

AUTHORITATIVE ENGLISH TEXT
**THE JAYPEE UNIVERSITY OF INFORMATION TECHNOLOGY
ACT, 2002**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
 2. Definitions.
 3. Establishment and incorporation of the University.
 4. Objects.
 5. Powers and functions of the University.
 6. University not to discriminate.
 7. Jurisdiction of the University.
 8. Chancellor.
 9. Officers of the University.
 10. Authorities of the University.
 11. The Governing Council.
 12. The Executive Council.
 13. The Academic Council.
 14. The Council of Institution Industry Linkages.
 15. Statutes.
 16. Statutes, how to be made.
 17. Ordinances.
 18. Annual report.
 19. General Fund.
 20. Accounts and Audit.
 21. Filling of casual vacancies.
 22. Proceedings not to be invalidated by vacancies.
 23. Removal of difficulties.
 24. Transitory provisions.
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THE JAYPEE UNIVERSITY OF INFORMATION TECHNOLOGY ACT, 2002

(ACT NO. 14 OF 2002)¹

(Received the assent of the Governor on the 22nd May, 2002 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 23rd May, 2002, pp. 431-451)

An Act to establish and incorporate a University in the name of Jaypee University of Information Technology by law and to provide for matters connected therewith or incidental thereto.

WHEREAS the Government of Himachal Pradesh being desirous of creating facilities for education, training and research in the emerging areas of technology including Information Technology in the State of Himachal Pradesh, entered into an agreement for collaboration with Jaiprakash Sewa Sansthan, New Delhi, a registered Trust, which has a major objective among others, of creating education facilities at all levels; and

WHEREAS the purpose of this collaboration was to establish a University for technical education for undergraduate, postgraduate and doctoral levels including facilities for life long education, training and research in the State of Himachal Pradesh; and

WHEREAS the State Government after due consideration has come to the conclusion that the Trust is willing and is capable of meeting its obligations under the aforesaid agreement and has actually invested substantial resources in the creation of major part of the infrastructure required for the setting up of the proposed University; and

WHEREAS it is deemed expedient to establish the Jaypee University of Information Technology for the purposes hereinafter appearing.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-third Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Jaypee University of Information Technology Act, 2002.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

(3) Seat of the University shall be at Wagnaghat, District Solan, Himachal Pradesh.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Academic Council" means the Academic Council of the University;

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 25th March, 2003, pp. 4617 and 4628.

- (b) "Chancellor" means the Chancellor of the University;
- (c) "Deans" means the Deans of the University;
- (d) "Executive Council" means the Executive Council of the University;
- (e) "Finance Committee" means the Finance Committee of the University;
- (f) "Fund" means the Fund of the University;
- (g) "Governing Council" means the Governing Council of the University;
- (h) "Government" means the Government of Himachal Pradesh;
- (i) "Managing trustee" means the Managing trustee of the Jaiprakash Sewa Sansthan, New Delhi;
- (j) "Member" means a member of the authorities of the University;
- (k) "Notification" means notification published in the Official Gazette;
- (l) "Prescribed" means prescribed by Regulations, Statutes and Ordinances;
- (m) "Pro-Chancellor" means the Pro-Chancellor of the University;
- (n) "Recognised institution" means an institution of higher learning run by the University or started by the Trust and recognised by, or associated with the University;
- (o) "Registrar" means the Registrar of the University;
- (p) "Regulations", "Statutes", "Ordinances" means respectively the Regulations, Statutes, Ordinances made by the University under this Act;
- (q) "Teacher" includes a Professor, Associate Professor, Assistant Professor, Lecturer or any person appointed under this Act with any other designation for the conduct of training, research, or imparting education in the University and shall mean and include a "recognised teacher";
- (r) "Trust" means the Jaiprakash Sewa Sansthan, New Delhi;
- (s) "University" means the Jaypee University of Information Technology established under section 3 of this Act; and
- (t) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. Establishment and incorporation of the University.- (1) With effect from such date as the State Government may, by notification appoint, there shall be established, in the State of Himachal Pradesh, a University by

the name of the Jaypee University of Information Technology, which shall consist of a Chancellor, Pro-Chancellor, Vice-Chancellor, the Governing Council, Executive Council, Academic Council and the Registrar.

(2) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(4) The Headquarters of the University shall be at Wagnaghat, District Solan, Himachal Pradesh.

4. Objects.- The objects of the University shall be to disseminate, create and advance knowledge, wisdom and understanding, and to offer technical education of the high standards by teaching, research, training and extension activities.

5. Powers and functions of the University.- The University shall have the following powers and functions to be exercised and performed by or through its various officers and authorities, namely:-

- (a) to conduct innovative experiments in new methods and technologies in the field of technical education in order to maintain international standards of such education, training and research;
- (b) to prescribe courses and curricula for various courses of studies and provide for flexibility in the education system for grant of degrees/diplomas;
- (c) to conduct examinations and grant such degrees, diplomas or other academic distinctions as may be laid down in the regulations, subject to recognition by any statutory body under any law, if required ;
- (d) to develop and maintain relationship with centres of excellence in Information Technology in India and abroad for education, training and research including distance learning programmes ;
- (e) to receive funds from industries, international organisations or any other source, and gifts or donations or benefactions or bequests or properties both movable and immovable from donors or benefactors or testators or transferors, as the case may be ;
- (f) to deal with property belonging to or vested in the University in any manner which is considered necessary for promoting the objects of the University;

- (g) to demand and receive such fees as may be laid down by the regulations;
- (h) to co-operate with other national and international institutions in the conduct of research and higher education;
- (i) to take decisions on questions of policy relating to the administration of the affairs and working of the University;
- (j) to take decisions regarding the admission of students for the courses offered by the University;
- (k) to appoint such officers, teachers and other employees as are necessary for carrying out the functions of the University;
- (l) to confer the designations of Professor, Associate Professor, Assistant Professor and Lecturer or any other equivalent designations upon any person who is engaged in teaching, research and consultancy work of the University;
- (m) to develop linkages with the industry for fulfilment of the objectives of the University;
- (n) to accredit the courses of other centres/institutions of the corporate sector and others in the area of Information Technology ;
- (o) to develop and maintain twinning arrangements with centres of excellence in Information Technology in the developed countries for education, training and research including distance education;
- (p) to affiliate any other centre/institution established and run by the Trust as a constituent body of the University for the purpose of its academic programme and admitting it for the award of Degrees, Diplomas and Certificates on fulfilment of the prescribed requirements by the receiptants; and
- (q) to do such other acts and things as may be necessary for the furtherance of the objects of the University.

6. University not to discriminate.- In pursuit of its objectives and in exercise of its powers and in performing of its functions, the University shall not discriminate between any persons whosoever on the basis of caste, class, colour, creed, sex, religion or race.

7. Jurisdiction of the University.- Save as otherwise provided by or under this Act, the powers conferred on the University shall be exercisable in the area comprising Himachal Pradesh.

8. Chancellor.- (1) The Governor of Himachal Pradesh shall be the Chancellor of the University.

(2) The Chancellor, in consultation with the Pro-Chancellor, shall have the right to cause an inspection to be made by such person or persons as

he may direct, of the University, its buildings, libraries and equipments and of any institution run by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an enquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

(3) The Chancellor shall, in every case give notice to the University, of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Governing Council the views of the Chancellor along with such advice as the Chancellor may have offered on the action to be taken thereon.

(5) The Governing Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken on the results of such inspection or inquiry.

9. Officers of the University.- (1) The Managing Trustee of the Trust shall by virtue of the office be the Pro-Chancellor of the University and in the absence of the Chancellor, the Pro-Chancellor shall preside over the Convocation of the University.

(2) There shall be a Vice-Chancellor appointed in the manner prescribed by the Statutes who shall be the Principal Executive and Academic Officer of the University and Ex-Officio Chairman of the Executive Council, Academic Council and Finance Committee.

(3) There shall be Deans who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(4) There shall be a Registrar who shall act as a Non-Member Secretary of the Governing Council, Executive Council and Academic Council and he shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(5) There shall be a Finance Officer who shall be Non-Member Secretary of the Finance Committee and exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) There shall be such other officers as may be prescribed by the Statutes.

10. Authorities of the University.- The authorities of the University shall be the Governing Council, Executive Council, Academic Council, Finance Committee and such other authorities as may be prescribed by the Statutes to be the authorities of the University:

Provided that 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.

11. The Governing Council.- (1) The Governing Council shall be the supreme body of the University and its powers and functions shall be such as may be prescribed by the Statutes.

(2) The Governing Council shall have the following members, namely:-

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| (a) The Pro-Chancellor | : Chairman |
| (b) Two members of the trust to be nominated by the Pro-Chancellor | : Members |
| (c) Two representatives of the collaborating Universities | :Members |
| (d) Three distinguished academicians/professionals to be nominated by the Chancellor in consultation with the Pro-Chancellor | :Members |
| (e) Two experts representing other disciplines such as finance, law and management etc. to be nominated by the Pro-Chancellor | :Members |
| (f) Vice-Chancellor of the University | :Member |
| (g) One Head of another Institute/laboratory of the Trust | :Member |
| (h) Two Deans of the University by rotation | :Members |
| (i) Secretary (Information Technology), Secretary (Education) and Secretary (Technical Education) to the Government of Himachal Pradesh | :Members |
| (j) Three representatives of the Industry to be nominated by the Pro-Chancellor | :Members |

(3) The Registrar shall be Non-Member-Secretary of the Governing Council.

12. The Executive Council.- (1) The Executive Council shall be the executive body of the University and its powers and functions, the constitution and the terms of the office of its members, other than ex-officio members, shall be such as may be prescribed by the Statutes.

(2) The Executive Council shall be responsible for the general management and administration of the University.

13. The Academic Council.- (1) The Academic Council shall be the academic body of the University and its constitution and the term of office of its members, other than ex-officio members, shall be such as may be prescribed by the Statutes.

(2) The Academic Council shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the power of control and general regulation or, and be responsible for the maintenance of standards of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes and it shall have the right to advise the Executive Council on all academic matters.

14. The Council of Institution Industry Linkages.- (1) There shall be a Council of Institution-Industry Linkages consisting of the following members, namely: -

- (a) A person to be nominated by the Pro-Chancellor ..Chairman
- (b) Two persons to be nominated by the Trust ..Members
- (c) Vice-Chancellor of the University ..Member
- (d) Two persons from the Industry to be ..Members
nominated by the Pro-Chancellor

(2) The Registrar shall be the Non-Member-Secretary of the Council of Institution-Industry Linkages.

(3) The powers and functions of the Council of Institution-Industry Linkage shall be-

- (i) to establish participation of laboratories of leading prestigious Information Technology/Computer companies with the University;
- (ii) to source business for Faculty/Students of the University;
- (iii) to advise on the potential of the University in National and International market; and
- (iv) to prepare and initiate Bio- informatics initiative by the University.

15. Statutes.- Subject to the provision of this Act, the Statutes may provide for all or any of the following matters, namely: -

- (i) constitution, powers and duties of the authorities and other bodies of the University, the qualifications and disqualifications for membership of such authorities and other bodies, appointment and removal of members thereof and other matters connected therewith;
- (ii) the appointment, powers and duties of the officers of the University;
- (iii) the appointments, conditions of service, powers and duties of the employees of the University ;

- (iv) the constitution of a pension or a provident fund and the establishment of an insurance scheme for the welfare of the officers, teachers and other employees of the University;
- (v) the terms and conditions under which other institutions may be associated with the University;
- (vi) the administration of the University, the institutions of fellowships, awards and the like, the conferment of degrees and other academic distinctions and grant of diplomas and certificates; and
- (vii) any other matter which is necessary for the proper and effective management and conduct of the affairs of the University and which by this Act is to be or may be provided by the Statutes.

16. Statutes, how to be made.- (1) The first Statute shall be made by the State Government and a copy thereof shall be laid before the Himachal Pradesh Legislative Assembly.

(2) The Governing Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes so made in the manner hereinafter provided in this section:

Provided that Governing Council shall not make any Statute or any amendment of the Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Governing Council.

(3) Every such Statute or addition to the Statutes or any amendment or repeal of the Statutes shall require the approval of the Pro-Chancellor who may assent thereto or withhold assent or return it to the Governing Council for reconsideration:

Provided that no Statute shall be made by the Governing Council affecting the discipline of students and standards of instruction, education and examination except in consultation with the Academic Council.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Pro-Chancellor.

17. Ordinances.- (1) Subject to the provisions of this Act and the Statutes, the Governing Council may make such Ordinances as it deems appropriate for the furtherance of the objects of the University and such Ordinances may provide for all or any of the following matters, namely :-

- (i) the admission of the students, the courses of study and the fees thereof, the qualifications pertaining to degrees, diplomas, certificates and other academic distinctions, the conditions for grant of fellowships, awards and the like;

- (ii) the conduct of examinations, including the terms of office and appointment of examiners and the conditions of residence of students and their general discipline ;
- (iii) conduct of the business of the authorities of the University and those of the committees appointed by them; and
- (iv) any other matter which by this Act or the Statutes is to be or may be provided by the Ordinances.

(2) Ordinances made may be amended, repealed or added to at any time by the Governing Council in the manner prescribed by the Statutes.

18. Annual report.- The Annual report of the University shall be prepared under the direction of the Governing Council and a copy of the same shall be caused to be laid on the Table of the Himachal Pradesh Legislative Assembly.

19. General Fund.- The University shall have a General Fund set up by the Trust in the name of the University and operated by the University to which shall be credited,-

- (a) rupees five crore within a period of two years in two equal instalments to be provided by the Trust for the Corpus Fund of the University ;
- (b) its income relating to the fees and endowments;
- (c) recurring contribution or grants, if any, made by the Trust or the Government; and
- (d) any other contributions or grants.

20. Accounts and Audit.- (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months be audited by the Chartered Accountants of the University.

(2) A copy of the accounts when audited, together with the audit report shall be submitted by the Registrar to the Governing Council.

21. Filling of casual vacancies.- All casual vacancies amongst the members (other than ex-officio members) of any authority or body of the University shall be filled up as soon as convenient, by the person 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.

22. Proceedings not to be invalidated by vacancies.- No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies amongst its members.

23. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the

Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary for removing the difficulty.

24. Transitory provisions.- Notwithstanding anything contained in this Act and the Statutes, the Pro-Chancellor may, with the approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of the Act and the Statutes and for that purpose may exercise any powers or perform any duties, which by this Act and the Statutes are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Statutes.
