

SOBAN SINGH JEENA UNIVERSITY ACT, 2019

(Uttarakhand Act No. 19 of 2020)

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SOBAN SINGH JEENA UNIVERSITY ACT, 2019

(Uttarakhand Act No. 19 of 2020)

*An**Act*

to establish a residential-cum-affiliation university known as Soban Singh Jeena University in the district Almora of Uttarakhand for the advancement and development of higher education, vocational education, skill development based education and other matters related to it and other contingencies, to substitute the Uttarakhand Residential University Act, 2016 (Act No. 20 of 2016) and to merge the Uttarakhand Residential University into Proposed University.

Be it enacted by the Uttarakhand State Legislative Assembly in the seventy-one year of the Republic of India:-

Chapter-1**Preliminary****Short title,
commencement
and extent**

1. (1) This Act may be called the Soban Singh Jeena University Act, 2019.
- (2) It shall come into force at once.
- (3) It extends to such part of the state which State Government may fix, by notification in the Gazette.

Definitions

2. In this Act, unless the context otherwise requires—
 - (a) "Academic Council" mean the Academic Council of the University;
 - (b) "Affiliated College" means such college or institution affiliated to the University in accordance with this Act and the regulations there under;
 - (c) "Approved institution" means an institution of higher education approved by the University/State Government;
 - (d) "Autonomous College" means an affiliated or associated college declared as such by the provision of University Grants Commission;
 - (e) "Chancellor" means Chancellor of the University;
 - (f) "College" means any institution or college affiliated to the University in accordance with this Act and the regulations made there under;

- (g) **"Constituent College"** means an institution maintained by the University or by the State Government and declared as such by the Regulations;
- (h) **"Court"** means the Court of the University;
- (i) **"Director"** means Head of an institution established by the University for organizing and operating teaching and research of any subject;
- (j) **"Existing college"** means a college or institution which is imparting higher/vocational education and is being operated and maintained by a University established in the state;
- (k) **"Executive Council"** means the Executive Council of the University;
- (l) **"Finance Committee"** means the Finance Committee of the University;
- (m) **"Government"** means the State Government of Uttarakhand;
- (n) **"Maintenance grant"** means a grant of aid received by the any University from State Government from time to time by general or special order;
- (o) **"Management"** means such management committee or other body in relation to any affiliated or constituent college or self-funded institution, which is in charge of the management of the activities of that college or institution and which is in the form recognized by the University;
- (p) **"Officers of University"** means officers mentioned in section 8 of this Act;
- (q) **"Other Backward Classes of Citizens"** means the Backward Classes of the citizens specified in Schedule 1 of the Uttarakhand (Uttar Pradesh Public Service Reservation for Scheduled Castes, Tribes and Other Backward Classes) Act, 1994 (Adaptation and Modification) Order, 2001;
- (r) **"Principal"** means the head of the college by whatever name called and includes where there is no principal a person for the time being duly appointed, to act as principal and in the absence of the Principal or working or the acting principal the Vice-principal duly appointed as such;
- (s) **"Prescribed"** means Prescribed by statutes;
- (t) **"Property"** means all movable or immovable property belonging to the University (including Residential University) and its campuses, which is in whole or in part for the benefit of the college, including land, buildings (including hostels), workshop, library, laboratory, equipment, tools, furniture stationery, stores, automatic vehicles or other vehicles, if any and all items related to the University such as

cash in hand, bank deposits, investment and denominated loans and the rights and interests derived from such property which is owned, occupied, empowered or controlled by the University and the account register and all other records which are of any nature and all the existing liabilities, liabilities and statutory grace of the University shall be deemed to be included in it, irrespective of their category;

- (u) **"Registered graduate"** means any graduate of registered University subject to the provision of this Act and any Act repealed or superseded by it;
- (v) **"Registrar"** means Registrar of the University;
- (w) **"Regulations"** means the Regulations of the University made under this Act;
- (x) **"Self-financed institution"** means a college or institutions which are granted affiliation in this form by the University in accordance with the ordinance and regulations made under this Act;
- (y) **"State"** means the State of Uttarakhand;
- (z) **"Statutes", "Ordinances" and "Regulations"** means the Statutes, Ordinances and Regulations of the University respectively;
- (aa) **"Teacher"** means a person appointed in any affiliated or constituent providing education, or / and conducting and guiding in research and extension work and it also includes Principal;
- (bb) **"University Grants Commission"** means the University Grants Commission established under the University Grants Commission Act, 1956;
- (cc) **"University"** means the University established under section 3 of this Act.

Chapter – 2

The University

University establishment and incorporation

3. (1) A University known by the name of Soban Singh Jeena University shall be established.
- (2) The University, with name as specified under sub-section (1), shall be an incorporated body, with perpetual succession and a common seal, and shall sue and be sued by the said name.
- (3) Pandit Badri Dutt Pandey P.G. College, Bageshwar, Lakshman Singh Mahar P.G. College, Pithoragarh, and Soban Singh Jeena Campus, Almora inclusively, shall be its three campuses, which shall be transferred into the aforesaid University and also the

campus of exiting Residential University, Almora shall be merged in it. The University shall be headquartered in Soban Singh Jeena Campus, Almora. The University may establish other campuses in the future, as it thinks necessary.

- (4) The University shall extend affiliation to all the post-graduate and degree colleges, in Almora, Pithoragarh, Bageshwar and Champawat districts, and it may affiliate established colleges in these districts Jurisdiction.
- (5) The University shall organise programs and introduce curriculum oriented towards research and development, in related traditional, skill development and occupational fields.
- (6) The University shall be a residential cum-affiliation University and its residential campus shall provide special programmes and other facilities.

**Exercise of powers
in the territorial
area**

4. (1) Under this Act, the University shall be empowered for the use of its powers in those part of the Kumaun division as the State Government may fix, via notification in the Gazzette.
- (2) Every college or institution other than existing college, imparting higher/vocational education in the state on the date of commencement of this act shall with effect from such date as may be notified in this behalf affiliated by the university established under section 3 and shall not remain be affiliated to or associated with the university established by or under previously by Uttar Pradesh state university Act, 1973 (As applicable in Uttarakhand) in Present by Kumaun University, Nainital herein after referred to in this section as former University:

Provided that from the date that this Act comes into effect, a student pursuing education at an established college or institution other than the existing college, presently or hereafter under the former University, shall be fully entitled and allowed to continue and complete such education, and the former university shall conduct examinations as per the continuing process for the time being, and shall provide the degree or any other specialization.

**The Power of the
State Government
to issue notification**

5. State government, by notification in a Gazzette:-
 - (1) May expand or reduce the zone of operation or academic jurisdiction of the University.
 - (2) In any notification under this section may make provision for a amending the Statutes, Ordinances and Regulations of University affected by such notification or schedule, which are necessary to implement the provision of this Act and thereafter schedule and relevant Statues, Ordinance and Regulation shall be amended accordingly.

(3) Without Prejudice to the general applicability of provisions in sub-section (2) , under this section, through a notification, may make provisions for the following subjects, namely -

- (a) Provision regarding representation of people of different rights or category in authority of University affected by said notification;
- (b) Provision for use of option by registered graduates of the University existing for that time to remain registered graduate of that University or registering in any new established University provided that no person shall be graduate at more than one university;
- (c) Such similar supplemental, additional and consequential provisions, as the State Government may deem necessary from time-to-time.

The University shall serve all classes and religions

6. The University shall be open for all persons, irrespective of class, caste, gender, ancestry, or religion, but nothing in this section shall prevent the university or the government from using its powers, to prevent the discrimination towards person, persons, castes, or classes of exceptional background, which have been sanctioned by the legislative assembly :

Provided that nothing in this section shall deemed to prevent University from making special provisions for admission to students belonging to scheduled castes, scheduled tribes, other backward classes economically weaker section students and other persons as determined by the Government.

The powers and duties of the University

7. The University shall have the following powers and duties, namely:-
 - (a) To setup educational disciplines in such subjects, which the University deems necessary and provides facility for consultation service including research, knowledge domain expertise, and promotion intended towards the same:

Provided that the research and extension work disciplines shall be encouraged in such manner, due to educating being primary in area of higher education/knowledge act of teaching are not superseded;

- (b) The reformulation of operations in teaching, research and extension work, and consultation with other universities and institutes, and association and entrepreneurial expansion through such channels, as the university considers appropriate, through which knowledge gain and scientific research could be speed up and which could facilitate setup of new interdisciplinary centers/Department which shall serve rising new social needs;
 - (c) To expand educational possibilities association with national, international, and other organizations and to remain connected;

- (d) The University, through moral character and capability building programs, shall work towards the direction of enabling the students to enter the job market and build a competitive spirit, to encourage entrepreneurship, and to play positive roles in the society as conscious and active citizens;
- (e) Instituting colleges, degrees, diplomas, and other educational specializations;
- (f) Recognizing any colleges or differently-named self-financed institutes or granting them special accreditation, or an increase in the exclusive rights of an established, affiliated, or accredited college, or revoking any exclusive rights or reducing it and to guide any affiliated and associated colleges and self-financed institutes and control their operations;
- (g) For such persons (without discriminating among gender, class/ religion or handicap) conducting examinations and make available degrees, diplomas, or any such academic specializations for those, who, as per the conditions stipulated in statutes and ordinances, have attended a course at the University campus, or an affiliated or associated or self-financed institution or through having done research work under an organization or a distance learning program instituted by the University, has achieved excellence in a domain;
- (h) To confer degrees and other academia-related recognitions abiding to the rules and conditions specified in the Statutes;
- (i) To collaborate or cooperate with other universities, institutions and authorities for events, in such manner and for such purpose as the University deems appropriate;
- (j) To institute academic and other posts, after the approval by the state government, as the University deems appropriate, and to appoint persons to these allotted posts after approval by the state government;
- (k) To determine condition regarding affiliation and recognition of colleges and self financed institution and to satisfy itself be regular inspection or otherwise that such condition are fulfilled;
- (l) To institute and award fellowship scholarship, Academics and rewards in accordance with Statutes and Ordinances;
- (m) To ask for and receive fees and other charges, as fixed by the University/State Government from time-to-time;
- (n) To do all such act required by the State Government, whether incidental to the aforesaid powers or not to further the object of university.

Chapter - 3

University Officers

Officers of University

8. The following shall be the officers of the University namely:-
 - (a) Chancellor;

- (b) Vice-Chancellor;
- (c) Finance Officer;
- (d) Registrar;
- (e) Examination Controller;
- (f) Other such officers of the university, who are declared as officers of the University through a Statutes.

Chancellor

9. (1) The Governor of Uttarakhand shall be the Chancellor of University and head of the University and the Chairman of the council, and shall preside all the convocation of University and sessions when present.
- (2) Every Proposal of conferment of an honorary degree shall be subject to the confirmation of Chancellor.
- (3) It shall be the duty of the Vice Chancellor to furnish such information or records relating to the administration of the affairs of the University as the Chancellor may call for.
- (4) The Chancellor shall have such other powers as may be conferred on him by or under this Act or the Statutes.

Vice-Chancellor

10. (1) The Vice-Chancellor shall be appointed by the Chancellor with the concurrence of the State Government from among the distinguished persons in the field of study of the University or from equivalent position in Administration, Industry or Research Institute whose names are submitted to him by search committee constituted by the State Government in accordance with the provisions of sub-section (2).

Provided that first Vice-Chancellor of University Shall be appointed by State Government and Shall hold the Post for duration of three years.

- (2) The committee referred in sub-section (1) shall consist of the following persons :
- (a) One person nominated by the Chancellor.
 - (b) One person nominated by the University Grants Commission (U.G.C.).
 - (c) The Secretary/Principal Secretary of the State Government higher education department, who shall be the convener of the committee.
- (3) Based on the qualification and eligibility prescribe in the regulations of the University Grant Commission, the committee shall prepare a panel of three persons who shall be suitable for the post of the Vice-Chancellor. The committee while presenting the nominations to the Chancellor, shall forward a brief descriptive note of every nominee's academic background/ qualifications and any specializations, but shall not show any preferences.

- (4) The Vice-Chancellor shall have general supervision and control on activities of the University and shall make decision of authorities of university effective.
- (5) Wherever the matter is of urgent nature- apart from appointing faculty, which requires immediate action, and the related action is not fulfilled through this Act or through an empowered official of the University or via any other body, with Prior approval of Chancellor, the Vice-Chancellor may take action as it considered appropriate.
- (6) The emoluments and other condition of services of the Vice Chancellor, shall be as determined by the State Government from time-to-time:

Provided that emoluments and other conditions of service of Vice-Chancellor shall not be varied to his disadvantage during the term of his office.

- (7) If the post of the Vice-Chancellor becomes temporarily vacant due to absence, illness, leave or otherwise then in his absence, the senior most professor who shall be appointed by the Chancellor, shall perform the duties of the Vice-Chancellor till the Vice-Chancellor resumes his duties.

Provided that where the vacancy in the office of the Vice-Chancellor occurs due to resignation, death or expiry of the term and where the vacancy cannot be filled immediately under the sub-section (1) and (3), the Chancellor, with the recommendation of the State Government may appoint the Vice-Chancellor from amongst the senior professors of the University for six months ;

Provided further that this kind of provisional appointment can be extended only once for next six months.

- (8) If, in the opinion of the Chancellor, the Vice Chancellor willfully omits or refuses to carry out the provision of this Act, Ordinances or abuses the power vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice Chancellor in office is detrimental to the interest of University, the Chancellor may, after making such enquiry as he deems proper, by order remove the Vice Chancellor.
- (9) The Vice-Chancellor shall not be entitled to any pension insurance scheme or provident funds.
- (10) On the misappropriation or mismanagement of funds or misbehavior or misconduct, which is undignified for this high post, following a timely investigation, to be completed within two months stating the reason, the Chancellor on recommendation of State Government, shall have the powers to remove the Vice-Chancellor.

- (11) During the pendency or in contemplations of any inquiry referred to in subsection (8) the Chancellor may order that till further orders -
- Such Vice Chancellor shall refrain from performing the functions of the office of Vice-Chancellor but shall continue to get the emoluments to which he was otherwise entitled.
 - The functions of the office of the Vice Chancellor shall be performed by the person specified in the order.
- Service conditions of Vice-Chancellor** 11. Any person on being appointed the Vice-Chancellor, according to government order shall take the charge of post within the term not exceeding one month from the date of receiving appointment order.
- Powers and duties of the Vice-Chancellor** 12. (1) The Vice-Chancellor shall be the Principal Executive Authority and Academic Officer and shall -
- supervise and Control the activities of the University- which includes the campus maintained by university, its constituents, colleges, institutions, and its affiliated colleges, administered colleges, and self-financed institutions;
 - implement the decisions taken by the authorities of the University;
 - In absence of the Chancellor shall preside the meeting of assembly (court) and any convocation of the University;
 - be responsible for the maintenance of the discipline in the University;
 - be responsible for organizing and conducting University examinations in appropriate manner and at an appropriate time, and ensuring that the result of said examination are published at the earliest, and that the academic semester commences and closes by the fixed dates.
- She/he shall be ex-officio chairperson of the Executive Council, Academic Council, and the Finance Committee.
 - Shall have right to speak in and otherwise to take part in meeting of any authority or body of the University but shall not by virtue of this subsection be entitled to vote.
 - It shall be the duty of the Vice Chancellor to ensure the faithful performance of the provision of this Act and statutes and Ordinance shall without prejudice to the powers of the Chancellor, possess all such powers as may be conferred by the State Government in that behalf Conferred by State Government conferred by the State Government.
 - The Vice-Chancellor shall have the power to meeting of the Court, Executive Council, Academic Council, and the Finance Committee.
 - Where any matter is of urgent nature in which immediate action is

required, other than appointment of the teacher in the University and no immediate action on the same could be taken by the officer or authority or any other body of University, affiliated college/ institution empowered by or under this Act, than Vice Chancellor may take such action, as he may deem fit and forthwith a detailed report of the action to the State Government and to any officials, authority or other body, which generally works regarding the matter:

Provided that no such action shall be taken by the Vice Chancellor without the prior approval of State Government if it involves a deviation from the provisions of Statutes or Ordinances:

Provided further that, if any officer, authority, or other body has the opinion that such action should not have been taken, then he may refer to the State Government, who may either confirm the action taken by the Vice Chancellor or annul the same or modify it in such a manner as he thinks fit and there upon, that action shall cease to have effect or, as the case may be, take effect in modified form, so however that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice Chancellor;

Provided also, that if any persons employed in the service of the University, is aggrieved by the action taken by the Vice chancellor under the sub-section, has the right to appeal to the State Government against such action, within three months from the date from which he has been communicated about the decisions such action, and thereafter the State Government may confirm or modify or reverse the action taken by the Vice-Chancellor, and any decision taken in this regard, shall be intimated to the related parties within six months generally from the date of receipt/ approval of the reference.

- (7) Nothing in sub-section (6) shall be deemed to empower the Vice chancellor to incur any expenditure not duly authorised and provided for in the budget, however in exceptional cases, he can approve funds greater than prescribed rates for fulfilment of exceptional requirements. All such matters must thereafter be brought into cognizance of the State Government.
- (8) Where any functionary has been appointed by the Vice-Chancellor using power under sub-section (6) than such an appointment shall cease on appointment in prescribed manner or on expiration of six months from the date of order of the Vice Chancellor, which maybe earlier.

Finance Officer

13. (1) There shall be a Finance Officer of the University, who shall be appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.
- (2) The Finance Officer shall be responsible for presenting the budget and statement of accounts to the Executive Council also for drawing and disbursing funds on behalf of the University.

- (3) The Finance Officer shall have the right to speak in and otherwise to take part in proceeding of Executing Council, but shall not be entitled to cast vote.
- (4) The Finance Officer shall have the following duties :-
 - (a) To ensure that no expenditure, not authorized in budget is incurred by the university otherwise than by way of investment.
 - (b) To disallow any such proposed expenditure which may contravene the provision of this Act or the terms of any Regulations.
 - (c) To ensure that no financial irregularities is committed, and to take steps to set right any irregularities pointed out during audit.
 - (d) To ensure that the property and investments are duly preserved and managed.
- (5) The Finance Officer shall have access to and may require the production of such records and document of the University and furnishing of such records and document of the University and furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties .
- (6) The Finance Officer shall signed all the tenders on behalf of the Executive Council.
- (7) Other powers and functions of the Finance Officer shall be such as may be prescribed from time to time.

Registrar

14. (1) The Registrar shall be a full-time officer of the University.
- (2) The Registrar shall have the power to authenticate records on behalf of the University.
- (3) The Registrar shall be responsible for due custody of the records and common seal of the University. She/he shall be the ex-officio secretary of the Executive Council and shall be bound to furnish any information to the Executive Council as may be necessary for the transaction of business. He shall also perform such other duties as may be prescribed or required from time to time by the Executive Council or the Vice Chancellor, but he shall not by virtue of this sub-section shall be entitled to cast vote.
- (4) The Registrar shall be the appointing officer for all class 3 and class IV employees, and also be responsible for their transfers and deployment.
- (5) Save in other cases where the Executive Council otherwise directs, the Registrar shall be responsible for matters of confidential work regarding the examinations and to maintain the confidentiality.
- (6) The Registrar shall be responsible for academic affiliation and all matters related to the institutional work plan of the University.

- (7) The Registrar shall be responsible to conduct inspections and General and overall supervision all colleges and institutes affiliated to the University, as prescribed.
- (8) The Registrar shall have the powers of office head described in the Financial handbook/manual, and however the State Government may increase the sanction limit on recommendation of Vice Chancellor.
- (9) The Registrar shall not be offered nor shall be accept any remunerations for work of University except as provided in Regulations.

Centralisation of the services of the Registrar, Deputy Registrar, and Assistant Registrar

15. The State Government shall appoint a Registrar, Deputy Registrar, and an Assistant Registrar through "Centralised Service Rulebook", in such manner and on such terms and conditions, as may be prescribed.

Examination Controller

16. (1) The Examination Controller shall be a full-time officer of the University, who shall be not below the rank of Associate Professor.
- (2) The Examination Controller shall be appointed by the State Government by notification and their remuneration and allowances shall be paid by the University.
- (3) The Examination Controller shall be responsible for the due custody of record pertaining to his work. He shall be ex-officio secretary of examination committee of the University and shall be bound to place before such committee all such information of may be necessary for transition of its business he shall also perform such other duties as may be prescribed by the regulation or from time to time by the Executive Council or the Vice Chancellor but he shall not by virtue of this subsection be entitled to vote he may require from any college the production of such return or the furnishing of information as may be necessary for the discharge of his duties.
- (4) Subject to the Superintendence of the Vice Chancellor the Examination Controller shall have administrative control over the employees working under him related to examination work.
- (5) Subject to the superintendence of the examination committee the Examination Controller shall conduct the examinations and make all other arrangements and responsible for due execution of all processes.
- (6) The Examination Controller shall not be offered nor shall he accept any remuneration for any work in the University except in accordance with the order of the State Government.

- (7) In the case Examination Controller is unable to perform their duties due to any reason, or the office of Examination Controller is lying vacant, all the duties of the officer shall be performed by such person as may be appointed by the Vice Chancellor until the Examination Controller resumed his duties or, as the case may be the vacancies as is filled.
- Powers, duties, terms and conditions of the service of the other officers**
17. Except as otherwise provided in this Act the mode of, appointment terms and conditions of service and the powers and duties of the officer of the university other than the Chancellor, the Vice chancellor, the Finance Officer and the Registrar shall be such as may be prescribed or determined by State Government.
- Member of the Executive Council shall be officer of the University**
18. Member of executive council mentioned in clause (f), (g), (h) of sub-section (1) of section 25 shall be officers of the University.
- Other officers at the University**
19. The officers other than the Chancellor, Vice-Chancellor, Finance Officer, Registrar, Examination Controller and members of the Executive Council, shall have such powers and duties, as specified in this Act and/or in Statutes and Ordinances.
- The Dean**
20. (1) The Dean shall be a honorary authority, who shall be appointed amongst from Professor of faculty, on the basis of seniority, in rotation and shall hold office for a period of three years:
- Provided that in case of medical, engineering, Ayurvedic or Lalit Kala colleges (including self-financed institutes), the Principal of such colleges shall be ex-officio Dean of medical, engineering, Ayurvedic or Lalit Kala college, as the case may be:
- Provided further that wherever there are more than one such colleges, the Dean shall be appointed amongst from the Principal of the said colleges in rotation:
- Provided also, that if a faculty has no Principal, then the Vice-Principal shall assume the post of the Dean, and if no Vice Principal is there in, office of Dean shall be assumed by Lecturer of faculty on the basis of seniority by rotation.
- (2) The Dean shall be the head of the faculty council, whose (including the duration of service of its members) powers and duties shall be such as prescribed.
- (3) The Dean shall be responsible for the following :-
- (a) To establish coordination among various departments of the faculty;
- (b) To ensure the abeyance of Statutes, Ordinances and Regulations relate to faculty in a coordinated manner;
- (c) The Dean shall have other powers and duties, as prescribed.

Chapter --4

Authorities of the University

Authorities of University

21. The Following shall be the Authorities of the University, namely :-

- (a) the Assembly (Court);
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Finance Committee;
- (e) the Examination Committee;
- (f) Such other authorities as may be declared by the Statues to be authorities of the University.
- (g) Study Council, Research and Development Council and such other authority as may be declared by Statutes of the authorities of University.

Assembly (Court)

22. (1) The (Assembly) Court shall be advisory body of University, which has the power to review and suggest strategies and programs necessary for improvement and development of the University, to consider annual report and to enforce resolution, and advise on matters referred to by Vice Chancellor and other authorities.
- (2) It shall be formed comprising of the following members, namely :-

Category 1 – Ex-officio members

- (a) Chancellor, who shall preside the meeting of assembly or authorize the Vice-Chancellor for the same;
- (b) Vice-Chancellor, who after being authorised by the Chancellor, shall assume the chairmanship;
- (c) Other members of the Executive Council, who otherwise not a member of the assembly;
- (d) Registrar;
- (e) Finance Officer;
- (f) the Librarian of University;
- (g) Principal of the affiliated colleges;
- (h) Persons of outstanding reputation, representing commercial industries and agricultural interests, not more than ten Person, as nominated by the Chancellor:

Provided that proper representation shall be given to various interests, Professions, qualification at the time of representation.

Category 2 - Representatives of teachers etc.

- (a) From among the head of departments of constituent colleges/autonomous colleges and institutes, in rotation;

- (b) The heads of Medical and Engineering faculties, if they are not a member of the Executive Council;
- (c) Two representatives of hostel wardens of the University campus and affiliated colleges and institutes, selected in rotation by determined procedure;
- (d) The Principals of all affiliated colleges run by the State Government;
- (e) Fifteen teachers, selected by determined Procedure;
- (f) Two representatives of management of affiliated and associated colleges and self-financed institutions, Selected by rotation according to determined procedure.

Category 3 - Registered Graduates

Fifteen such representatives selected from graduate colleges, who are qualified as per the criterion by the colleges, and who are not in service of University or any institution, or affiliated colleges and who are not related to management of any Associated affiliated college or self financed institution or their hostel.

Category 4 - Representatives of students

One student from every department, who has scored maximum marks in their department during an earlier degree examination, and is presently a student of post graduate class or law education, medical or engineering in University (including Affiliated associated college and self financed institution) and

Category 5 - Representatives of the State Legislative Assembly

Two members of Legislative Assembly elected by Legislative Assembly.

Category 6 - Representation of the State industries

Four representatives from among the industries nominated by the State Government

Category 7 - Representatives of the other functionaries

(One) Examination controller;

(Two) The Category (1) and Category (3) mentioned in subsection (2) shall have a tenure of one year and representatives from other categories shall have an tenure term of three years.

The powers and duties of the Assembly (Court)

23. The Assembly (court) shall be a advisory body and subject to the provision of this Act shall have following powers and functions, namely:-

- (a) to review from time to time the broad policies and programmes of the University, and to suggest measures for improvement and development of the University;
- (b) to consider and pass resolutions on the annual report and on audit report of the University;
- (c) to advise the State Government on such matters, which may be referred to it for advise;
- (d) to exercise such other powers and perform such other functions assigned to it by this Act or Statutes or State Government;
- Assembly (Court) session** 24. (1) The Assembly (Court) shall meet once in every year, at a convenient date appointed by the Chancellor and such a session shall be called the Annual Assembly (Court) session.
- (2) As the Vice-Chancellor deems appropriate, or through a written and signed decree by at least one fourth of the members of the Assembly, the Assembly may hold a special meeting.
- Constitution of the Executive Council** 25. (1) The Executive Council shall have following members, namely:-
- (a) The Vice-Chancellor, who shall be its Chairperson;
- (b) The Principal Secretary or Secretary of Department of Higher Education, or members nominated by him, not below the rank of Additional Secretary;
- (c) The Dean, as per the prescribed legal methods, in rotation;
- (d) A Principal other than Dean mentioned in clause (c), a Vice-Principal, and a Lecturer from among the University affiliated /autonomous /institutes, selected through prescribed manner;
- (e) Three principals (one from an autonomous institute) and two teachers from affiliated colleges, selected in Prescribed manner;
- (f) Four eminent persons of education field nominated by Chancellor.
- Provided that among the said persons, one shall be serving or retire Judge of Supreme Court/High Court.
- (g) One person from the incorporated region, nominated by the State Government, who has made important contributions to the field of higher education in the state
- (h) Four persons elected by the Court (University Assembly)
- (2) (i) The persons mentioned in clause (c), (d), (e) of sub-section (1) shall have a tenure of one year.
- (ii) The persons mentioned in clause (f), (g) of sub-section (1) shall have a tenure of two years.
- (iii) The persons mentioned in clause (h) of sub-section (1) shall have a tenure of three years.

- (3) Under clause (f), (g), (h) of sub-section (1) no persons shall be a member of the Executive Council for more than two consecutive terms.
- (4) Any persons shall be disqualified for being nominated as, a member of the Executive Council if he or his relative receive salary or remuneration for any work in, or for the University and any of its affiliated college or institution or self finance institution or any contract for the supply of goods to or for the execution of any work for the University and any of its affiliated college or institution, self financed institution or aid.

Explanation- In this sub section "relative" means the relation defined in section 6 of the companies Act, 1965 and includes the wife's (or husband's) brother, wife's (or husband's) father, wife's (or husband's) sister brothers son and brother's daughter.

**Powers and Duties
of the Executive
Council**

26. (1) The Executive Council, shall be the primary executive body of the University and subject to the provisions of this Act, it shall have the following powers, namely :-
 - (a) to hold and control property and funds of university;
 - (b) to acquire or transfer movable or immovable property on behalf of university on approval by State Government;
 - (c) to make, amend or repeal Statutes and Ordinances;
 - (d) to administer any funds placed at the disposal of the University for Special Projects;
 - (e) to consider incomes and expenditures and approve them with or without amendment;
 - (f) to execute the decision of Academic Council with or without amendment;
 - (g) To define the duties and service conditions for the officers/ teachers and employees, and to issue guidelines for filling temporary, casual vacancies, after due sanction by the State Government;
 - (h) to fix emoluments and meeting charge for the external members of various bodies and specialist of selection committees;
 - (i) to arrange and direct inspection of affiliated colleges, self-financed institutions, associated and constituent colleges and other residential facility for students.
 - (j) to direct and form the use of common seal of the University;
 - (k) to implement and regulate for discipline among the teaching faculty, administrative department and other employees, according to the Statutes and Ordinances mentioned therein;

- (l) to establish principles for the management and regulation of the University funds, account, investments, property and all other administrative functions and to appoint such managers (agents) under this purpose as it deems fit;
 - (m) after due approval by the Financial Committee, or Finance Officer or Finance consultant, the University may invest savings of university into such stocks, funds, shares, or securities, or with prior permission from the State Government, engage in purchasing movable property in place where university is situated, as it deems necessary;
 - (n) to provide the building, campus, furniture and equipment and other facilities for the University, which are necessary for its operations;
 - (o) to make, amend, execute and repeal contract on behalf of University;
 - (p) to consider and approve extraordinary leaves applied for by the teachers to lien on their posts;
 - (q) to approve proposals to institute standard degrees;
 - (r) to institute scholarships, fellowship, special scholarships, medals or other awards, according to the Statutes and Ordinances;
 - (s) to regulate and determine other matters of the University and its institutions, constituent colleges, affiliated colleges, joint colleges, autonomous colleges, and self financed institutions, in accordance with this Act, Statutes, and Ordinances.
- (2) Without prior approval of the State Government, the Executive Council shall not mortgage, sell, exchange, donate or otherwise transfer any of the immovable property (except for giving on monthly rent in reference of General Management) of the University, except in the form a condition of receiving any grant from the State Government to the University. Without prior approval of the State Government, the Executive Council on its available securities, shall not borrow or take on credit any money from any other person or institution.
 - (3) No such expenditure shall be incurred without obtaining the prior approval of the State Government, regarding which approval is required by this Act or the Regulations or Ordinances, and no new post in any institution or constituent college maintained by the University or the University shall be created without the prior approval of the State Government:

Provided that, the Executive Council may, on the recommendation of the Vice Chancellor, create other posts of teachers in the University's self finance departments and enterprises and shall be authorized to make appointment to such post contract and term and condition of which is approved by State Government:

Provided further that in formation of decision taken on this subject by Executive Council shall be immediately conveyed to the State Government, who shall have the right to revoke such order, if the State Government thinks that it is unable to accept the financial and other conditions of such a decision are imposed on it.

- (4) The Executive Council may, with the prior approval of the State Government, create more than the prescribed number of teacher posts in the University with the view that such a teacher, who at present may hold an important academic or administrative responsibility in the country or abroad, maintain lien and seniority in the original position for a maximum of 5 years, and she/he may receive increment in her/his pay-scale during the period of appointment elsewhere, but the provident fund for such period shall be provided to the parent department so that she/he can get the retirement benefits as per the rules, if any:

Provided that, no salary shall be payable by the parent University to such teacher during the period of such appointment.

- (5) The salary of different categories of employees of a University or any institution or associate, constituent or affiliated college or self-financed institution shall be that much approved by the State Government:

Provided that, self-financed institutions, if they wish, may pay more salary allowances than the prescribed salary.

- (6) The Executive Council shall not incur expenditure in excess of the limit fixed by the Finance Committee for expenditure beyond the limit of recurring or non-recurring expenditure, in each financial year.
- (7) Without considering the consultation of the Academic Council and the Boards of the concerned faculties, no action shall be taken in respect of the number of working teachers, qualifications and achievements and fees payable to the examiners. The implementation of the decisions shall be done after the approval of the state government.
- (8) The Executive Council shall consider each resolution of the Assembly (Court) in a proper manner, and take such action as it considers appropriate, and shall inform the Assembly (Court) of the reasons for not accepting the resolution or action take as such.
- (9) Subject to any conditions laid down in the Statutes, the Executive Council may delegate any of its powers, as it thinks appropriate, to any executive or any other authority of the University or to a committee appointed by it.

Frequency of meetings, notification period and quorum

27. (1) Normally, the meeting of the Executive Council shall be held at least once every three months, and the Registrar shall convey the details of such meetings, including agenda and necessary attachments at least 15 days before the convening of each meeting, unless otherwise provided:

Provided that if a very important matter has arisen for consideration by the Vice Chancellor, due to which it is necessary to call an emergency meeting of the Executive Council, then he can call the meeting only on short notice of three days. This system shall be adopted in certain cases and the agenda shall be distributed to the members along with the information and reason of emergency and along with information about the meeting.

- (2) For quorum, half of the total members shall be necessary and the meetings held in that situation and the decisions taken therein shall be fully valid.

Academic Council

28. (1) The Academic Council shall be the Principal Academic body of the University subject to the provision of Act and Statutes and Ordinance -

(a) shall be responsible for teaching, education, and research work, including all type of control and regulation regarding counseling, advice and entrepreneurship development studies, etc;

(b) may advise the Executive Council on all matters related to education, including subjects related to examinations conducted by the University; And

(c) it shall have such other powers as are conferred or imposed upon him by the Statutes.

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

(a) Vice-Chancellor, who shall be the chairman and convener;

(b) the Dean of all faculties if any;

(c) head of all the departments of the University and if there is no department in any subject in the University, then the senior teachers from the affiliated colleges or self-financed institutions representing the subject in the respective faculty;

(d) all the Professor of the University who are not head of the department;

(e) three Principals of the affiliated colleges, who shall be selected in the prescribed manner in rotation;

(f) ten teachers selected in the prescribed manner;

(g) the University librarian;

(h) three persons eminent in the field of education, who shall be selected in the prescribed manner;

(i) examination controller, ex officio member.

(3) the term of office of members other than ex-officio members shall be the same as prescribed.

(4) the meeting of the Academic Council shall be held at least once in every academic session.

(5) the other functions of the Academic Council shall be such as may be prescribed.

The Finance Committee

29. (1) The Finance Committee shall have the following members, namely:-

(a) Chancellor;

(b) Principal Secretary/ Secretary of the Department of Higher Education of the State Government, or a officer nominated by him who is not below the rank of Additional Secretary;

(c) Principal Secretary/ Secretary of the Finance Department of the State Government, or a officer nominated by him who is not below the rank of Additional Secretary;

(d) Registrar;

(e) A person nominated by the Executive Council to represent the Executive Council who has extensive experience in financial matters. The person to be elected shall not be a member of the management committee of the University or any affiliated college, self-financed institution or associate college, or a person serving in such college;

(f) A person nominated by the State Government, who is renowned in the financial and/or academic field;

(g) Examination controller;

(h) Finance officer who shall also be the Secretary of the committee.

(2) The Finance Committee shall advise the Executive Council on matters related to the administration of the property and funds of the University. It shall fix the total recurring and non-recurring expenditure limit for the subsequent financial year, keeping in view the income and resources of the university and for such special reasons may revise, such fixed limit shall be levied on the Executive Council during the financial year:

Provided the provisions of this subsection shall not apply to the powers received by the Vice-Chancellor under subsection (7) of Section 12, and additional expenses incurred shall be met by saving in other areas of the budget.

- (3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or Statutes.
- (4) Unless the proposal has financial implications, is recommended by the Finance Committee, the Executive Council shall not decide on it and if the Executive Council disagrees with the recommendations of the Finance Committee, it shall return the proposal to the Finance Committee with reasons for disagreement, and if the executive Council again disagrees with the recommendations of the Finance Committee, the case shall be referred for decision to Government, whose decision shall be final.

The Examination Committee

30. (1) The University shall have an Examination Committee which shall be constituted as provided in the Statutes.
- (2) The committee shall supervise generally all the examinations of the University, including the moderation and tabulation, and perform the following other functions, namely:-
 - (a) to appoint examiners and moderators, and to remove them if necessary;
 - (b) to Periodically review the results of examinations of Universities and submit a report to the Academic Council regarding the same.
 - (c) to make recommendation to the Academic Council for the improvement of examination system;
 - (d) to Scrutinize the list of examiners Proposer by the study councils, and finalizing them;
- (3) The Examination Committee may appoint it's sub-committees as it deems fit and in Particular delegate power to any one or more persons or sub-committees to act and decide on matters relating to the use of unfair means by the examinees.
- (4) Notwithstanding anything contained in this Act, the examination committee or the sub-committee as the case may be, or any person to whom the Examination Committee has delegated its rights under sub-section (3), shall have the powers to debar an examinee from further examinations of the University, if in (it's or his) opinion a candidate is guilty of using unfair means in any such examination.

Other Authorities

31. The constitution of other authorities of University and their powers and duties shall be such as may be prescribed.

Chapter - 5**Inspection and inquiry**

- Inspection/ Inquiry 32.** (1) The State Government shall have the right to cause an inspection to be made by such person or persons it may direct of any college or self financial institution including its building library, laboratory, workshop and equipment of examination teaching and other work or cause an inquiry to be made in respect of any matter connected with the administration and finance of University or its Affiliated and Associate College, institution or self finance institution.
- (2) Where the State Government decides to cause any inspection or inquiry under sub-section (1), it shall inform to the management of the college and a representative appointed by the management and where the management fails to appoint a representative, the principal of the college may be present at the time of such inspection or inquiry, and shall have the right to be heard on behalf of the management but no legal practitioner shall appear plead or act on behalf of the college at such inspection or inquiry.
- (3) The person or persons appointed to inspect or inquire under sub-section (1), have all the powers of civil court, while considering any suit under the Code of Civil Procedure, 1908 for the purpose of taking evidence on oath and enforcing the attendance of witnesses and compelling production of document and material objects shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Criminal Procedure Code, 1973 and any proceedings before him or them shall be deemed to be a judicial proceeding.
- (4) The State Government may communicate to the management of the college, the result of such inspection or inquiry and may issue direction as to the action to be taken and the management shall forth with comply with such direction.
- (5) The State Government shall inform the Vice-Chancellor about the communication made by it to the management under sub-section (4) and the Vice-Chancellor shall communicate to the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.
- (6) The Vice-Chancellor shall within such time as the State Government may fix submit to it a report of the action taken or proposed to be taken by the Executive Council.
- (7) If the University authority do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering an explanation, which the University authorities may furnish, issue such direction, as it may think fit, and the University authorities shall be bound to comply with such directions.

Chapter - 6

Affiliations

Affiliations

33. (1) The Executive Council may, with the previous sanction of the Chancellor admit any college which fulfils such condition of affiliation, as may be prescribed to the privileges of affiliation or enlarge the privileges of any college already affiliated or withdraw or curtail any such privileges.
- (2) It shall be lawful for a college to make arrangement with any other college situated in the same local area or with the University for cooperation in the work of teaching or research.
- (3) Except as provided by this Act, the management of a college shall be free to control and manage the affairs of the college and shall be responsible for its maintenance and upkeep its principal shall be responsible to maintain discipline in his students and exercise superintendence and control over its staff.
- (4) Each college shall furnish such reports, returns and other particulars as the Executive Council or the Vice-Chancellor may call for.
- (5) The Executive Council shall cause every college to be inspected from time to time at intervals not exceeding five years by one or more persons authorized by it in that behalf, and a report of inspection shall be sent to the Executive Council.
- (6) The Executive Council may direct a college so inspected to take such action as may appears to it to be necessary with in such period as may be specified.
- (7) The Privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (6) or to fulfil the condition of affiliation may, after obtaining a report from the management of the college and with the previous sanction of the State Government be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Regulations.
- (8) Notwithstanding anything in sub-sections (1) and (7), if the management of any college has failed to fulfill the conditions of affiliation, then after receiving the report from the management and the Vice-chancellor, the State Government may with draw or curtail the privileges of affiliation.

Disqualification for membership of management

34. Person shall be disqualified for being chosen as, and for being a member of the management of a college other than a college maintained exclusively by the State Government or by local Authority, if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to, or for the executive of any work for such college.

Chapter - 7**Statutes, Ordinances and Regulations****Statutes**

35. (1) Subject to the provisions of this Act, the statutes may provide for all or any of the following matters; namely :-
- (a) the composition, powers and duties of the authorities and other bodies of the University, the qualifications and disqualifications for membership of such authorities, and the qualifications and disqualifications for membership of such other bodies, the appointment and removal of its members and other matters relating thereto;
 - (b) the Appointment, powers and duties of officers of the University;
 - (c) the appointment, terms and conditions of service of the employees of the University and their powers and duties;
 - (d) Such terms and conditions under which the institutions may be associated with the University;
 - (e) Administration of the University, establishment and abolition of colleges and institutions, the grant or withdrawal of affiliation to colleges, awarding fellowships and awards to institutions and similarly providing degrees and other academic distinction and granting certificate and Diploma ;
 - (f) Procedure for conducting meetings of the authorities of the University;
 - (g) Any other matter of the University, which is necessary for the proper and effective management and conduct of the affairs of the University and which by this Act to be or may be provided by the Statutes.
- (2) The first Statutes shall be made by the State Government by notification in the official Gazzette.
- (3) The Executive Council may, from time to time, make new or additional statutes or may amend or repeal the statutes in the manner prescribed in the proviso to this section:

Provided that the Executive Council shall not make any statute or any amendment of statutes affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity to express their opinion on that proposal, and any such opinion expressed shall be in writing and shall be considered by the Executive Council:

Provided further, that no Statutes shall be made by the Executive Council affecting the discipline of students and standard of instruction education and examination except after consultation with the Academic Council.

- (4) Every new Statutes or addition to the Statutes or any amendment or repeal of Statutes shall require the approval of the Chancellor, who may assent or withhold assent or remit to the Executive Council for consideration.
- (5) A new Statute or a Statute amending or repealing an existing statute shall have no validity unless it has been assented by the Chancellor.
- (6) Notwithstanding anything contained in the foregoing sub-sections, the State Government may, in the interest of the State or National Education Policy or on the advise/ recommendation of the of the University Grants Commission with the assent of the Chancellor, make new or additional Statutes or amend or repeal Statutes already in force.

Ordinances

36. (1) Subject to the provisions of this Act and the statutes, in all or any of the following matters, provisions may be made through first Ordinance; namely :-
 - (a) the admission of students the courses of studies and the fees thereof, the qualification perfectly to degrees, diplomas, certificates and other academic distinction, the condition for the grant of fellowships, awards and the like;
 - (b) the conduct of examinations, including the term and appointment of examiners and the conditions of residence of the students and their general discipline;
 - (c) Management of colleges and preservations of institutions affiliated to or financed by the University;
 - (d) Any other matters, which by this Act or the statutes is to be provides or may be provided by the Ordinances.
- (2) The first Ordinance shall be made by the Vice Chancellor with the prior permission of the State Government, and the Ordinances so made may be amended repealed or added at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations

37. The University may make regulations consistent with this Act, the Statues and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statues or the Ordinance in the manner prescribed by the statues.

Chapter - 8

Annual Report and Accounts

Annual Report

38. (1) The Annual Report of the University shall be prepared under the directions of the Executive Council, under which there shall be measures taken by the University to fulfill its objectives in addition to other subjects.

**Accounting and
audit**

(2) The annual report thus prepared shall be presented to the Chancellor on or before such date as may be prescribed.

39. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Director, Local Fund Accounts, Uttarakhand or by such person or persons as the State Government may authorize in this behalf.

(2) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted to the State Government along with the observation, if any, of the Executive Council before the thirtieth of September, every year.

(3) Any observations made by the State Government on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observations shall be submitted to the State Government.

Surcharge

40. (1) Whenever any complaint is received by the State Government regarding loss, waste or misapplication of any money or property of the University or the State Government on its own thinks fit, it may direct for special audit of the University to be done by the Director, Local Fund Accounts, Uttarakhand or by any officer subordinate to him.

(2) On receiving special audit report, the State Government shall issue a notice to the officer of the University on account of whose negligence or misconduct, the loss, waste or misapplication referred to in sub-section (1), has occurred, calling upon him to explain his action within the time fixed by the State Government in this behalf.

(3) The State Government, after considering the audit report and the reply of the officer referred to in sub-section (2), may take suitable decision in this behalf.

(4) If the State Government is of the opinion that the officer should be held responsible for paying the surcharge determined by the State Government, the surcharge shall be recovered as land revenue arrears or in such other manner as may be directed by the State Government.

Chapter - 9**Miscellaneous****Transitional
powers of the first
Vice Chancellor**

41. (1) The first Vice-Chancellor shall have the responsibility to make arrangements for the formation of the Council and other authorities of the University, within six months from the date of commencement of the Act, or within a period not exceeding one year as directed in the notification by the State Government.

- (2) The first Vice-Chancellor shall make the necessary rules for the conduct of the work of the University in consultation with the Chancellor.
- (3) It shall be the responsibility of the first Vice-Chancellor to immediately prepare the necessary drafts for the government and forward it to the competent authorities for approval.
- (4) Notwithstanding anything in this Act and until the official body is properly constituted under this Act, the first Vice-Chancellor shall appoint an officer or constitute a temporary committee under this Act, to exercise any powers and discharge the obligations.

The manner of appointing officers and members by the authority

42. (1) Except as expressly provided by this act, or the Regulations, officers of the University and members of Authorities of the University shall so far as possible, be chosen by methods other than election.
- (2) Where a provision is made in this Act or the Regulation for any appointment by rotation or according to seniority or other qualifications, the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.

Filling up unforeseen vacancies

43. (1) 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 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) Any person who is a member of an Authority of the University as representative of another Body, whether of the University or outside, shall retain his seat on such Authority so long as he continues to be the representative of such Body.

Proceeding not to be invalidated by vacancy etc.

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

Disqualification from university membership

45. The Executive Council may by a two-third majority of the members present and voting remove any person from membership of any Authority or other Body of the University on the ground that such person has been convicted of an offence which, in the opinion of the Executive Council, is an offence involving moral turpitude or upon the

- ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree or certificate conferred or granted by the University.
- Reference to the Chancellor** 46. If any question arises whether any person has been duly elected or appointed as or is entitled to be member of any Authority or other Body of the University or whether any decision of any Authority or the officer of the University (including any question as to the validity of a Regulation) is in conformity with this Act or Regulations made thereunder, the matter shall be referred to the Chancellor and the decision of the chancellor thereon shall be final.
- Bar of suit** 47. No suit or other legal proceeding shall lie against the State Government or the University or any officer, Authority or Body thereof in respect of anything done or purported or intended to be done in pursuance of the act or Regulations made thereunder.
- Method of attesting university records** 48. (1) A copy of any receipt, application, notice, order, proceedings or a resolution of any Authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as Prima Facie evidence of such receipt, application, notice, order, proceedings, resolution or a document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions recorded therein where the original thereof would, if produced, have been admissible in evidence.
- (2) No officer or servant of the University shall in any proceeding which the University is not a party, be required to produce any document, register or other record of the University, the contents of which can be proved under sub section (1) by a certified copy or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.
- The Right to Appeal** 49. Every employee or student of the University or of a constituent college or affiliated college, shall, notwithstanding anything contained in this Act, have a Right to Appeal within such time as may be prescribed, to the Executive Council against the decision of any Authority of the University or of the Principal of any such constituent college or an affiliated college, as the case may be, and thereupon the Executive Council may confirm, modify or change the decision appealed against.
- Conduct of colleges and programs** 50. All courses and programs conducted by the Uttarakhand Residential University shall be incorporated into Soban Singh Jeena University, all programs and courses conducted by Kumaun University in Soban Singh Jeena Campus Almora and in colleges coming under this University, shall be conducted by this University.

**Power to remove
difficulties**

51. (1) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by order, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.
- (2) No order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.
- (3) Every order made under sub-section (1) shall be placed before the State Legislative Assembly.
- (4) No court shall object against any order under sub-section (1) on the ground that the difficulty referred to in sub-section (1) did not exist or was not required to be overcome.

**Repeal of the
Uttarakhand
Residential
University Act,
2016**

52. (1) The Uttarakhand Residential University Act, 2016 (Act No. 20 of 2016) is hereby repealed.
- (2) Notwithstanding such repeal, any action taken under the said Act shall be deemed to have been done under the corresponding provisions of this Act.

By Order,

PREM SINGH KHIMAL,
Secretary.