

The Kota Open University Act, 1987

RAJASTHAN

India

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Act 35 of 1987

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The Kota Open University Act, 1987 Act No. 35 of 1987 Statement of Objects and Reasons (Act No. 19 of 2017). - The State Government had given sanction for adoption of the provisions of University Grants Commission Regulations, 2010. Later amendments were made in these Regulations in the Year 2013. In order to give effect to clause 7.3.0 of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) (2nd Amendment) Regulations, 2013 regarding experience and selection procedure of Vice-Chancellor, Section 8 of the Vardhman Mahaveer Open University, Kota Act, 1987 is proposed to be amended. The Bill seeks to achieve the aforesaid object. Hence the Bill. Statement of Objects and Reasons (Act No. 5 of 2013). - There has been good harmony between the Universities and the State Government but sometimes there are instances when policies and directions of the State Government are ignored even when they are confined to administrative or financial matter. Also, there is no enabling provision through which Universities can be made to follow general financial discipline or administrative policies of the State Government. Moreover, there are variations in the method of appointment and retirement age of Vice-Chancellors. Therefore, in order to maintain some sort of uniformity in various Universities' Acts and also to bring about better financial discipline and administrative atmosphere, it has been decided to amend some sections and to add new provisions i.e. retirement age of Vice-Chancellor, other service conditions of Vice-Chancellor, accounts and audit, control of the State Government regarding State Government funds and assumption of financial control by the State Government as emergency measure in the Vardhman Mahaveer Open University, Kota Act, 1987. Since the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, she, therefore, promulgated the Vardhman Mahaveer Open University, Kota (Amendment) Ordinance, 2013 (Ordinance No. 4 of 2013), on 16th January, 2013, which was published in Rajasthan Gazette, Part IV (B), Extraordinary, dated 17 January 2013. This Bill seeks to replace the aforesaid Ordinance. Hence the Bill. [Received the Assent of the Governor on the 7th day of November, 1987]. An Act to establish and incorporate an Open University for the promotion of distance education system in the educational pattern in the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Thirty-eighth Years of the Republic of India as follows; - Chapter-I Preliminary

1. Short title and commencement.

(1) This Act may be called the Kota Open University Act, 1987. (2) It shall be deemed to have 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 constituted under section 12; (b) "Board of Management" means the Board of Management of the University constituted under section 11; (c) "Distance Education system" means the system of imparting education through correspondence courses, seminars, contact programmes, broadcasting, telecasting or any other means of communication; (d) "Employee" means any person appointed in or by the University, other than teachers and other members of the academic staff of the university; (e) "Ordinance" or an "Ordinance of the University" shall mean an Ordinance made under section 17; (f) "Planning Board" means the planning board constituted under section 14; (g) "Regional Centre" means a centre established or maintained by the University for co-ordinating or supervising the work of study centres in any region and for performing other functions assigned by the Board of Management; (h) "Regulations" means the regulations made by any Authority of the University under this Act; (i) "State" means the State of Rajasthan and "State Government" means the Government of Rajasthan; (j) "Statutes" mean the Statutes of the University contained in the Schedule as amended from time to time; (k) "Student" includes a person enrolled for pursuing a course of study in the University; (l) "Study Centre" means a centre established, or recognised by the University for advising or rendering any assistance to students; (m) "Teacher" means a Professor, Associate Professor, Reader, Lecturer or Assistant Professor and includes any other person required to impart education or to give guidance or to render any assistance to students for pursuing a course of study of the University; (n) "University" means the Kota Open University established by and under this Act; and (o) "Vice-Chancellor" and "Pro-Vice-Chancellor" means respectively, the Vice-Chancellor and the Pro-Vice-Chancellor of the University. Chapter-II Establishment of the University and its objects and functions.

3. Establishment of the University.

(1) There shall be established a University under this Act by the name of the Kota Open University. (2) The University shall be a body corporate having a perpetual succession and a common seal and may sue and be sued by its corporate name. (3) The headquarters of the University shall be at Kota in the State of Rajasthan and it may establish or maintain a Regional Centre or study centre at any place.

4. Objects and functions of the University.

- The University shall, in order to achieve the object of advancing and disseminating education and knowledge, in the State through diverse means including distance education system, perform the

following functions, namely;-(i)to provide for instructions and research in such branches of knowledge, technology, vocations and professions as the University may deem necessary or proper;(ii)to prescribe courses of study for degrees, diplomas, certificates or any other purpose;(iii)to hold examinations and confer degrees, diplomas, certificates and other academic distinctions;(iv)to determine the manner of distance education system so as to organise academic programmes;(v)to create posts and positions for imparting instructions conducting academic activities and running the administration of the University and to appoint persons to such posts or positions;(vi)to associate with other Universities and institutions of learning, specially with the Indira Gandhi National Open University, Delhi in order to have therewith inter-locking system in the field of distant education;(vii)to institute and award fellowships, scholarships and prizes;(viii)to establish or maintain Regional Centres and study centres;(ix)to organise or conduct workshops, seminars and other programmes;(x)to give recognition to examinations, studies and activities conducted by other Universities, institutions, academic bodies and organisations;(xi)to make suitable arrangements for research and development in the field of education;(xii)to receive donations, grants, aid and gifts (movable or immovable) for the purposes of the University;(xiii)to borrow money with the previous approval of the State Government;(xiv)to determine standards and lay down conditions for admission of students to various courses of study;(xv)to confer autonomous status to a regional or study centre or to admit a centre to its privileges; and(xvi)to do all other acts and perform all such functions which are necessary for or incidental to achieving the aims and objects of the university.

Chapter-III Powers and functions of the Chancellor

5. Chancellor.

(1)The Governor of the State shall be the ex- officio Chancellor of the University.(2)The Chancellor shall have the following powers, namely;(a)to constitute the Academic Council and the Board of Management of the University in accordance with the provisions of this Act and the Statutes;(b)to give direction, take action or do anything as required under the provisions of this Act and the Statutes;(c)to cause an inspection by such person, as he may direct, of any work, activity or examination of the University, College, Regional Centre and study centre;(d)to cause an enquiry into any matter related to administration or the finances of the University; and(e)to give his views or advice to the Vice-Chancellor in matter wherein an inspection or enquiry has been made under clause (c) or clause (d).

6. Inspection or enquiry and direction by chancellor.

(1)Where an inspection or enquiry has been ordered by the Chancellor of the University under Section 5, the University may depute one of its officers to represent it in such inspection or enquiry.(2)The result of the inspection or enquiry and the advice, if any, of the Chancellor shall be communicated by the Chancellor to the Vice-Chancellor.(3)The result and the advice referred to in sub-section (2) shall be communicated by the Vice-Chancellor with his comments to the Board of Management for such action as the Board may propose to take and the action so taken shall be communicated to the Chancellor through the Vice-Chancellor.(4)Where the Board of Management fails, within a reasonable time, to take any action as required in the result of the inspection or enquiry or in the advice given by the Chancellor or does not take action to the satisfaction of the

Chancellor, a direction may be issued by the Chancellor and the Board of Management shall comply with such direction. Chapter-IV Officers of the University

7. Officers of the University.

- The following shall be the officers of 'the University, namely;-(a)Vice-Chancellor;(b)Pro-Vice-Chancellor;(c)Directors;(d)Registrar;(e)Controller of Examinations;(f)[The Comptroller] [Substituted by Rajasthan Act No. 5 of 2013, dated 23.5.2013.](g)any other person declared by the Statutes to be the officer of the University.

8. [Vice-Chancellor. [Substituted by Act No. 19 of 2017, dated 4.5.2017.]

(1)The Vice-Chancellor shall be a whole time paid officer of the University.(2)No person shall be eligible to be appointed as Vice-Chancellor unless he is a distinguished academician having a minimum of ten years experience as Professor in a University or ten years experience in an equivalent position in a reputed research and/or academic administrative organization.(3)The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government from amongst the persons included in the panel recommended by the Search Committee consisting of (a)one person nominated by the Board;(b)one person nominated by the Chairman, University Grants Commission;(c)one person nominated by the Chancellor; and(d)one person nominated by the State Government,and the Chancellor shall appoint one of these persons to be the Chairman of the Committee.(4)An eminent person in the sphere of higher education not connected with the University and its colleges shall only be eligible to be nominated as the member of the Search Committee.(5)The Search Committee shall prepare and recommend a panel of not less than three persons and not more than five persons to be appointed as Vice-Chancellor.(6)For the purpose of selection of the Vice-Chancellor, the Search Committee shall invite applications from eligible persons through a public notice and while considering the names of persons to be appointed as Vice-Chancellor, the Search Committee shall give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance and record its findings in writing and enclose the same with the panel to be submitted to the Chancellor.(7)The term of the office of the Vice-Chancellor shall be three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:Provided that the same person shall be eligible for reappointment for a second term.(8)The Vice-Chancellor shall receive such pay and allowances as may be determined by the State Government. In addition to it, he shall be entitled to free furnished residence maintained by the University and such other perquisites as may be prescribed.(9)When a permanent vacancy in the office of the Vice-Chancellor occurs by reason of his death, resignation, removal or the expiry of his term of office, it shall be filled by the Chancellor in accordance with sub-section (3), and for so long as it is not so filled, stop-gap arrangement shall be made by him under and in accordance with sub-section (10).(10)When a temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, suspension or otherwise or when a stop-gap arrangement is necessary under sub-section (9), the Registrar shall forthwith report the matter to the Chancellor who shall make, on the advice of the State Government, arrangement for the carrying on of the function of the office of the Vice-Chancellor.(11)The Vice-Chancellor may at any time relinquish

office by submitting, not less than sixty days in advance of the date on which he wishes to be relieved, his resignation to the Chancellor.(12)Such resignation shall take effect from the date determined by the Chancellor and conveyed to the Vice-Chancellor.(13)Where a person appointed as the Vice-Chancellor was in employment before such appointment in any other college, institution or University, he may continue to contribute to the provident fund of which he was a member in such employment and the University shall contribute to the account of such person in that provident fund.(14)Where the Vice-Chancellor had been in his previous employment, a member of any insurance or pension scheme, the University shall make a necessary contribution to such scheme.(15)The Vice-Chancellor shall be entitled to travelling and daily allowance at such rates as may be fixed by the Board.(16)The Vice-Chancellor shall be entitled to leave as under:-(a)leave on full pay at the rate of one day for every eleven days of active service; and(b)leave on half pay at the rate of twenty days for each completed year of service:Provided that leave on half pay may be commuted as leave on full pay on production of medical certificate.(17)The Vice-Chancellor shall be the principal academic, administrative and executive officer of the University and shall exercise overall supervision and control over the affairs of the University. He shall have all such powers as may be necessary for true observance of the provisions of this Act and Statutes.(18)The Vice-Chancellor shall, where immediate action is called for, have power to make an order so as to exercise any power or perform any function which is exercised or performed by any Authority under this Act or the Statutes:Provided that such action shall be reported to the Authority as would have in the ordinary course dealt with the matter for approval:Provided further that if the action so reported is not approved by such Authority not being the Board, the matter shall be referred to the Board, whose decision shall be final and in case of the Authority being the Board, the matter shall be referred to the Chancellor whose decision shall be final.(19)The Vice-Chancellor may, on being satisfied that any action taken or order made by any Authority is not in the interest of the University or beyond the powers of such Authority, require the Authority to review its action or order. In case the Authority refuses or fails to review its action or order within sixty days of the date on which the Vice-Chancellor has so required, the matter may be referred to the Board or to the Chancellor, as the case may be, for final decision.]

9. Appointment of the Officers other than the Vice-Chancellor.

- The officers, other than the Vice-Chancellor, of the University referred to in section 7 shall be appointed in such manner, for such period, on such terms and conditions and shall exercise such powers and perform such functions as may be prescribed by the Statutes.Chapter-V Authorised of the University

10. Authorities of the University.

- The following shall be the Authorities of the University, namely;-(a)Board of Management;(b)Academic Council;(c)Finance Committee;(d)Planning Board; and(e)any other body constituted as, or declared to be the Authority of the University under the Statutes.

11. Board of Management.

(1) There shall be a Board of Management of the University which shall be the principal executive body of the University. The Chancellor shall, as soon as the first Vice-Chancellor is appointed, take action to constitute such Board in accordance with the provisions of the Statutes. (2) The Board of Management shall consist of such members, exercise such powers and perform such functions as may be prescribed by the Statutes.

12. Academic Council.

(1) There shall be an Academic Council of the University which shall be the principal academic body of the University and shall exercise supervision and control over and be responsible for the maintenance of the standards of education, teaching, examination and other academic matters. The Chancellor shall, as soon as the first Vice-Chancellor is appointed, take action to constitute such Council in accordance with the provisions of the Statutes. (2) The Academic Council shall consist of such members, exercise such powers and perform such functions as may be prescribed by the Statutes.

13. Finance Committee.

(1) There shall be a Finance Committee of the University which shall consist of such members, exercise such powers and perform such functions as may be prescribed by the Statutes. (2) The annual accounts, the annual financial estimates of the University and the proposals for the revision of pay scales and grades shall be considered and examined by the Finance Committee before being submitted to the Board of Management. (3) The Finance Committee shall do such other acts in such manner as may be prescribed by the Statutes.

14. Planning Board.

(1) There shall be a Planning Board of the University which shall be the principal planning body and shall also be responsible for the monitoring of the developments on the lines indicated in the objects of the University. (2) The Planning Board shall consist of such members, exercise such powers and perform such functions as may be prescribed by the Statutes.

15. Other Authority.

- A body constituted or declared under the Statutes to be the Authority of the University under clause (d) of section 10 shall consist of such members, shall exercise such powers, perform such functions subject to such conditions as may be prescribed by the Statutes. Chapter-VI Statutes, Ordinances and Regulations.

16. Statutes.

(1)The Statutes of the University shall contain such instructions directions, procedures and details as are necessary to be laid down under and in accordance with the provisions of this Act.(2)The Statutes as contained in the Schedule to this Act and as amended from time to time shall be binding on all Authorities, officers, teachers, students and employees of the University and persons connected with the affairs of the University.(3)The Board of Management shall have power to make any amendment in the Statutes contained in the Schedule to this Act:Provided that the said Board shall not amend any Statute affecting the constitution, status or power of any Authority of the University without affording to such Authority a reasonable opportunity of making a representation on the proposed changes.(4)Any amendment to the Statutes, whether by adding, deleting or in any other manner, shall not take effect unless the Chancellor has, after consultation with the State Government, assented to it. The Chancellor may, after the said consultation and on being satisfied that assent be not given, withhold assent or return the proposals for amendment to the Board of Management for re- consideration in the light of the observations, if any, made by him.(5)Notwithstanding anything contained in sub-section (3) or sub-section (4), the Chancellor shall have power to amend, after consultation with the State Government, whether by adding, deleting or in any other manner, the Statutes contained in the Schedule within a period of one year from the commencement of this Act.(6)An amendment to the Statutes shall come into force on the date of its publication in the Official Gazette.

17. Ordinances of the University.

(1)Subject to the proposals of this Act and the Statutes contained in the Schedule, as amended, from time to time, the Ordinances of the University may be made for all or any of the following matters, namely;-(a)the courses of study; admission of students, fees, qualification requisite for any degree, diploma or certificate and the grant of fellowship;(b)the conduct of examination including the appointments of examiners and their terms and conditions;(c)management of colleges, institutions, Regional Centres, research bodies and other agencies admitted to the privileges of the University; and(d)any other matter required by the Statutes to be dealt by or under the Ordinances.(2)The first Ordinances of the University shall, as soon as may be after the commencement of this Act, be made by the Vice-Chancellor with the previous approval of the State Government and may be amended (by adding, deleting or in any other manner) at any time by the Board of Management in such manner as may be prescribed by the Statutes.

18. Regulations.

- An Authority of the University shall have power to make regulations, in the manner as may be prescribed by the Statutes, for the conduct of its affairs and the affairs of the committees constituted by such Authority. Such regulations shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances of the University.Chapter-VII Annual report, Annual accounts, etc.

19. Annual Report.

(1)The annual report of the University shall be prepared by the Registrar of the University under the directions of the Board of Management.(2)The annual report shall, among other things, set out the steps taken by the University for the fulfillment of its objects.(3)The annual report shall be submitted to the Chancellor on or before the date as may be prescribed by the Statutes.

20. [Accounts and audit. [Substituted by Rajasthan Act No. 5 of 2013, dated 23.5.2013.]

(1)The annual accounts and balance sheet of the University shall be prepared by the Comptroller under the direction of the Vice-Chancellor and all moneys accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts.(2)The Comptroller shall, before such date as may be prescribed by the Statutes, prepare the annual financial estimates for the ensuing year.(3)The annual accounts and the annual financial estimates prepared by the Comptroller shall be placed before the Board together with the remarks of the Finance Committee for approval and the Board may pass resolution with reference thereto and communicate the same to the Comptroller who shall take action in accordance therewith.(4)The annual accounts shall be audited in the prescribed manner by such auditors as the State Government may direct and the cost of such audit shall be a charge on the University fund.(5)The accounts when audited shall be printed and copies thereof, together with the audit report, shall be submitted by the Vice-Chancellor to the Board which shall forward them to the State Government with such comments as may be deemed necessary.(6)The University shall settle objections raised in the audit and carry out such instructions as may be issued by the State Government on the audit report.]

20A. [Control of the State Government. [Inserted by Rajasthan Act No. 5 of 2013, dated 23.5.2013.]

- Where the State Government funds are involved, the University shall abide by the terms and conditions attached to the sanction of such funds which may inter alia include prior permission of the State Government in respect of the following, namely:-(a)creation of the new posts of teachers, officers or other employees;(b)revision of the pay, allowances, post-retirement benefits and other benefits to its teachers, officers and other employees;(c)grant of any additional/special pay, allowance or other extra remuneration of any description whatsoever, including ex-gratia payment or other benefits having financial implications, to any of its teachers, officers or other employees;(d)diversion of any earmarked funds other than the purpose for which it was received;(e)transfer by sale, lease, mortgage or otherwise of immovable property;(f)incur expenditure on any development work from the funds received from the State Government for any purposes other than for which the funds are received; and(g)take any decision resulting in increased financial liability, direct or indirect, for the State Government.Explanation. - The above conditions shall also apply in respect of the posts created from any other fund, which may, in the long term, be likely to cause financial implications to the State Government.

20B. Assumption of financial control by the State Government as emergency measure.

(1)The State Government shall have the right to cause an inquiry to be made, by such person or persons as it may direct, and to issue directions to the University, in respect of any matter connected with the finances of the University, where State Government funds are concerned.(2)If the State Government is satisfied that owing to mal-administration or financial mismanagement in the University a situation has arisen whereby financial stability of the University has become insecure, it may, by a notification, declare that the finances of the University shall be subject to the control of the State Government and shall issue such other directions as it may deem fit for the purpose and the same shall be binding on the University.]

21. Conditions of service of employees.

(1)A person may be appointed by the Vice-Chancellor or an officer specially authorised by him in this behalf as a teacher or an employee of the University by a contract in writing which shall not contain any condition contrary to any provision of this Act, the Statutes and the Ordinances of the University.(2)The original contract shall be kept on the record of the University and a copy thereof shall be given to the person employed.

22. Provident Fund and Pension Fund.

(1)The University shall, for the benefit of its teachers and employees, create a provident fund or a pension fund or formulate an insurance scheme in such manner and subject to such conditions as may be prescribed by the Statutes.(2)Where a provident fund or a pension fund has been created, the provisions of the Provident Funds Act, 1925 (Central Act 19 of 1925) shall apply to such a Fund.

23. Dispute relating to appointment as member of any Authority.

- If any dispute arises as to whether any person was duly nominated, elected or appointed to any Authority or body of the University, the matter shall be referred to the Chancellor whose decision shall be final.

24. Temporary vacancy in the Authority or body of the University.

- Any temporary vacancy, other than that of an ex-officio member, in any Authority or body of the University shall, as soon as may be, filled in the manner as is prescribed for nomination, election or appointment in the case of a permanent vacancy and a person filling a temporary vacancy shall become a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

25. Vacancy not to invalidate a proceeding.

- No act done or proceedings taken by any Authority or body of the University shall be called in question or held to be invalid merely by reason of any vacancy in such Authority or body.

26. Power to remove difficulties.

- Where any difficulty arises in giving effect to any provision of this Act, the State Government may, by notification in the Official Gazette, make such order as appears to be necessary or expedient and as is not inconsistent with any provision of this Act: Provided that no such order shall be made after the expiry of three years from the commencement of the Act.

27. Power to transfer a regional, study centre, institution, etc.

- The State Government shall have power to transfer any Regional Centre, study centre or institution from or to the University, by notification in the Official Gazette, on such terms and conditions as may be specified in such notification.

28. Power to appoint Government Servants.

- Notwithstanding anything contained in any provision of this Act, the State Government may, on the commencement of this Act, or at any time thereafter, appoint, on deputation or otherwise, a Government servant in the vacancy of an officer of the University for such period as it may deem necessary.

29. Statutes, Ordinances and Regulations to be published in Official Gazette and laid in the Legislative Assembly.

(1) Every Statute, Ordinance of the University or Regulation made (by amendment or otherwise) from time to time shall be published in the Official Gazette. (2) Every Statute, Ordinance of the University or Regulation made by amendment or otherwise after the commencement of this Act shall be laid as soon as may be after it is made, before the house of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid, the house agrees in making any modification in such Statute, Ordinance or Regulation or the House agree that the Statute, Ordinance or Regulation should not be made, the Statutes, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

30. Repeal and Savings.

(1)The Kota Open University Ordinance, 1987 (Ordinance No. 11 of 1987) is hereby repealed.(2)Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done or taken or made under this Act.

Schedule

(See section 16)Statutes of the University

1. Vice-Chancellor. - (1) The Vice-Chancellor shall be a whole time officer of the University and shall be appointed by the Chancellor after consultation with the State Government from a panel of not less than three names recommended and arranged in alphabetical order by a committee constituted under clause (3).

(2)The Chancellor may, on being satisfied after consultation with the State Government that any name as recommended by the committee may not be approved, call for fresh recommendations.(3)The committee referred to in clause (1) shall consist of three members one-each to be nominated by the Board of Management, Chancellor in consultation with the State Government and the Vice-Chancellor of the Indira Gandhi National Open University. The member nominated by the Chancellor shall be the Convenor of the committee. No person who is a teacher or an employee of the University or a member of an Authority of the University shall be nominated on the committee.(4)The Vice-chancellor shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier;Provided that the Chancellor may require the Vice-Chancellor whose term is expiring to continue in office for such period, not exceeding one year, as may be specified by the chancellor:Provided further that a person shall be eligible for appointment as Vice-Chancellor for a second term.(5)The emoluments and other conditions of service of the Vice-Chancellor shall be as follows;-(a)salary Rs. 3,000/- per month;(b)free furnished official residence;(c)all such allowances as are admissible to a Professor of the University for than teaching purposes; and(d)such terminal benefits and allowances as are granted from time to time by the Board of Management with the approval of the chancellor or by the Ordinances of the University.(6)The official residence of the Vice-Chancellor shall be maintained from the funds of the University.(7)Where a person appointed as the Vice-chancellor was in employment before such appointment in any other college, institution or University, he may continue to contribute to the provident fund or the insurance scheme of which he was a member in such employment and the University shall contribute its share to the account of such person in that provident fund or scheme.(8)Where the Vice-chancellor as referred to in clause (7) had been a member of any pension scheme, the University shall make necessary contribution to such scheme.(9)The Vice-Chancellor shall be entitled to traveling and daily allowances at such rates as may be fixed by the Board of Management.(10)Entitlement of leave shall accrue to the Vice-chancellor as under;-(a)Leave on full pay at the rate of one day for every eleven days of active service; and(b)Leave on half-pay at the rate of twenty days for each completed year of

service: Provided that such leave may be commuted as leave on full pay on production of medical certificate. (11) Where the office of the Vice-Chancellor falls vacant by reason of death, resignation or any other ground or the Vice-chancellor is unable to perform his duties due to sickness or any other cause, the Pro-Vice-chancellor shall perform the duties of the Vice-chancellor and where there is no Pro-Vice-chancellor, the senior most Director shall perform such duties. (12) The Vice-chancellor shall be entitled to be present at or address the meeting of any Authority or body of the University but shall not vote unless he is a member of such Authority or body. (13) It shall be the duty of the Vice-chancellor to see that the provisions of the Act, the Statutes, the Ordinances of the University and the regulations are duly observed and he shall have all the powers necessary to ensure such observance. (14) The Vice-chancellor shall, in addition to the powers conferred on him under the Act, also have the following powers, namely;-(a) to exercise control over the affairs of the University; (b) to give effect to the decisions made by any Authority of the University; (c) to exercise all the power to maintain discipline among the students in the University or to delegate such power to any person; (d) to grant leave to the officers of the University and to make necessary arrangements for work during the period of such leave; (e) to grant leave to teachers and employees or to delegate this power to any officer of the University; (f) to convene the meetings of the Board of Management, Academic Council, Planning Board and finance Committee; (g) to appoint a teacher on the recommendation of the Selection Committee with the prior approval of the Board of Management; (h) to appoint course writers, script writer, councilors, programmers, artists and others as considered necessary; (i) to make all the appointments for any period, whether of a teacher or an employee or to authorise an officer to make any appointment; (j) to take disciplinary action against a teacher or an employee or to authorise an officer to take such action; and (k) to arrange for establishing or maintaining a Regional Centre or a Study Centre as deemed necessary from time to time or to delegate such power to any one.

2. Pro-Vice-Chancellor. - (1) The Pro-Vice-Chancellor, if any, shall be appointed by the Board of Management on the recommendation of the Vice-chancellor.

(2) Where the recommendation of the Vice-chancellor is not accepted by the Board of Management, the matter shall be referred to the Chancellor who may either appoint the person so recommended or request the vice-chancellor to recommend another name to the Board of Management. (3) The Board of Management may, if it deems fit necessary or expedient, appoint, on the recommendation of the Vice-chancellor, a Professor of the University to perform the functions of the Pro-Vice-Chancellor in addition to his own duties. (4) The term of office of the Pro-Vice-Chancellor shall be such as may be fixed, not exceeding three years, by the Board of Management or until the expiration of the term of office of the Vice-chancellor or until he attains the age of sixty five years, whichever is earlier. (5) The Pro-vice-Chancellor shall be eligible for appointment for a subsequent term. (6) Where the Pro-vice-Chancellor has to perform the functions of the Vice-chancellor under clause (11) of Statute 1, he shall, notwithstanding anything contained in clause (4) continue in office until a new Vice-Chancellor assumes office or the existing Vice-Chancellor resumes duties. (7) The Pro-vice-chancellor shall be entitled to receive a monthly salary of Rs. 2750/ and such allowances as are admissible to a Professor of the University: Provided that a Professor shall, while performing the functions of the Pro-Vice-chancellor, receive, in addition to the salary payable on his substantive

post a sum of Rs. 500/- per month as special pay subject to the aggregate of salary and special pay not exceeding Rs. 2750/-. (8) The Pro-Vice-Chancellor shall be entitled, without payment of rent, to the use of a furnished residence and such residence shall be maintained by the University. (9) The Pro-Vice-Chancellor may receive such terminal benefits also as are granted by the Board of Management from time to time. (10) The Pro-Vice-Chancellor may subscribe to the contributory provident fund of the University during his term of office. (11) Where the Pro-Vice-Chancellor had held, prior to his appointment as such, any other post in any University, college or institution, he shall be governed till he holds lien on that post by the same retirement benefit scheme to which he was entitled before such appointment subject to the subscription being paid by him on the basis of his salary as Pro-Vice-Chancellor. (12) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in such matters as are assigned to him by the Vice-Chancellor from time to time and shall exercise such powers and perform such functions as are delegated to him by the Vice-Chancellor.

3. Directors. - (1) A person shall be appointed as a Director by the Vice-Chancellor,-

(i) in the case of such person being a teacher in the University, on the recommendation of the Board of Management; and (ii) in any other case, on the recommendation of the Selection Committee constituted for the purpose by the said Board. (2) A director shall be a whole-time officer of the University. (3) There shall be appointed as many directors as the Board of Management may deem proper and one of the directors shall be in charge of the administrative affairs of the teachers. (4) The salary, allowances and other conditions of service of the directors shall be such as may be prescribed by the Ordinances of the University. (5) A director shall retire on attaining the age of sixty years. (6) A director shall exercise such powers and perform such functions as may be prescribed by the Ordinances of the University.

4. The Registrar. - (1) The Registrar shall be appointed by the Board of Management on the recommendation of the Selection Committee constituted for the purpose by the said Board:

Provided that the first Registrar of the University shall be appointed by Chancellor after consultation with the State Government for a period not exceeding three years on such terms and conditions as the Chancellor may determine. (2) Registrar shall be a whole-time officer of the University. (3) The salary, allowance and other conditions of service of the Registrar shall be such as may be prescribed by the Ordinances of the University from time to time. (4) The Registrar shall retire on attaining the age of sixty years. (5) The Registrar shall have power to take disciplinary action against such classes or categories of employees other than teachers as may be authorised by the Vice-Chancellor. (6) An appeal against the order made under clause (5) may be preferred to an officer especially empowered in this behalf by the Board of Management. (7) The Registrar may, if he is of the opinion after completing the enquiry that adequate punishment cannot be awarded by him, submit a report along with his recommendation regarding punishment to the Vice-Chancellor who may, after considering the report, impose any penalty. (8) The Registrar shall exercise the powers and perform the functions as under; - (a) to act as the Secretary to the Board of Management and the

Academic Council;(b)to act as the Custodian of the records of the University;(c)to convene meetings and maintain the minutes of the meetings of the Board of Management, the Academic Council and the committees constituted from time to time;(d)to conduct the proceedings and deal with the correspondence of the Board of Management, the Academic Council and the Committees;(e)to submit to the Chancellor copies of the agenda and the minutes of the meetings referred to in sub-clause (c);(f)to sign powers of attorney, verify pleadings, appear in the court and authorise a person to appear for and on behalf of the University in a suit or other proceedings filed by or against the University; and(g)to perform such other functions as may be assigned to him by the Board of Management or the Vice-Chancellor or under these Statutes or the Ordinances of the University or the regulations.

5. Finance Officer. - (1) The Finance Officer of the University shall be appointed by the Vice-Chancellor on the recommendation of the Board of Management. Such recommendation shall be made from the panel of names sent by the Selection Committee constituted for the purpose by the said Board.

(2)The Finance Officer shall be a whole-time officer and shall work under the control of the Vice-Chancellor and the Board of Management.(3)The salary, allowances and other conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances of the University from time to time.(4)The Finance Officer shall retire on attaining the age of sixty years.(5)The functions of the Finance Officer, in the event of his office falling vacant or he, by reason of ill health, absence or any other cause, being unable to perform his functions, may be performed by such person whom the Vice-Chancellor may appoint for the purpose.(6)The Finance Officer shall exercise the powers and perform the functions as under;-(a)to exercise general supervision over the funds of the University;(b)to advise the University regarding its financial policies;(c)to hold and manage the assets and properties of the University and the investments and trusts made or created by it;(d)to ensure that expenditures are made within the limits fixed by the Finance Committee and for the purposes for which money is allotted or granted;(e)to prepare the annual accounts and budget of the University and to present them, after being considered by the Finance Committee, before the Board of Management;(f)to keep watch on the cash and bank balances;(g)to supervise collection of revenue and to advise on the methods of such collection;(h)to ensure that the registers of properties of the University are properly maintained and that stocks of equipments and other materials in the offices of the University, Regional Centres, Study Centres and other institutions are duly checked;(i)to bring to the notice of the Vice-Chancellor any unauthorised expenditure or financial irregularity and suggest action against the person concerned;(j)to call for any information or report necessary for his work from any office of the University, Regional Centre, Study Centre or other institution maintained by the University; and(k)to perform such other financial functions as may be assigned to him by the Board of Management.

6. Controller of Examinations. - (1) The Vice-Chancellor may appoint a person as the Controller of Examinations on the recommendations of the Selection Committee constituted for the purpose by the Board of Management for such period and on such terms and conditions as may be specified by the Ordinances of the University.

(2)The Controller of Examinations shall exercise the powers and perform the functions' as under;- (a)to issue, under the direction of the Vice-Chancellor, notices for convening meeting of the Selection Committee of Examiners, the Board of Moderators and other committees constituted in connection with the examinations of the University; (b)to maintain the minutes of all meetings referred to in sub-clause (a); (c)to control the conduct of examinations and the necessary arrangements in this respect; (d)to make suitable arrangements with respect to the examination centres and the setting and printing of question papers and the supply of question papers to such centres; (e)to make necessary arrangements for assessment and revaluation of answer books in such manner as may be specified by the Vice-chancellor; (f)to take steps for appointment of tabulators and the checking of results; (g)to supervise the declaration and publication of examination results; and (h)to perform such other functions as may be required by the Vice-Chancellor.

7. Board of Management. - (1) The Board of Management shall consist of the following members, namely;-

(a)Vice-Chancellor-ex-officio Chairman; (b)Pro-Vice-chancellor; (c)one director, not being director of a Regional Centre; (d)one director of the Regional Centre to be nominated by the Vice-Chancellor by seniority; (e)one Professor, of the University to be nominated by the Vice-chancellor by seniority; (f)two eminent educationist to be nominated by the Chancellor; (g)Secretary to the Government, Finance Department, Government of Rajasthan; (h)Secretary to the Government, Education Department, Government of Rajasthan; (i)Special Secretary to the Government, Planning Department, Government of Rajasthan; (j)Director, College Education, Government of Rajasthan; (k)One Member of the Rajasthan Legislative Assembly as nominated by the Speaker in consultation with the State Government; (l)One person nominated by the Vice-Chancellor of the Indira Gandhi National Open University; and (m)Registrar of the University Member-Secretary. (2)The Board of Management shall exercise the powers and perform the functions as under ;-(a)to manage and administer the finances, revenues, assets and properties of the University; (b)to control and supervise all administrative affairs of the University; (c)to create any post of teaching or any other academic nature; (d)to determine the terms and conditions of service of the teachers and other members of the academic staff; (e)to specify the qualification and the functions of the teachers and other members of the academic staff; (f)to approve the appointments of teachers and other members of the academic staff on the recommendation of the Selection Committee; (g)to specify the manner of temporary appointments of teacher and other members of the academic staff and to approve such appointments; (h)to regulate and approve the appointments of Visiting Professors, emeritus Professors, Fellows, artists and writers and to determine the terms and conditions of such appointments; (i)to invest money in stocks, funds or securities or in approved banks or other financial institutions or in the purchase of assets and properties in consultation with

the Finance Committee;(j)to create administrative, ministerial or other posts after considering the recommendations of the Finance Committee and to specify the manner of appointments to such posts;(k)to enforce discipline in the teachers and employees;(l)to receive or transfer any property on behalf of the University;(m)to look into the grievances of the teachers, employees and the students;(n)to fix remuneration or allowances payable to any writer, counselor, examiner, invigilator or any other person;(o)to delegate any of its powers to any officer or authority of the University; and(p)to do all such acts as are necessary to carry out the objects of the University.(3)The Board of Management shall exercise all the powers of the University not otherwise provided for by Statutes, Ordinances of the University and the Regulations for the fulfillment of the objects of the University.(4)Six members of the Board of Management shall form the quorum for a meeting of the Board.(5)The term of office of a nominated member shall be one year.(6)A Secretary to the Government who is, for any reason, unable to attend any meeting of the Board as its member may depute any officer subordinate to him to attend such meeting.

8. Academic Council. - (1) The Academic Council shall consist of the following members, namely;-

(a)Vice-Chancellor ex-officio Chairman;(b)Pro-Vice-Chancellor;(c)two Directors of Regional Centres by rotation;(d)two Professors as may be nominated by the Vice-Chancellor;(e)all Convenors of the subject committees constituted by the Board of Management;(f)three eminent educationist co-opted by the Academic Council from outside the University;(g)one person nominated by the Vice-Chancellor of the Indira Gandhi National Open University;(h)Secretary to the Government, Education Department, Government of Rajasthan;(i)Director, College Education, Government of Rajasthan; and(j)Registrar of the University; Member-Secretary(2)The Academic Council shall co-opt not exceeding three persons in the Council having specialised knowledge.(3)The Academic Council shall exercise the powers and perform the functions as under;-(a)to supervise the academic policies of the University;(b)to give directions in the matters of instructions, examination, evaluation and research;(c)to consider matters of academic nature on a reference from a School of Studies of Board of Management and to take appropriate action thereon;(d)to take action for improvement in the academic standards;(e)to frame regulations for academic functioning, discipline, administration, fellowship, fee and other ancillary matters; and(f)to do any other thing or act as may be prescribed by the Statutes.(4)The term of office of a nominated member shall be one year.(5)A Secretary to the Government who is, for any reason, unable to attend any meeting of the Academic Council as its member may depute any officer subordinate to him to attend such meeting.

9. Planning Board. - (1) The Planning Board shall consist of the following members, namely;-

(a)Vice-Chancellor: ex-officio Chairman;(b)a nominee of the Board of Management;(c)Secretary of the Government, Finance Department; and(d)Finance Officer: Member-Secretary.(2)The term of office of a nominated member shall be one year.(3)The Planning Board shall-(a)design and formulate appropriate programmes and activities of the University;(b)advise the Board of Management and the Academic Council on any matter which it may deem necessary' for the

fulfillment of the objects of the University;(c)constitute such committees as may be necessary for planning and monitoring the programmes of the University.(4)The Planning Board shall meet at least twice in a year.(5)The Vice-Chancellor shall take action to constitute the Planning Board in accordance with clause (1).

10. Finance Committee. - (1) The Finance Committee of the University shall consist of the following members, namely;-

(a)Vice-Chancellor: ex-officio Chairman;(b)Pro-Vice-Chancellor;(c)one Director of a Regional Centre by rotation to be nominated by the Vice-Chancellor;(d)Secretary to the Government, Finance Department, Government of Rajasthan;(e)Secretary to the Government, Education Department, Government of Rajasthan;(f)two members to be nominated by the Board of Management of whom one could be a member of the Board; and(g)Director, College Education Government of Rajasthan.(2)The Finance Officer shall be the ex-officio Secretary to the Finance Committee.(3)A nominated member of the Finance Committee shall hold office for a term of one year.(4)Four members shall form the quorum for a meeting of the Finance Committee.(5)The Finance Committee shall meet at least thrice in a financial year to examine the accounts and scrutinize the items of expenditure.

11. Selection Committees. - (1) There shall be a selection committee for appointments to each or more than one of the following categories of posts;-

(a)Professors;(b)Readers and Associate Professors;(c)Lecturers and Assistant Professors;(d)Heads of institutions, and(e)other academic staff.(2)A selection committee shall consist of the following members, namely;-(a)Vice-Chancellor; ex-officio Chairman;(b)Pro-Vice-Chancellor or as deemed fit by the Vice-Chancellor, the Director of a Regional Centre nominated by the Vice-Chancellor;(c)three experts from outside the University to be nominated by the Vice-Chancellor from a panel of names prepared by the Academic Council and approved by the Board of Management;(d)a nominee of the Chancellor;(e)a nominee of the Board of Management; and(f)a nominee of the State Government.(3)The quorum for a meeting of a selection committee shall be four, including two experts.(4)The procedure to be followed by a selection committee shall be such as may be specified by the Ordinances of the University.(5)The selection committee shall make recommendations to the Board of Management. Where the Board does not accept such recommendations, the Board shall submit the case, together with reasons for not accepting the recommendations, to the Chancellor whose decision thereon shall be final.

12. Ex-cadre promotions. - The provisions of the Rajasthan Universities Teachers and Officers (Selection for Appointment) Act, 1974 (Rajasthan Act 18 of 1974) shall apply in the matter of ex-cadre promotions in the University.

13. Special mode of appointments. - (1) Notwithstanding anything contained in Statute 12, the Board of Management shall have power to invite a person possessing high academic distinction and professional attainments to be appointed to the post of a Professor or Reader or other equivalent post in the University on such terms and conditions as may be deemed proper and may appoint such person to such post.

(2)The Board of Management may also appoint for a fixed tenure or otherwise a person, working as a teacher or in the academic staff in any other University or organisation, for teaching or undertaking a project or any other work on such terms and conditions as may be determined by the Board.

14. Recognition of teachers. - The qualifications requisite for the recognition of persons working in other Universities, institutions or organisations as teachers, the manner of recognizing them, the period of recognition and the withdrawal of recognition may be prescribed by the Ordinances of the University.

15. Committees. - (1) An Authority of the University may appoint as many standing and special committees as it may deem necessary and may also appoint such persons to a committee who are not members of such Authority.

(2)A committee may deal with a matter assigned to it and the action taken by the committee shall be final on confirmation by the Authority appointing it.

16. Conditions of service of teachers and other employees. - (1) All teachers, other members of the academic staff and all employees shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and the Code of Conduct as may be specified in these Statutes and the Ordinances of the University from time to time.

(2)A teacher or any other member of the academic staff shall be appointed by a contract in writing and the contract shall be in such form as may be specified in the Statutes.

17. Removal of teachers, employees, etc. - (1) Where suspension appears necessary on account of mis-conduct on the part of a teacher or any other member of the academic staff or an employee of the University, the Vice-Chancellor may place such teacher or such other member of the staff

and the appointing authority may place such employee under suspension and shall forthwith send a report to the Board of Management.

(2) In respect of a teacher and other member of the academic staff the Board of Management and in respect of an employee, the appointing authority shall have power, after giving a reasonable opportunity of showing cause in an enquiry to make an order of removal from service on the ground of misconduct. (3) Save in a case referred to in clause (2), a teacher or other member of the academic staff or an employee shall not be removed from service without a good cause and without giving him three months' notice or three months' salary in lieu of the notice. (4) Removal from service shall take effect from the date of order of removal: Provided that in the case of suspension, such removal shall take effect from the date of suspension order.

18. Resignation. - (1) A teacher any other member of the academic staff or an employee may resign from service in the case of permanent employment after giving three months' notice or paying three months' salary in lieu of notice to the Board of Management (in the case of a teacher or such member) or to the appointing authority (in the case of an employee). In the case of employment not being permanent, the giving of one month's notice or paying one month's salary shall be sufficient.

(2) The resignation shall take effect from the date on which it is accepted by the Board of Management or, as the case may be, the appointing authority.

19. Maintenance of discipline. - (1) The discipline in the University shall be maintained by the Vice-Chancellor and he shall take such disciplinary action against a student as appears necessary.

(2) A student may be expelled from the University or rusticated for any period or punished with fine or debarred from taking any examination conducted by the University for one or more years under the direction of the Vice-Chancellor. (3) The result of any student may be withheld or cancelled under the direction of the Vice-Chancellor. (4) The heads of recognised institutions shall have power to take disciplinary action against any student of the institution. (5) An appeal against an order of the Vice-Chancellor may be preferred to the Board of Management.