

# North East Adventist University Act, 2015

MEGHALAYA

India

## North East Adventist University Act, 2015

### Act 4 of 2019

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North East Adventist University Act, 2015(Meghalaya Act No. 4 of 2019)Last Updated 17th February, 2020[Dated 29.04.2019]An Act To establish and incorporate an University in the State, with emphasis on providing high quality education, training and research in the fields of Physical Sciences, Applied Sciences, Life Sciences, Health Sciences, Social Sciences, Bio-Technology, Information Technology, Engineering, Management, Commerce, Communication, Law, Humanities, Languages, Performing Arts and other allied areas, sponsored by the Medical Educational Trust Association Surat of Seventh-day Adventists, and to provide for matters connected therewith or incidental thereto.Be it enacted by the Legislature of the state of Meghalaya in the Sixty-sixth year of the Republic of India as follows:

## Chapter 1 Preliminary

### 1. Short title and Commencement.

(1)This act may be called the Northeast Adventist University Act, 2015.(2)It shall be deemed to have come into force on such date the State Government may, by Notification, appoint.

### 2. Definitions.

(1)In this Act, unless the context otherwise indicates:(i)"Academic Council" means the Academic Council of the University;(ii)"Act" means the North East Adventist University Act, 2015;(iii)"AICTE" means the All India Council for Technical Education established under Section 3 of the All India Council for Technical Education Act, 1987;(iv)"Affiliated College" means a college or an institution which is affiliated to the University;(v)"Annual Report" means the Annual report of the University prepared in accordance with Section 44 of the Act;(vi)"BCI" means the Bar Council of India established under Section 4 of the Advocates Act, 1961;(vii)"Board of Governors" means the Board

of Governors of the University as explained in Section 20 of Act;(viii)"Board of Management" means the Board of Management of the University as explained in Section 21 of the Act;(ix)"Chancellor" means Chancellor of the University as explained in Section 13 of the Act;(x)"Chief Financial Officer" means Chief Financial Officer of the University as explained in Section 16 of the Act;(xi)"DCI" means the Dental Council of India established under section 3 of the Dentists Act, 1948;(xii)"DEC" means the Distance Education Council;(xiii)"Development Fund" means the Development Fund of the University established under Section 42 of the Act;(xiv)"Distance Education System" means the system of imparting education through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, portal, other interactive methods, e-mail, internet, computer, interactive talk-back, e-learning, correspondence course, seminar, contact programme or a combination of any two or more of such means;(xv)"Endowment Fund" means Endowment Fund of the University established under Section 40 of the Act;(xvi)"Employee" means an employee appointed by the University; and includes teachers and other staff of the University or of a constituent college;(xvii)"Faculty" means faculty of the University;(xviii)"General Fund" means General Fund of the University as explained in Section 41 of the Act;(xix)"INC" means the Indian Nursing Council established under Section 3 of the Indian Nursing Council Act, 1947;(xx)"MCI" means the Medical Council of India established under Section 3 of the Indian Medical Council Act, 1956;(xxi)"NCTE" means the National Council for Teacher Education established under Section 3 of the National Council of Teacher Education Act, 1993;(xxii)"Off-campus Centre" means a centre of the University established by it outside the main campus within the State, operated and maintained as its constituent unit having the University's complement of facilities, faculty and staff;(xxiii)"Official Gazette" means the Gazette of Meghalaya;(xxiv)"PCI" means the Pharmacy Council of India established under Section 3 of the Pharmacy Act, 1948;(xxv)"Prescribed" means prescribed by the rules, regulations or statutes under the Act;(xxvi)"Principal" in relation to a constituent college means the Head of the constituent college and includes, where there is no Principal, the Vice-principal or any other person for the time being appointed to act as Principal;(xxvii)"Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of students or study centres, for rendering any assistance including training, conducting contact classes, and administering examinations required by the students or by the study center, and for performing such other functions as may be conferred on such centres by the Board of Management;(xxviii)"Registrar" means Registrar of the University as explained in Section 15 of the Act;(xxix)"Rules & Regulations" means the Rules and Regulations of the University;(xxx)"Sponsor" means Medical Educational Trust Association Surat of Seventh-day Adventists;(xxxi)"State" means the State of Meghalaya;(xxxii)"State Government" means the State Government of Meghalaya;(xxxiii)"Statutes" means the Statutes of the University;(xxxiv)"Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance including training, conducting contact classes and administering examinations required by the students;(xxxv)"Teacher" means a Professor, Associate Professor, Assistant Professor, Lecturer or such other person as may be appointed in conformity with the norms prescribed by the UGC for imparting instruction or conducting research in the University or in a constituent college or institution and includes the Principal of a constituent college or institution;(xxxvi)"UGC" means the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956;(xxxvii)"University" means the North East

Adventist University established under the Act;(xxxviii)"Vice-Chancellor" means Vice-Chancellor of the University as explained in Section 14 of the Act;(xxxix)"Visitor" means the Visitor of the University as explained in Section 12 of the Act.

## **Chapter 2**

### **The University and its Objectives**

#### **3. Proposal for the establishment of the University.**

(1)The Sponsor shall have the right to establish the University in accordance with the provisions of this Act.(2)An application containing the proposal to establish a University shall be made to the State Government by the Sponsor.(3)The proposal may contain the following particulars, namely:(i)The objects of the University along with the details of the Sponsor;(ii)The extent and status of the University and the availability of land;(iii)The nature and type of programmes, courses of study and research to be undertaken in the University during a period of the next five years;(iv)The nature of faculties, courses of study and research proposed to be started;(v)The campus development plan such as buildings, equipment and structural amenities;(vi)The phased outlays of capital expenditure for a period of the next five years;(vii)The item-wise recurring expenditure, sources of finance and estimated expenditure for each student;(viii)The scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;(ix)The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University, and other anticipated incomes;(x)The details of expenditure on unit cost, the extent of concessions or rebates in fee, free ships and scholarships for students belonging to economically weaker sections, and the fee structure indicating varying rates of fee, if any, that would be levied from non-resident Indians and students of other nationalities;(xi)The history and credentials of the Sponsor including years of experience and expertise in the concerned discipline at the command of the Sponsor as well as its financial resources;(xii)The system for selection of students to the courses of study at the University;(xiii)Nature and types of partnerships and affiliations;(xiv)Such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

#### **4. Establishment of the University.**

(1)Where the State Government, after such inquiry as it may deem necessary, is satisfied that the Sponsor has fulfilled the conditions specified in Sub-Section (2) of Section 3, it may direct the Sponsor to establish an Endowment Fund.(2)After the establishment of the Endowment Fund, the State Government may, by notification in the Official Gazette, accord sanction for establishment of the University.(3)The campuses of the University shall be at any place within the state of Meghalaya with its main campus situated at Thadlaskein, near Jowai in the Jaintia Hills of Meghalaya; and it may have campuses, regional centres, or study centres anywhere in the state.(4)The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of 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.(5)On the

establishment of the University under Sub-section (2), the land and other movable and immovable properties acquired, created, arranged or built by the University for the purpose of the University in the State of Meghalaya shall vest in the University.(6)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.

## **5. University not entitled to financial assistance.**

- The University shall be self-financing 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.

## **6. Constituent Colleges and Affiliated Colleges.**

(1)The University may have Regional Centres, Off-campus Centres, and Study Centres within the State.

## **7. Objectives of the University.**

(1)The objectives for which the University is established are as follows:(i)To provide instruction, teaching, training and research in various branches and specialized fields of Physical Sciences, Applied Sciences, Life Sciences, Health Sciences, Social Sciences, Bio- Technology, Information Technology, Engineering, Management, Commerce, Communication, Law, Humanities, Languages, Performing Arts and other allied areas, and to make provisions for vocational education, skill development, advancement and dissemination of knowledge;(ii)To establish academic departments, center , faculties and institutions of excellence to train professionals of high competence and commitment;(iii)To set up university center and campuses for interactive, distance, online and other modes of blended learning in a networked system of learning centres, using information and communication technologies within the State;(iv)To collaborate with universities, colleges, educational and health care institutions, research institutions, industry and professional associations, government and voluntary organizations, in India or abroad to conceptualise, design and develop various specialized educational and research programmes, training programmes, twinning programmes and exchange programmes for students, faculty members and others which may be offered at its campus, regional centres, off campus centres and study centres within the State;(v)To disseminate, knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;(vi)To undertake programmes for the training and development of faculty members and teachers of the University.(vii)To impart instruction on a course or programme of study through one or more modes which may include distance, continuing, blended and regular modes of teaching and learning;(viii)To undertake collaborative research with any organization in India and abroad;(ix)To create higher levels of intellectual abilities;(x)To provide consultancy to industry, Government, public and private organizations;(xi)To create industry-academia partnerships;(xii)To provide education and health care for underdeveloped regions, especially tribal areas and their people;(xiii)To advocate the need for and contribution of higher education as a valuable means to

individual and societal development;(xiv)To assist students and graduates in planning, preparing and placing them in their careers;(xv)To develop innovative concepts and programmes in higher education;(xvi)To develop educational programmes that are flexible and responsive to changes in society;(xvii)To contribute to the development of a knowledge based society;(xviii)To do all the things which are necessary or expedient to promote the above objectives;(xix)To pursue any other objectives as may be prescribed by the State Government or Sponsor.

## **8. Power of the University.**

(1)The University shall have the following powers, namely: -(i)To establish, administer, maintain, manage the University, Regional Centres, Study Centres, Off campus Centres, and Institutes of Research within the State as are considered necessary for the furtherance of the objects of the University within the regulations as prescribed by the UGC from time to time;(ii)To make provisions to enable the University , Regional Centres, and Study Centres, to undertake specialization of studies and to organize common laboratories, libraries and other equipment for research work, and to develop patterns of teaching in undergraduate, post-graduate and super specialties so as to meet a very high standard of education, particularly in the fields of professional courses;(iii)To launch any new programmes or courses which are in demand or suitable for the advancement of knowledge or societal development;(iv)To institute degrees, titles, diplomas, certificates and other academic distinctions;(v)To hold examinations, to grant and confer degrees, titles, diplomas, certificates and other academic distinctions on persons who shall have pursued and passed an approved course of study of the University subject to such conditions as the University may determine, and to withdraw any such degrees, titles, diplomas, certificates and other academic distinctions on good and sufficient cause;(vi)To confer honorary degrees or other distinctions under conditions prescribed;(vii)To approve colleges located within the State providing courses of study for admission to the examinations for titles, degrees, diplomas and certificates of the University under conditions prescribed and to withdraw such approval;(viii)To hold and manage funds and other properties of the University and to raise loans required for the purposes of the University;(ix)To fix fees and to demand and receive such fees and other charges as may be prescribed;(x)To establish and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognitions accorded to any such places of residence;(xi)To supervise and control the places of residence for the students of the University and to regulate the discipline of the students of the University and to make arrangements for promoting their health;(xii)To establish within the State such special center or other units for research and instruction as are, in the opinion of University, necessary for the furtherance of its objects;(xiii)To create academic, technical, administrative, ministerial and other posts and to make appointments thereto;(xiv)To regulate and enforce discipline amongst the employees of the University and to take such disciplinary measures as may be deemed necessary;(xv)To institute professorships, associate professorships, assistant professorships, readerships, lecturer ships, and any other teaching, academic or research posts as may be deemed necessary by the University; and to appoint duly qualified persons as professors, associate professors, assistant professors, readers, lecturers, or otherwise as teachers and researchers of the University;(xvi)To institute and award honorary doctorate, fellowships, scholarships, prizes and medals;(xvii)To provide for printing, reproduction and publication of research and other works and to organize exhibitions;(xviii)To cooperate with other organizations in

the matter of education, training and research, particularly in the fields of professional courses for such purposes as may be agreed upon and on such terms and conditions as the University may from time to time determine;(xix)To co-operate with institutions of higher learning in any part of the world having objects wholly or partly similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive for furtherance of the objects of the University;(xx)To regulate the expenditure and to manage the funds of the University;(xxi)To establish and maintain within the premises of the University or elsewhere within the State, such class rooms, study halls, etc. as the University may consider necessary and to adequately furnish the same;(xxii)To receive grants, subscriptions, donations and gifts for the purpose of the University consistent with the objects for which the University is established; to enter into agreements with the Central Government, State Government, the University Grants Commission or other authorities for the purposes of receiving any such grants and donations and to accept grants of money, securities or property of any kind on such terms and conditions as may be deemed expedient;(xxiii)To purchase, take on lease or accept as gift or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such buildings or works;(xxiv)To execute conveyance, transfers, re-conveyances, mortgages, leases, licenses, and agreements in respect of property, movable or immovable, including Government securities belonging to the University and/or to acquire such property for the purpose of the University;(xxv)To raise and borrow money, including upon mortgaging properties, on promissory notes or on the basis of any other obligations whatsoever on any of the properties and assets of the University and upon such terms and conditions as the University may think fit; to pay out of the funds of the University all expenditure incidental to the raising of money; and to repay any money borrowed and to redeem any security given with respect to the property of the University;(xxvi)To invest the funds of the University or money entrusted to the University in any securities and in such manner as the University may deem fit and from time to time to transpose any such investment;(xxvii)To make such rules, regulations or statutes as may from time to time be considered necessary for regulating the affairs and management of the University and to later amend and to rescind them;(xxviii)To delegate all or any of the powers of the University to the Chancellor, the Vice-Chancellor or to any other officer of the University, or to any Committee or Sub- Committee thereof;(xxix)To do all such other acts and things as the University may consider necessary, conducive or instrumental to the attainment and enlargement of the objects of the University or anyone of them; and(xxx)Generally to do all such other acts and things as may be necessary or desirable to further the objects of the University.

## **9. University open to all classes, castes, creed, religion, language and gender.**

- The University shall be open to all persons irrespective of class, creed, religion, language or gender. Provided that nothing in this Section shall be deemed to prevent the University from making special provisions for admission to Seventh-day Adventist students or students of the State.

## **10. National Accreditation.**

- The University will seek accreditation from respective national accreditation bodies.

## **Chapter 3 Officers of the University**

### **11. Officers of the University.**

- The following shall be the officers of the University: (1) The Chancellor; (2) The Vice-Chancellor; (3) The Registrar; (4) The Chief Financial Officer; and (5) Such other officers as may be declared by the Act of Statutes to be officers of the University.

### **12. The Visitor.**

(1) The Governor of the State of Meghalaya will be the Visitor of the University. (2) The Visitor shall when present, preside at the convocation of the University for conferring degrees, diplomas, charters, designations and certificates. (3) The Visitor shall have the following powers: (i) To call for any paper or information relating to the affairs of the University. (ii) 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, Rules or Regulations, 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. (iii). Such other powers as may be conferred on him by this Act or the Statutes made there under.

### **13. The Chancellor.**

(1) The sponsor shall, with the prior approval of the Visitor, appoint a suitable person as the Chancellor of the University. (2) The Chancellor so appointed shall hold office for a period of five years or for such shorter period as may be decided by the Sponsor. The Sponsor may extend the term of office of the Chancellor with the prior approval of the Visitor. (3) The Sponsor may, with the prior approval of the Visitor extend the term of the Chancellor for such further period(s) as the Sponsor may deem expedient. (4) The Chancellor shall be the head of the University and shall preside at the meeting of the Board of Governors. (5) The Chancellor shall, when the Visitor is not present, preside at the convocation of the University for conferring degrees, diplomas, charters, designations or certificates. (6) The Chancellor shall have the following powers: (i) To call for any information or record; (ii) To appoint/remove the Vice-Chancellor; (iii) Such other power as may be conferred on him by this Act or the Statutes made there under.

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

(1)The Vice-Chancellor shall be appointed by the Chancellor on such term and conditions as may be prescribed by the Statutes.(2)The Vice-Chancellor shall be appointed from a panel of three persons recommended by the Board of Governors and shall hold office for a term of four years or such shorter period as may be decided by the Board of Governors.(3)The Vice-Chancellor shall be eligible for re-appointment for another term not exceeding four years subject to restriction on age or such other condition as may be provided in this Act or the Statutes made there under.(4)The Vice-Chancellor shall be the principal executive and academic officer of the University. He shall exercise general supervision and control over the affairs of the University and shall give effect to the decisions of the authorities of the University.(5)If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter.(i)Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the Chancellor whose decision thereon shall be final; and(ii)Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer within one month from that date on which such action is communicated to him, an appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.(6)If in the opinion of the Vice-Chancellor any decision of the authority of the University is outside the power conferred by this Act, Statutes or is likely to be prejudicial to the interest of the University he shall request the concerned authority to revise its decision within the next seven days and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chancellor whose decision thereon shall be final.(7)The Vice-Chancellor shall exercise such other power and perform such other duties as may be laid down by the Statutes or the Rules.(8)The Vice-Chancellor shall, in the absence of both the Visitor and the Chancellor, preside at the convocation of the University for conferring degrees, diplomas, charters, designations or certificates.(9)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 depending upon the seriousness of the charges, as he may deem fit.

## **15. The Registrar.**

(1)The Registrar shall be appointed by the Board of Governors in such manner as may be prescribed by the Statutes.(2)The Registrar shall have the power to enter into agreements, execute contracts, sign documents and authenticate records on behalf of the University.(3)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 authority all such information and documents as may be necessary for transaction of the University's business.(4)The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes or as may be decided from time to time by the Board of Governors or the Board of Management.



## **16. The Chief Financial Officer.**

(1)The Chief Financial Officer shall be appointed by the Board of Governors in such manner as may be prescribed by the Statutes.(2)The Chief Financial Officer shall be responsible for the due custody of all financial records and for the financial transactions of the University, and shall be bound to place before the Board of Governors, Board of Management, Chancellor, Vice Chancellor or any other authority, all such information and documents as may be required for the transaction of the University's business.(3)The Chief Financial Officer shall exercise such powers and perform such duties as may be prescribed in the Statutes or as may be decided from time to time by the Board of Governors or the Board of Management.

## **17. Deans of Faculties.**

- Deans of faculties shall be appointed by the Board of Management in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes or as decided by the Board of Governors.

## **18. Other Officers.**

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

# **Chapter 4**

## **Authorities of the University**

### **19. Authorities of the University.**

- The following shall be the authorities of the University, namely:(1)The Board of Governors;(2)The Board of Management;(3)The Academic Council;(4)The Finance Committee;(5)Such other authorities as may be declared by the Statutes to be the authorities of the University.

## **20. The Board of Governors.**

(1)The Board of Governors shall consist of the following:(i)The Chancellor;(ii)The Vice-Chancellor;(iii)The Registrar;(iv)The Chief Financial Officer;(v)Two representatives of the Sponsor;(vi)One representative of the State Government;(vii)An educationist of repute to be nominated by the State Government;(viii)An eminent person of repute nominated by the Sponsor.(2)The Chancellor shall be the Chairperson of the Board of Governors and the Registrar shall be its Secretary. In the absence of the Registrar, the Chairperson may nominate one of the members to serve as Secretary, pro tem.(3)The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers:(i)To lay down

policies to be pursued by the University;(ii)To make new or additional Statutes and Rules or amend or repeal the earlier Statutes and Rules;(iii)To approve the budget and annual report of the University;(iv)To appoint the Auditors of the University;(v)To approve proposals for submission to the State Government, governments of other states, Government of India, or governments of other countries;(vi)To take such decisions and steps as are found desirable for effectively carrying out the objects of the University;(vii)To review decisions of the other authorities of the University if they are found prima facie, not in conformity with the provisions of this Act, or the Statutes or the Rules;(viii)To manage and administer revenues, properties, assets and liabilities of the University.(ix)To conduct all administrative affairs of the University not otherwise specifically provided for.(x)To fix the terms and conditions of appointment, remuneration and removal of the officers of the University.(xi)To create teaching and academic positions and to determine the number, qualifications, cadres, pay scales and other emoluments of such positions.(xii)To grant additional powers or otherwise modify the powers of various authorities, boards, councils, committees, etc. of the University.(xiii)To decide about voluntary winding up of the University;(4)The Board of Governors shall meet at least twice in a calendar year at such time and place as the Chancellor may decide.

## **21. The Board of Management.**

(1)The Board of Management shall consist of:(i)The Vice-Chancellor;(ii)The Registrar;(iii)The Chief Financial Officer;(iv)Two persons nominated by the Sponsor;(v)A Dean of faculty/senior faculty member nominated by the Chancellor.(vi)One representative to be nominated by the State Government.(2)The Vice-Chancellor shall be the Chairperson of the Board of management. In the absence of the Vice Chancellor, a person nominated by the Sponsor shall serve as the Chairperson. The Registrar shall be the Secretary. In the absence of the Registrar, the Chairperson may nominate one of the members to serve as Secretary, pro tem.(3)The Board of Management may meet as often as necessary, but not less than twice in a calendar year at such place and time as the Vice Chancellor may decide. Three persons including the Chairperson shall constitute the quorum for a duly convened meeting of the Board of Management.(4)The powers and functions of the Board of management shall be such as may be prescribed in the Statutes or as delegated to it by the Board of Governors.

## **22. The Academic Council.**

(1)The Academic Council shall consist of:(i)The Vice-Chancellor;(ii)The Registrar;(iii)The Chief Financial Officer;(iv)The Deans/heads of Faculties;(v)Such other members as may be prescribed in the Statutes.(2)The Vice Chancellor shall be the Chairperson of the Academic Council and the Registrar shall be the Secretary. In the absence of the Vice Chancellor, the Registrar shall chair the meetings of the Academic Council. In the absence of the Registrar or where the Registrar chairs the meeting, the Chairperson may nominate one of the members to serve as Secretary, pro tem.(3)The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the academic policies of the University.

## **23. The Finance Committee.**

(1)The Finance Committee shall consist of:(i)The Vice-Chancellor;(ii)The Chief Financial Officer;(iii)The Registrar;(iv)One representative of the Sponsor;(v)One faculty member nominated by the Chancellor.(2)The Vice Chancellor shall be Chairperson of the Finance Committee. In the absence of the Vice Chancellor, a person nominated by the Sponsor from among the members of the Committee shall serve as the Chairperson. The Chief Financial Officer shall be the Secretary. In the absence of the Chief Financial Officer, the Chairperson may nominate one of the members to serve as Secretary, pro tem.(3)The Finance Committee may meet as often as necessary, but not less than twice in a calendar year, at such place and time as the Vice Chancellor may decide. Three persons including the Chairperson shall constitute the quorum for a duly convened meeting of the Finance Committee.(4)The Finance Committee shall be the principal financial body of the University to take care of all financial matters and shall, subject to the provisions of the Act, the Statutes and Rules, co-ordinate and exercise general supervision over the financial affairs of the University.(5)The annual budgets, annual accounts and all major financial proposals shall be considered by the Finance Committee before they are submitted to the Board of Governors for their consideration and approval.(6)The powers and functions of the Finance Committee shall be such as may be prescribed in the Statutes or as delegated to it by the Board of Governors.

## **24. Other Authorities.**

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

## **25. 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 5**

## **Statutes and Rules**

## **26. Statutes.**

- Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University as given below:(1)The constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time and not specified in this Act;(2)The operation of the endowment fund, the general fund and the development fund;(3)The terms and conditions of appointment of the Vice- Chancellor, the Registrar, the Chief Financial Officer and their powers and functions;(4)Creation of new authorities of the University;(5)The mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;(6)The procedure for resolving disputes between the University and its officers, faculty

members, employees and students;(7)Creation, abolition or restructuring of departments and faculties;(8)The manner of co-operation with other Universities or institutions of higher learning;(9)Other matters which may be prescribed.

## **27. Framing of Statutes.**

(1)The first Statutes framed by the Board of Governors shall be submitted to the State Government for its approval which may within three months from the date of receipt of the Statutes give its approval with or without modifications.(2)Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-Section (1) it shall be deemed to have been approved by the State Government.

## **28. 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 Statutes.

## **29. Rules.**

- Subject to the provisions of this Act, the Rules may provide for all or any of the following matters:(1)Admission of students to the University and their enrolment and continuance as such;(2)Courses of study to be laid down for all degrees, diplomas, certificates, charters and other academic distinctions of the University;(3)Award of degrees, diplomas, charters, certificates and other academic distinctions of the University;(4)Procedure for conferment of honorary degrees;(5)Accounting policy and financial procedures;(6)Fixation of tuition and other fees;(7)Revision of fees;(8)Institution of fellowships, scholarships, studentships, free ships, medals and prizes;(9)Conditions of the award of fellowships, scholarships, studentships, medals and prizes;(10)Conditions of service and discipline of employees and other staff;(11)Procedure for creation and abolition of posts;(12)Method of evaluation;(13)Conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;(14)Conditions of residence of the students at the University or at a constituent college or affiliated college;(15)Maintenance of discipline among the students of the University or of a constituent college or affiliated college;(16)Other matters as may be provided in the Statutes and Rules under this Act.

## **30. Framing of Rules.**

(1)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 which may, within two months from the date of receipt of the Rules, give its approval with or without modification.(2)Where the State Government fails to take any decision with respect to the approval of the Rules within the period specified under sub-Section (1) it shall be deemed to have been approved by the State Government.

### **31. Power to amend Rules.**

- The Board of Governors may, with the prior permission of the state Government, make new or additional Rules or amend or repeal the Rules.

## **Chapter 6**

### **Miscellaneous**

### **32. Conditions 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. (2) Disciplinary action against the employees shall be governed by procedure prescribed in the Rules.

### **33. Right to appeal.**

- Every employee or student of the University or of a constituent college 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 college and thereupon the Board of Management may confirm, modify or change the decision appealed against.

### **34. Provident fund, pension fund or gratuity fund.**

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

### **35. 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 or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

### **36. Constitution of committees.**

- Any authority of the University mentioned in Section 19 shall be empowered to constitute a committee of such authority consisting of such members and having such powers as the authority may deem fit.

### **37. 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 a member of such authority or body for the residual period of the term for which the person whose place he fills would have been a member.

### **38. Protection of action taken in good faith.**

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

### **39. Transitional provisions.**

- Notwithstanding anything contained in any other provisions of this Act, the Statutes or Rules: (1) The members of the first Board of Governors shall hold office for a term not exceeding five years. (2) The first Board of Management, the first Finance Committee, and the first Academic Council shall be constituted by the Chancellor for a term not exceeding five years. (3) The first Vice-Chancellor, the first Registrar and the first Chief Financial Officer shall be appointed by the Chancellor and they shall hold office for a term not exceeding four years as the Chancellor may determine.

### **40. Endowment Fund.**

(1) The University shall establish an Endowment Fund of at least Rupees two crores and paid in one instalment and the amount is to be kept in the custody of the Director of Higher and Technical Education, Meghalaya, Shillong in the form of a FDR. (2) The University may transfer any amount from the general fund or the development fund to the endowment fund. Excepting in the event of dissolution of the University in no other circumstances can any monies be transferred from the endowment fund for other purposes. (3) Not exceeding 75% of the income received from the endowment fund shall be used for the purposes of development works of the University. The remaining 25% shall be reinvested into the endowment fund.

### **41. General Fund.**

(1) The University shall establish a General Fund to which the following amount shall be credited: (i) All fees charged by the University; (ii) All sums received from any other source; (iii) All contributions made by the Sponsor; (iv) All contributions or 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 the following payments: (i) Repayment of debts including interest charges incurred by the University for the purposes of this Act, the Statutes, and

Rules made thereunder;(ii)Upkeep of the assets of the University;(iii)Payment of the cost of audit;(iv)Meeting the expenses of any suit or proceedings to which University is a party;(v)Payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund, contribution to pension, gratuity or other benefits to any such officers, employees, and members of the teaching and research staff;(vi)Payment of travelling and other allowances of the members of the Board of Governors, Board of Management, Academic Council, Finance Committee, and other authorities so declared under the Statutes of the University and of the members of any committee or board appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Statutes or the Rules made there under;(vii)Payment of fellowship, scholarship, assistant ship and other awards to students, research associates or trainees eligible for such awards under the Statutes or Rules of the University, or under the provisions of this Act;(viii)Payment of any expenses incurred by the University in carrying out the provisions of this Act, and the Statutes or the Rules made there under;(ix)Payment of cost of capital not exceeding the prevailing bank rate of interest, incurred by the Sponsor for setting up the University and the investments made thereof;(x)Payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act, the Statutes, and the Rules made there under;(xi)Payment of any other expenses including management fee payable to any organization charged with the responsibility of managing the University on behalf of the Sponsor as approved by the Board of Management to be an expense for the purposes of the University;(xii)Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year as may be fixed by the Finance Committee or the Board of Governors without the previous approval of the Finance Committee or by the Board of Governors;(xiii)Provided further that the General Fund shall be applied for the objects specified under sub Section(2)with the approval of the Finance Committee of the University.

## **42. Development Fund.**

(1)The University shall also establish a Development Fund to which the following funds shall be credited:(i)Development fees which may be charged to the students;(ii)Sums received from any other source for the purposes of the development of the University;(iii)Contributions made by the Sponsor;(iv)Contributions or donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and(v)Share of income received from the investment of endowment fund;(2)The funds credited to the Development Fund from time to time shall be utilized for the development of the University.

## **43. Maintenance of Funds.**

- The funds established under Sections 41 and 42 shall, subject to the general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

#### **44. 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 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 the Visitor and the State Government on or before December 31 following the close of the financial year on March 31 each year.

#### **45. Accounts and Audit.**

(1)All funds accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.(2)The annual financial statements of the University consisting of the Income & Expenditure Account and Balance Sheet shall be prepared under the direction of the Finance Committee.(3)The annual financial statements of the University shall be audited every year by a chartered accountant, who is a member of the Institute of Chartered Accountants of India.(4)A copy of the annual financial statements together with the auditor's report shall be submitted to the Board of Governors on or before December 31 following the close of the financial year on March 31 each year.(5)The annual financial statements and the auditor's 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 observations thereon, if any, on or before December 31 each year.(6)In the event of any material qualifications in the Report of the Auditors, the State Government may issue directions to the University, and such directions shall be binding on the University.

#### **46. Mode of Proof of 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 would, if produced have been admissible in evidence.

#### **47. Dissolution of University.**

(1)If the Sponsor proposes dissolution of the 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, mal-administration, indiscipline, failure in the accomplishment of the objects of the University, economic hardships in the management system of the University, or if the directions 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 Sponsor.(4)On receipt of the notice referred to in sub-Section (1) the State Government shall, in consultation with the UGC make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of study in the University complete their courses of study in such manner as may be prescribed by the Statutes.

#### **48. Expenditure of the University during dissolution.**

(1)The expenditure for administration of the University during the period of taking over its management under Section 47 shall be met out of the endowment fund, the general fund or the development fund.(2)If the funds referred to sub-Section (1) are not sufficient to meet the expenditure of the University during the period of taking over its management, such expenditure may be met by disposing of the properties or assets of the University by the State Government.

#### **49. Laying of Statutes and Rules.**

- Every Statute or Rule made under this Act shall be laid as soon as may be after it is made on the table of the Legislative Assembly.

#### **50. University Subject to Standards of UGC.**

- Notwithstanding anything contained in this Act, the establishment, maintenance of standards and any other matter concerning this University including affiliation of colleges, constituent colleges, study center and regional center shall be subject to the UGC (Establishment and Maintenance of Standards in Private University) Regulation, 2003 as amended from time to time and any other Regulation or direction as may be issued by the UGC from time to time.The University will also fall within the purview of the Meghalaya Private Universities Regulatory Board.

#### **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 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 Legislature.