



The Jammu and Kashmir Baba Ghulam Shah Badshah University Act, 2002

Act 16 of 2002

Keyword(s):

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**THE JAMMU AND KASHMIR BABA GHULAM SHAH
BADSHAH UNIVERSITY ACT, 2002.**

Act No. XVI of 2002.

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

An Act to provide for the establishment of a residential and technical university in the State of Jammu and Kashmir to offer scientific and technical education as also to usefully utilize the surplus finance of Baba Ghulam Shah Trust for matter connected therewith.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Baba Ghulam Shah Badshah University Act, 2002.

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

(3) Seat of the University shall be at Moradpur Rajouri or such other place as may be identified by the Government on the recommendations of State Wakaf Council.

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

(a) “College” means a college maintained by the University ;

(b) “Council” means the State Wakaf Council established under section 7 of the Jammu and Kashmir Wakafs Act, 2001 ;

(c) “Hall” means a unit of residence, by whatever name called, for students of the University provided, maintained or recognised by it ;

- (d) "prescribed" means prescribed by Statutes, Ordinances or Regulations ;
- (e) "recognised institution" means an institution of higher learning maintained by the University or started by Council or Trust and recognised by, or associated with the University ;
- (f) "State" means the State of Jammu and Kashmir ;
- (g) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act ;
- (h) "Trust" means the Hazrat Baba Ghulam Shah Badshah Trust ;
- (i) "University" means Baba Ghulam Shah Badshah University.

3. *The University*.—The First Chancellor and the first Vice-Chancellor of the University, the Executive Council and the Academic Council and all persons who may hereafter become such officers, so long as they continue to hold such offices are hereby constituted a body corporate by the name of "Baba Ghulam Shah Badshah University".

4. *Objects*.—The objects of the University shall be to disseminate and advance knowledge, wisdom and understanding, and to offer scientific and technical education of the highest standards by teaching and research and by the example and influence of its corporate life.

5. *Powers of the University*.—The University shall have the following powers, namely :—

- (1) to provide for instruction including the method of correspondence courses in such branches of learning as the University may from time to time determine, and to make provision for research, for the advancement and dissemination of knowledge and for offering scientific and technical education of the highest standards ;

- (2) to confer honorary degrees or other academic distinctions in the manner laid down in the Statutes ;
- (3) to create such teaching, administrative and other posts as the University may deem necessary, from time to time and to make appointments thereto ;
- (4) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the University ;
- (5) to institute an award, Fellowships, Scholarships, Exhibitions and prizes ;
- (6) to establish and maintain Colleges and Halls, to recognise, guide, supervise and control Halls started by Council or Trust and to withdraw any such recognition ;
- (7) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures in this regard as may be deemed necessary ;
- (8) to make arrangements for promoting health and general welfare of students and employees of the University ;
- (9) to determine and provide for examinations for admission into the University ;
- (10) to recognise for any purpose, either in whole or in part any institution started and maintained by Council on terms and conditions as may, from time to time, be prescribed and to withdraw such recognition ;
- (11) to co-operate with any other University, authority or association or any other public or private body having in view the promotion of purposes and objects similar to those for the University for such purposes as may be agreed upon on such terms and conditions, as may, from time to time, be prescribed ;
- (12) to enter into any agreement for the incorporation in the University or any other institution and for taking over its

rights, properties and liabilities and for any other purpose not repugnant to this Act ;

- (13) to demand and receive payment of such fees and other charges as may be prescribed, from time to time ;
- (14) to receive donations and to acquire, hold and manage any property movable or immovable including trust or endowed property for the purposes or objects of the University, and to invest funds in such manner as the University thinks fit ;
- (15) to make provision for research and advisory services, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary ;
- (16) to provide for the printing, production and publication of research and other work which may be issued by the University ;
- (17) to borrow, with the approval of Council on security of the University property, money for the purposes of the University ;
- (18) to do all such things as may be necessary incidental or conducive to the attainment of all or any of the objects of University.

6. *University open to all classes, castes and creeds.*—The University shall be open to all persons of either sex and of whatever, race, creed, caste or class.

7. *Jurisdiction of the University.*—The territorial jurisdiction and the responsibility of the University shall extend to the entire State of Jammu and Kashmir.

8. *Officers of the University.*—(1) The Chief Minister of the State shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor, shall, if present, preside at convocation of the University for conferring degrees.

(3) 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 and he shall, in the absence of the Chancellor preside at any convocation for conferring degrees.

(4) There shall be a Dean for each School of Study who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

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

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

(7) There shall be such other officers as provided for in the Statutes.

9. *Authorities of the University.*—The authorities of the University shall be the Council, Trust, the Executive Council, the Academic Council, the Schools of Studies, the Finance Committee and such other authorities as may be declared by the Statutes to be authorities of the University.

10. *Council.*—(1) The Council shall be the supreme authority of the University.

(2) The Council shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the powers conferred upon them under this Act, the Statutes or the Ordinances) and shall exercise

all the powers of the University not otherwise provided for by this Act or the Statutes.

11. *Trust.*—The Trust shall, subject to direction, control and superintendence of the Council have the powers of the Council for purposes of carrying the objects of this Act.

12. *The Executive Council.*—(1) The Executive Council shall consist of the following members, namely :—

- (i) the Vice-Chancellor of the University ;
- (ii) the Vice-Chancellor of the University of Jammu ;
- (iii) the Vice-Chancellor of the University of Kashmir ;
- (iv) the Dean of Students, ex officio ;
- (v) not more than two Deans of Schools of Studies, by rotation according to seniority ;
- (vi) not more than two Principals of Colleges ;
- (vii) three persons, none of whom shall be an employee of the University or an institution recognised by, or associated with, the University nominated by Chancellor.

(2) The members of the Executive Council referred to in items (v) and (vi) shall hold office for a term of three years.

(3) The members referred to in item (vii) shall hold office for a term of three years.

(4) The term of office of the members of the Executive Council shall commence from the date of election, nomination or appointment, as the case may be.

(5) Four members of the Executive Council shall form the quorum.

(6) The Executive Council shall be the executive body of the University, and its constitution and the terms of the office of its members, other than ex officio members, shall be prescribed by the Statutes.

(7) It shall be incharge of the general management and administration (including the revenue and property) of the University.

13. *The Academic Council.*—(1) The Academic Council shall be the academic body of the University, and its constitution and the terms of office of its members, other than ex officio members, shall be prescribed by the Statutes.

(2) The Academic Council shall, subject to the provisions of this Act, the Statutes and the Ordinances have the control and general regulation 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 the Statutes.

14. *The Academic Advisory Committee.*—(1) There shall be constituted an Academic Advisory Committee of the University which shall advise generally on the planning and development of the University and keep under review the standard of education and research in the University.

(2) The Committee shall consist of—

(a) not more than seven persons of high academic standing who shall be appointed in such manner as may be prescribed by the Statutes ;

(b) the Vice-Chancellor ;

(c) the Secretary to Government, Higher Education Department, ex officio ; and

(d) the Secretary to Government, Haj and Auqaf Affairs Department.

(3) The Chancellor may determine a date with effect from which the Academic Advisory Committee shall stand dissolved.

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

- (a) The constitution, powers and duties of the authorities and other bodies of the University except Council and Trust, the qualifications and disqualifications for membership of such authorities and other bodies, appointment and removal of members thereof and other matters connected therewith ;
- (b) the appointment, powers and duties of the officers of the University ;
- (c) the appointment, powers and conditions of service and powers and duties of the employees of the University ;
- (d) the terms and conditions under which institutions may be associated with the University ;
- (e) the administration of the University, the establishment and abolition of the colleges, institutions and Halls, the grant and withdrawal of recognition to institutions, the institutions of Fellowships, Awards and the like, the conferment of degrees and other academic distinctions and the grant of diplomas and certificates ;
- (f) the giving of religious instruction ;
- (g) 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 made.*—(1) The first Statutes are those set out in the schedule.

(2) The Executive Council may, from time to time, make new or additional statutes or may amend or repeal the statutes in the

manner hereafter in this section provided :

Provided that Executive 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 Executive Council :

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

17. *Ordinance.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of the students, the course of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other academic distinctions, the conditions for grant of Fellowships, Awards and the like ;
- (b) the conduct of examinations, including the terms of office and appointment of examiners and the conditions of residence of students and their general discipline ;
- (c) the management of colleges and institutions maintained by the University ;
- (d) any other matter which by this Act or the Statutes is to be or may be provided by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Council and the Ordinances made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

18. *Regulations.*—The authorities of the University may make the regulations for the conduct of their own business and that of

the Committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

19. *Colleges.*—The Colleges shall be such, as may, after the commencement of this Act, be started by the Council or Trust and recognised by the Executive Council in accordance with this Act.

20. *Annual Reports.*—(1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to Council on or before such date as may be prescribed by the Statutes and shall be considered by the Council at its budget meeting.

(2) The Council may communicate its comments thereon to the Executive Council.

21. *General Fund.*—The University shall have a General Fund set up by Council in the name of the University and operated by the University to which shall be credited—

- (i) rupees fifteen crore as a one time capital grant to be made by Trust for meeting the non-recurring cost of the University ;
- (ii) rupees two crore to be annually contributed by Trust ;
- (iii) its income relating the fee and endowments ;
- (iv) contribution or grants which may be made by the Government ;
- (v) contributions or grants which may be made by the Council ; and
- (vi) other contributions or grants.

22. *Audit of Accounts.*—(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 Chancellor, to the Trust and to the Council.

23. *Disputes as to constitution of University Authorities and Bodies.*—If any question arises 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.

24. *Constitution of Committees.*—Where any authority, of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of members of the authorities concerned and of such other persons (if any) as the authority in such case may think fit.

25. *Filling of Casual Vacancies.*—All casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as conveniently may be, 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.

26. *Proceedings of the University Authorities and Bodies not 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 among its members.

27. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, Chancellor may, by order published in the Government Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

28. *Transitional provisions.*—Notwithstanding anything contained in this Act and the Statutes, the first Executive Council and the Academic Council shall be nominated by the Council and shall hold office for a term of three years :

Provided that the Vice-Chancellors of the University of Kashmir and the University of Jammu shall be ex officio members of the Executive Council so nominated.

SCHEDULE

THE STATUTES OF THE UNIVERSITY

In the statutes—

1. *Definition.*—(a) “Act” means, The Baba Ghulam Shah Badshah University Act, 2002.

(b) All words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

2. *Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of not less than four persons who shall be recommended by a Committee consisting of four members :

Provided that, if the Chancellor does not approve any of the persons so recommended, he may call for fresh recommendations.

(2) The Committee shall consist of—

(i) a member to be nominated by the Chancellor who shall be the Chairman of the Committee ;

(ii) a member to be nominated by the University Grants Commission ; and

- (iii) two members, not being connected with the University or any institution recognised by, or associated with the University, to be nominated by the Executive Council.

(3) The Vice-Chancellor shall be a whole time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a minimum term of three years extendible upto five years from the date on which he enters upon his office and shall on the expiration of his term of office, be ineligible for appointment to that office :

Provided that the Vice-Chancellor shall notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office.

(5) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows :—

- (i) There shall be paid to the Vice-Chancellor such salary as is determined by the Chancellor at the time of his appointment and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.
- (ii) The Vice-Chancellor shall not be entitled to the benefits of the University, Provident Fund or to any other allowance :

Provided that, where any employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

- (iii) The Vice-Chancellor shall be entitled to Dearness Allowance and Travelling Allowance at such rates as may be fixed by the Chancellor.

- (iv) The Vice-Chancellor shall be entitled to leave on full pay for one eleventh of the period spent by him on active service.
- (v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds to leave without pay for a period not exceeding three months during the term of his office :

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-clause (iv).

- (vi) if the office of the Vice-Chancellor becomes vacant, the functions of office shall, until some person is appointed under clause (i) to the vacant office, be performed by such person as is designated by the Chancellor.

3. *Powers and duties of Vice-Chancellor.*—(1) The Vice-Chancellor shall have a general responsibility for maintaining and promoting efficiency and good order of the University.

(2) It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, these Statutes, Ordinances and the Regulations are duly observed and the decisions taken by the authorities of the University are implemented.

(3) The Vice-Chancellor shall have power to convene meetings of the Executive Council and the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of the Act, these Statutes and the Ordinances.

(4) The Vice-Chancellor shall be entitled to be present at and to address any meeting of any authority or body or committee of the University and shall be entitled to vote thereat being deemed to be its Chairman by virtue of his office.

(5) If, in the opinion of the Vice-Chancellor any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the

authority which, in the ordinary course, would have dealt with the matter :

Provided that, if the action by the Vice-Chancellor is not approved by the Authority concerned, he may refer the matter to the Chancellor, whose decision thereon shall be final :

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within 30 days from the date on which he receives notice of such action, an appeal to the Executive Council.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Ordinances or the Regulations.

4. *Dean of School of Studies.*—(1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor for a period of three years and he shall be eligible for reappointment :

Provided that, when the office of the Dean of a School of Studies is vacant or when the Dean is, by reasons of illness or absence or for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(2) The Dean shall be the Head of the School of Studies and shall be responsible for the conduct and standard of teaching and research in the School. He shall have such other functions as may be prescribed by the Ordinances.

(3) The Dean shall have the right to be present and to speak at any meeting of a Board or Committee of the School, as the case may be, but not the right to vote thereat unless he is a member thereof.

5. *Registrar.*—(1) The Registrar shall be appointed by the Executive Council and shall be a whole-time salaried officer of the University.

(2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence or for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall not, by reason only of his being Secretary of the Executive Council and the Academic Council, be deemed to be a member of any of these authorities.

(4) The Registrar shall—

- (a) be the custodian of the records, the common seal and other properties of the University as the Executive Council shall commit to his charge ;
- (b) conduct the official correspondence of the Executive Council and the Academic Council ;
- (c) supply to the Chancellor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings ;
- (d) in an emergency, when the Vice-Chancellor is not able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University ;
- (e) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose ; and
- (f) perform such other duties as may be specified in the Statutes, or prescribed by the Ordinances or the Regulations or as may be required, from time to time by the Executive Council or the Vice-Chancellor.

- (g) (i) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry to administer warnings to them or to impose on them the penalty of censure or the withholding of increment :

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

- (ii) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment.
- (iii) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar, is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor alongwith his recommendations for such action as the Vice-Chancellor deem fit :

Provided that an appeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.

6. *Finance Officer*.—(1) The Finance Officer shall be appointed by the Executive Council and shall be a whole-time salaried officer of the University.

(2) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence or for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Finance Officer shall—

- (a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy ; and

- (b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances :

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 25000 without the previous approval of the Vice-Chancellor.

- (4) Subject to the control of the Executive Council, the Finance Officer shall—

- (a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University ;
- (b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted ;
- (c) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Executive Council ;
- (d) keep a constant watch on the state of the cash and bank balances and on the state of investments ;
- (e) watch the progress of collection of revenue, and advise on the methods of collection employed ;
- (f) have the accounts of the University regularly audited by an internal audit party ;
- (g) see that the registers of buildings, land, furniture and equipment are maintained upto date and that the stock checking is conducted of equipment and other consumable materials in all offices, special centres, specialised

laboratories, colleges and institutions maintained by the University ;

- (h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault ; and
- (i) call for from any office or college or institution under the University any information or return that he may consider necessary to discharge his financial responsibilities .

(5) The receipt of the Finance Officer or of the person/persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

7. *Officers of the University.*— (1) The following shall also be the officers of the University, namely :—

- (a) Dean of Students,
 - (b) Chief Proctor,
 - (c) Librarian,
 - (d) Controller of Examinations.
- (2) (a) The Dean of Students shall be appointed from amongst employees of the University, who are or who have been teachers of the University, not below the rank of Reader, by the Executive Council on the recommendation of the Vice-Chancellor, the Dean shall be a whole time employee of the University, shall hold office for a term of three years and shall be eligible for re-appointment.
- (b) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post.

- (c) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence or for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (d) The duties and powers of the Dean of Students shall be prescribed by the Ordinances.
- (3) (a) The Chief Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties in respect of the maintenance of discipline among the students as may be assigned to him by the Vice-Chancellor.
- (b) The Chief Proctor shall hold office for a term of two years and shall be eligible for re-appointment.
- (4) (a) The Librarian shall be appointed by the Executive Council and shall be a whole time salaried officer of the University ;
- (b) The duties and powers of the Librarian shall be regulated by the Ordinances.

8. *Powers of the Executive Council*—Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely :—

- (i) to appoint such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendations of the Selection Committees constituted for the purpose, and to provide for filling temporary vacancies therein, provided that no appointment of the rank of Reader and above shall be made without the prior approval of the Chancellor ;

- (ii) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff :

Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendations of the Academic Council ;

- (iii) to create administrative, ministerial and other necessary posts and to make appointment thereto ;
- (iv) to regulate and enforce discipline among the members of the teaching, administrative and ministerial staff of the University in accordance with these Statutes and the Ordinances ;
- (v) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit ;
- (vi) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University ; and
- (vii) to provide the buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University ;
- (viii) to enter into, vary, carry out and cancel contracts on behalf of the University ;
- (ix) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers, the teaching staff and other employees of the University who may for any reasons feel aggrieved :

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-

Chancellor or any other officer of the University, no appeal shall lie to the Executive Council ;

- (x) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after consulting the Academic Council ;
- (xi) to select a common seal for the University and provide for the custody and use of the seal ;
- (xii) to institute fellowships, scholarships, statesmanship, medals and prizes ;
- (xiii) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

9. *Academic Council-* (1) The Academic Council shall consist of the following members, namely :—

- (i) The Vice-Chancellor ;
- (ii) The Deans of Schools of Studies ;
- (iii) The Dean of Students ;
- (iv) The Chief Proctor ;
- (v) The Librarian ; and
- (vi) Such number of other persons as may be nominated by the Executive Council out of the institutions recognised by or connected with the University.

(2) All members of the Academic Council, other than *ex officio* members shall hold office for a term of two years.

(3) Ten members of the Academic Council shall form the quorum.

10. *Powers and duties of the Academic Council.*—Subject to the provisions of the Act and these Statutes, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely—

- (i) to report on any matter referred to it by the Chancellor /or the Executive Council ;
- (ii) to make proposals to the Executive Council for the establishment of Departments, Colleges, Institutions of higher learning, Special Centres, Specialised Laboratories, Libraries and Museums ;
- (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to Schools of Studies ;
- (iv) to consider proposals submitted by the Schools of Studies ;
- (v) to promote research within the University and to requisition from time to time reports on such research ;
- (vi) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts and the emoluments and duties attached thereto ;
- (vii) to recognise diplomas and degrees of other Universities and institutions and to determine their diplomas and degrees of Shri Mata Vaishno Devi University ;
- (viii) to appoint Committees for admission to University ;
- (ix) to publish lists of prescribed or recommended text books and to publish the syllabi of prescribed courses of study ;
- (x) to make such arrangements for the instruction and examination of persons, not being members of the University as may be necessary ;
- (xi) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which student should be admitted to such examinations ;

- (xii) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal and the fixation of their fees, emoluments and travelling and other expenses ;
- (xiii) to make arrangements for the conduct of examinations and to fix dates for holding them ;
- (xiv) to declare the results of various University Examinations, or to appoint committees or officers to do so ;
- (xv) to make recommendations for the conferment of honorary degrees to confer or grant degrees, academic distinctions, honours, diplomas, licences, title and marks of honour ;
- (xvi) to make proposals to the Executive Council for the institution of fellowships, scholarships, studentships, medals and prizes and to award the same ;
- (xvii) to perform, in relation to academic matters, all such duties and to do and acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances ;
- (xviii) to promote the health and welfare of students and to constitute a Council of Students Affairs consisting of such number of teachers and students as may be prescribed by the Ordinances to advise the Academic Council on matters relating to the welfare of students of the University.

11. *The Academic Advisory Committee.*—(1) The members and the Chairman of the Academic Advisory Committee shall be appointed by the Chancellor and shall hold office for such period as he may determine.

(2) The Academic Advisory Committee, shall, in addition to all other powers vested in it by the Act have the right to advise the Executive Council and the Academic Council on any academic matter.

12. *Schools of Studies.*—(1) The University shall have such schools of studies as may be specified in the Ordinances.

- (2) (a) Every School of Studies (hereinafter referred to as the School) shall consist of such Departments as may be assigned to it by the Ordinances ;
- (b) Such Department shall consist of the following members, namely—
- (i) teachers of the Department ;
 - (ii) persons appointed to conduct research in the Department ;
 - (iii) Honorary Professors, if any, attached to the Department ;
 - (iv) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.
- (c) Each Department shall have a Head who may be a Professor or, if there is no Professor, a Reader and whose duties and functions shall be prescribed by the Ordinances :

Provided that if there are more Professors or, as the case may be, Readers than one in any Department, the Executive Council shall appoint one of them as the Head of the Department.

(3) Every School shall have a Board consisting of the following members, namely :—

- (i) The Dean of the School ;
- (ii) The Heads of the Departments in the School ;
- (iii) The Professors in the Departments in the School ;
- (iv) One Reader and one Lecturer, by rotation according to seniority, from each Department in the School ;
- (v) Five members nominated by the Academic Council for their special knowledge in any subject assigned to the School or in any allied branch of knowledge ;

(vi) Such other members, but not exceeding five, as may be specified in the Ordinance.

(4) All members of a Board other than ex officio members shall hold office for a term of three years and shall be eligible for reappointment. The first term of members shall commence from such date as may be notified by the University.

(5) Every Board shall have such powers and shall perform such duties as may be prescribed by the University.

(6) The conduct of the meetings of a Board and the quorum required shall be prescribed by the Ordinances.

13. *Finance Committee*.—(1) The Finance Committee shall consist of the following members, namely :—

(i) the Vice-Chancellor ;

(ii) three persons, nominated by the Chancellor ;

(iii) three persons, who are not employees of the University or of any recognised institution nominated by the Executive Council.

(2) The Finance Officer shall be the Secretary of the Finance Committee.

(3) Three members of the Finance Committee shall form the quorum.

(4) All members of the Finance Committee other than ex officio members, shall hold office for a term of three years.

(5) The Vice-Chancellor shall preside at the meetings of the Finance Committee.

(6) The Finance Committee shall meet at least twice every year to examine accounts and scrutinise proposals for expenditure.

(7) The annual accounts and financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Chancellor through the Executive Council for approval with or without amendments.

14. *Committees.*—The Executive Council or the Academic Council may appoint Boards or Committees consisting of members of the authority making such appointment and of such other persons (if any) as that authority in each case may think fit ; and any such Board or Committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

15. *Elected Chairman to preside where no provision is made in the Statutes.*—Where, by the Statutes or the Ordinances, no provision is made for a Chairman to preside over a meeting of any University Authority Council, Trust or Committee, or when the Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

16. *Resignation.*—(1) Any member other than an ex officio member of the Executive Council, the Academic Council or any other authority of the University or Committee may resign by a letter addressed to the Registrar and the resignation shall take effect as soon as letter is received by the Registrar.

(2) Any officer of the University (whether salaried or otherwise) may resign his office by a letter addressed to the Registrar :

Provided that such resignation shall take effect only on the date from which the same is accepted by the Authority competent to fill the vacancy.

17. *Disqualifications.*—(1) A person shall be disqualified for being chosen as and for being a member of any of the authorities of the University—

(a) if he is of unsound mind or is a deaf-mute ;

(b) if he is an undischarged insolvent ;

(c) if he has been convicted by a Court of Law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Chancellor and his decision shall be final, and no suit or other proceeding shall lie in any Court of Law against such decision.

18. *Honorary de, rees.*—Any proposal for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and the proposal, if accepted by the Executive Council, shall require the assent of the Chancellor before confirmation.

19. *Withdrawal of degrees etc.*—The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause :

Provided that no such resolution shall be passed until, a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them have been considered by the Academic Council.

20. *University's Teachers.*—(1) Teachers of the University shall be of two classes, namely—

(i) Appointed teachers of the University ;

(ii) Recognised teachers of the University ;

(2) Appointed teachers of the University shall be either—

(a) employees of the University as Professors, Readers and Lecturers or otherwise of the University ; or

(b) persons appointed by the Chancellor as Honorary Professors, Emeritus Professors, Readers or Lecturers or otherwise as teachers of the University.

(3) Recognised teachers of the University shall be the members of the staff of a recognised institution other than an institution maintained by the University :

Provided that no such member of the staff shall be deemed to be a recognised teacher unless he is recognised by the Executive Council as a Professor, Reader or in any other capacity as a teacher of the University.

(4) The qualifications of recognised teachers of the University shall be such as may be prescribed by the Ordinances.

(5) All applications for the recognition of the teachers of the University shall be made in such a manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(6) The period of recognition of a teacher of the University as Professor or Reader shall be determined by Ordinances made in that behalf. A person in the service of a recognised institution other than an institution maintained by the University, recognised as a teacher of the University otherwise than as a Professor or Reader shall continue to be recognised so long as he is in the service of the institution.

(7) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from teacher :

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

(8) A person aggrieved by an order of withdrawal under clause (7) may, within three months from the communication to him of such

order, appeal to the Executive Council who may pass such orders thereon as it thinks fit.

(9) No person shall be appointed or recognised as a teacher of the University except on the recommendation of a Selection Committee constituted for the purpose.

21. *Selection Committee.*—(1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer and Librarian.

(2) Every Selection Committee shall consist of the Vice-Chancellor who shall be the Chairman thereof, and a person nominated by the Chancellor and, in addition, the Selection Committee for making recommendations for appointment to a post specified in column 1 of the Table below shall have as its members the persons specified in corresponding entry in column 2 of the said Table.

TABLE

1	2
Professor	(i) The Head of the Department concerned if he is a Professor ; (ii) Three persons not connected with the University, or any other University of the State nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in the subject with which the Professor will be concerned.
Reader, Lecturer	(i) The Head of the Department concerned. (ii) Two persons not connected with the University, or any other University of

the State nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in the subject with which the Reader or Lecturer will be concerned.

Registrar, Finance Officer Three members of the Executive Council nominated by it.

Librarian Three persons not connected with the University, or any other University of the State who have special knowledge of the subject of Library Science to be nominated by the Executive Council.

(3) The recommendations of the Selection Committee will be subject to the regulations issued by the University Grants Commission from time to time with regard to appointment and promotion of Professors, Readers, Lecturers and Administrative posts of the University.

(4) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(5) If the Executive Council is unable to accept any recommendation made by the Selection Committee, it may remit the same to the Selection Committee for reconsideration and if the difference is not resolved, the Executive Council shall record its reasons and submit the case to the Chancellor.

(6) The constitution of the Selection Committee for the purpose of recognising teachers shall be provided for by the Ordinances.

22. *Special mode of appointment etc.*—Notwithstanding anything contained in Statute 23, the Executive Council may invite a person of high academic distinction and professional attainment to accept a post of Professor or Reader in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

23. *Conditions of service of officers etc.*—(1) Every teacher and salaried officer and such other employees as are mentioned in the statutes shall be appointed under a written contract which shall be lodged with the University, and a copy thereof shall be furnished to the officer or teacher or employee concerned.

(2) Any dispute arising out of a contract between the University and those mentioned in clause (i) shall at the request of the teacher or officer or employee concerned, or at the instance of the University be referred to a Tribunal of Arbitration consisting on one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor, and the decision of the Tribunal shall be final. ✓

24. *Removal of Teachers.*—(1) Where there is an allegation of misconduct against a teacher, the Vice-Chancellor may, if he thinks fit by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made :

Provided that the Executive Council may, if it is of the opinion that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.

(2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher except for a good cause and after giving three months' notice in writing or payment of three months' salary in lieu of notice.

(4) No teacher shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher shall require a two-thirds majority of the members of the Executive Council present and voting.

(6) The removal of a teacher shall take effect from the date of which the order of removal is made :

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

(7) Notwithstanding anything contained in these Statutes, the teacher shall be entitled to resign by giving three months' notice in writing to the Executive Council.

25. *Removal of employees other than a teacher.*—(1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the University, other than a teacher, may be removed by the Authority which is competent to appoint the employee—

(a) if he is of unsound mind or is a deaf-mute ;

(b) if he is an undischarged insolvent ;

(c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months ;

(d) if he is otherwise guilty of misconduct :

Provided that no officer of the University shall be removed from his office unless a resolution to that effect, is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No such employee shall be removed under clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of notice.

(4) Notwithstanding anything contained in these Statutes, an employee of the University, not being a teacher shall be entitled to resign—

- (i) in the case of permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof ;
- (ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

26. *Maintenance of discipline among students of the University.*—(1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or such of his powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-Chancellor may in the exercise of his powers aforesaid, order or direct that any student or students be expelled from any college or institution maintained by the University, Department, Special Centre or Specialised Laboratory, or be fined a sum of rupees (that may be specified), or be debarred from taking an examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he has or they have appeared be cancelled.

(4) The Principals or, as the case may be, the Heads of the Colleges, Institutions, Departments, Special Centres or Specialised Laboratories shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Departments, Special Centres or Specialised Laboratories as may be necessary for the proper conduct of such Colleges, Institutions, Departments, Special Centres or Specialised Laboratories.

(5) Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed. The Principals, or as the case may be, the Heads of the Colleges, Institutions, Departments, Special Centres or Specialised Laboratories may frame such supplementary rules as they deem necessary for the aforesaid purpose. Every student shall provide himself with a copy of these rules.

27. *Membership of Students Organisation.*—The membership of any Students Organisation shall be voluntary.

28. *Ordinances.*—Subject to the provisions of the Act and these Statutes, the Ordinances may provide for all or any of the following matters, namely :—

- (a) the fees to be charged for courses of study in the University and for admission to the examinations, Degrees and Diplomas of the University ;
- (b) the conditions of award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
- (c) the conduct of examination, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
- (d) the maintenance of discipline among the students of the University ;
- (e) the conditions of residence of students at the University ;
- (f) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing for them of special courses of study ;
- (g) the giving of moral instructions ;
- (h) the numbers, qualifications, emoluments and the terms and conditions of service of the teachers of the University ;

- (i) the management of Colleges, Institutions, Special Centres and Specialised Laboratories maintained by the University ;
- (j) Supervision and inspection of Colleges, Recognised Institutions, Special Centres and Specialised Laboratories ;
- (k) All other matters which by the Act or these Statutes are to be or may be provided for by the Ordinances.

29. *Ordinances how made.*—(1) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Chancellor.

(2) The said Ordinances may be amended, repealed or added to at any time by the Executive Council provided that—

- (a) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council ;
- (b) No Ordinance shall be made—
 - (i) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations, or
 - (ii) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examination or any course of study, unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under clause (2) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council

may, within two months of the date of such rejection, appeal to Council and the Council may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Executive Council for its approval and that pending such approval, it shall have effect from such date as may be specified in the order.

(5) All Ordinances made by the Executive Council shall be submitted as soon as may be to the Council for approval.

30. *Regulations.*—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;
- (b) providing for all matters which by this Act, these Statutes or the Ordinances are to be prescribed by Regulations ;
- (c) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, these Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any regulations made under this Statute or the annulment of any such Regulation.
