

Graphic Era Hill University Act, 2011

UTTARAKHAND

India

Graphic Era Hill University Act, 2011

Act 12 of 2011

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Graphic Era Hill University Act, 2011(Uttarakhand Act No. 12 of 2011)Last Updated 7th March, 2020An Act to establish University known as the [Graphic Era Hill University] [Substituted by section 2 of Uttarakhand Act No. 3 of 2013.] at Dehradun by Graphic Era Educational Society, Dehradun for facilitate the purpose of Technical, Medical, Management, Social Science, Diploma, Degree, P.hD, Education, Training and Research and provide for matters thereto.Be it enacted by Uttarakhand State Legislature in the Sixty-second year of the Republic of India as follows :-Chapter - I Preliminary

1. Short title and Commencement.

(1)This Act may be called the [Graphic Era Hill University] [Substituted by section 2 of Uttarakhand Act No. 3 of 2013.] Act, 2011.(2)It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise required :-(a)"Academic Council" means the Academic Council of the University;(b)"Board of Management" means the management board of University;(c)"Career Academy Center" means such centre, which is established, conducted and recognized by University for the purposes of acceptance of e-mails, internet, interactive talk back, training, lectures, conduct of seminar and workshops, guidelines, consultation or any type of necessary help for students;(d)"Chancellor" means chancellor of the University;(e)"Campus" means a campus of University maintained and conducted on the basis of regulations by the University;(f)"Constituent College" means any degree colleges or institutions maintained and on the basis of regulations by the University;(g)"Council for Technical Education" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;(h)"Distance Education System" means the system of imparting education through any means of information technology and communication such as multimedia,

broadcasting, telecasting, online over internet, other interactive methods, e-mails, internet, computer, interactive talk back, e-learning, correspondence course, seminar, contact programme or a combination of any two or more of such means;(i)"Employee" means employee appointed by the University and includes teachers and other staff of the University or of a constituent degree college;(j)"Faculty" means faculty of the University;(k)"Finance Committee" means finance committee of the University;(l)"Government" means the Government of Uttarakhand;(m)"Hall" or "Hostel" means a unit for residence for students maintained or recognized by the university or constituent degree college;(n)"Graphic Era Educational Society" means a society registered under the Society Registration Act, 1860, which Registered Office is established at 566/ bell road, Clement town Dehradun 248002;(o)"Prescribed" means prescribed by the Statutes;(p)"Director" of Campus or "Principal" regarding Constituent College means the Head of that campus or constituent campus degree college and whereas no principal appointed, any other person working as principal in that time is also included;(q)"Registrar" means Registrar of the University;(r)"Regional Center" means a such center established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centers in any region and for performing such other functions as may be conferred on such centre by the Board of Management;(s)"State" means State of Uttarakhand;(t)"Statutes" and "Rules" means respectively, the Statutes and Rules of the University;(u)"Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counseling or for rendering any other assistance required by the students ;(v)"Teacher" means a Professor, Associate Professor, Assistant Professor/Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college and institution and includes the Principal of a constituent college;(w)"University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956 ;(x)"University" means a purposed Uttarakhand Graphic Era Parvatiya University under this Act.(y)"Visitor" means the visitor of the University.

3. Proposal for the establishment of University.

(1)The Graphic Era Educational Society, Dehradun shall have the right to establish the University in accordance with the provisions of this Act.(2)An application containing the proposal to establish a University shall be made to the State Government by Graphic Era Educational Society. The proposal shall contain the following particulars; namely :-(a)the objects of the University alongwith the details of Graphic Era Educational Society;(b)the extent and status of the University and the availability of land;(c)the nature and type of programs of study and research to be undertaken in the University during a period of next five years;(d)the nature of faculties, courses of study and research proposed to be started;(e)the campus development such as buildings, equipment and structural amenities;(f)the phased outlays of capital expenditure for a period of the next five years;(g)the item-wise recurring expenditure, sources of finance and estimated expenditure for each student;(h)the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;(i)the scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes;(j)the details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically

weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities;(k)the years of experience and expertise in the concerned discipline at the command of Graphic Era Educational Society as well as the detail of financial resources;(l)the system for selection of students to the courses of study at the University;(m)status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

4. Establishment of University.

(1)Where the State Government, after such inquiry as it may deem necessary, is satisfied that Graphic Era Educational Society, Dehradun has fulfilled the conditions specified in sub-section (2) of section 3, it may direct the Graphic Era Educational Society, Dehradun to establish an Endowment Fund.(2)After the establishment of the Endowment Fund, the State Government may, by notification in the Official Gazette, accord sanction for establishment of the University.(3)(a)There shall be three campus of the University. Headquarter of the University and a campus shall be at Dehradun and second campus in Garhwal region of District Pauri Garhwal in Bilkhet Gram and third campus shall be establish at Bhimtal area District Nainital at Kamoun region :Provided that admission limitation of these campus one third of Dehradun and two third of hill areas for students of Uttarakhand shall be essential.(b)Campus, Regional Centers, Study Centers, Research Centers and Career Academy Centers may also be established at other peaces within the State. In this regard the University shall comply the fix procedure by the University Grant Commission and other constitutional institutions.(4)The Chancellor, the Vice Chancellor, members of the Board of Governors Members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.(5)On the establishment of the University under sub-section (2), the land and other movable and immovable properties acquired, created, arranged or built by Graphic Era Educational Society for the purposes of the University shall stand transferred to, and vest in the University.(6)The land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

5. University not to be entitled to Financial Assistance.

- The University shall be self financing and shall neither make a demand nor shall be entitled to any grant-in-aid or any other financial assistance from the State Government or any other body or corporation owned or controlled by the State Government.

6. No Power to Affiliate any Institution.

- The University may have constituent colleges, Regional Center Study Centers, Research Centers and Career Academic Centre but shall have no power to admit any other college or institution to the privileges of affiliation. Neither any other society nor trust other than Graphic Era Educational Society shall be entitled to vest any teaching institute etc. in the University.

7. Objects of the University.

(1)The objectives for which the University is established are as follows :-(a)to provide provisions for teaching, training and research in specialized fields of all Technical, Medical, Management, General Science, Diploma, Degree, P-hD, Education, Training and Research, Advancement and Dissemination of knowledge therein;(b)to establish campuses, constituent colleges of Technical, Management, Medical, General Science and education for offering diploma, graduate and post-graduate degree which would be as nominated by the University Grants Commission but the University shall have the right to start other diploma and certificate course in furtherance of its objectives;(c)to establish constituent center for give direction through the distance education programmes as given in clause (b), above for continuing education.(2)To establish research and development center to promote technical, management, medical, general science and education within the jurisdiction of State and by him -(1)to provide instructions and training in such branches of knowledge, that may be deemed appropriate;(2)to provide for research for the advancement of and dissemination of knowledge;(3)to initiate study and such other activities of Medical, Higher Technical Education, Management Education, Higher Education and Concerning subjects leading to the progress of World and Nation as well as the State of Uttarakhand.

8. Powers of the University.

(1)The University shall have the following powers; namely :-(a)for extension and promotion of knowledge and to provide provisions of research and to give instruction from all concerning subject in Technical, Medical, Management, Education, Higher Education and Incidental Matters related to Information Technology to provide education in all concerning subject for growth of Research and Knowledge and Extension;(b)to carry out all such other activities as may be necessary or feasible in furtherance of the object of the University;(c)to confer degrees or other academic distinction and establish grants, conduct examination for such persons; namely :--(1)to open study center of any courses through distance education system within the jurisdiction of State from University or constituent college or regional center/ study center/constituent education center; or(2)have carried for research work under university or constituent college or its distance education center;(d)to confer honorary degrees or other academic distinction in the manner and under conditions laid down in the Statutes/ Provisions;(e)to institute and award fellowships, scholarships and prizes etc. in accordance with the Statutes;(f)to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;(g)to make provisions for promotion of education in the field of Medical, Higher Technical Education, Management Education, Higher Education and any other areas as mentioned in section 7;(h)to make provisions for extra curricular activities for students and employees;(i)to make appointments Professors, officers and employees of the University or campus colleges, regional center, study centers, Research Centers and Career Academy Center;(j)to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, including trust and endowment properties for the purpose of the University or a constituents college, or a Regional Centre, Study Centre and Career Academy Center with the prior permission of the Graphic Era Educational Society, Dehradun;(k)to ensure establishment of Hall/Hostels for students of campus degree colleges or its campus and maintenance of residential places;(l)to supervise and control the

residence of students and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;(m)to create Academic, Administrative and supporting staff and other necessary posts;(n)to co-operative and collaborate with other degree colleges in such a manner and for such purposes as the University may determine from time to time;(o)to provide distant education system and the manner in which distance education in relation to the academic programmes of the University may be organized;(p)to organize and conduct refresher course, orientation courses workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;(q)to determine standards of admission to the University or a constituent college, regional centers, study centers with the approval of Career Academic Council;(r)to make special provision for students belonging to the State of Uttarakhand for admission in any course of the University or in a Constituent College, Regional Centre, Study Centre, Research Center and Career Academic Center;(s)to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to achieve the objects of the University;(t)to prescribe such courses for Medical, Higher Technical Education, Management Education, Higher Education and related subjects for Bachelor Degree, Post graduate and Research;(u)to clearly set apart the academic activities of the University from the activities of the Society;(v)to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD and other software;(w)to recognize examinations of, or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;(x)to raise, collect, subscribe and borrow with the approval with the Governing Body whether on the security of the property of the University, money for the purposes of the University;(y)to enter into, carry out, vary or cancel contracts.(2)Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the open university and distance education systems and for the determination of standards of teaching, evaluation and research in such systems and for the purpose of performing this function, the University shall have such powers, including the power to allocate and disburse grants to Colleges, Regional Centers, Study Centers and Career Academy Centers, whether admitted to its privileges or not or to any other university or institution of higher learning, as may be specified by the Statutes.

9. University open to all Classes, Castes, Creed and Gender.

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

10. National Accreditation.

- The University will seek accreditation from respective national accreditation bodies. Chapter - III
Officers of the University

11. University's Officer.

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

12. Visitor.

(1)The Governor of Uttarakhand will be the Visitor of the University.(2)The Visitor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.(3)The Visitor shall have the following powers; namely :-(a)to call for any paper or information relating to the affairs of the University;(b)on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding or decision taken by any authority of the University is not in conformity with the Decision, Act, Regulations, Statutes or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.(4)Every proposal for the conferment of an honorary degree or distinction shall be subject to the approval of the Visitor.

13. The Chancellor.

(1)The Chancellor may be appointed for the period of five years from amongst all members of the management board of the [Graphic Era Educational Society, Dehradun] [Substituted by section 3 of Uttarakhand Act No. 3 of 2013.] by majority. After that Graphic Era Educational Society, Dehradun shall appoint Chancellor among his members with prior approval of the Visitor.(2)The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes made thereunder.

14. Vice Chancellor.

(1)The Vice Chancellor shall be appointed on such terms and conditions as may be prescribed by the statutes for a term of three years by the Chancellor from a panel of three persons recommended by the Committee constituted in accordance with the provisions of sub-section (2).(2)The Committee referred to in sub-section (1), shall consist of the following persons; namely :-(a)one by one person nominated by the Visitor and Chancellor;(b)the Principal Secretary/Secretary to the State Government in the Higher Education Department;(c)three nominees of the Board of Governors, one of whom shall be nominated as the convener of the committee by the Board of Governors.(3)The Committee shall, on the basis of merit, prepare a panel of names of three persons suitable to hold the office of the Vice Chancellor and forward the same to the Chancellor alongwith a concise

statement showing the academic qualifications and other distinctions of each person.(4)The Vice Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.(5)Where any matter other than the appointment of a teacher is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice Chancellor may take such action as he may deem fit with prior approval of the Chancellor.(6)The Vice Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes or the Rules.(7)The Chancellor is empowered to remove the Vice Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

15. The Pro-Vice- Chancellor.

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

16. Deans of Faculties.

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

17. The Registrar.

(1)The Registrar shall be appointed by the Chancellor in such manner and on such terms and conditions as may be prescribed.(2)All contracts shall be entered into and signed by the Registrar on behalf of the University.(3)The Registrar shall have the power to authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Chancellor or the Vice-Chancellor.(4)The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

18. The Finance Officer.

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

19. Other Officers.

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

20. Provisions for Permanent Resident of Uttarakhand.

(1) For admission in various courses conducted by the University, 25 percent seats shall be reserved for the permanent resident of State of Uttarakhand, if the reserved seats are vacant, then the said vacant seats may be filled by the other persons, with the permission of State Government. (2) For fix tuition fee in various courses conducted by the University 25 percent rebate shall be given to the permanent resident of State of Uttarakhand. (3) Who is eligible for the post of Group 'C' and 'D', all posts of this cadre shall be filled by the Permanent residential of the State. (4) Preference shall be given to the permanent residential of the State in the appointment of the Academic Cadre. (5) University shall comply the State Government reservation policy as amended enforced time to time. Chapter - IV Authorities of the University

21. Authorities of the University.

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

22. The Board of Governors and its powers.

(1) The Board of Governors shall consist of :-

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| (a) the Chancellor | - Chairman; |
| (b) the Vice Chancellor | - Member Secretary; |
| (c) nominated by the visitor | - three educationist |
| (d) Principal Secretary/Secretary to the State Government in the Higher Education Department; | |
| (e) nominated by the Graphic Era Educational Society, Dehradun | - five members; |
| (f) nominated by the Chancellor amongst the officers from reputed higher education institutions | - one officer; |
| (g) nominated by the Chancellor from main industrial organizations | - three members. |

(2) The Board of Governors shall be the Principal Governing body of the University and shall have the following powers; namely :- (a) to lay down policies to be pursued by the University; (b) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Rules; (c) to approve the budget and annual report of the University; (d) to make new or additional Statutes or amend or repeal the earlier Statutes and Rules; (e) to take decision about voluntary winding up of the University; (f) to approve proposals for submission to the State Government ; and (g) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University. (3) The Board of Governors shall, meet atleast three times in a year at such time and place as the Chancellor thinks fit.

23. The Board of Management.

(1)The Board of Management shall consist of; namely :-(a)the Vice-Chancellor;(b)one member amongst from the officers of the Emeritus Higher Educational Institutions nominated by the Chancellor;(c)five members, nominated by the Graphic Era Educational Society, Dehradun;(d)two Professors of the University, by rotation on the basis of seniority for a period of one year;(e)two Deans of the faculties as nominated by the Chancellor;(f)Principal Secretary/Secretary to the State Government in the Higher Education Department or his nominee not below the rank of Joint Secretary;(g)the Vice Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary.(2)The powers and functions of the Board of management shall be such as may be prescribed.

24. Academic Council.

(1)The Academic Council shall consist of :-

- (a) the Vice Chancellor - Chairman;
- (b) the Registrar - Secretary;
- (c) such other members as may be prescribed in the Statutes.

(2)The Academic Council shall be the Principal Academic body of the University and shall, subject to the provisions of this Act, the Rules and the Statutes, co-ordinate and exercise general supervision over the academic policies of the University.

25. Finance Committee.

(1)The Finance Committee shall consist of; namely :-

- (a) the Vice Chancellor - Chairman;
- (b) the Finance Officer - Secretary;
- (c) Principal Secretary/Secretary to the State Government in the Higher Education Department or his nominee not below the rank of Deputy Secretary;
- (d) such other members as may be prescribed in the Statutes.

(2)The Finance Committee shall be the Principal Financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Rules, Statutes, co-ordinate and exercise general supervision over the financial matters of the University.

26. Other Authorities.

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

27. Proceedings not invalidated on account of vacancy.

- No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority. Chapter - V Statutes and Rules

28. Statues.

- Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and staff, as follows :-(a)the procedure for transaction of business of the Authorities of the University and procedure of constitution of such units, which is not specified in this Act;(b)the operation of the permanent endowment fund, the general fund and the development fund;(c)the terms and conditions of appointment of the Vice Chancellor, the Registrar and the Finance Officer and their powers and functions;(d)the mode of recruitment and the conditions of service of the other officers, leaders and employees of the University;(e)the procedure for resolving disputes between the University and its officers, faculty members, employees and students;(f)creation, abolition or restructuring of departments and faculties;(g)the manner of co-operation with other Universities or Institutions of Higher Education;(h)the procedure for conferment of honorary degrees;(i)provisions regarding grant of free-ships and scholarships;(j)number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats for Uttarakhand students;(k)the fee chargeable from students for various courses of studies;(l)institution of fellowships, scholarships, studentships, free-ships, medals and prizes;(m)procedure for creation and abolition of posts;(n)other matters which may be prescribed.

29. Statutes How Made.

(1)The first Statutes made by the Board of Governors shall be submitted to the State Government for its approval, who may be approved within three months from the date of receipt of the Statutes with or without modification.(2)Where the State Government to take any decision with respect to the approval of the Institutions within the period specified in the under sub-section (1) it shall be deemed to have been approved by the State Government.

30. Power to amend the Statues.

- The Board of Governors may, with the prior approval of the State Government, make New or Additional Statutes or amend or repeal the Statutes.

31. Rules.

- Subject to the provisions of this Act, the Rules may provide for all or any of the following matters; namely :-(a)admission of students to the University and their enrolment and continuance as such;(b)the courses of study to be laid down for all degrees and other academic distinctions of the University;(c)the award of degrees and other academic distinctions;(d)the conditions of the award of fellowships, scholarships, studentships, medals and prizes;(e)the conduct of examinations and

the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;(f)the fee to be charged for admission to the examinations, degrees and other academic distinctions of the University;(g)the conditions of residence of the students at the University or a subordinate college;(h)maintenance of discipline among the students of the University or a subordinate college;(i)all other matters as may be provided in the Statutes and Rules under the Act.

32. Rules How Made.

(1)The Rules shall be made by the Board of Governors and the rules so made shall be submitted to the State Government for its approval within 2 month from the date of receipt the rules with or without modifications after received the approval of the State Government.(2)Where the State Government to take any decision with respect to the approval of the Institutions within the period specified in the under sub-section (1) it shall be deemed to have been approved by the State Government.

33. Power to amend Rules.

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

34. Conditions of Service of Employees.

(1)Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.(2)Disciplinary action against the students or employees shall be governed by procedure prescribed in the Statutes.(3)Any dispute arising out of the contract between the University and an employee shall, at the request of the employee, be referred to a tribunal of arbitration consisting of one member appointed by the Board of Management, one member nominated by the employee concerned and an umpire appointed by the Chancellor.(4)The decision of tribunal in such matter shall be final.(5)The procedure for regulating the work of the tribunal shall be such as may be prescribed.

35. Right to appeal.

- Every employee or student of the University or of a Constituent College, Regional Centre, Study Centre and Career Academy Centers shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the Principal of any such Constituent College, Regional Centre, Study Centre and Career Academy Centers as the case may be, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

36. Provident Fund and Pension.

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

37. Disputes to Constitution of University Authorities and bodies.

- If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final.

38. Constitution of Committee.

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

39. Filling of Casual Vacancies.

- Any casual vacancy among the members, other than ex-officio members, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member.

40. Protection of action taken in good faith.

- No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the Rules.

41. Transitional Provisions.

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

42. Permanent Endowment Fund.

- [The University shall establish a permanent endowment fund of Rs. five Crore in the form of a Bank Guarantee of a Nationalized Bank pledged in the name of State Government of Uttarakhand whose tenure shall be five years and after that shall be renewed for five years again.] [Substituted by section 3 of UK Act no 36 of 2016.]

43. General Fund.

(1)The University shall establish a general fund to which the following amount shall be credited; namely :-(a)all fees which may be charged by the University;(b)all sums received from any other source;(c)all contributions made by the Graphic Era Educational Society, Dehradun;(d)all contributions / donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.(2)The funds credited to the general fund shall be applied to meet all the recurring expenditure of the University.

44. Development fund.

(1)The University shall also establish a development fund to which the following funds shall be credited, namely :-(a)development fees which may be charged from students.(b)all sums received from any other source for the purposes of the development of the University;(c)all contributions made by the Graphic Era Educational Society, Dehradun;(d)all contributions / donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force;(e)all incomes received from the permanent endowment fund.(2)The funds credited to the development fund from time to time shall be utilized for the development of the University.

45. Maintenance of fund.

- The funds established under sections 42, 43 and 44 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

46. Annual Report.

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

47. Account and Audit.

(1)The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.(2)The annual accounts of the University shall be audited by an auditor, who is a member of the Institute of Chartered Accountants of India (I.C.A.I.), every year.(3)A copy of the annual accounts and the Balance sheet together with the audit report shall be submitted to the Board of governors well before 31 December following close of the financial year in 31 March each year.(4)The annual accounts, the Balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observations thereon before the 31st December each year.(5)The direction of the State Government on the subject arising out of the accounts and audit report of the University shall be binding on the University.

48. Mode of proof of University record.

- A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

49. Dissolution of University.

(1)If the Graphic Era Educational Society, Dehradun proposes dissolution of the Graphic Era Hill University in accordance with the law governing its constitution or incorporation, it shall give at least three months notice in writing to the State Government.(2)On identification of mismanagement, mal administration, in-discipline, failure in the accomplishment of the objects of University and economic hardships in the management systems of University, the State Government would issue directions to the management of the University, if the direction are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.(3)The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf :Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Graphic Era Educational Society, Dehradun.(4)On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the council for Technical Education and University Grant Commission make such arrangements for administration of the University from the proposed date of dissolution of the Graphic Era Educational Society, Dehradun and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

50. Expenditure of The University during dissolution.

(1)The expenditure for administration of the University during the taking over period of its management under section 49 shall be met out of the permanent endowment fund, the general fund or the development fund.(2)If the funds referred to sub-section (1), are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

51. Removal of difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty :Provided that no notification orders under sub-section (1), shall be made after the expiration of a period of three years from the commencement of this Act.(2)Every order made under sub-section (1), shall as soon as may be after it is made, be laid before the State Legislature.