

The Himgiri Nabh Vishwavidyalaya (University in the Sky) Act, 2003

UTTAR PRADESH

India

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Act 17 of 2003

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The Himgiri Nabh Vishwavidyalaya (University in the Sky) Act, 2003(Uttaranchal Act No. 17 of 2003)[Dated 11th July, 2003]Published vide Notification No. 274/Vidhayee and Sansadiya Karya/2003, dated 11th July, 2003. It was assented by the Governor on 2nd July, 2003 and published in the Uttaranchal Gazette, Extraordinary, Part 1, Section (ka), dated 11th July, 2003.An Act replacing Ordinance No. 4 of 2003 to establish and incorporate an University sponsored by TALE EM Research Foundation, Ahmedabad, Gujarat in the State and provide formatters connected therewith or incidental thereto.It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :

Chapter I Preliminary

1. Short title and commencement.

(1)This Act may be called the Himgiri Nabh Vishwavidyalaya (University in the Sky) Act, 2003.(2)It shall be deemed to have come into force on the date of the notification issued by the State Government.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)"Academic Council" means the Academic Council of the University;(b)"Constituent College" means a college or institution maintained by the University;(c)"Council for Technical Education" means the All India Council for Technical Education established under Section 3 of the All India Council for Technical Education Act,

1987;(d)"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, 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;(e)"Employee" means employee appointed by the University; and includes teachers and other staff of the University or of a constituent college;(f)"Faculty" means faculty of the University;(g)"Prescribed" means prescribed by the statutes;(h)"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';(i)"Regional Centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;(j)"State" means State of Uttaranchal;(k)"Statutes" and "Rules" means, respectively, the Statutes and rules of the University;(l)"Study Centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;(m)"TALEEM Research Foundation" means the sponsoring body of the University which is a registered Charitable Trust and Literary Society at Ahmedabad, Gujarat;(n)"Teacher" means a Professor, Associate Professor, Assistant Professor/Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college and institution and includes the Principal of a constituent college, in conformity with the norms prescribed by the UGC;(o)"UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;(p)"University" means the Himgiri Nabh Vishwavidyalaya (University in the Sky) established under this Act;(q)"Zed Career Academy Centre" means a centre established, maintained or recognised by the University for the purpose of receiving telecast, e-mail, internet, interactive talk back, conducting training, organize lectures, seminars and workshops, advising, counselling or rendering any other assistance required by the students.

Chapter II

The University and its Objects

3. Proposal for the establishment of the University.

(1)TALEEM Research Foundation 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 TALEEM Research Foundation. The proposal shall contain the following particulars, namely-(a)the objects of the University alongwith the details of the TALEEM Research Foundational the extent and status of the University and the availability of land;(c)the nature and type of programmes of study and research to be undertaken in the University during a period of the next Five years;(d)the nature of faculties, courses of study and research proposed to be started;(e)the campus development such as buildings, equipment and structural amenities;(f)the phased outlays of capital expenditure for a period of the next five years;(g)the itemwise recurring expenditure, sources of finance and estimated expenditure for each

student;(h)the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;(i)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;(j)the details of expenditure on unit cost, the extent of concessions or rebates in fee free ship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities;(k)the years of experience and expertise in the concerned discipline at the command of the TALEEM Research Foundation as well as the financial resources;(l)the system for selection of students to the courses of study at the University; and(m)status of fulfilment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

4. Establishment of University.

(1)Where the State Government, after such inquiry as it may deem necessary, is satisfied that TALEEM Research Foundation, Ahmedabad has fulfilled the conditions specified in sub-section (2) of Section 3, it may direct the TALEEM Research Foundation, Ahmedabad 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 headquarters of University shall be at Dehradun, Uttaranchal and it may have campuses or Regional Centres, Study Centres and Zed Career Academy Centres at such other places, as may be specified by it from time to time :Provided that the University shall establish a Study Centre in each of the thirteen districts of the State within a period of three years of establishment.(4)The University may, with the approval of the Visitor, also establish such centres outside the country.(5)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.(6)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 except the properties of TALEEM Research Foundation, Ahmedabad, shall stand transferred to, and vest in, the University.(7)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 to be 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. No power to affiliate any institution.

- The University may have constituent colleges, Regional Centres, Study Centres and Zed Career Academy Centres but shall have no power to admit any other college or institution to the privileges of affiliation.

7. Objectives of the University.

- The objectives for which the University is established are as follows : (a) to advance and disseminate learning and knowledge by multimedia and other information and communication technology and also conventional means, and to provide opportunities for education to a larger segment of the population and to promote the educational well being of the society in general, to encourage the distance education and alternate learning systems in conjunction with the conventional educational pattern of the country and to co-ordinate and determine the standards in such systems; (b) to benefit the humanity spread all over the country and the world, without any discrimination on the ground of caste, creed, community, gender and religion according to its motto of Vasudhaiv Kutumbakam (World as Family). The University shall, organise its activities in conventional residential and distance mode to carry out research, teaching and extension work; (c) to develop, design and teach innovative, flexible professional and technical courses so as to provide best possible education of the highest academic standards and continue to strive to do so by way of peer group and expert evaluation; (d) to offer courses conforming to the prescribed courses recognized by the UGC and AICTE; (e) to provide education, instruction and training in such branches of learning as it may deem fit; (f) to encourage and carry out fundamental and applied research for the advancement and dissemination of knowledge.

8. Powers of the University.

(1) The University shall have the following powers, viz. - (a) 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; (b) to carry out all such other activities as may be necessary or feasible in furtherance of the object of the University; (c) to hold examinations for, and to institute grant and confer degrees or other academic distinctions to, and on, persons, who - (i) have pursued a course of study in the University or in a constituent college or under a distant education system at Regional Centres/Study Centres or Zed Career Academy Centre, or (ii) have carried on research in the University or in a constituent college or under a distant education system; (d) to confer honorary degree or other academic distinctions in the manner and under conditions laid down in the statutes/provisions; (e) to institute and award fellowships, scholarships and prizes etc. in accordance with the Statutes; (f) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be; (g) to make provision for the advancement of education in distance and alternate learning systems and other areas mentioned in Section 6; (h) to make provision for extra-curricular activities for students and employees; (i) to make appointments of the faculty, officers and employees of the University or a constituent college. Regional Centres, Study Centres and Zed Career Academy Centres; (j) to receive donations and gifts of any Kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, including trust and endowment properties for the purpose of the University or a constituent college, or a Regional Centre, Study Centre and Zed Career Academy Centre with the prior permission of TALEEM Research Foundation, Ahmedabad; (k) to institute and maintain halls and to recognize places of residence for students of the University or a constituent college; (l) to supervise and control and residence, 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 support staff and other necessary posts;(n)to co-operate and collaborate with other Universities in such a manner and for such purposes as the University may determine from time to time;(o)to provide distant education system and the manner in which distance education in relation to the academic programmes of the University may be organised;(p)to organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;(q)to determine standards of admission to the University or a constituent college. Regional Centre, Study Centre and Zed Career Academy Centre through specialised committees with the approval of Academic Council;(r)to make special provision for students belonging to the State of Uttaranchal for admission in any course of the University or in a constituent college. Regional Centre, Study Centre and Zed Career Academy Centre;(s)to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University;(t)to prescribe such courses for Bachelor's Degree, Postgraduate, Doctor of Philosophy, Doctor of Science Degrees and Research which would be covered by UGC and AICTE; but University shall have right to start diplomas, certificates etc. in its own subjects;(u)to clearly set apart the academic activities of the University from the activities of the Trust;(v)to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD and other software;(w)to recognize examinations of, or periods of study (whether in full or in part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;(x)to raise, collect, subscribe and borrow with the approval of the Governing Body whether on the security of the property of the University, money for the purposes of the University;(y)to enter into, carry out, vary or cancel contracts.(2)Notwithstanding anything contained 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 open university and distance education systems 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 Zed 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.

9. University open to all classes, castes, creed and gender.

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

10. National Accreditation,.

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

Chapter III

Officers of the University

11. Officers of the University.

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

12. The Visitor.

(1) The Governor of Uttaranchal 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 any paper or information relating to the affairs of the University; (b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Act, 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 with by all concerned. (4) Every proposal for the conferment of an honorary degree or distinction shall be subject to the approval of the Visitor.

13. The Chancellor.

(1) Chairman of TALEEM Research Foundation, Ahmedabad, Gujarat will be the first Chancellor of the University, whose tenure shall be of five years. Thereafter TALEEM Research Foundation, with the prior concurrence of the Visitor, would appoint the Chancellor from amongst its trustees. (2) The Chancellor shall have such powers as may be conferred on him by this Act or the 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, viz, - (a) one person nominated by the Visitor; (b) one person nominated by the Chancellor; (c) the Principal-Secretary/Secretary to the State Government in the Higher Education Department; (d) three nominees of the Board of Governors, one of whom shall be nominated as the convener of the committee by the Board of Governors. (3) The committee shall, on the basis of merit, prepare a panel of names of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with a concise statement showing the academic qualifications and other distinctions of each person. (4) The

Vice-Chancellor shall be the principal executive and academic officer of the University 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. 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 prior approval of the Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes.

16. Deans of Faculties.

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

17. 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 power 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 the 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 authority, all such informations and documents as may be necessary for transaction of their business.

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.

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.

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 the authorities of the University.

21. The Board of Governors and its powers.

(1) The Board of Governors shall consist of- (a) the Chancellor - Chairman; (b) the Vice-Chancellor - Member-Secretary; (c) Principal Secretary/Secretary to the State Government in the Higher Education Department or a Secretary to the State Government nominated by the State Government; (d) Five persons nominated by the TALEEM Research Foundation, Ahmedabad; (e) A nominee of the UGC; (f) Three eminent educationists and academicians of the State, out of whom at least one will be a woman, nominated by the Visitor; (g) Three academicians out of whom at least one will be a woman nominated by the Chancellor. (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; (f) to approve proposals for submission to the State Government; and (g) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University. (3) The Board of Governors shall, meet at least three times in a year at such time and place as the Chancellor thinks fit.

22. The Board of Management.

(1) The Board of Management shall consist of- (a) the Vice-Chancellor; (b) a nominee of the UGC; (c) five persons, nominated by the TALEEM Research Foundation, Ahmedabad; (d) two Professors of the University, by rotation on the basis of seniority for a period of one year; (e) two Deans of the faculties as nominated by the Chancellor; (f) Principal-Secretary/Secretary to the State Government in the Higher Education Department or his nominee not below the rank of Joint Secretary to the State Government. The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management. (2) The powers and functions of the Board of Management shall be such as may be prescribed.

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, the Statutes and the Acts, co-ordinate and exercise general supervision over the academic policies of the University.

24. The Finance Committee.

(1)The Finance Committee shall consist of-(a)the Vice-Chancellor - Chairman(b)the Finance Officer(c)Principal-Secretary/Secretary to the State Government in the Higher Education Department or his nominee not below the rank of Joint Secretary to the State Government.(d)such other members as may be prescribed in the Statutes.(2)The Finance Committee shall be the principal Financial body of the University to take care of Financial matters and shall, subject to the provisions of this Act, Rules, Statutes and Acts, co-ordinate and exercise general supervision over the financial matters of the University.

25. Other Authorities.

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

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 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 given below-(a)the procedure for transaction of business of the Authorities of the University and the composition of bodies not specified in this Act;(b)the operation of the permanent endowment fund, the general fund and the development fund;(c)the terms and conditions of appointment of the Vice-Chancellor, the 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)the procedure for resolving disputes between the University and its officers, faculty members, employees and students;(f)creation, abolition or re-structuring of departments and faculties;(g)the manner of co-operation with other Universities or institutions of higher learning;(h)the procedure for conferment of honorary degrees;(i)provisions regarding grant of freeships 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

Uttaranchal students;(k)the fee chargeable from students for various courses of studies;(l)institution of fellowships, scholarships, studentships, freeships, medals and prizes;(m)procedure for creation and abolition of posts;(n)other matters which may be prescribed.

28. Statutes how made.

(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 modification.(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.

29. 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.

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 examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;(f)the fee to be charged for admission to the examinations, 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)all other matters as may be provided in the statutes and rules under the Act.

31. Rules how made.

(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.

32. Power to amend rules.

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

Chapter VI

Miscellaneous

33. 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 students/employees shall be governed by procedure prescribed in the Statutes. (3) Any dispute arising out of the contract between the University and an employee shall, at the request of the employee, be referred to a tribunal of arbitration consisting of one member appointed by the Board of Management, one member nominated by the employee concerned and an umpire appointed by the Chancellor. (4) The decision of the tribunal in such matter shall be final. (5) The procedure for regulating the work of the tribunal shall be such as may be prescribed.

34. Right to appeal.

- Every employee or student of the University or of a constituent college. Regional Centre, Study Centre and Zed Career Academy Centre 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 college. Regional Centre, Study Centre and Zed Career Academy Centre as the case may be, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

35. Provident Fund and Pension.

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

36. 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.

37. Constitution of Committees.

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

38. 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 residue of the term for which the person whose place he/she fills would have been a member.

39. Protection of action taken in goodfaith.

- 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 provisions of this Act, the Statutes or the rules.

40. Transitional provisions.

- Notwithstanding anything contained in any other provisions of this Act and the Statutes-(a)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 years;(b)the first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years;(c)the first Board of Governors shall hold office for a term not exceeding three years;(d)the first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years.

41. Permanent Endowment Fund.

(1)The University shall establish a permanent endowment fund of at least Rupees One crore which may be increased suo motu but shall not be decreased.(2)The University shall have power to invest the permanent endowment fund in such manner as may be prescribed.(3)The University may transfer any amount from the general fund or the development fund to the permanent endowment fund. Excepting the dissolution of the University, in no other circumstances can any monies be transferred from corpus of the endowment fund for other purposes.(4)Not exceeding 75% of the incomes received from the corpus permanent endowment fund which is mentioned in sub para of this section, shall be used for the purposes of development works of the University. The remaining 25% shall be reinvested into the permanent endowment fund.

42. 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 TALEEM Research Foundation, Ahmedabad;(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.

43. Development fund.

(1)The University shall also establish a development fund to which the following funds 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 TALEEM Research Foundation, Ahmedabad;(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; and(e)all incomes received from the permanent endowment fund.(2)The funds credited to the development fund from time to time shall be utilized for the development of the University.

44. Maintenance of fund.

- The funds established under Sections 41, 42 and 43 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed,

45. Annual Report.

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

46. Account and audit.

(1)The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.(2)The annual accounts of the University shall be audited by an auditor, who is a member of the Institute of Chartered Accountants of India (I.C.A.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 the Board of Governors shall forward the same to the Visitor and the State Government alongwith its observations thereon before the 31st December each year.(5)The direction of the State Government on the subject arising out of the accounts and audit report of the University shall be binding on the University.

47. 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.

48. Dissolution of University.

(1) If TALEEM Research Foundation, Ahmedabad proposes dissolution of the University in the Sky 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 objects of University and economic hardships in the management systems of University, the State Government would issue directions to the management system of University. 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 TALEEM Research Foundation. (4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the Council for Technical Education and UQC make such arrangements for administration of the University from the proposed date of dissolution of University by TALEEM Research Foundation Ahmedabad; and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

49. Expenditure of the University during dissolution.

(1) The expenditure for administration of the University during the taking over period of its management under Section 48 shall be met out of the permanent endowment fund, the general fund or the development fund. (2) If the funds referred to in sub-Section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

50. 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 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.

51.

Ordinance No. 4 of 2003 promulgated by the Governor is hereby repealed and shall be deemed as repealed.