

Martin Luther Christian University Act, 2005

MEGHALAYA

India

Martin Luther Christian University Act, 2005

Act 11 of 2005

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Martin Luther Christian University Act, 2005 Meghalaya Act No. 11 of 2005 Last Updated 19th February, 2020 [Dated 13th July, 2005] As passed by the Meghalaya Legislative Assembly [Received the assent of the Governor on the 6th July, 2005] [Published in the Gazette of Meghalaya Extraordinary issued dated 13th July, 2005.] No. LL.(B)28/2005/31. - Martin Luther Christian University Act, 2005 (Act No. 11 of 2005) is hereby published for general information. An Act to establish and incorporate an University in the State, with emphasis on providing instruction, teaching and training in the field of professional courses of Science, Health Sciences, Bio-Technology, Information Technology, Commerce, Management and other allied areas sponsored jointly by the Khasi Jaintia Presbyterian Assembly and the National Lutheran Health and Medical Board of the Union Evangelical Lutheran Church in India and to provide for matters connected therewith or incidental thereto. Be it enacted by the legislature of the State of Meghalaya in the Fifty sixth year of the Republic of India as follows :

Chapter 1

Preliminary

1. Short title and Commencement.

(1) This Act may be called Martin Luther Christian University Act, 2005. (2) It shall be deemed to have come into force on the date, the Notification is issued by the State Government.

2. Definitions.

(1) In this act unless the context otherwise indicates : (i) "Academic Council" means the Academic Council of the University; (ii) "Act" means Martin Luther Christian University Act, 2005. (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 as explained in Section 44 of the Act.(vi)"Board of Governors" means the Board of the Governors of the University as explained in Section 20 of the Act.(vii)"Board of Management" means the Board of Management of the University as explained in Section 21 of the Act.(viii)"Chancellor" means Chancellor of the University as explained in Section 13 of the Act;(ix)"Constituent College" means a college or an institution maintained by the University;(x)"DCI" means the Dental Council of India;(xi)"DEC" means the Distance Education Council;(xii)"Development Fund" means the Development Fund of the University as explained in Section 42 of the Act.(xiii)"Distance Education System" means the system of imparting education through any means of information technology and communication such as multimedia, broadcasting telecasting, on line over internet, other interactive methods e-mail, internet, computer interactive talk back, e-learning, correspondence course, seminar, contact program or a combination of any two or more of such means;(xiv)"Endowment Fund" means Endowment fund of the University as explained in Section 40 of the Act;(xv)"Employee" means employee appointed by the University; and includes teachers and other staff of the University or of a constituent college;(xvi)"Faculty" means faculty of the University;(xvii)"Finance Officer" means Finance Officer of the University as explained in Section 17 of the Act;(xviii)"General Fund" means General Fund of the University as explained in Section 41 of the Act;(xix)"INC" means the Indian Nursing Council;(xx)"MCI" means the Medical Council of India;(xxi)"NCTE" means the National Council for Teacher Education;(xxii)"Prescribed" means prescribed by the Statutes;(xxiii)"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;(xxiv)"Regional Center" means a center 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 center by the Board of management;(xxv)"Registrar" means Registrar of the University as explained in Section 16 of the Act.(xxvi)"Rules" means the Rules of the University;(xxvii)"Sponsor" means the Khasi Jaintia Presbyterian Assembly and the National Lutheran Health and Medical Board of the Union Evangelical Lutheran Church in India;(xxviii)"State" means the State of Meghalaya;(xxix)"State Government" means the State Government of Meghalaya;(xxx)"Statutes" means the Statutes of the University;(xxxi)"Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising counseling or for rendering any other assistance including training, conducting contact classes and administration examinations required by the students;(xxxii)"Teacher" means a Professor, Associate Professor, Assistant Professor/Lecturer of such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college of institution and includes the Principal of a constituent college or institution, in conformity with the norms prescribed by the UGC;(xxxiii)"UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;(xxxiv)"University" means the Martin Luther Christian University, Meghalaya established under this act;(xxxv)"Vice-Chancellor" means Vice-Chancellor of the University as explained in Section 14 of the Act;(xxxvi)"Visitor" means the Visitor of the University as explained in Section 12 of the Act.

Chapter 2

The University and its Objects

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 the University shall be made to the State Government by the Sponsor.The proposal may contain the following particulars, namely :
(a)The objects of the University along with the details of the Sponsor;(b)The extent and status of the University and the availability of land;(c)The nature and type of programs 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 item-wise recurring expenditure, sources of finance and estimated expenditure for each student;(h)The scheme for marbling resources and the cost of capital thereto and the manner of the 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, freeship 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 history and credentials of the sponsor including years of years of experience and expertise in the concerned discipline at the command of the Sponsor as well as the financial resources;(l)The system for selection of students to the courses of study at the University; and(m)Nature and types of its partnership and affiliations.(n)Status of fulfillments of such other conditions as may be required by he 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 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 to accord sanction for establishment of the University.(3)The campuses of the University shall be at any place within the State of Meghalaya with is headquarters at Mawphlang, East Khasi Hills, Meghalaya and it may have compuses or Regional Centres, study centers and where in India or abroad with approval of the of Government Meghalaya.(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 tat 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 of corporation owned or controlled by the State Government.

6. Constituted Colleges and Affiliated Colleges.

(1)The University may have constituent colleges Regional Centers and Study Centres.(2)The University may with the prior approval of the board of governors, affiliate any college or other institution.

7. Objects of the University.

- The objectives for which the University is established are as follows : (a)To establish academic departments, faculties and institutions of excellence to train professionals of high competence and commitment;(b)To affiliate colleges and to set up University centres for interactive, distance, online and other modes of learning in networked system of learning centres, using modern information and communication technologies;(c)To collaborate with educational and healthcare institutions, government and voluntary organizations to offer various academic programmes;(d)To provide education and healthcare for underdeveloped regions especially tribal areas and their people;(e)To advocate the need and constitution of higher education as a valuable means to individual and societal development;(f)To assist students and graduates in planning preparing and being placed in their careers;(g)To develop innovative concepts and programmes in higher education;(h)To develop educational programmes that are flexible and responsive to changes in society;(i)To contribute to the development of knowledge-based society;

8. Powers of the University.

- 1. The University shall have the following powers, namely:(i)To provide instruction, teaching training and in such branches of learning as the University may think fit and to make provisions for research and for the advancement and dissemination of knowledge, particularly in the fields of professional courses of Sciences, Health Sciences, Bio-Technology, Information Technology, Commerce, Management and other allied areas;(ii)To establish, maintain and manage Institutes of Research and to assist in administering and managing the Institution and such other centres for research, education and instructions as necessary for the furtherance of the objects of the University;(iii)To make such provision so as to enable Constituent Colleges, Affiliated Colleges, Autonomous Colleges, Approved Colleges and Study Centres to undertake specialization of studies and to organize common laboratories libraries and other equipment for research work; to develop patterns of teaching in undergraduate, post-graduate and super specialities so as to meet a very high standard of education, particularly in the fields of professional courses of Sciences Health Sciences,

Bio-Technology Information Technology, Commerce, Management and other allied areas;(iv)To institute degrees, titles diplomas certificates and other academic distinctions;(v)To hold examinations and to grant and confer degrees titled diplomas, certificate and other academic distinctions on persons who shall have pursued and passed an approved course of study in Constituent Colleges, Autonomous Colleges, Affiliated Colleges Approved Colleges and Study Centres of the University subject to such condition 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 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 designate any college as an autonomous college in the manner and under conditions prescribed by the ordinances and statutes and to cancel such designation;(ix)To hold and manage endowments and other properties and funds of the University and to raise loans required for the proposes of the University;(x)To fix fees and to demand and receive such fees and other charges as may be prescribed;(xi)To Institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such places of residence;(xii)To establish such special centres or other units for research and instructions as are in the opinion of University, necessary for the furtherance off its objects;(xiii)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;(xiv)To create academic, technical administrative ministerial and other posts and to make appointments thereto;(xv)To regulate and enforce discipline amongst the employees of the University and to take such disciplinary measures as may be deemed necessary;(xvi)To Institute professorships associate professorships assistant, professorships readerships lecturerships and any other teaching academic or research posts as may 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;(xvii)To institute and award honorary doctorate fellowships scholarships prizes and medals;(xviii)To provide for printing reproduction and publication of research and other works and to organize exhibitions;(xix)To cooperate with other organizations in the matter oi education training and research, particularly in the fields of professional courses of Sciences, Health Sciences, Biotechnology, Information Technology, Commerce, Management and other allied areas; for such purposes as may be agreed upon and on such terms and conditions as the University may, for in time to time determine;(xx)To cooperate 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;(xxi)To regale the expenditure and to manage the funds of the University;(xxii)To establish and maintain within the premises of the University or elsewhere such, class rooms, study halls etc., as the University may consider necessary and to adequately furnish the same;(xxiii)To receive grants, subscriptions donations and gifts for the purpose of the University and 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 purpose of receiving any such grants and donation and to accept grants of money securities or property of any kind on such terms and condition as may be deemed expedient;(xxiv)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 and conditions as it may think fit and proper and to construct or alter and maintain any such buildings or works;(xxv)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;(xxvi)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 and to pay out of the funds of the University all expenditures incidental to the raising of money and to repay any money borrowed and to redeem any security given with respect of the property of the University;(xvii)????????? entrusted to the University in any securities and ins such manner as the d may deem fit and from time to time and/or to transpose any such investment;(xviii)To make such Statutes as may for time to time be considered necessary for regulating the affairs and management of the d and to alter, amend and to rescind them;(xxix)To delegate all or any of the powers of the University to the Chancellor, the Vice-Chancellor or to the Senate or Syndicate or any Committee or Sub-Committee thereof;(xxx)To do all such other acts and things as the University may consider necessary, conducive or instrumental to the attainment and enlargement of the aforesaid objects of anyone of them; and(xxxi)Generally to do all such other acts and things as may be necessary to 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, caste, creed religion, language or gender :Provided that nothing in this section shall be deemed to require the University from making special provisions for admission to students of the State.

10. National Accreditation.

(1)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 :(a)The Chancellor;(b)The Vice-Chancellor;(c)The Registrar;(d)The Finance Officer; and(e)Such other offices as may be declared by the Statutes to be officers of the University.

12. The visitor.

(1)The Governor 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 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, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the University and the direction so issued shall be complied with by all concerned.

13. The Chancellor.

(1)The Sponsor shall, with the prior approval of the Visitor, appoint a person suitable to be appointed as the Chancellor of the University.(2)The Chancellor so appointed shall hold the office for a period of five years.(3)The Chancellor shall be the head of the University.(4)The Chancellor shall preside at the meeting of the Board of Governors and shall, when the Visitor is not present, preside at the convocation of the University for conferring degrees, diplomas Charters Designations or Certificates.(5)The Chancellor shall have the following powers namely :-(a)To call for any information or record;(b)To appoint the Vice-Chancellor;(c)To remove the Vice-Chancellor;(d)Such other 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 four years by the Chancellor.(2)The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors and shall hold office for a term of four years. Provided that, after expiration of the term of four years, the Vice-Chancellor shall be eligible for a re-appointment for another term not exceeding four years.(3)The Vice-Chancellor shall be the Principal executive and academic officer of the d 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.(4)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 deemed 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.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, then such case shall be referred to the Chancellor, whose decision thereon shall be final.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 three months from the 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.(5)If in the opinion of the Vice-Chancellor any decision of any authority of the University is outside the powers 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 seven days from the date of his decision 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 and his decision thereon shall be final.(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 Vice-Chancellor shall preside at the convocation of the University in the absence of both, the Visitor and the Chancellor, for conferring degrees, diplomas, Charters, Designations or Certificates.(8)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. 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.

16. The Registrar.

(1)The appointment of the Registrar shall be made in such manner as may be prescribed by the Statutes.(2)All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.(3)The Registrar shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Board of Governors.(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 information and documents as may be necessary for transaction of their business.(5)The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

17. The Finance Officer.

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

18. 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 4

Authorities of the University

19. Authorities of the University.

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

20. The Board of Governors and its powers.

(1) The Board of Governors shall consist of the following : (a) The Chancellor; (b) The Vice-Chancellor; (c) Three persons nominated by the Sponsor; (d) One representative of the State Government; (e) An educationist of repute to be nominated by the State Government; (j) One person of repute from the state to be nominated by the sponsor; (2) The Chancellor shall be the Chairman of the board of Governors. (3) The Registrar shall be an ex-officio Secretary of the Board of Governors. (4) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely : (a) To appoint the Statutory Auditors of the University; (b) To lay down policies to be pursued by the University; (c) 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; (d) To approve the budget and annual report of the University; (e) To make new or additional Statutes and Rules or amend or repeal the earlier Statutes and Rules; (f) To take, decision about voluntary winding up of the University; (g) To approve proposals for submission to the State Government; and (h) To take such decisions and steps as are found desirable for effectively carrying out the objects of the University; (5) The Board of Governors shall, meet at least twice in a calendar year at such time and place as the Chancellor thinks fit.

21. The Board of Management.

(1) The Board of Management shall consist of: (a) The Vice-Chancellor; (b) The Registrar; (c) Three persons, nominated by the Sponsor; (d) Two Deans of the faculties as nominated by the Chancellor; (e) One representative to be nominated by the State Government; (2) The Vice-Chancellor shall be the Chairperson of the Board of management and the Registrar shall be the Secretary of the Board of Management. (3) The powers and functions of the Board of management shall be such as may be prescribed.

22. The Academic Council.

(1) The Academic Council shall consist of : (a) The Vice-Chancellor-Chairman (b) The Registrar-Secretary (c) The Finance Officer (d) 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 Statutes and the Rules, coordinate and exercise general supervision over the academic policies of the University.

23. The Finance Committee.

(1)The Finance committee shall consist of:(a)The Vice-Chancellor-Chairman(b)The Registrar-Secretary(c)The Finance Officer(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 matter and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the financial matters of the University.

24. Other Authorities.

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

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 and staff, as given below :(a)The constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time;(b)The operation of the 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 of restructuring 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 for various courses;(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.

27. 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 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, namely :(a)Admission of students to the University and their enrollment and continuance as such;(b)The courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;(c)The award of Degrees, Diplomas, Charters, Certificates and other academic distinctions of the University;(d)Creation of new authorities of the University;(e)Accounting policy and financial procedure;(f)The conditions of the award of fellowships scholarship s studentships medals and prizes;(g)The conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators tabulators and moderators;(h)The fee to be charged for admission to the examinations, Degree, Diplomas, Certificates, Charters and other academic distinctions of the University of the University;(i)Revision of fees;(j)Alteration of numbers of seats in different courses and programs.(k)The conditions of residence of the students at the University or a constituent college or affiliated college;(l)Maintenance of discipline among the students of the University or a constituent college or affiliated college;(m)All other matters as may be provided in the Statutes and Rules under the Act.

30. 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.

31. Power to amend Rules.

- The Academic council may, with the approval of the Board of Management make new or additional Rules or amend or repeal the Rules.

Chapter 6

Miscellaneous

32. Conditions of service of employees.

(1) Every employees 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.

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 such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

34. 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.

35. Disputes as to constitution of University 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 will be empowered to constitute a committee of such authority, consisting of such members as such authority may deem fit, 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 residue of the term for which the person whose place he/she 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 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.

39. Transitional provisions.

- Notwithstanding anything contained in any other provisions of this Act and the Statutes : (a) The first Vice-Chancellor 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.

40. Endowment Fund.

(1) The University shall establish an endowment fund of at least Rupees one crore. (2) The University shall have power to invest the 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 endowment fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the endowment fund for other purposes. (4) Not exceeding 75% of the incomes 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, 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 Sponsor; (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 the following payments : (a) The repayment of debts including interest charges thereto incurred by the University for the purposes of this act and the Statutes, and the and Rules made thereunder; (b) The upkeep of the assets of the University; (c) The payment of the cost of audit of the fund created under Section 41. (d) Meeting the expenses of any suit or proceedings to which University is a party; (e) The 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 contributions gratuity and other benefits to any such officers and employees, members of the teaching and research staff; (f) The payment of travelling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council 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 thereunder;(g)The payment of fellowships freeships scholarships assistant ships and other awards to students, research associates or trainees eligible for such awards under the Statues, or Rules of the University under the provisions of this Act.(h)The payment of any expenses incurred by the University in carrying out the provisions of this Act and the Statutes or the Rules made thereunder;(i)The 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;(j)The payment of charges and expenditure relating to the consultancy work undertaken by the Government servant in pursuance of the provisions of this Act and the Statutes and the Rules made there under;(k)The payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the sponsoring body, as approved by the Board of Management to be an expenses for the purposes of the University.(l)Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure fore the year as may be fixed by the Board of Management without the previous approval of the Board of Management.(m)Provided further that the General fund shall be applied for the objects specified under sub-section (2) with the prior approval of the board of Management of the University.

42. 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 Sponsor;(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 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 fund.

- The funds established under Sections 40, 41 and 42 shall, subject to 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, 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 on or before December, 31 following close of the financial year in March 31 each year.

45. 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 a chartered accountant, who is a member of the Institute of Chartered Accountants of India every year.(3)A copy of the annual accounts and the Balance-Sheet together with the audit report shall be submitted to the Board of Governors on or before December, 31 following close of the financial year in March 31 each year.(4)The annual accounts, the Balance-Sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observations thereon on or before December 31 each year.(5)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 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 purposes 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, in-discipline failure in the accomplishment of the objects of University and economic hardships in the management systems of University, the State Government would issue direction to the management system of University. If the direction are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.(3)The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf. Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.(4)On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the AICTE and UGC make such arrangements for administration of the University from the proposed dated of dissolution of the University by the Sponsor 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.

48. Expenditure of the University during dissolution.

(1)The expenditure for administration of the University during the taking over period of its management under Section 47 shall be met out of the endowment fund, the general fund or the development fund.(2)If the fund referred to 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.

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. 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. University Subject to Standard 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 Centres and Regional Centres shall be subject to the UGC (Establishment and maintenance of Standards Private Universities) 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.