Finance Officer Secretary;(c)Such other members as may be prescribed in the Statutes;(d)One External Finance Expert nominated by Chancellor.(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, Rules, Statutes, Coordinate and exercise general supervision over the financial matters of the University.(3)The powers and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

## **25. Other Authorities.**

- The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed by the Statutes.

## **26. Proceedings 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.

# **Chapter V**

## **Statutes and Rules**

## **27. Statutes.**

- Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and Staff, as follows-(a)transaction of business of the Authorities of the University and procedure of constitution of such units, which is not specified in this Act;(b)the operation of the permanent endowment fund, the general fund and the development fund;(c)the terms and conditions of appointment of the Vice-Chancellor, Pro Vice-Chancellor, Registrar and the Finance Officer and their powers and functions;(d)the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;(e)resolving disputes between the University and its officers, faculty members, employees and students;(f)creating, abolition or restructuring of departments and faculties;(g)the manner of cooperation with other University or Institutions of higher learning;(h)conferment of honorary degrees;(i)grant of free ships and scholarships;(j)number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats for permanent resident of Uttarakhand;(k)the fee chargeable from students for various courses of studies;(l)institution of

fellowships, scholarships, studentships, freeships, medals and prizes;(m)creation and abolition of posts;(n)disciplinary action against students/employee of the University;(o)other matters which may be prescribed and deemed necessary for framing of the Statutes;(p)Appointment of the Chancellor his power and functions.

## **28. Statutes how made.**

- The first Statutes made by the Board of Governors shall be submitted to the State Government for its approval necessarily.

## **29. Power to amend the Statutes.**

- The Board of Governors may, with the prior approval of the State Government makes new or additional Statutes or amends or repeals the existing Statutes.

## **30. Rules.**

- Subject to the provisions of this Act, the rules may provide for all or any of the following matters, namely-(a)Admission of students to the University and their enrolment and continuance as such;(b)The courses of study to be laid down for all degrees and other academic distinctions of the University;(c)The award of degrees and other academic distinctions;(d)The conditions of the award of fellowships, scholarships, studentships, medals and prizes;(e)The conduct of examination and the condition and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;(f)The fee to be charged for admission to the examination, degrees and other academic distinctions of the University;(g)The conditions of residence of the students at the University or a Constituent College;(h)Maintenance of discipline among the students of the University or a Constituent College;(i)The Fee and Deposits chargeable from student for various courses of studies;(j)All over matters as may be provided in the Statutes and rules under Act.

## **31. Rules how made.**

- The Rules shall be made by the Board of Governors and the rules so made shall be submitted to the State Government for its approval.

## **32. Power to amend the Statues.**

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

# **Chapter VI**

## **Miscellaneous**

### **33. Provisions for permanent resident of Uttarakhand.**

(1)for admission in various course conducted by the University 25 per cent seats shall be reserved for the permanent residents of State of Uttarakhand, and if the reserved seat are vacant, then the said vacant seats may be filled by the other candidates.(2)For tuition fees fixed for various courses conducted by the University, 25% rebate shall be given to the Permanent resident of the State of Uttarakhand who shall seek admission as per sub-section (1) above.(3)For posts of Group 'C' and 'D' permanent resident of the State of Uttarakhand fulfilling eligibility criterion shall be given preference.

### **34. Condition of Service of employees.**

(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 also.(2)Disciplinary action against any employee shall be governed by producer prescribed in the Statues.(3)Any disputes arising out of the contract between the University and an employee shall be resolved by procedure prescribed by the relevant Statues.(4)Notwithstanding anything contained in this Act, the employees of the University shall not be deemed to be public servant and would always remain as under the private employment of the University for the purpose of this Act or otherwise.

### **35. Right to appeal.**

- Every employee or student of the University or of a Constituent Collage, Regional Centre, Study, Centre and Career Academy Centre's shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the Principal of any such Constituent Collage, Regional Centre, Study centre and Career Academy Centre's as the case may be and there upon the Board of Management may confirm, modify or change the decision appealed against.

### **36. Provident Fund and Pensions.**

- Constitute for the benefits 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.

### **37. Disputes as to Constitution of University Authorities and Bodies.**

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

### **38. Constitution of Committee.**

- Any authority of the University mentioned under Section 20 will be empowered to constitute a committee of such authority, consisting of such member and having such powers as the authority may deem fit.

### **39. Filling of casual Vacancies.**

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

### **40. Protection of action takes in good faith.**

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

### **41. Transitional Provision.**

- Notwithstanding anything contained in any other provisions of this Act the Statutes-(a)Subject to Section 14 to 15 the First Vice-Chancellor and 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 year;(c)The First Board of Governor shall hold office for a term not exceeding three year;(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 year.

### **42. Permanent Endowment Fund.**

- The University shall establish a permanent endowment fund of Rs. Two Crore in the form of a Bank Guarantee of a Nationalized Bank Pledged in the name of State Government of Uttarakhand whose tenure shall be five years and after that shall be renewed for five years again.

### **43. 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 promoting Society;(d)all contributions/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 applied to meet all the recurring expenditure of the University.

#### **44. Development Fund.**

(1)The University shall also establish a development fund to which the following fund shall be credited namely-(a)development fees which may be charged from students;(b)all sums received from any other source for the purposes of the development of the University;(c)all contributions made by the Promoting Society;(d)all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force;(e)The Funds credited to the devolvement fund from time to time shall be utilised for the development of the University.

#### **45. Maintenance of fund.**

- The fund established under sections 42, 43 and 44 shall subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

#### **46. 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 annual report duly approval by the Board of Governors shall be sent to the Visitor and the State Government before 31st December following close of the financial year in 31st March each year.

#### **47. Account and Audit.**

(1)The annual account 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 account of the University shall be audited by auditors, who are a member of the Institute of Chartered Accountants of India (I.C.I), 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 31st December following close of the financial year in 31st 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 Board of Governors shall forward the same of the Visitor and the State Government along with its observations thereon before the 31st December each year.

#### **48. Mode of Proof of University records.**

- A copy of any receipt, application, notice, order, proceedings or resolution of any authority or committee of the University or other documents in possession of University or nay entry in any register duly maintained by the University, if certified by the Registrar shall be received as prime 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 matter and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

## **49. Dissolution of University.**

(1) If Promoting Society propose dissolution of the "Bhagwant Global 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, indiscipline, failure in the accomplishment of the object of University and economic hardship in the management system of University, the State Government would issue direction the management system of University, if the direction are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government. (3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf: Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Promoting Society. (4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with University Grant Commission, make such arrangement for administration of the University from the proposed date of dissolution of the "Bhagwant Global University" and until the last batch of students in regular course of studies in such manner as may be prescribed by the Statues. (5) On the dissolution of the University, all the assets and liabilities of the University shall vest in the Promoting Society i.e. Bhagwant Education Foundation, New Delhi.

## **50. Expenditure of University during Dissolution.**

(1) The expenditure for administration of the University during the dissolution of the University under section 49 shall be met out of the permanent endowment fund, the general fund or the development funds. (2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the dissolution of the University, such expenditure may be met by disposing of the properties or assets of the university.

## **51. Removal of Difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty: Provided that no notification orders under shall-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 Legislature.