

Srinagar and Jammu Cluster Universities Act, 2016

JAMMU & KASHMIR

India

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Act 3 of 2016

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Srinagar and Jammu Cluster Universities Act, 2016(Act No. 3 of 2016)[Dated 8th July, 2016]An Act to provide for the establishment of the Cluster University of the Srinagar and the Cluster University of Jammu and for matters connected therewith or incidental thereto.Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-seventh Year of the Republic of India as follows :-

1. Short title and commencement.

(1)This Act may be called the Srinagar and Jammu Cluster Universities Act, 2016.(2)It shall come into force from the date of its publication in the Government Gazette.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)"Academic Council" means the Academic Council of the Cluster University ;(b)"Act" means the Srinagar and Jammu Cluster Universities Act, 2016.(c)"Affiliated College" means an institution imparting instruction for the Bachelor's Degree, Integrated Honours and Postgraduate courses recognised by the Cluster University concerned in accordance with the provisions of this Act and the Statutes ;(d)"Autonomous College" means an institution imparting instruction for the Bachelor's Degree, Integrated Honours and Postgraduate courses with an autonomous status recognised by the Cluster University concerned in accordance with the provisions of this Act and the Statutes ;(e)"College" means an institution maintained or admitted to its privileges by the Cluster University concerned and includes a Constituent/Autonomous/Affiliated College ;(f)"Cluster University" means the Cluster University of Srinagar or the Cluster University of Jammu, as the case may be, created by pooling the resources of their existing Constituent Colleges ;(g)"Constituent College" means the colleges constituting the Cluster University and recognised as such by the Syndicate of the Cluster University concerned in accordance with the provisions of this Act and the Statutes ;(h)"Faculties", "Boards of Studies", "Board of Inspection" and "Boards of Research Studies" means the Faculties, Boards of Studies, Board of Inspection and Boards of Research Studies of a Cluster University ;(i)"Head of the

Department" means the Head of a Cluster University Teaching Department who has the status of a Professor or an Associate Professor in the Cluster University and where any Cluster University has no teaching Faculty in a subject, the person duly appointed, for the time being, by the University ;(j)"Principal" means the Head of a College or a person duly appointed, for the time being ;(k)"Regulations" means Regulations made under section 41 of this Act ;(l)"Statutes" means Statutes made under section 38 of this Act ;(m)"Syndicate" means the Syndicate of a Cluster University ;(n)"Teachers" include Professors, Associate Professors, Assistant Professors, and any other persons imparting instructions in the University or in any College maintained or admitted to its privileges by the Cluster University ;(o)"Teachers of the University" means persons appointed or recognized by the University for the purpose of imparting instruction, in the University or in any Constituent College ;(p)"University Council" means the University Council of a Cluster University.

3. Incorporation.

- The Cluster University of Srinagar and the Cluster University of Jammu shall be corporate bodies known by the names of the "Cluster University of Srinagar" and the "Cluster University of Jammu", each having perpetual succession and a common seal with power to acquire and hold property, movable and immovable, to transfer the same, to contract and to do all other things necessary for the purpose of its constitution and may sue or be sued by its corporate name as aforesaid.

4. Objects of the University.

- The objects of the University shall be-(a)to become a cluster of vibrant institutions to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit ;(b)to act as a change agent by having special focus on the skill development and creation of skilled workforce by undertaking industry oriented teaching, training and research, extension programmes and providing employable skills with a view to contribute to the development of the society ;(c)to make provisions for integrated courses in humanities, social science, science and technology in its education programme ;(d)to take appropriate measure for promoting innovations in teaching-learning process and inter disciplinary studies and research ;(e)to establish linkages with industry for promotion of science, technology, entrepreneurial skills, innovation, etc. to and adopt innovative methods to achieve the status of a selfreliant institution ; and(f)to pay special attention to the improvement of the social and economic conditions and welfare of people and their intellectual, academic and cultural development.

5. Powers and functions of Cluster University.

- A Cluster University shall have the following powers and functions, namely :-(1)to provide for instruction in such branches of learning as the Cluster University may deem fit and to make provision for research and for the advancement and dissemination of knowledge ;(2)to hold examinations, to grant degrees to and to confer other academic distinctions on persons who-(a)have pursued an approved course of study in a College of a Cluster University or in any educational institution approved for the purpose, or distant learners under conditions laid down in the Statutes and Regulations ; or(b)have carried on independent research under conditions laid down in the

Statutes.(3)to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes ;(4)to grant such diplomas to and to provide such lectures and instructions for persons not being on the rolls of the Cluster University, as the Cluster University may determine ;(5)to co-operate with other Universities and authorities in such a manner and for such purposes as the Cluster University may determine ;(6)to institute Professorships, Associate Professorships, Assistant Professorships and any other teaching posts required by the Cluster University ;(7)to establish and maintain colleges, to recognise colleges and other institutions not maintained by the Cluster University and to withdraw such recognition ;(8)to inspect constituent, autonomous and affiliated colleges and other institutions and places approved by the Cluster University for the residence of students ;(9)to demand and receive payments of such fees and other charges as may be authorised by the Statutes and Regulations so as to achieve the status of a completely self-sustaining corporate body ;(10)to obtain loans in furtherance of the objects of the Cluster University ;(11)to supervise and control the residence and discipline of students of the Cluster University or of Colleges and other institutions admitted or affiliated to it and to make arrangements for promoting their health and general welfare ;(12)to institute and award fellowships, exhibitions, prizes and medals in accordance with the Statutes and Regulations ; and(13)to endeavour for creation of resources and put the available resources including human and infrastructural assets to optimal utilization so as to become a self-sustaining organisation ; and(14)to do 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 Cluster University as a teaching, affiliating or examining body, and to cultivate and promote arts, science and other branches of learning.

6. Approval of the Government.

- Notwithstanding anything contained in the foregoing section, any reorganisation or alteration in structure, pattern or medium of education at the Cluster University level shall require the previous approval of the Government.

7. Cluster University open to all classes and creeds.

- Each Cluster University shall be open to all persons irrespective of sex, caste, class or creed and it shall not be lawful for a Cluster University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to a certificate, diploma or degree of the Cluster University, or to serve as a teacher or to hold any office in the Cluster University, or to enjoy or exercise any privileges thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the Cluster University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

8. Affiliation restricted to educational institutions in the State.

- Notwithstanding contained anything in any law for the time being in force, no educational institution outside the territory of the State shall be affiliated with, or be admitted to any privileges of, a Cluster University under this Act.

9. Officers of the Cluster University.

- The following shall be the officers of a Cluster University :-(1)the Chancellor ;(2)the Pro-Chancellor ;(3)the Vice-Chancellor ;(4)the Financial Advisor ;(5)the Educational Advisor ;(6)the Registrar ;(7)the Controller of Examinations ; and(8)such officers as the Statutes may declare to be the officers of a Cluster University.

10. The Chancellor.

(1)The [Chief Minister of the State or the Governor, when Proclamation under section 92 of the Constitution of Jammu and Kashmir or Article 356 of the Constitution of India, as applicable to the State, is in operation] [Substituted 'Chief Minister of the State' by Jammu and Kashmir Act No. 17 of 2018, dated 13.9.2018.] shall be the Chancellor of the Cluster Universities. He shall be the Head of the Cluster Universities and shall, when present, preside at the meetings of the Cluster University Council and at the Convocations of the Cluster Universities.(2)The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes.(3)Every proposal for the conferment of any honorary degree shall be subject to the confirmation of the Chancellor.(4)The Chancellor may delegate to the Pro-Chancellor such of his powers under this Act or the Statutes, as he may specify.

11. The Pro-Chancellor.

(1)The Minister Incharge for Higher Education of the State shall be the ex-officio Pro-Chancellor of the Cluster Universities.(2)The Pro-Chancellor shall, when present, in the absence of the Chancellor, preside at the meetings of the University Council and at the Convocations of both the Cluster Universities.(3)The Pro-Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of a Cluster University, its buildings, laboratories, equipment, and of any institutions associated with the Cluster University and also of the examinations, teaching and other work conducted or done by the Cluster University and to cause an inquiry to be made in like manner in respect of any matter connected with the Cluster University. The Pro-Chancellor shall in every case give notice to a Cluster University of his intention to cause an inspection or inquiry to be made and the Cluster University concerned shall be entitled to be represented there at.(4)The Pro-Chancellor may address the Vice-Chancellor of the University concerned with reference to the result of such inspection and inquiry and the Vice-Chancellor shall place the same before the Syndicate and also the Cluster University Council of the University concerned, if necessary, with such advice as the Pro-Chancellor may offer upon the action to be taken thereon.(5)The Vice-Chancellor of the Cluster University concerned shall then, within such time as the Pro-Chancellor may fix, submit to him a report of the action taken or proposed to be taken by the Syndicate together with the view which the University Council concerned may have expressed on the report.(6)If the Syndicate concerned does not, within a reasonable time, take action to the satisfaction of the Pro-Chancellor, the Pro-Chancellor may, after considering any explanation which the Syndicate concerned may furnish, issue such directions in consultation with the Vice-Chancellor concerned as he may think fit.

12. The Vice-Chancellor.

(1)The Vice-Chancellor shall either be a whole-time paid or a part-time honorary officer of a Cluster University as the Chancellor may determine and shall be appointed by the Chancellor in consultation with the Pro-Chancellor from amongst the persons whose names are submitted to him by a Committee constituted in accordance with the provisions of sub-section (2). (2)The Committee referred to in sub-section (1) shall consist of three persons, namely :-(a)two persons not connected with the Cluster University or any College of that Cluster University to be nominated by the University Council ;(b)a third person not connected with the Cluster University or any College of that Cluster University to be nominated by the Chancellor, who shall also be the Chairman of the Committee. (3)The Committee constituted under sub-section (2) shall submit a panel of three names to the Chancellor for appointment of the Vice-Chancellor. (4)If the Chancellor does not consider any of the persons on the panel recommended by the committee suitable for appointment as Vice-Chancellor, he may direct the committee to prepare a fresh panel of three names for submission to him or may direct to constitute a fresh committee for this purpose. (5)The Vice-Chancellor of a Cluster University shall hold office for five years :Provided that on the expiry of the term of his office, the Vice-Chancellor shall be eligible for re-appointment for such term as the Chancellor may in consultation with the Pro-Chancellor determine:Provided further that the Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed in consultation with the Pro-Chancellor, on the ground of misbehavior or incapacity or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the Cluster University, after due enquiry by such person who is or has been a Judge of a High Court to be nominated by the Chancellor, in consultation with the Pro-Chancellor, in which the Vice-Chancellor shall have an opportunity of making his representation against such removal. (6)The Vice-Chancellor of a Cluster University shall, in case he is a whole-time paid officer, receive salary not exceeding the limit prescribed by the University Council and other facilities as the Chancellor may determine, in addition to free residential accommodation ; provided that in exceptional cases the Chancellor may allow a higher salary in consultation with the Government. In case the Vice-Chancellor is appointed on part-time honorary basis, he shall receive such honorarium and other facilities as the Chancellor may determine in consultation with the Government. (7)Where any temporary vacancy of a Vice-Chancellor occurs by reason of resignation, illness, leave or other cause, the University Council shall report the same to the Chancellor who shall make such arrangement for carrying on the duties of the Vice-Chancellor as he may think fit. (8)Notwithstanding anything contained in sub-section (5), the Vice-Chancellor shall continue in office beyond the expiry of his term until his successor is appointed and enters upon his office.

13. Powers and duties of the Vice-Chancellor.

(1)The Vice-Chancellor shall be the Principal Executive and Academic Officer of a Cluster University and shall, in the absence of the Chancellor and the Pro-Chancellor, preside over the meetings of the University Council and at any convocation of the Cluster University. He shall be an ex-officio member and Chairman of the Syndicate, Academic Council and such other authorities and bodies as are provided under the provisions of this Act, and shall be entitled to be present and to speak at any meeting of any authority or body of the Cluster University concerned but shall not be entitled to vote

there at unless he is a member of the authority or the body concerned.(2)It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes and the Regulations are faithfully observed and he shall have all powers necessary for the purpose.(3)The Vice-Chancellor shall have power to convene meetings of the University Council, the Syndicate, the Academic Council and joint meetings of Faculties and Boards of Studies of the Cluster University concerned.(4)The Vice-Chancellor may take action as he deems necessary in any emergency which, in his opinion, calls for immediate action. He shall in such a case and as soon as or may be thereafter, report his action to the officer, authority or other body of the Cluster University concerned who or which would ordinarily have dealt with the matter.(5)Save as otherwise provided in this Act, the Vice-Chancellor of a Cluster University shall have the powers to make appointments of the ministerial, technical and inferior staff.(6)The Vice-Chancellor shall give effect to the orders of the University Council and the Syndicate of the Cluster University concerned regarding the appointment, dismissal and suspension of persons in the employment of the Cluster University and shall exercise general control over the affairs of the Cluster University. He shall be responsible for the discipline of the Cluster University in accordance with this Act, Statutes and Regulations.(7)The Vice-Chancellor shall exercise such other powers as may be prescribed by Statutes and Regulations.(8)The Vice-Chancellor may delegate any of his powers under this Act or the Statutes and Regulations made thereunder to any other officer or body of the Cluster University concerned.

14. Financial Advisor.

(1)The Administrative Secretary to Government, Finance Department, or any other officer nominated by the Government of Jammu and Kashmir shall be the ex-officio Financial Advisor to the Cluster Universities.(2)The Financial Advisor shall exercise general supervision over the funds of the Cluster University and shall advise it as regards its financial policy.(3)The Financial Advisor shall be an ex-officio member of the University Council and the Syndicate of the Cluster Universities.(4)The Financial Advisor shall-(a)present annual estimates and the statement of accounts to the Syndicate and the University Council ; and(b)exercise such other powers and perform such other duties as may be prescribed by the Statutes and Regulations.

15. Registrar.

(1)The Registrar of a Cluster University shall be a whole-time officer and shall be appointed by the University Council on the recommendation of the Selection Committee, constituted under section 34 of this Act. The terms and conditions of service and the emoluments of the Registrar shall be such as prescribed by the University Council.(2)The Registrar of a Cluster University shall act as the Secretary of the University Council and the Boards of Research Studies and other bodies of the Cluster University.(3)The Registrar of a Cluster University shall, subject to the sanction of the Vice-Chancellor and subject to the Regulations that may be framed in this behalf, control the ministerial technical and inferior staff of the Cluster University concerned.(4)The Registrar of a Cluster University shall be the custodian of the records, the common seal and such other property of the Cluster University concerned as the University Council or Syndicate may commit to his charge.(5)The Registrar of a Cluster University shall have power to realise and receive all moneys due to the Cluster University and sign and grant receipts for the same, to make all disbursements on

account of the Cluster University concerned and, subject to provisions of Statutes, sign such cheques or other instruments as may be necessary for the purpose.(6)The Registrar of a Cluster University shall issue under his signatures notice convening meetings of the University Council, the Syndicate and the Boards of Research Studies of the Cluster University concerned.(7)The Registrar shall, in the execution of his duties, be subject to the immediate direction and control of the Vice-Chancellor and shall render such assistance to the Vice-Chancellor as may be required by him in the performance of his official duties.(8)The Registrar of a Cluster University shall exercise such other powers and perform such other duties as may be prescribed by the Statutes and the Regulations or as may be assigned to him by any authority of the Cluster University concerned.(9)The Registrar may, with the previous approval of the Vice-Chancellor, delegate any of his powers prescribed under the provisions of this Act or the Statutes or the Regulations made there under to any other officer of the Cluster University.

16. Controller of Examinations.

(1)The Controller of Examinations of a Cluster University shall be a whole-time officer of the Cluster University concerned and shall be appointed by the University Council on the recommendation of the Selection Committee constituted in accordance with the provisions of section 34 of this Act on such terms and conditions as the University Council may from time to time prescribe.(2)It shall be the duty of the Controller of Examinations of a Cluster University to make arrangements connected with the setting and printing of question papers for all the examinations held by the Cluster University concerned including their safe custody and all other matters connected therewith.(3)Subject to directions of the Syndicate, the Controller of Examinations of a Cluster University shall make all arrangements for the conduct of examinations of the Cluster University concerned.(4)Subject to directions of the Syndicate, the Controller of Examinations of a Cluster University shall arrange all items of the examination work such as dispatch and transit of answer books and question papers, evaluation of answer scripts, tabulation of results, complaints against question papers set for the examinations, use of unfair means, publication and re-checking/re-evaluation of results and other related matters.(5)The Controller of Examinations of a Cluster University shall exercise such other powers and perform such other duties as may be prescribed under the Statutes and Regulations from time to time.(6)The Controller of Examinations of a Cluster University shall, in the execution of his duties, be subject to the immediate direction and control of the Vice-Chancellor of the Cluster University concerned and shall render such assistance to the Vice-Chancellor as may be required by him in the performance of his official duties.

17. Other Officers.

- Save as otherwise expressly provided in this Act, the procedure for appointment and the powers of the officers of the Cluster University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Financial Advisor, the Educational Advisor, the Registrar and the Controller of Examinations shall be prescribed by the Statutes.

18. Authorities.

- The following shall be the authorities of a Cluster University :-(1)the University Council ;(2)the Syndicate ;(3)the Academic Council ;(4)the Faculties ;(5)the Boards of Studies ;(6)the Boards of Research Studies ;(7)the Board of Inspection ; and(8)such other authorities as may be declared by the Statutes to be the authorities of the Cluster University.

19. University Council.

(1)There shall be a University Council in a Cluster University consisting of the following members, namely :-(i)the Chancellor ;(ii)the Pro-Chancellor ;(iii)the Vice-Chancellor of the Cluster University concerned ;(iv)the Vice-Chancellor of the other Cluster University established under the provisions of this Act ;(v)the Financial Advisor ;(vi)the Educational Advisor, Administrative Secretary to the Government, Higher Education Department, J&K Government or the officer designated by the Government to be incharge of Higher Education ;(vii)Principals of all the Constituent Colleges of the Cluster University concerned ;(viii)two Deans of Faculties of the Cluster University concerned nominated by the Chancellor by rotation ;(ix)two Principals of the autonomous/affiliated colleges to be nominated by the Chancellor in consultation with Pro-Chancellor ; and(x)two nominees of the Chancellor.(2)The period for which members nominated under (viii) to (x) of sub-section (1) shall hold office, would be as prescribed in the Statutes in this behalf.(3)The meetings of the University Council of a Cluster University shall be presided over by the Chancellor, when present. In his absence, the Pro-Chancellor shall preside and in the absence of both the Chancellor and the Pro-Chancellor, the Vice-Chancellor of the Cluster University concerned shall preside.

20. Powers and functions of the University Council.

- The University Council of a Cluster University shall be the supreme authority of the Cluster University and shall have the following powers, namely :-(a)to make Statutes under this Act and to amend and repeal the same in consultation with the Syndicate ;(b)to make Regulations in consultation with the Syndicate ;(c)to approve the financial estimates framed by the Syndicate of the Cluster University ;(d)to approve plans of development and expansion of the Cluster University ;(e)to consider and pass resolutions on the annual reports ;(f)save as otherwise provided in this Act, to appoint officers of the status of Joint Registrar, Deputy Librarian and above and teachers of the status of Associate Professors and above and to define their duties :Provided that no officer or teacher shall be appointed by a University Council until provision has been made for his salary in the approved budget of the Cluster University concerned :Provided further that all appointments (permanent or temporary) to the posts of officers or teachers referred to in this section shall be made by the Cluster University Council on the recommendation of the Selection Committee constituted for the purpose in accordance with the provisions of section 34 of this Act, and on such terms and conditions as may be prescribed by the Statutes :Provided also that the Vice-Chancellor may make appointments of teachers referred to in this section as a temporary measure for a period not exceeding six months to carry on the work and if the recommendations of the Selection Committee are not received within a period of six months, the Vice-Chancellor may extend the appointment, if any, made by him, for the duration of the academic session with the approval of the

University Council ;(g)to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes ;(h)to constitute committees for specific purposes and to assign such duties to them as it deems fit ;(i)to delegate such of its powers to any officer or authority of the Cluster University as it may deem fit ; provided that such delegation is made by a majority of not less than two-thirds of the members of the University Council ; and(j)to exercise such other powers of the Cluster University as are not otherwise provided for in this Act and the Statutes and Regulations made thereunder.

21. Syndicate.

(1)The Syndicate shall be the Chief Executive Authority except in respect of the matters falling within the purview of the University Council concerned in accordance with the provisions of this Act and it shall consist of the following members, namely :-(i)the Vice-Chancellor ;(ii)the Financial Advisor ;(iii)the Educational Advisor ;(iv)Principals of all the constituent colleges of the Cluster University ;(v)two Deans of the Faculties of the Cluster University by rotation to be nominated by the Vice-Chancellor ;(vi)two Deans of Faculties of the other Cluster University by rotation to be nominated by the Chancellor ;(vii)one member of the Academic Council of the Cluster University, concerned nominated by the Council from amongst its members ;(viii)two members of the Syndicate of the other Cluster University nominated by that body ; and(ix)three nominees of the Chancellor.(2)The terms and conditions of the office of members of a Syndicate other than ex-officio members shall be such as may be prescribed by the Statutes in this behalf.

22. Powers and functions of the Syndicate.

(1)Subject to the provisions of this Act, the Statutes and the Regulations, the Syndicate of a Cluster University shall exercise and perform the following powers and functions :-(a)to frame the budget estimates of the Cluster University and to submit these to the University Council at a time to be prescribed by Statutes ;(b)to recommend the draft Statutes and Regulations or amendments or revocation thereof and other proposals for consideration by the University Council ;(c)to hold control, and administer the funds, property and other assets of the Cluster University :Provided that no expenditure shall be incurred which has not been included in the approved estimates except with the sanction of the University Council :Provided further that the Syndicate shall have powers of re-appropriation in accordance with the Regulations to be prescribed in this behalf ;(d)save as otherwise provided in this Act, to appoint officers (below the status of Joint Registrar and Deputy Librarian) and teachers (below the status of a Associate Professor) and to define their duties :Provided that no officer or teacher shall be appointed by a Syndicate until provision has been made for his salary in the approved budget of the Cluster University concerned :Provided further that all appointments (permanent or temporary) to the posts of officers or teachers referred to in this section shall be made by the Syndicate on the recommendations of the Selection Committee constituted for the purpose in accordance with the provisions of section 34 of this Act and on such terms and conditions as may be prescribed by the Statutes :Provided also that the Vice-Chancellor may make appointments of teachers referred to in this section as a temporary measure for a period not exceeding six months to carry on the work and if the recommendations of the Selection Committee are not received within a period of six months, the Vice-Chancellor of the Cluster

University may extend the appointments, if any, made by him, for the duration of the academic session with the approval of the Syndicate ;(e)to admit new colleges to the privileges of affiliated or constituent colleges of the Cluster University subject to the conditions to be laid down in the Statutes ;(f)to arrange for and direct the periodical and special inspection of the colleges and other institutions ;(g)to award scholarships, prizes, fellowships, exhibitions, bursaries and other such awards in accordance with the procedure prescribed in this behalf ;(h)to control and manage the Libraries of the Cluster University concerned ;(i)to provide buildings, premises, furniture, apparatus, equipment and other means and facilities needed for carrying on the work of the Cluster University concerned ;(j)to invest any moneys belonging to the Cluster University concerned including any unapplied income in any of the approved securities, or to place in fixed deposit in any bank, approved by the Government in this behalf, any portion of such moneys not required immediately for expenditure ;(k)to demand and receive such fees as may from time to time be prescribed by Statutes and Regulations ;(l)to constitute committees for specific purposes and to assign such duties to them as may be deemed necessary ;(m)to recommend to the University Council the plans for development and expansion of the Cluster University ;(n)to appoint paper setters and examiners for all the examinations held by the Cluster University in accordance with the procedure prescribed in the Statutes ;(o)to give directions for holding of examinations compilation and publication of results ;(p)to give directions for the editing, printing and publishing of such text-books for various examinations of the Cluster University as may be considered necessary for this purpose ;(q)to maintain proper standards of teaching and examination in consultation with the Academic Council of the Cluster University concerned ;(r)to enter into, vary, carry out and cancel contracts on behalf of the Cluster University ;(s)to direct the form, custody and use of the common seal of the Cluster University ;(t)to accept or transfer any movable or immovable property on behalf of the Cluster University concerned ;(u)to exercise such other powers and perform such other duties as may be conferred upon or assigned to it by this Act or the Statutes ; and(v)to delegate, whenever necessary, appropriate financial and administrative powers to the Vice-Chancellor, the Registrar, the Principals of Constituent Colleges, the Heads of the Postgraduate Departments, the Controller of Examinations or any other officer of the Cluster University concerned.(2)Any difference or disagreement arising between the Syndicate and the Vice-Chancellor with regard to any decision taken by the Syndicate may be referred by the Vice-Chancellor to the Chancellor. The Chancellor shall refer back such decision to the Syndicate for re-consideration. In case the Syndicate endorses its earlier decision by a two-thirds majority, such decision shall be deemed to be final.

23. Academic Council.

- The Academic Council of a Cluster University shall consist of the following persons, all of whom shall be ex-officio members :-(i)The Vice-Chancellor of the Cluster University concerned ;(ii)Principals of the Constituent Colleges or Autonomous Colleges or Affiliated Colleges of the Cluster University concerned nominated by the Vice-Chancellor ;(iii)The Deans of Faculties of the Cluster University concerned ;(iv)The Heads of Departments of the Cluster University concerned having the status of Professors or Associate Professors ;(v)Four Professors/Associate Professors from constituent/ autonomous/affiliated colleges of the Cluster University concerned representing subjects other than those represented by the Principals, nominated by the Vice-Chancellor ;(vi)Deans of the Faculties of the other Cluster University established under the provision of this Act

; and(vii)Two Professors of the other Cluster University established under the provisions of this Act.

24. Powers and functions of the Academic Council.

(1)The Academic Council of a Cluster University shall have the following powers and functions :-
(a)to control and regulate the standards of teaching and examinations in the Cluster University ;
(b)to prescribe the syllabi and the courses of study for all the examinations held by the Cluster University ;
(c)to make proposals to the Syndicate and the University Council for the institution of Professorships, Associate Professorships, Assistant Professorships or other teaching posts and re-appropriating positions in various subjects (on sufficient justifications) in regard to their duties ;
(d)to formulate, modify or revise, subject to control of the Syndicate and the University Council, schemes for the Constitution of Faculties and for the assignment of subjects to the Faculties ;
(e)to nominate teachers or specialists to the Faculties ;
(f)to promote research within the Cluster University and to acquire reports of such research from persons engaged therein ;
(g)to advise the Syndicate and the University Council on academic matters ; and
(h)to make proposals to the higher authorities of the Cluster University for supplementing the teaching provided in the Constituent, Autonomous and Affiliated Colleges.
(2)The Academic Council of a Cluster University shall have the powers to appoint a Standing Committee of the members of the Academic Council of which not less than two-thirds shall be Cluster University Professors, Associate Professors, Principals, or teachers of Constituent Autonomous and Affiliated Colleges not lower in rank than that of a Professor or Associate Professor and to delegate to it such of its powers as it may deem fit. The Standing Committee shall have power to invite experts, whenever necessary, for advice on a particular matter under consideration.

25. Faculties.

(1)The Cluster Universities of Srinagar and Jammu shall have the Faculties one each for Arts, Science, Social Sciences, Commerce, Education and such other Faculties as may be prescribed by the Statutes of the Cluster University from time to time.
(2)Each of the Faculties of Arts, Science, Social Sciences, Commerce and Education shall consist of-
(i)The Professors and Associate Professors of the Cluster University Schools comprising the Faculty ;
(ii)Professors or Associate Professors, in case there are no Professors in the concerned subject, representing the Constituent, Autonomous and Affiliated Colleges of the Cluster University in each subject comprising each Faculty ;
(iii)two persons other than teachers nominated to the Faculty by the Academic Council possessing expert knowledge of the subject, comprising the Faculty.

26. Powers of each Faculty.

- Each Board shall have the following powers and functions, namely :-
(a)subject to the control of the Academic Council to organize the teaching work of the Cluster University in the subjects assigned to the Faculty ;
(b)to suggest to the Academic Council the syllabi and courses of studies for different examinations after consulting the Boards of Studies ;
(c)to recommend to the Academic Council the conditions for the award of degrees, diplomas and other distinctions ;
(d)to deal with any matter referred to it by the University Council or the Syndicate or the Academic Council ;
(e)to discharge

such other functions as may be prescribed by the Statutes and Regulations ;(f)to transact such other business as may be approved by the Deans of the Faculties.

27. The Deans.

(1)There shall be a Dean of each Faculty who shall be nominated by the Vice-Chancellor by rotation according to seniority in the manner and subject to such conditions as may be prescribed by the Statutes :Provided that the office of the Dean of a Faculty shall be held by a member of the Faculty who is a Cluster University Professor in a subject comprised in the Faculty and in case there is no Cluster University Professor in any subject comprised in a Faculty, it may be held by a member of the Faculty who is the Principal or senior most Professor/Associate Professor in a College in the same Faculty :Provided further that no person shall hold the office of the Dean for more than two consecutive terms except where there is no other person eligible to hold the office.(2)The Dean of Faculty shall be responsible for the due observance of the Statutes and Regulations relating to his Faculty.(3)Each Faculty shall comprise such subjects of study as may be prescribed by the Regulations.

28. Boards of Studies.

(1)In a Cluster University there shall be a Board of Studies for a subject or subjects comprised in a Faculty in accordance with the provisions of the Regulations.(2)Each Board of Studies shall consist of the following members, namely :-(a)the Professors of the Cluster University Department in the subject assigned to the Board, if there are any ;(b)the Associate Professors of the Cluster University Department in the subject assigned to the Board, if there are any ;(c)the senior most Professor or Associate Professor, in case there is no Professor, from the department in the subject concerned from each constituent College ;(d)the senior most Professor or Associate Professor, in case there is no Professor, from the department in the subject concerned from each Autonomous/Affiliated College, not lower in rank than that of a Professor or Associate Professor ;(e)one person who is not a teacher in any affiliated or constituent college of the Cluster University or a department of the Cluster University, nominated by the Faculty :Provided further that where it is found that the Board of Studies in any subject is not adequately represented, the Vice-Chancellor of the Cluster University concerned may authorize co-option of teachers in the subject from colleges or the Cluster University Departments to the extent of three members.(3)Head of the Cluster University Department senior to all other Professors in the department shall be the Convener and in case there is no Professor of the Cluster University Department in a subject the Board of Studies shall elect one of its members as the Convener of the Board.(4)The terms and conditions of the office of the members of a Board of Studies shall be such as may be prescribed by the Statutes in this behalf.(5)Where a Board of Studies comprises more than one subject, the Vice-Chancellor may constitute the Board on similar lines so as to ensure that each subject comprised in the Board is adequately represented on it ; provided that the total number of members of the Board so constituted does not exceed ten.(6)Notwithstanding anything contained in this section or any Statute or Regulation made thereunder, each Cluster University may have a Board of Postgraduate Studies for each subject in which Postgraduate instructions are imparted, and a Board of Undergraduate Studies for the subject or subjects in which Undergraduate instructions are imparted. The composition of these Boards shall be such as may be

determined by the Chancellor in consultation with the Vice-Chancellor of the Cluster University concerned.

29. Functions and powers of the Board of Studies.

(1) It shall be the duty of Board of Studies to make suggestions to the Faculty concerned regarding-(a) Syllabi for the subject or subjects of instruction ;(b) Combination of subjects permitted in various courses ;(c) Identification of new courses of study (d) Appointment of paper-setters and examiners ; and (e) Any matter referred to it by the University Council, the Syndicate, the Academic Council or the Faculty concerned. (2) The Boards of Studies shall also discharge such other functions as may be prescribed by the Statutes or the Regulations.

30. Board of Research Studies.

(1) There shall be Boards of Research Studies, one each for Humanities, Science, Social Science and such other fields of study as may be specified by the Syndicate concerned after having consulted the Academic Council of the Cluster University concerned. Each Board shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Dean and the Heads of the Cluster University Departments of the subjects comprised in the Faculty with power to co-opt members : Provided that an expert in the subjects concerned may be invited to advise on a particular matter relating to each subject. The co-opted members shall hold office for a period of three years. The Vice-Chancellor shall be ex-officio Chairman of each Board and in his absence, the Pro-Vice-Chancellor shall act as Chairman and the Registrar shall be the Members-Secretary of the Board. (2) Each Board shall organize research studies under the guidance of the Academic Council and in accordance with the Statutes and Regulations prescribed in this behalf.

31. Powers and functions of the Board of Research Studies.

- Each Board shall have the following powers and functions, namely :-(a) to consider and grant applications for registration for the research degrees in the light of the recommendations made by the Head of the Postgraduate Department concerned ;(b) to appoint supervisors for the guidance of research studies ;(c) to prescribe to maximum number of research scholars to be guided by an approved supervisor ;(d) to submit to the Academic Council suggestions and proposals for organizing or improvement of the research studies in the Cluster University ; and (e) to consider any other matter referred to it by the Academic Council, the Syndicate and the University Council.

32. Board of Inspection.

(1) There shall be a Board of Inspection in a Cluster University consisting of the following members, namely :-(a) a designated officer of the Cluster University to be named as Dean, College Development Council ;(b) Principals of the constituent colleges of the Cluster University ;(c) two Deans of Faculties of the Cluster University concerned by rotation, nominated by the Vice-Chancellor. (2) The terms and conditions of the office of the members of the Board of Inspection

shall be such as may be prescribed by the Statutes in this behalf.

33. Functions of the Board of Inspection.

(1) Subject to the provisions of this Act and the Statutes and Regulations made thereunder, the Board of Inspection shall perform the following functions :-(a) receive all applications for recognition or affiliation of colleges and other teaching institutions including all applications for recognition in new courses or subjects referred to it by the Syndicate and cause an inspection to be made and lay its report before the Syndicate for decision ;(b) appoint inspectors for the inspection of a College once at least within a period of three years after the grant of the privileges of an affiliated or Constituent College or after the inspection last held, consider the report of the inspectors and forward it to the Syndicate with its recommendations.(2) The inspection of colleges and other teaching institutions applying for affiliation or recognition shall be conducted by a committee to be appointed by the Board of Inspection. In the case of a College applying for recognition in new courses or subjects the Committee of Inspection shall consist of the following members :-(a) One member of the Board of Inspection nominated by the Vice-Chancellor ;(b) The Heads of the Cluster University Departments concerned, if there are any in the subjects ; and(c) The Dean of the Faculty concerned.

34. Selection Committees.

(1) Save as otherwise provided in this Act, there shall be Selection Committees in a Cluster University comprising the following members for selection of teachers and officers for appointment/recognition in the Cluster University concerned :-(A) Committees for appointment of teachers :-(a) For Associate Professors and Assistant Professors or equivalent post.-The committee for appointment of Associate Professors and Assistant Professors shall be same as may be prescribed by the Regulations of the University Grants Commission ;(b) For Professors, Associate Professors and Assistant Professors equivalent post.-The Committee for appointment of Professors, Associate Professors and Assistant Professors shall be same as may be prescribed by the Regulations of the University Grants Commission ;(B) Committee for Recognizing teachers for the Cluster University, amongst the teachers of the Higher Education Department.-The committee for recognizing teachers for Cluster University from amongst the teachers of Higher Education Department shall consist of,-(i) Vice-Chancellor (Chairman) ;(ii) Dean of the concerned Faculty of the University ;(iii) Subject Expert to be nominated by the Academic Council of the University ;(iv) A member of the Syndicate concerned, nominated by the Vice-Chancellor ;(v) Registrar.(C) Committee for appointment of the officers of the status of the Joint Registrar, Deputy Librarian and above.-The Committee for appointment of Joint Registrar and Deputy Librarian shall consist of,-(i) Vice-Chancellor (Chairman) ;(ii) Financial Advisor ;(iii) Educational Advisor ;(iv) Senior most Principal from amongst the Constituent College of the Cluster University ; and(v) A member of the University Council concerned, nominated by the Chancellor.(D) Committee for appointment of officers below the status of the Joint Registrar and Deputy Librarian.-The committee for appointment of officers below the status of the Joint Registrar and Deputy Librarian shall consist of,-(i) Vice-Chancellor (Chairman) ;(ii) Financial Advisor ;(iii) Educational Advisor ;(iv) A member of the Syndicate concerned, nominated by the Vice-Chancellor ;(v) Registrar.(2) The majority of

members shall form the quorum of the Selection Committees as provided under sub-section (1).

35. Other authorities.

- The constitution, powers and duties of such other authorities as may be provided the Statutes to be authorities of the Cluster University shall be such as may be prescribed by Statutes.

36. Audit of accounts.

- The accounts of a Cluster University shall, once in every year and at the intervals of not more than fifteen months be audited by auditors appointed by the Government and a copy of the accounts together with the auditors, report, shall be published in the Government Gazette.

37. Alteration in the designating of a Government Officer.

- Where any provision of this Act or the Statutes or Regulations refers to any officer of the Government by designation then, if that designation is altered or the office held by such officer ceases to exist, the reference to that designation shall be construed as reference to the altered designation or as the case may be, to such corresponding officer as the Government may direct.

38. Statutes.

- Subject to the provision of this Act, the Statutes may provide for all or any of the following matters, namely :-(a)the holding of convocation by a Cluster University to confer degrees ;(b)the conferment of Honorary Degree ;(c)the institution of Fellowships, Scholarships, Exhibitions, Bursaries, Medals and Prizes ;(d)the conditions of service of the Vice-Chancellor and other officers of the Cluster University ;(e)the designation and powers of the officers of the Cluster University ;(f)the constitution, powers and duties of the authorities of the Cluster University ;(g)the conditions for recognition and affiliation of colleges and other institutions to the Cluster University ;(h)the classification of teachers employed by the Cluster University ;(i)the constitution of pension or general provident fund or contributory provident fund or New Pension Scheme (NPS) for the benefit of the officers, teachers and other servants employed by the Cluster University ;(j)the conditions under which students shall be admitted, to the examinations conducted by the Cluster University, and be eligible for degrees, diplomas or certificates ;(k)the fees to be charged for admission to the examinations and the Departments of the Cluster University ;(l)the conditions and mode of employment and the duties of examiners and paper setters ;(m)the conduct of examinations ;(n)the admission of students to constituent and affiliated colleges ;(o)the number, qualifications and emoluments of teachers employed by the Cluster University ; and(p)all matters which by this Act are to be or may be prescribed by the Statutes.

39. Statutes how made.

(1) Subject to the provisions of this Act, the Statutes may be amended or repealed or added to by Statutes made by the University Council in the manner hereinafter appearing. (2) The University Council may of its own motion take into consideration the draft of any Statute submitted to it by one of its own members : Provided that in any such case, before a Statute is passed, the opinion of the Syndicate or if the draft of such a Statute affects the powers, duties or emoluments of any officer, teacher, authority or board, a report from the person or body concerned together with the opinion of the Syndicate shall be taken into consideration by the University Council. (3) The Syndicate of a Cluster University may propose to the University Council the draft of any Statute to be passed by the University Council. Such draft shall be considered by the University Council at its next meeting. The University Council may approve such draft and pass the Statute, or may reject it, or may return it to the Syndicate for reconsideration either in whole or in part, together with any amendments which the University Council may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the University Council, it shall again be presented to the University Council with the report of the Syndicate and the University Council may then deal with the draft in such manner as it may think proper. (4) (a) When the University Council has passed a Statute, it shall be submitted to the Chancellor who may assent to it or may withhold his assent or may refer it back to the University Council for further consideration. (b) If the University Council rejects the draft of a Statute proposed by the Syndicate, the draft shall be submitted to the Chancellor who may refer it back to the University Council for further consideration. (c) A Statute passed by the University Council shall not become valid until assent thereto of Chancellor has been notified. (5) The Syndicate shall not propose the draft of any Statute or of any amendment of a Statute- (a) affecting the status, powers or constitution of an authority of the Cluster University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the University Council and shall be submitted to the Chancellor ; and (b) affecting the conditions of recognition and affiliation of constituent, autonomous and affiliated colleges to the Cluster University concerned after consultation with the Academic Council concerned.

40. Regulations.

- The authorities and the bodies of the Cluster University may recommend to the Cluster University Council Regulations consistent with this Act and the Statutes providing for all or any of the following matters :-(a) the procedure to be observed at their meetings and the number of members required to form a quorum ; (b) the notice to be given of the meetings and of business to be considered there at, the keeping of records of their proceedings and similar matters ; (c) all matters which by this Act or the Statutes are to be prescribed by the Regulations ; (d) the conditions of residence of students ; (e) the discipline of students ; (f) the classification or inclusion of subjects of study in various Faculties ; (g) the constitution, powers and duties of the various Boards of the Cluster University ; (h) the periodical inspection of constituent, autonomous or affiliated colleges and other institutions.

41. Regulations how made.

(1)The University Council of a Cluster University shall make Regulations in consultation with the Syndicate after receiving drafts from the authorities and bodies of the Cluster University :Provided that the University Council shall not consider the draft of any Regulations regarding classification or inclusion of the subjects of study in the various Faculties, otherwise than on the recommendations of the Academic Council.(2)Regulations shall not be made for those matters which under section 38 of this Act may be provided for by the Statutes.

42. Annual report.

- The Annual Report of a Cluster University shall be prepared at the close of a financial year under the directions of the Syndicate and shall be submitted to and considered by the Cluster University Council.

43. Disputes as to constitution of Cluster University Authorities or Bodies.

- If any question arises whether any person has been duly elected, appointed or co-opted as, or is entitled to be, a member of any authority or other body of the Cluster University, or whether any decision of the Cluster University or of any of its bodies, authorities or committees is in conformity with the Act, the Statutes or the Regulations, the matter shall be referred to the Chancellor whose decision thereon shall be final.

44. Filling of casual vacancies.

(1)All casual vacancies among the members (other than ex-officio members) of any authority or other body of a Cluster University shall be filled, as soon as conveniently may be, by the persons or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted, to a casual vacancy, shall be 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.(2)A person who is a member of an Authority of a Cluster University as a representative of another body whether of the Cluster University or outside, shall retain his seat on the Cluster University Authority, so long as he continues to be member of the body by which he was appointed or elected and thereafter till his successor is duly appointed.

45. Proceedings of Cluster University Authorities and Bodies not invalidated by vacancies.

- No act or proceedings of any authority or other body or committee of a Cluster University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

46. Appointment of Special Officer until Cluster University authorities are duly constituted.

(1) At any time after the promulgation of this Act, and until such time as the two Cluster Universities and their authorities shall have been duly constituted, or until such time as the Chancellor may desire, a Special Officer shall be appointed by the Chancellor for a Cluster University. (2) Subject to the superintendence of the Vice-Chancellor, the Special Officer shall frame the Statutes and Regulations as may be necessary to bring the Statutes and Regulations in conformity with the provisions of this Act. The modifications, alterations and additions proposed by the Special Officer shall, if approved by the Chancellor be deemed to have been made by the competent authority under this Act and shall continue to be in force until altered or superseded by the authority constituted under this Act.

47. Affiliation of State Educational Institutions with the Cluster University of Srinagar and Cluster University of Jammu.

(1) Notwithstanding anything contained in this Act or the Statutes with regard to the conditions of the recognition and affiliation of colleges and other educational institutions, Amar Singh College, Srinagar, Sri Pratap College, Srinagar, Government College for Women, M. A. Road, Srinagar, Government Degree College, Bemina, Srinagar and Government College of Education, Srinagar shall be the Constituent Colleges of the Cluster University of Srinagar whereas, the Government Gandhi Memorial Science College, Jammu, Moulana Azad Memorial College, Jammu, S. P. M. R. College of Commerce, Jammu, Government College for Women, Gandhi Nagar, Jammu and Government College of Education, Jammu shall constitute the Constituent Colleges of the Cluster University of Jammu immediately after this Act comes into force. (2) De-affiliation of the Constituent Colleges of the Cluster Universities from the present affiliating Universities, that is the University of Kashmir and University of Jammu, shall be completed in a phased manner to facilitate a smooth completion of the courses by the students already enrolled in the Constituent Colleges as per their present affiliation.

48. Removal of difficulties.

- If any difficulty arises as to the first constitution of any authority of a Cluster University after the commencement of this Act, or otherwise in giving effect to the provisions of this Act, the Government may by order do anything which appears to it necessary for the purpose of removing the difficulty.

49. Transitional provisions.

- Notwithstanding anything contained in this Act or any Statute or Regulation made thereunder, the appointment of the first Vice-Chancellors, the first Pro-Vice-Chancellors, the first Registrar and the first Controllers of Examinations of the Cluster Universities constituted under this Act shall be made by the Chancellor in consultation with the Pro-Chancellor, and, until the first appointment as

aforesaid is made, the Chancellor may after consultation with the Pro-Chancellor, make provisional appointments on the said posts, on such terms and conditions and for such period, as he deems appropriate.