

Sardar Bhagwan Singh University Act, 2016

UTTARAKHAND

India

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Act 12 of 2018

- Published on 18 January 2018
- Commenced on 18 January 2018
- [This is the version of this document from 18 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

Sardar Bhagwan Singh University Act, 2016(Uttarakhand Act No. 12 of 2018)[Dated 18.1.2018]An Act to establish and incorporate a Minority Teaching University sponsored 1 by Gaurav Bharati Shiksha Sansthan. Dehradun in Uttarakhand and to provide for matters connected therewith or incidental thereto.It is hereby enacted by the Uttarakhand Legislative Assembly in the Sixty eighth Year of the Republic of India.

1. Short Title and Commencement.

(1)This Act may be called the Sardar Bhagwan Singh University Act, 2016.(2)It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)"Academic Council" means the Academic Council of the University;(b)"Board" means the Board of Studies and the Planning Board, or any other Board of the University;(c)"Chancellor", "Vice-Chancellor" and "Pro Vice-Chancellor "means respectively the Chancellor, Vice-Chancellor and the Pro Vice-Chancellor of the University;(d)"Court" means the Court of the University;(e)"Director/Principal" means the Head of Institution, College, School, Polytechnic and Industrial Training Institute or the person appointed for the purpose to act as such in his absence;(f)"Department" means a Department of Studies, and includes a Centre of Studies and Research;(g)"Employee" means any person appointed by the University, and includes a teacher or any other member of the Staff of the University;(h)"Executive Council" means the Executive Council of the University;(i)"Faculty" means a Faculty of the University;(j)"Hostel" means Hostel of Scholars/ Students of the University;(k)"Institution" means an Academic Institution established and maintained by the University;(l)"Prescribed" means prescribed by Statutes;(m)"Records and Publications" means the Records and Publication of the University;(n)"Society" means Gaurav Bharti Shiksha Sansthan, Dehradun registered under the Societies Registration Act, 1860;(o)"Statutes" and "Ordinances" means respectively, the Statutes

and Ordinances University for the time being in force;(p)"Student" means a student enrolled in the Register of the University;(q)"Teacher of the University" means Professor, Associate Professors, Reader, Assistant Professor, Lecturer and such other persons as may be appointed for imparting education/instructions or conducting research in the University and is designated as Teacher by the Ordinances;(r)"Treasurer", "Registrar", "Deputy Registrar", "Finance Officer", "Controller of Examinations", Librarian", or the "Proctor" means respectively the Treasurer, the Registrar, the Deputy Registrar, the Finance Officer, the Controller of Examinations, the Librarian or the Proctor of the University;(s)"University" means the Sardar Bhagwan Singh University, Uttarakhand established under this Act by the society;(t)"Visitor" means the Visitor of the University.

3. Establishment of University.

(1)There shall be established in Dehradun in Uttarakhand, a University by the society, in the name of Sardar Bhagwan Singh University, Uttarakhand.(2)The University shall be a corporate body.

4. Conditions for the establishment of the University.

- The sponsoring body, the society shall, for the purposes of establishing the University under this Act, shall fulfill the following conditions or have been fulfilled by it, namely-(a)duly possesses minimum 10 acres contiguous land for the University;(b)construct on land referred to in clause (a) buildings of more than 20000 sqm carpet area, out of which minimum 50 per cent, shall be for academic and administrative purpose;(c)install equipments in offices and laboratories of the building as specified in clause (b) worth a minimum Rupees Four crore;(d)Sardar Bhagwan Singh University has been established on the satisfaction of the State after examining the proposal and related records of Sardar Bhagwan Singh University on fulfilling the above mentioned all conditions by the society.

5. Starting of the University.

(1)The University shall start operation after the State Government issues to the society a letter of authorisation for the commencement of the functioning of the University.(2)The State Government shall issue the letter of authorisation after verifying the proposal along with documents received from the society to the effect that all conditions referred to in Section 4 have been fulfilled.

6. Objects of the University.

- The objects of the University shall be to disseminate and advance knowledge by providing instructional research and extension of facilities in such branches of learning as it may deem fit and the University shall endeavour to provide to students and the necessary atmosphere and facilities for the promotion of-(a)innovations in education leading to restructuring of courses, new methods of teaching and learning and integral development of personality;(b)studies in various disciplines;(c)inter disciplinary studies;(d)national integration, secularism, social equity and engineering of international understanding and ethics;(e)Sikh minority community so as to bring it

into the main stream and also to ensure overall development thereof by imparting all modern and classical education.

7. Powers of University.

- The University shall have the following powers namely-(a)to provide instructions and to make provision for research and advancement and dissemination of knowledge according to the regulations of the University Grant Commission in such branches of learning as the University may determine from time to time;(b)Science, Technology, Medicine, Dentistry, Pharmacy, Management, Hotel & hospitality Management, Miscellaneous and other professional courses and History, Culture, Philosophy, Art, etc. courses shall be conducted by the institutional centre and the of campus centre/distance education other than the main campus within the State shall be conducted according to the rules after the prior permission of University Grant Commission;(c)to honour educational stalwarts and persons of academic eminence with the decoration of Professor Emeritus;(d)to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinction on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;(e)to confer honorary degrees or other distinctions in the manner prescribed;(f)to provide education including correspondence and such other courses to such persons, who are not members of the University;(g)to institute Directorships, Principal ships, Professorships, Associate Professorships, Readerships, Assistant Professorships, Lecturer ships and other teaching or other academic posts required by the University and to make appointment for the same;(h)to create administrative, ministerial and other posts and to make appointments thereto;(i)to appoint/engage persons working in any other University or authority or organisation having specific knowledge permanently or for a specific period;(j)to cooperate, collaborate or associate with any other University or authority or institution in such manner and for such purposes as the University may determine;(k)to establish and maintain schools, institutions and such centres, specialised laboratories or other units for research and instructions as are in the opinion of the University, necessary for the furtherance of its objects;(l)to institute and award fellowships, scholarships, studentships, medals and prizes;(m)to establish, maintain and supervise residence/hostels for students of University and promote their health and general welfare activities;(n)to make provisions for research and consultancy, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;(o)to declare a centre, an institution, a department, or school as the case may be in accordance with the Statutes;(p)to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;(q)to demand and receive payment of fees and other charges;(r)to make special arrangements in respect of woman students and students belonging to Sikh minority community as the University may consider desirable;(s)to regulate and enforce discipline amongst the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary by the University;(t)to make arrangements for promoting the health and general welfare of the employees of the University;(u)to receive donations and to acquire hold, manage and dispose of any property moveable or immovable for the welfare of the University;(v)to borrow by way of hypothecation or mortgage against the property of University with prior approval of the

Society;(w)to appoint either on contract or otherwise visiting Professor Emeritus Professors, consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the University;(x)to do all such acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University and which may be permitted by the Executive Council of the University.

8. Admissions and Standards.

(1)Admission to the different academic programmes shall be made in accordance with the laws for the time being in force.(2)The University shall ensure that the academic standards of the courses offered by the University are in accordance with the guidelines of the University Grants Commission, Medical Council of India, Dental Council of India, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India, Pharmacy Council of India, Nursing Council of India, etc. as the case may be.(3)The teacher-student ratio shall be in accordance with the guidelines of the University Grants Commission or specific Council.

9. University open to all classes and creeds.

- The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful, for the race, creed caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief profession in order to entitle him to be admitted therein as an officer, a teacher, staff member, student, or to hold any office therein or to graduate thereat:Provided that nothing in this section shall be deemed to prevent the University from making appropriate provisions for reservation of persons belonging to Sikh minority community in the posts and recruitment of the employees and reservation of seats for admission in any courses of study in the University, which can not exceed more than fifty per cent.

10. The Visitor.

(1)The Governor of the Uttarakhand shall be visitor of the University.(2)The Visitor shall have the right to visit the University or any Institution, College, Polytechnic or Industrial Training Institute maintained by the University to ensure the standard of education, discipline, decorum and proper functioning of the University.(3)The Visitor has the right to take any action in the cases of disputes referred to him by Chancellor.

11. Officers of the University.

- The following shall be the officers of the University-(a)Chancellor(b)Vice-Chancellor(c)Pro Vice-Chancellor(d)Director/Principal or Head of the Institution(e)Registrar(f)Treasurer(g)Academic Deans(h)Controller of Examination(i)Chief Proctor(j)Finance Officer and

12. The Chancellor.

(1)The Chancellor shall be a person of eminence and shall be appointed by the Committee of Management of the society in such manner as may be prescribed.(2)The Chancellor shall hold office during the pleasure of the society.(3)The Chancellor may by writing under his hand addressed to the Society, resign his office.(4)Subject to the provision of this section, the Chancellor shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for reappointment:Provided that the Chancellor shall no (sic on) the expiration of his term continue to hold office until his successor enters into his office.(5)The Chancellor, by virtue of his office shall be the head of the University and shall constitute interim Executive Council.(6)The Chancellor shall, if present, preside at the Convocation of the University held for conferring degrees.

13. The Vice-Chancellor.

(1)The Vice-Chancellor shall be appointed by the Chancellor in such manner as may be prescribed in the Statutes for a period of three years.(2)The Vice-Chancellor shall be the principal executive and academic officer of the University and shall be the Chairman of the Executive Council and the Academic Council 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.(3)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 any person in the service of the University who is aggrieved by action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Chancellor within one month from the date on which a decision on such action is communicated to him and there upon the Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.(4)The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

14. The Pro Vice-Chancellor.

(1)The Pro Vice-Chancellor shall be appointed by the Vice-Chancellor and shall exercise such powers and performs such functions as may be prescribed in the State.(2)The Pro Vice-Chancellor, appointed under section (1) shall discharge his duties in addition to his duties as a Professor.(3)The Pro Vice-Chancellor shall assist the Vice-Chancellor in discharging day to day duties as and when required by the Vice-Chancellor.(4)The pro Vice-Chancellor shall get honorarium of such amount as may be determined by the Society.

15. Director/ Principals or Head of Institutions.

- Director or Principal shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

16. The Registrar.

(1)The Registrar shall be appointed in such manner as may be prescribed in the statutes.(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 powers and perform such other functions as may be prescribed.(3)The Registrar shall be the ex officio Secretary of the Executive Council and the Academic Council.

17. Dean of Faculties.

- Every Dean shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

18. The Treasurer.

- The Treasurer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

19. Controller of Examination.

- The Controller of Examination shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

20. Chief Proctor.

- The Chief Proctor shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

21. Finance Officer.

- The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed in the statutes.

22. Authorities of the University.

- The following shall be the authorities of the University-(a)Court(b)Executive Council(c)Academic Council(d)Finance Committee(e)Planning Board(f)Board of Faculties(g)Admissions Committee(h)Examination Committee(i)Such other authorities as may be declared by the Statutes to be authorities of the University.

23. The Court.

(1)The constitution of the Court and the term of the members shall be such as may be prescribed.(2)Subject to the provisions of this Act, the Court shall have the following power and functions, namely-(a)to review from time to time, the board policies and programmes of the University and suggest measures for the working, improvement and development of the University;(b)to consider and pass resolutions on the Annual Report and the Annual Accounts of the University and Audit Reports of such accounts;(c)to advise the Visitor in respect of any matter which may be referred to its advice.(d)to perform such other functions as may be prescribed.

24. The Executive Council.

(1)The Executive Council shall be the principal executive of the University.(2)The constitution of the Executive Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

25. The Academic Council.

(1)The Academic Council shall be the principal academic body of the University and shall subject to the provisions of the Statutes and the Ordinances, Co-ordinate and exercise general supervision over the academic policies of the University;(2)The constitution of the Academic Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

26. The Finance Committee.

(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.

27. The Planning Board.

(1)The Planning Board shall be principal planning body of the University. The Board shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective Councils.(2)The constitution of the Planning Board, term of office of its members and its other powers and duties shall be such as may be prescribed.

28. Board of Faculty, Admission Committee Examination Committee and other authorities of the University.

- The constitution, powers and functions of the Board of Faculties, the Admission Committee, the Examination Committee and of such other authorities of the University which may be declared by the Statutes to be the authorities of the University, shall be such as may be prescribed.

29. Power to make Statutes.

(1)The Executive Council with the approval of the Chancellor shall make the Statutes for carrying out the purposes of this Act and the statutes shall be presented firstly for the approval of State Government.(2)Subject to the provisions of this Act, the 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 appointment and continuance in office of the members of the said authorities, filling of vacancies of members and all of the matters relating to those authorities for which it may be necessary to provide;(c)the appointment, powers and duties of the officers of the University and their emoluments;(d)the appointment of teachers of the University and other academic and administrative staff; and their emoluments;(e)the appointment of teachers and other academic and administrative staff working in any other University or Institution for a specific period for undertaking a joint project;(f)the conditions of service of employees including provisions for retirement benefits, insurance and provident fund, the manner of termination of service and disciplinary actions;(g)the principles governing seniority of service of employees;(h)the procedure for settlement of disputes between employees or students of the University.(i)the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;(j)the conferment of honorary degrees;(k)the withdrawal of degree, diploma, certificate and other academic distinctions;(l)the institution of fellowships, scholarships, studentships, medals and prizes;(m)the maintenance of discipline among the students;(n)the establishment and abolition of Departments, Center and other constituted Institutions/Colleges, etc;(o)the delegation of powers vested in the authorities or officers of the University and(p)all other matters, which may be prescribed.(3)The Executive Council shall not make, amend or repeal any statute affecting the powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.(4)Notwithstanding anything contained in the foregoing sub-sections the Chancellor may direct the University to make provisions in statutes, in respect to any matter specified by him and if the Executive Council, is unable to implement such a direction within Sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with the direction to make or amend the Statutes accordingly, as he may deem fit, after taking approval from the Visitor.

30. Powers to make Ordinances.

- Subject to the provision of this act, the Statutes and the Ordinances said be made by the Executive Council with prior approval of the Chancellor which may provide for all of any of the following matters, namely-(a)the admission of students of the University and their enrolment as such;(b)the courses of study to be laid down for all degrees, diplomas and certificates of the University;(c)the medium of instruction and examination;(d)the award of degree, diploma, certificate and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;(e)the fees to be charged for courses of study in the University and for admission to the examination, degrees, diplomas and certificates of the University;(f)the conditions of award of follow ships, scholarships, studentships, medals and prizes;(g)the conduct of

examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;(h)the conditions of residence of the students of the University;(i)the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them within the University;(j)the appointment and emoluments of employees other than those for whom provision have been made in the Statutes;(k)the establishment for Centre of studies, Board of Studies, Interdisciplinary Studies, Special centres, Specialized Laboratories and other Committees;(l)the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;(m)the creation, composition and functions of any other body which is considered necessary, for improving the academic mileage of the University;(n)the remuneration to be paid to the examiners, moderators, invigilators and tabulators; (o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes.

31. Annual Report.

(1)the annual report of the University shall be prepared under the directions of Executive Council and shall be submitted to the Court on or after such date as may be prescribed and the Court shall consider the report in its annual meeting.(2)The Court shall submit the annual report to the Chancellor along with its comments, if any.

32. Annual Accounts.

(1)The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant of repute.(2)A copy of the annual accounts, together with the audit report thereon shall be submitted to the Court and the Chancellor along with the observations of Executive Council.

33. Conditions of Service of Employee.

(1)Every employee of the University shall be appointed / engaged as per provisions of the Statutes.(2)Any dispute arising between the University and any of the employees appointed substantively, shall be referred to the Executive Council who shall decide the dispute after affording an opportunity to the employee within three months from the date of its reference.(3)The aggrieved employee may file an appeal against the order of the Vice-Chancellor to the Chancellor.(4)Any dispute in respect of any employee engaged temporarily or on ad hoc or part time or casual basis shall be heard and decided finally by Chancellor.(5)Any person aggrieved by the order of Vice-Chancellor may appeal to the Chancellor. The decision of the Chancellor shall be final.

34. Right to Appeal.

(1)Any student or candidate for any examination, whose (sic name) has been removed from the rolls of the University by the orders or resolution of the Academic Council, Proctorial Board or Controller

of Examination as the case may be and who has been debarred from appearing at the examinations of the University for more than one.