

Doon University Act, 2005

UTTARAKHAND

India

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Act 18 of 2005

- Published on 1 January 2005
- Commenced on 1 January 2005
- [This is the version of this document from 1 January 2005.]
- [Note: The original publication document is not available and this content could not be verified.]

Doon University Act, 2005(Act No. 18 of 2005)Last Updated 12th March, 2020An Act to establish a University to be known as Doon University;Be it enacted in the Fifty-sixth year of the Republic of India by the Uttarakhand Legislative Assembly as follow:-Chapter-I Preliminary

1. Short title and commencement.

(1)This Act may be called the Doon University Act, 2005.(2)It shall come into force on such date, as the State Government may by notification in the Official Gazette appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)'Academic Council' means the Academic Council of the University;(b)'Affiliated College' means a college affiliated to the University in accordance with the provisions of this Act and Status of that University;(c)'Autonomous College' means the college declared autonomous by the University Grants Commission;(d)'Chancellor' means the Chancellor of the University;(e)'Constituent College' means a college or an institution maintained by the University;(f)'Court' means the Court of the University;(g)'Dean' means a Dean appointed as per provisions of this Act;(h)'Director' means Head of an Institute established by the University to organize and conduct teaching and research in any subject;(i)'Employee' means employee appointed by the University and includes teachers and other staff of the University or a constituent college;(j)'Executive Council' means the Executive Council of the University;(k)'Faculty' means faculty of the University;(l)'Finance Committee' means the Finance Committee of the University;(m)'Government' means the Government of Uttarakhand;(n)'Institute' means an institute established by the University to organize and conduct teaching and research in any subject;(o)'Management in relation to an affiliated college' means the Management Committee or other body charged with managing the affairs of that college or institution and recognized as such by the University;(p)'Prescribed' means prescribed by the Statutes or Ordinances;(q)'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;(r)'Registrar' means the Register of the University;(s)'School' means school of the University;(t)'State' means the State of Uttarakhand;(u)'Statutes', 'Ordinances' and 'Regulations' means respectively, the Statutes, Ordinances and Regulations of the University;(v)'Teacher' means a Professor, Associate Professor, Reader, Assistant Professor, lecturer or such other person as may be appointed for imparting instruction, teaching or conducting research in the University or in a Constituent College and includes the Principal of a Constituent College;(w)'University Grants Commission' means University Grant Commission established under University Grants Commission Act, 1956;(x)'University' means the Doon University established under the Act;(y)'Vice Chancellor' means Vice Chancellor of the University.

Chapter-II The University

3. Establishment of the University.

(1)There shall be established a University to be known as 'Doon University'.(2)The University shall be a body corporate by the name specified in subsection (1) above and shall have a perpetual succession and a common seal and shall sue and be sued by its name.(3)Headquarters of the University shall be located at Dehradun and it may establish its additional campus at such other places as considered necessary with the prior approval of the State Government.

4. Objects of the University.

- Objects of the University shall be to disseminate and advance knowledge and understanding by teaching, research and extension.

5. Powers and Duties of the University.

- The University shall have following powers and duties; namely:-(1)to provide for instruction in such branches of learning as the University may think fit with particular emphasis on modern subjects aiming at becoming centers of excellence in each such area and to make provision for research for the advancement and dissemination of knowledge.(2)to admit any autonomous college or such other college as may be prescribed to the privileges of affiliation or withdraw such affiliation and to guide and control the work of affiliated colleges on the conditions prescribed by first statutes of the University.(3)to institute degrees, diplomas and other academic distinctions.(4)to establish faculties, schools and such other academic bodies as per provisions of the statutes.(5)to hold examinations and to grant and confer degrees, diplomas and other academic distinctions on persons, who have successfully completed prescribed courses of study, examination and/or research in the University or in any affiliated college or in an Institute;(6)to confer honorary degrees or other academic distinction in the manner and under conditions laid down in the Statutes;(7)to co-operate or collaborate with other Universities, national laboratories and authorities in such manner and for such purposes as the University may determine;(8)to create teaching posts required by the University and to appoint persons to such posts;(9)to lay down the conditions of affiliation of colleges and to satisfy itself by periodical inspection or otherwise that those conditions are satisfied;(10)to regulate and enforce discipline among students and employees of the University and its Institutes and affiliated Colleges by laying down a code of conduct and other measures

necessary;(11)to institute and award scholarships, fellowships (including travelling fellowship), studentships and prizes in accordance with the Statutes and the Ordinance;(12)to institute and maintain hostels and to recognize places of residence for students of the University, the Institutes or the constituent or affiliated colleges;(13)to demand and receive such fees and other charges as may be fixed by Statutes;(14)to supervise and control the residence and to regulate the discipline of students of the University, the Institute and the constituent or affiliated colleges and to make arrangements for promoting their health;(15)To create administrative, ministerial and other necessary posts and to make appointments thereto;(16)To earn resources by means of consultancy based on Research and Development projects and provide for augmentation and productive utilization of its assets and resources; and(17)to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be required in order to further the objects of the University.

6. Jurisdiction of the University.

(1)The jurisdiction of the Doon University shall extend to all its affiliated Colleges and institutions in the State.(2)Notwithstanding the above, the University shall not grant affiliation to any College which has already been given affiliation by any other University in the State, without consent of the concerned University :Provided that the colleges so affiliated will continue to enjoy all those rights and privileges which they were enjoying before such affiliation unless amended or modified by this University.

7. University open to all classes, castes, creed & gender.

- The University shall be open to all persons irrespective of class, caste, creed or gender, but nothing in this section shall be deemed to require the University to admit to any course of study a larger number of students than may be determined by the Ordinance :Provided that nothing in this section shall be deemed to require the University to admit to any course of study more than the number of students as may be determined by the Regulations :Provided further that nothing in this section shall be deemed to prevent the University from making special provision for admission of students belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes.

8. Norms and Accreditation.

(1)The University shall conform to the norms/regulation of University Grants Commission as amended from time to time.(2)The University will seek accreditation from the concerned national body/ies, as required.Chapter-III Officers of the University

9. Officers of the University.

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

10. The Chancellor.

(1)The Governor of the State shall be the Chancellor of the University.(2)The Chancellor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.(3)The Chancellor may call for such information relating to any affair of the University and issue such directions thereupon as the Chancellor may deem fit in the interest of the University and the authorities and the officers of the University shall comply with such directions.(4)Every proposal for conferment of an honorary degree or distinction shall be subject to the approval of the Chancellor.(5)The Chancellor may, from time to time, appoint one or more persons to review the work and progress of the University and to submit a report thereon and upon receipt of that report, the Chancellor may after obtaining the views of the Executive Council thereon, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.(6)The Chancellor shall also have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of any institution maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University.(7)The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.(8)The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and inquiry and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor with such advice as the Chancellor may offer upon the action to be taken thereon.(9)The Executive Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.(10)Where the Executive Council does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.(11)The Chancellor may, by order in writing, annul any proceeding of the University, which is not in conformity with this Act, the Statutes, or the Ordinances.

11. Vice- Chancellor.

(1)There shall be a Vice-Chancellor appointed on such terms and conditions as may be prescribed by the Statues 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) :Provided that the first Vice-Chancellor of the University shall be appointed by the State Government and will hold office for a term of three years.(2)The Committee referred to in sub section (1) shall consist of the following persons; namely:-(a)One person nominated by the Chancellor.(b)One person nominated by the University Grants Commission;(c)The Principal Secretary/Secretary to the State Government in the Higher Education Department, who shall be the Member Convener.(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 Ordinances.(7)It shall be the duty of the Vice-Chancellor to ensure faithful observation of the provisions of this Act, Statutes and Ordinances.(8)The Chancellor is empowered to remove the Vice-Chancellor or suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

12. The Pro-Vice- Chancellor.

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

13. Deans of Faculties.

- Every faculty or a School shall be headed by a Dean. The 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.

14. The Registrar.

(1)[The Registrar, Deputy Registrar and Assistant Registrar shall be appointed by the State Government through 'Centralised Service Rules' in such manner and on such terms and conditions as may be prescribed.] [Substituted by section 2 of UK Act no 21 of 2018.](2)The Registrar shall be the Chief Administrative Officer and shall work under the supervision, direction and control of the Vice-Chancellor.(3)All contracts shall be entered into and signed by the Registrar on behalf of the University.(4)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 Statutes or the Vice-Chancellor.(5)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.(6)He shall perform such other duties as may be prescribed in the Statutes or Ordinance or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

15. The Finance Officer.

(1) There shall be a finance officer for the University, who shall be appointed by the State Government by notification published in the official Gazette and his remuneration and allowances shall be paid by the University. (2) The Finance Officer shall be responsible for exercising general supervision over the funds of the University and for presenting the budget (annual estimates) and the statement of the accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University. (3) He shall work directly under the control of the Vice-Chancellor. (4) He shall have the right to speak in and otherwise to take part in the proceedings of the Executive Council but shall not be entitled to vote. (5) He shall have the duty to exercise general supervision over the funds of the University and advise on financial policy :-(a) to ensure that no expenditure, not authorized in the budget is incurred by the University (otherwise than by way of investment); (b) to disallow proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or Ordinances; (c) to ensure that no financial irregularity is committed and to take steps to set right any irregularities pointed out during audit; (d) to ensure that the property and investments of the University are duly preserved and managed; and (e) to have the accounts audited regularly. (6) Other powers and functions of the Finance Officer shall be such as may be prescribed.

16. Other Officers of the University.

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

17. Authorities of the University.

- The following shall be the Authorities of the University; namely:-(a) the Court; (b) the Executive Council; (c) the Academic Council; (d) such other authorities as may be declared by the Statutes to be the Authorities of the University.

18. The Court.

(1) The Court shall be an advisory body of the University and shall have the power to review the broad policies and programmes of the University, suggest measures for the improvement and development of the University, to consider and pass resolution on the annual report and to render advice on matters referred to it by the Vice-Chancellor or any other authority of the University. (2) The Court shall consist of the following members; namely :-(a) Ex-officio members (i) the Chancellor; (ii) the Vice-Chancellor; (iii) the Pro Vice-Chancellor; (iv) the remaining members of the Executive Council, who are not otherwise members of the Court; (v) Deans; (vi) the Registrar; (vii) the Finance Officer; (viii) the University Librarian; (ix) All Principals of affiliated colleges, if any; (x) Head of schools/Institutes of the University; (xi) Representatives of the State Legislature-Two representatives of the State Assembly to be nominated by the Speaker; (xii) Persons representing Learned Professions,

Industry Commerce and Agriculture-Not more than ten persons representing learned professions to be nominated by the Chancellor:Provided that in making nominations due regard shall be given to the representation of different interests, professions and learning;(m)Representatives of teachers- Five teachers to be selected in the manner prescribed :Provided that the first representatives of teachers shall be nominated by the Chancellor;(n)Representatives of management- Two representatives of the managements of affiliated colleges, if any, in the manner prescribed :Provided that the first representatives of management shall be nominated by the Chancellor;(o)Representatives of students- One representative each of the Faculties who, having secured the highest marks in that Faculty at the preceding degree examination and is pursuing a course of study for a post graduate degree in the University.(3)The term of office and procedure for the conduct of meetings shall be such as may be prescribed.

19. Executive Council.

(1)The Executive Council shall consist of the following; namely :-(a)the vice-Chancellor - Chairman;(b)the Pro-Vice-Chancellor, if any;(c)Principal Secretary/Secretary to the State Government in the Higher Education Department;(d)Principal Secretary/Secretary to the State Government in the Finance Department;(e)Two Deans of Faculties by rotation in the manner prescribed;(f)One Professor representing one of the University faculties to be selected in the manner prescribed;(g)Two Principals of affiliated colleges, if any, to be selected in the manner prescribed;(h)Three members of the Court nominated by the Chancellor, none of whom shall be an employee of the University;(i)Three nominees of the Chancellor, who shall be persons of eminence in areas like Industry, Management, Higher Education, Science and Technology.(2)The Executive Council shall be the executive body of the University and subject to the provisions of this Act, shall have the following powers; namely:-(a)to lay down policies to be pursued by the University;(b)to hold and control the property and funds of 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, the statutes or the Rules;(d)to approve annual report and the budget every year of the University;(e)to grant affiliation or withdraw such affiliation as prescribed in the Statutes of the University;(f)to recommend new or additional Statutes, Ordinances and regulations or amend or repeal the earlier Statutes, Ordinances and regulations of the University;(g)to approve proposals for submission to the State Government;(h)to take such decisions and steps as are found desirable for effectively carrying out the objects of the University; and(i)to arrange for and direct the inspection of affiliated colleges or constituent Colleges, if any :Provided that the first members of the Executive Council shall be nominated by the Chancellor and shall hold office for a term of three years.(3)The Executive Council shall, meet at least three times in a year at such time and place as the Vice-Chancellor deems fit.

20. Academic Council.

- The Academic Council shall be the academic body of the University and its constitution, term of office and related provisions shall be such as may be prescribed by the Statutes.

21. Other authorities.

- Composition, functions and term of office of any other authority referred to in item (d) of section 17 shall be such as may be prescribed in the Statutes. Chapter-V Statutes, Ordinances and Regulations

22. Statutes.

- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters; namely :-(a)The Constitution, powers and duties of the authorities and other bodies of the University, the qualifications and disqualifications for membership of such authorities and other bodies, appointment and removal of members thereof and other matters connected therewith;(b)The appointment, powers and duties of the officers of the University;(c)the appointment, terms and conditions of service and the powers and duties of the employees of the University;(d)the Administration of the University, the establishment and abolition of constituent Colleges, the grant and withdrawal of affiliation of affiliated colleges/constituent colleges if any the institution of Fellowships, Awards and the like, the conferment of degrees and other academic distinctions and the grant of diplomas and certificates;(e)procedure for conducting meetings of Authorities of the University; and(f)any other matters which is necessary for the proper and effective management and conduct of the affairs of the University and which by this Act is to be or may be provided by the Statutes.

23. Statutes how Made.

(1)The first Statutes shall be made by the State Government by notification in the Official Gazette.(2)The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter prescribed in this section :Provided that the Executive Council shall not make, any Statutes or any amendment of Statutes affecting the status, power or constitution of any existing authority of the University until such authority has been given an opportunity to expressing an opinion on the proposal and any opinion so expressed shall be in writing and shall be considered by the Executive Council :Provide further that no Statutes shall be made by the Executive Council affecting the discipline of students and standards of instructions, education and examination except after consultation with the Academic Council.(3)Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for consideration.(4)A new Statute or a Statue amending or repealing an existing statute shall have no validity unless it has been assented to by the Chancellor.(5)Notwithstanding anything contained in the foregoing sub-section, the State Government may, in the interest of the State or National Education Policy or based on the advice/recommendation of UGC, with the assent of the Chancellor, make new or additional Statutes or amend or repeal the Statutes already in force.

24. Ordinances.

(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters; namely :-(a) the admission of students, the courses of study and the fees thereof, the qualifications pertaining to degrees, diplomas, certificates and other Academic distinctions, the conditions for the grant of Fellowships, Awards and the like; (b) the conduct of examinations, including the terms of office and appointment of examiners and the conditions of residence of students and their general discipline; (c) the management of Colleges affiliated to the University; and (d) any other matter which by this Act or the Statutes is to be or may be provided by the Ordinances. (2) The first Ordinance shall be made by the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

25. Regulations.

- The University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statutes or the Ordinance in the manner prescribed by the Statutes. Chapter-VI
Miscellaneous

26. Annual Report.

(1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting. (2) The Court may communicate its comments thereon to the Executive Council, which may take further action as it thinks fit.

27. Audit of Accounts.

(1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Director, Local Fund Accounts, Uttarakhand or by such person or persons as the State Government may authorize in this behalf. (2) The annual accounts, the balance-sheet and the audit report shall be considered by the Court at its annual meeting and the Court may, by resolution make recommendations with reference thereto and communicate the same to the Executive Council. (3) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted to the State Government along with the observation, if any, of the Executive Council on the recommendations of the Court before the thirtieth of September, every year. (4) Any observations made by the State Government of the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observations shall be submitted to the State Government. (5) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure not sanctioned in the budget, or in the case of funds granted to the University, subsequent to the sanction of the budget, by the State

or the Government of India or the University Grants Commission or any international organization or Foundation, save in accordance with the terms of such grant :Provided that the Vice-Chancellor may, in the case of fire, floods, excessive rainfall or other sudden or, unforeseen circumstances, incur nonrecurring expenditure upto rupees ten thousand not sanctioned in the budget.

28. Proceedings of the University authorities and bodies not invalidated by vacancies.

- Not act or proceeding of any Authority or Body or Committee of the University shall be invalid merely by reason of :-(a)any vacancy or defect in the constitution thereof; or(b)some person having taken part in the proceedings, who was not entitled to do so; or(c)any defect in the election, nomination or appointment of a person acting as member thereof; or(d)any irregularity in its procedure not affecting the merits of the case.

29. Removal of difficulties.

(1)The State Government may, for the purpose of removing, any difficulty by notified order direct that the provision of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient :Provided that no such order shall be made after December, 2005.(2)Every order made under sub-section (1) shall be laid before the State Legislative Assembly.(3)No order under sub-section (1) shall be called in question in any court on the ground that no difficulty, as is referred to in sub-section (1), existed or required to be removed.

30. Removal from Membership of the University.

- The Executive Council may by a two-third majority of the members present and voting remove any person from membership of any Authority or other Body of the University on the ground that such person has been convicted of an offence which, in the opinion of the Executive Council, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person, any degree, diploma or certificate conferred or granted by the University.

31. Reference to the Chancellor.

- If any question arises whether any person has been duly elected or appointed or is entitled to be member of any Authority or other Body of the University or whether any decision of any Authority or the officer of the University (including any question as to the validity of a Regulation) is in conformity with this Act or Regulations made thereunder, the matter shall be referred to the Chancellor and the decision of the chancellor thereon shall be final :Provided that no reference under this Section shall be made:(a)more than three months after the date when the question could have been raised for the first time;(b)by any person other than an Authority or officer of the

University or a person aggrieved.

32. Bar of Suit.

- No suit or other legal proceeding shall lie against the State Government or the University or any officer, Authority or Body thereof in respect of anything done or purported or intended to be done in pursuance of the act or Regulations made thereunder.

33. Mode of proof of University Record.

(1) A copy of any receipt, application, notice, order, proceedings or a 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, proceedings, resolution or a document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions recorded therein where the original thereof would, if produced, have been admissible in evidence. (2) No officer or servant of the University shall in any proceeding which the University is not a party, be required to produce any document, register or other record of the University, the contents of which can be proved under sub section (1) by a certified copy or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

34. Right to Appeal.

- Every employee or student of the University or of a constituent college or affiliated college, shall, notwithstanding anything contained in this Act, have a Right to Appeal within such time as may be prescribed, to the Executive Council against the decision of any Authority of the University or of the Principal of any such constituent college or an affiliated college, as the case may be, and thereupon the Executive Council may confirm, modify or change the decision appealed against.