



The Jammu and Kashmir Private Universities Act, 2026

Act No. 8 of 2026

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EXTRAORDINARY

REGD NO. JK-33



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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS
JAMMU/SRINAGAR
(Legislation Section)

Jammu, the 7th April, 2026.

The following Act as passed by the Jammu and Kashmir Legislative Assembly received the assent of the Lieutenant Governor on 7th April, 2026 and is hereby published for general information :—

THE JAMMU AND KASHMIR PRIVATE UNIVERSITIES ACT, 2026
(ACT NO. VIII of 2026).

[07th April, 2026.]

An Act to provide for the establishment and incorporation of Private Universities in the Union Territory of Jammu and Kashmir, and

to regulate their functioning, management, and academic standards for ensuring quality education and protecting the interests of students.

Whereas, it is expedient to provide for the establishment of Private Universities in the Union Territory of Jammu and Kashmir to supplement the efforts of the Government in promoting higher education ; and

Whereas, it is necessary to establish a framework for the governance, management, and regulation of Private Universities to ensure maintenance of standards and quality education ; and

Whereas, it is desirable to protect the interests of students studying in Private Universities and to prevent commercialization of education.

Be it enacted by the Legislature of the Union Territory of Jammu and Kashmir in the Seventy-seventh Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. **Short title and Commencement.**— (1) This Act may be called the Jammu and Kashmir Private Universities Act, 2026.

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

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

- (1) **“Academic Council”** means the Academic Council of a Private University constituted under this Act;
- (2) **“Act”** means the Jammu and Kashmir Private Universities Act, 2026 ;
- (3) **“AICTE”** means the All-India Council for Technical Education established under Section 3 of the All-India Council for Technical Education Act, 1987 ;
- (4) **“BCI”** means the Bar Council of India established under Section 4 of the Advocates Act, 1961 ;
- (5) **“Chancellor”, “Vice-Chancellor” and “Pro-Vice-Chancellor”** means, respectively, the Chancellor, the Vice-Chancellor

and the Pro-Vice-Chancellor of a Private University ;

- (6) **“Chairperson”** means the Chairperson of the Regulatory Authority ;
- (7) **“Deans and Directors”** mean the Heads of Departments or an Institution, a Centre or a School, or the person appointed for the purpose to act as such in his absence ;
- (8) **“Department”** means a Department of Studies of a Private University and includes a Centre of Studies and Research ;
- (9) **“Employee”** means any person appointed by a Private University, and includes a teacher or any other member of the staff of the Private University ;
- (10) **“Endowment Fund”** means the fund created as per the provisions of this Act ;
- (11) **“Executive Council”** means the Executive Council of a Private University constituted under section 33 ;
- (12) **“Expert Committee”** means the Committee constituted under section 6 ;
- (13) **“Faculty”** means a Faculty of a Private University ;
- (14) **“Finance Committee”** means the Finance Committee of a Private University constituted under this Act ;
- (15) **“Governing Council”** means the Governing Council constituted under section 32 ;
- (16) **“Government”** means the Government of the Union Territory of Jammu and Kashmir ;
- (17) **“Green Field University”** means starting of a university afresh without any consideration to any existing educational institutions or anything related to such institutions ;
- (18) **“Hostel”** means a unit of residence for students of a Private University maintained or recognized by the Private University ;

- (19) **“ICAR”** means the Indian Council of Agricultural Research, registered under the Societies Registration Act, 1860 ;
- (20) **“Institution”** means a college or an institution established or maintained by or associated with or constituent to a Private University in accordance with this Act and the Statutes ;
- (21) **“Lieutenant Governor”** means the Lieutenant Governor of the Union Territory of Jammu and Kashmir ;
- (22) **“Management Committee”** means the committee prescribed by the Government under the rules ;
- (23) **“Multidisciplinary”** means study in the Departments of Humanities and Social Sciences, Science, Engineering and Technology, Architecture, Medical, Dental, Nursing, Pharmacy, Physiotherapy, Allied Health Sciences, Education, Law, Agriculture, Veterinary and other branches of knowledge ;
- (24) **“NCTE”** means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993 ;
- (25) **“NMC”** means the National Medical Commission constituted under the National Medical Commission Act, 2019 ;
- (26) **“Notification”** means a notification published in the Official Gazette of the Union Territory of Jammu and Kashmir ;
- (27) **“Off-campus Centre”** means a centre of a Private University established by it, outside the main campus within the Union Territory, with the prior approval of the University Grants Commission ;
- (28) **“Ordinances”** means the Ordinances of a Private University made under this Act ;
- (29) **“PCI”** means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948 ;

- (30) **“Prescribed”** means prescribed by Statutes and Ordinances ;
- (31) **“Private University”** means a University established under section 8 ;
- (32) **“Project Report”** means the detailed project report submitted by the sponsoring body for the establishment of a Private University ;
- (33) **“Registrar”, “Controller of Examinations”, “Finance Officer”** means, respectively, the Registrar, the Controller of Examinations and the Finance Officer of a Private University ;
- (34) **“Regulations”** means the regulations made by a Private University under this Act ;
- (35) **“Regulatory Authority”** means the Jammu and Kashmir Private Universities Regulatory Authority established under this Act ;
- (36) **“Regulatory Body”** means and includes a body such as UGC, AICTE, CTE, NMC, PCI, ICAR , BCI established for maintenance of standards of higher education ;
- (37) **“Rules”** means rules made under section 75 of this Act ;
- (38) **“Section”** means section of this Act ;
- (39) **“Schedule”** means the Schedule appended to this Act ;
- (40) **“Sponsoring body”** means :—
 - (a) A Society registered under the Societies Registration Act, 1860 or any corresponding law for the time being in force ; or
 - (b) A Public Trust registered under the Indian Trusts Act, 1882 or any corresponding law for the time being in force ; or
 - (c) a company registered under section 8 of the Companies Act, 2013 ; which proposes to establish a Private

University under this Act ;

- (41) **“Statutes” and “Ordinances”** means respectively, the statutes and the ordinances of a Private University ;
- (42) **“Student”** means any person enrolled in a private university for any course of study for a degree, diploma or certificate ;
- (43) **“Teacher”** means a person who imparts education in a Private University and includes a Professor, an Associate Professor, an Assistant Professor, or any other person teaching therein ;
- (44) **“UGC”** means the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF PRIVATE UNIVERSITIES

3. Establishment of Private University.— (1)The Government may permit the establishment of a Private University by any sponsoring body in the manner provided under this Act and shall declare such establishment by notification upon satisfaction of the conditions specified in section 4.

(2) The Private University shall be a body corporate by the name specified therein, shall have perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Private University shall be of the unitary type with its main campus in the Union Territory of Jammu and Kashmir and shall not have power to affiliate or recognize any college or institution.

(4) The Private University may establish constituent colleges, regional centers, additional campuses and study centers at such places in the Union Territory as it deems fit subject to the norms of UGC and other regulatory bodies.

(5) The Private University shall have adequate facilities for teaching, research, examination and extension services.

4. Conditions for establishment of Private University.— (1) A sponsoring body desirous of establishing a Private University shall make an application to the Government in such manner and in such form as may be prescribed.

(2) No sponsoring body shall be eligible to establish a Private University unless it—

- (a) is registered for a period of not less than three years immediately before the date of application under the relevant law ;
- (b) has been established for the primary objective of promoting education ;
- (c) has the necessary financial resources as specified under this Act ;
- (d) is not blacklisted or debarred by any Government, statutory body, professional council or regulatory authority ; and
- (e) has its credentials verified by police and other verifying agencies in the Union territory of Jammu and Kashmir ;
- (f) is not in default of any dues to any financial institution or Government ;
- (g) has lawful possession, whether by ownership, lease or any other legally enforceable right of occupancy for a term of not less than thirty years, of such land and built- up space as is adequate for the approved academic programmes, student strength, research activities and support facilities of the Private University, and compliant with applicable planning, zoning, building, fire safety, environmental and other statutory requirements; such land and built-up space shall be situated at the location where the headquarters or registered office of the university is proposed to be established and

shall not be mortgaged, sold, leased out or otherwise alienated without the prior approval of the Government ;

- (h) construct and/or maintain, on the land referred to in clause(f), academic buildings, laboratories, libraries, digital resources, equipment, student amenities and administrative facilities that are adequate for the approved programmes, student enrolment and research activities of the Private University; provided that such facilities may be shared with other educational institutions or accessed through arrangements with public authorities or other persons, including for the use of parks, playgrounds, sports complexes, auditoria, research facilities, libraries, hostels or other support infrastructure, under a memorandum of understanding, license, lease or other legally enforceable agreement. No quantitative minimum relating to books, journals, equipment, computers, classroom size or built-up area shall be prescribed under this Act or the rules, except where expressly required by a central statutory regulatory authority ;
- (i) appoint teachers for the purposes of teaching as per the standards laid down by the UGC ; and
- (j) complies with such other conditions as may be required by the Government to be fulfilled before the establishment of the Private University.

(3) The sponsoring body and its members shall be of sound financial status and good repute.

5. Application for establishment of Private University.—(1) Any sponsoring body desirous to establish a Private University shall make an application to the Government, containing an outline of the purpose and vision of the proposed Private University, the Project Report in such manner containing such particulars along with such non-

refundable application fee not exceeding rupees twenty-five lakhs as may be prescribed in the rules.

- (2) An application under section 4 shall be accompanied by—
 - (a) a certified copy of the Certificate of Registration of the sponsoring body under the Indian Trusts Act, 1882 or the Societies Registration Act, 1860 or the Companies Act, 2013, as the case may be ;
 - (b) a certified Copy of the Memorandum of Association and rules or bye-laws of the sponsoring body ;
 - (c) a detailed Project Report, in addition to the particulars as may be prescribed under Clause (1) containing the following, namely :
 - (i) the name, location and headquarters of the proposed Private University ;
 - (ii) the objectives and vision of the proposed Private University ;
 - (iii) justification for the necessity of establishing the proposed university ;
 - (iv) the track record, experience and domain expertise in the proposed disciplines ;
 - (v) details of land held or proposed to be acquired, including ownership documents ;
 - (vi) details of existing or proposed infrastructure, including buildings, laboratories, libraries, hostels, sports facilities and other amenities ;
 - (vii) proposed academic programmes, courses, and curriculum ;
 - (viii) proposed faculty strength and qualifications ;

- (ix) proposed fee structure ;
- (x) financial projections for at least ten years including capital expenditure, recurring expenditure, and sources of finance ;
- (xi) provisions for scholarship and freeships for economically disadvantaged students ;
- (xii) plans for research and innovation ;
- (xiii) proposed governance structure ;
- (d) an undertaking to abide by the provisions of this Act and the rules, regulations, and guidelines issued thereunder ;
- (e) an undertaking to comply with the regulations and guidelines of the University Grants Commission and other statutory bodies ;
- (f) proof of deposit of Endowment Fund as specified under this Act ;
- (g) such other documents and information as may be prescribed.

6. Scrutiny of Application.—(1) The Government shall constitute an Expert Committee to examine the applications received under section 5.

(2) The Expert Committee shall consist of—

- (i) Administrative Secretary to the Government, Higher Education Department—Chairman ;
- (ii) Former or serving Vice-Chancellor of the Union Territory University – Member
- (iii) Administrative Secretary to the Government, Skill Development Department—Member Secretary ;
- (iv) Director Colleges, Higher Education Department — Member
- (v) Administrative Secretary to the Government, Finance Department or his nominee - Member

- (vi) Administrative Secretary to the Government, Department of Law, Justice and Parliamentary Affairs or his nominee – Member
- (vii) The Collector of the District where the Private University is proposed to be established - Member ;
- (viii) such other members as the Government may deem fit.

(3) The Chairman and Members shall be eligible for such sitting fees and allowances, as may be prescribed in the rules.

(4) The Expert Committee shall conduct the site inspection and examine the application along with the Project Report with reference to the following :—

- (a) financial soundness and assets of the sponsoring body and its ability to setup the infrastructure of the proposed Private University ;
- (b) background of the sponsoring body such as experience in the field of education, its credibility and general reputation ;
- (c) assess the feasibility of the project including an evaluation of whether the academic programmes proposed to be offered substantially overlap with those already offered by existing universities or Government Degree Colleges within the same geographic cluster, and to take such factors into account while making its recommendations regarding the feasibility of the project potential of the courses to be offered which are not only of conventional nature but also in tune with the contemporary requirements of emerging branches of learning ;
- (d) appropriateness of the objectives of the proposed Private University against the overall goals and objectives of the Union Territory ; and
- (e) any other factor that the Expert Committee may deem appropriate.

(5) The Expert Committee, while considering the proposal and the Project Report, may call for such other information from the sponsoring body as it thinks proper for the purpose.

(6) The Expert Committee shall make a recommendation on the establishment of Private University to the Government within sixty days from the date of its constitution. It may seek additional information, within thirty days of constitution, and the period taken by the sponsoring body to respond shall be excluded.

7. Letter of Intent.—(1) Within thirty days of receipt of the recommendation of the Expert Committee, the Government in Higher Education Department with the approval of Minister Incharge shall issue a Letter of Intent, or a reasoned order of rejection, or a single deficiency memorandum identifying all curable deficiencies. The sponsoring body shall be given not less than thirty days to cure such deficiencies.

(2) The Government in Higher Education Department with the approval of Minister Incharge reserves the right to accept or not to accept the evaluation report of the Expert Committee. The decision of the Government in this regard shall be final.

(3) The Government in Higher Education Department with the approval of Minister Incharge shall inform the sponsoring body about its decision through a Letter of Intent, a Letter of Regret, or a letter seeking modified proposal or additional information, as the case may be.

8. Establishment and inclusion in the Schedule.—(1) The Government may after considering the report of the Expert Committee, permit the establishment of a private university by inclusion of the name, location, sponsoring body and headquarter of the university by amending the schedule.

(2) Upon amending the schedule of this Act, the university shall be deemed to be validly established and incorporated under this Act.

(3) The Amendment Act mentioned in sub-section (1) shall specify—

- (a) the name of the university ;
- (b) the location and territorial jurisdiction ;
- (c) the powers and functions of the university ;
- (d) the first Statutes, Ordinances, and Regulations ;
- (e) such other matters as may be considered necessary.

9. Commencement of Private University.—(1) Every Private University shall commence to exercise its function on such date as the Government may, by notification, specify in this behalf.

(2) The Government shall issue a notification under sub-section (1) only after receipt of an affidavit along with documents from the sponsoring body to the effect that all the conditions referred to in this Act have been fulfilled and after the Government is satisfied in this behalf.

10. Grants and Financial Assistance.—Every Private University shall be a self-financing University and shall neither make a demand nor shall be entitled to any maintenance, grant-in-aid or any other financial assistance from the Government :

Provided that this shall not prohibit a Private University from applying for research projects or any other academic projects which may or may not entail financial grant or financial support from any other source.

11. Objects of Private University.—The objects of a Private University shall be to disseminate and advance education, knowledge and skill by providing instructional, research and extension of facilities in such branches of learning as it may deem fit and the Private University shall endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of high-quality education.

12. Powers of Private University.—Every Private University shall have the following powers, namely :—

- (1) to provide for instructions in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination and application of knowledge and skills;
- (2) to impart and promote the study of humanities and social sciences, science, engineering and technology, management, law, medical and allied sciences and any other professional courses through in-campus, off-campus, and satellite centres or by distance educational programmes ;
- (3) to honour educational stalwarts and persons of academic eminence with the decoration of Professor Emeritus ;
- (4) to grant, subject to such conditions as the Private University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (5) to confer honorary degrees or other distinctions in the manner prescribed;
- (6) to provide education and training including correspondence and such other courses, to such persons who are not members of the Private University, as it may determine;
- (7) to institute Directorships, Professorships, Associate Professorships, Readerships, Assistant Professorships, Lecturerships and other teaching or academic posts required by the Private University and to make appointments for the same ;
- (8) to create administrative, ministerial and other posts and to make appointments thereto;

- (9) to appoint or engage persons of eminence working in any other University or organization permanently or for a specified period;
- (10) to co-operate, collaborate or associate with any other University or Authority or Institution in India and abroad in such manner and for such purpose as the Private University may determine;
- (11) to establish and maintain schools, centres, specialized laboratories or other units for research and instructions as are in the opinion of the Private University, necessary for the furtherance of its objects;
- (12) to institute and award fellowships, scholarships, studentships, medals and prizes;
- (13) to establish and maintain and supervise residences, hostels within the University and promote the health and general welfare activities for students and staff;
- (14) to make provisions for research and consultancy, and for that purpose to enter into such arrangements with other institutions or bodies as the Private University may deem necessary;
- (15) to declare a centre, an institution, a department, or school, as the case may be, in accordance with the statutes;
- (16) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing, charges;
- (17) to prescribe, demand and receive payment of fees ;
- (18) to make such arrangements in respect of the residence, discipline and teaching of women and other disadvantaged students as the University may deem fit ;
- (19) to regulate and enforce discipline amongst the employees and students of the Private University and take such disciplinary measures in this regard as may deem necessary by the University ;

- (20) to make arrangements for promoting the health and general welfare of the employees of the Private University;
- (21) to receive donations and to acquire, hold, manage and dispose through sale or lease or rent of any property, movable or immovable for the welfare of the Private University;
- (22) to borrow without security or by way of hypothecation or mortgage against the property of the Private University with the approval of the sponsoring body;
- (23) to appoint either on contract or otherwise, Visiting Professors, Emeritus Professors, consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the Private University;
- (24) to organize and to undertake extra-mural studies and extension ; and
- (25) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Private University.

CHAPTER III

FOREIGN HIGHER EDUCATIONAL INSTITUTIONS

13. Application of Chapter.—This Chapter shall apply to Foreign Higher Educational Institutions (FHEIs) seeking to establish campuses in the Union Territory of Jammu & Kashmir.

14. Establishment of FHEI Campus.—(1) A Foreign Higher Educational Institution may apply to the Government for establishment of a campus, provided it has secured approval from the University Grants Commission under the UGC (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023.

(2) The Government, upon satisfaction, may notify the establishment of the FHEI campus.

15. **Exemption from Sponsoring Body.**—A Foreign Higher Educational Institution established under this Chapter shall be exempt from the requirement of having a local Sponsoring Body.

16. **Autonomy.**—A Foreign Higher Educational Institution shall have autonomy to determine its fee structure, admission process, and curriculum, subject to the provisions of the UGC Regulations.

17. **Quality and Financial Audit of Foreign Higher Educational Institution.**—(1) Every Foreign Higher Educational Institution operating a campus under this Act shall be subject to periodic quality audits by the University Grants Commission or such agency as may be designated by the Government.

(2) The Foreign Higher Educational Institution shall ensure that all cross-border financial remittances comply with the provisions of the Foreign Exchange Management Act, 1999, and shall submit an annual compliance certificate to the Government in this regard.

(3) The Foreign Higher Educational Institution shall submit an annual report to the Government detailing its academic performance, student enrolment, faculty strength, and financial transactions.

(4) Failure to comply with the provisions of this section shall be a ground for revocation of the permission granted to the Foreign Higher Educational Institution.

18. **Exit and Closure of FHEI Campus.**— (1) A Foreign Higher Educational Institution intending to close its campus in the Union Territory shall—

- (a) give at least two academic years notice to the Government and the University Grants Commission;
- (b) make arrangements for the completion of courses by enrolled students or their transfer to other recognized institutions;
- (c) settle all outstanding liabilities towards students, faculty, and staff ;
- (d) submit a closure plan to the Regulatory Authority for approval.

(2) The Government may, after consultation with the University Grants Commission, revoke the permission granted to the Foreign

Higher Educational Institution if it—

- (a) fails to maintain the standards as specified under the UGC Regulations ;
- (b) violates the provisions of the Foreign Exchange Management Act, 1999 ;
- (c) engages in activities prejudicial to the sovereignty, integrity, or security of India.

(3) Upon revocation or voluntary closure, the Endowment Fund or security deposit shall be utilized first for settling liabilities towards students and employees.

CHAPTER IV

REGULATORY AUTHORITY

19. Establishment of Jammu and Kashmir Private Universities Regulatory Authority.—(1) The Government shall, by notification, establish an authority to be called the Jammu and Kashmir Private Universities Regulatory Authority for the purpose of regulating Private Universities.

(2) The Regulatory Authority shall be a body corporate having perpetual succession and a common seal.

(3) The Head Office of the Regulatory Authority shall be at such place in the Union Territory of Jammu & Kashmir as the Government may determine.

20. Composition of Regulatory Authority.—The composition of Regulatory Authority and term of office of its members shall be such as may be prescribed.

21. Functions of Regulatory Authority.—The Regulatory Authority shall—

- (a) monitor the compliance of Private Universities with the provisions of this Act, rules and regulations;
- (b) inspect or cause to be inspected any Private University and its off-campus centres;

- (c) advise the Government on matters relating to Private Universities;
 - (d) receive and examine complaints against Private Universities ;
 - (e) recommend action against Private Universities found to be violating the provisions of this Act ;
 - (f) maintain a database of Private Universities in the Union Territory ;
 - (g) prepare and publish annual reports on the status of Private Universities ;
 - (h) coordinate with the University Grants Commission and other regulatory bodies ;
 - (i) perform such other functions as may be assigned by the Government.
 - (j) track enrollment trends across both Government and private institutions and report annually on any displacement of enrollment from Government Degree Colleges, triggering review if displacement exceeds a defining threshold.
 - (k) maintain mapping exercise of higher education to guide the spatial distribution of Private Universities ensuring that they complement rather than compete with the existing Government institutions ;
 - (l) prioritize approval of Private Universities in disciplines or professional streams that are underserved by Government institutions, rather than in conventional programmes where Government Degree Colleges already have adequate capacity.
- (2) The Regulatory Authority shall have the power to—
- (a) call for any information from Private Universities ;
 - (b) conduct academic audits ;
 - (c) recommend to the Government the imposition of penalties on Private Universities ;
 - (d) recommend the withdrawal of recognition or closure of programmes.

CHAPTER V

OFFICERS OF PRIVATE UNIVERSITY

22. **Officers of the Private University.**—The following shall be the officers of every Private University—

- (a) the Chancellor ;
- (b) the Vice-Chancellor ;
- (c) the Pro-Vice-Chancellor;
- (d) the Registrar;
- (e) the Controller of Examinations;
- (f) the Finance Officer;
- (g) the Dean of Schools or Faculties and Directors ; and
- (h) such other persons as may be declared by the statutes to be officers of the Private University.

23. **Chancellor.**—(1) The Chancellor shall be appointed by the Management Committee for a period of three years, as may be prescribed.

(2) The Chancellor shall, by virtue of his office, be the Head of the Private University and shall constitute an interim Executive Council. The interim Executive Council so constituted shall cease to exist on the constitution of the Executive Council under Section 33.

(3) The Chancellor shall preside over the convocations of the university and confer degrees, diplomas and other academic distinctions.

(4) The Chancellor shall have the power to call for papers and may examine any matter relating to the university.

(5) The Chancellor may in writing under his hand addressed to the Management Committee, resign his office.

24. **Vice-Chancellor.**—(1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of a Selection Committee constituted for the purpose and shall hold office for a period of three years.

(2) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

(3) The Vice-Chancellor shall be—

- (a) a distinguished academician with a minimum of ten years of experience as Professor in a university system or in an equivalent position in a reputed research or academic administrative organization; and
- (b) a person with proven administrative capabilities.

(4) The Vice-Chancellor shall be the principal executive and academic officer of the university.

(5) The Vice-Chancellor shall—

- (a) be responsible for the due observance of the provisions of this Act, Statutes, Ordinances, and Regulations;
- (b) preside over meetings of the Executive Council and the Academic Council;
- (c) exercise general control and supervision over the affairs of the university ;
- (d) exercise such other powers as may be prescribed by the Statutes.

(6) The Vice-Chancellor shall have the power to direct any officer, teacher or other employee of the university to take any action in furtherance of the interests of the university.

(7) The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be prescribed by the Statutes.

25. Pro-Vice Chancellor.—(1) The Pro-Vice-Chancellor shall be appointed by the Executive Council in such manner as may be prescribed.

(2) The Pro-Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

26. Registrar.—(1) The Registrar shall be appointed by the Management Committee on the recommendations of a Selection Committee constituted for this purpose.

(2) The Registrar shall be a whole-time salaried officer of the university and shall possess the qualifications prescribed by the UGC.

(3) The Registrar shall—

- (a) be the custodian of records, the common seal and other property of the university;
- (b) act as *ex-officio* Secretary of the Executive Council, Academic Council, and such committees as may be prescribed;
- (c) conduct the official correspondence of the university;
- (d) be responsible for the proper maintenance of accounts ; and
- (e) exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(4) The emoluments , and conditions of service of the Registrar shall be such as may be prescribed by the Statutes.

27. **Controller of Examinations.**—(1) The Controller of Examinations shall be appointed by the Vice-Chancellor on the recommendations of a Selection Committee constituted for the purpose.

(2) The Controller of Examinations shall be a whole-time officer of the Private University appointed for such period as may be prescribed.

(3) The Controller of Examinations shall be responsible for the conduct of examinations and maintenance of standards.

(4) The qualifications, emoluments, and conditions of service shall be such as may be prescribed by the Statutes.

28. **Finance Officer.**—(1) The Finance Officer shall be appointed by the Management Committee on the recommendations of a Selection Committee.

(2) The Finance Officer shall be the *ex-officio* Secretary of the Finance Committee and shall be responsible for the management of finance and accounts of the university.

(3) The qualifications, emoluments and conditions of service shall be such as may be prescribed by the Statutes.

29. **Deans of Schools or Faculties and Directors.**—Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed.

30. **Other Officers.**—The manner of appointment and powers and duties of the other officers of a Private University shall be such as may be prescribed.

CHAPTER VI

AUTHORITIES OF PRIVATE UNIVERSITY

31. **Authorities of the University.**—The following shall be the authorities of every Private University—

- (a) the Governing Council;
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Finance Committee;
- (e) the Planning Board;
- (f) the Board of Examinations ;
- (g) the Grievance Redressal Committee;
- (h) such other authorities as may be declared by the statutes to be authorities of the Private University.

32. **Governing Council.**—(1) The Governing Council shall be the Apex Body of the Private University.

(2) The constitution of the Governing Council shall be as follows—

- (a) the Chancellor—Chairperson
- (b) the Vice-Chancellor-Member
- (c) three representatives of the sponsoring body- Members
- (d) Administrative Secretary, Higher Education Department-Ex-officio Member
- (e) a nominee of the University Grants Commission-Member
- (f) two eminent persons from the field of education, industry, science or technology nominated by the sponsoring body-Members
- (g) one representative of the faculty elected by the teachers-Member

(h) the Registrar—Secretary.

(3) The term of the members, other than *ex officio* members, shall be three years.

(4) Subject to the provisions of this Act, the Governing Council shall have the following powers and functions, namely :

- (a) to review from time to time, the broad policies and programmes of the Private University and suggest measures for the working, improvement and development of the Private University ;
- (b) to consider and pass resolutions on the annual report and annual accounts of the Private University and audit report of such accounts ;
- (c) to advise the Chancellor in respect of any matter which may be referred to it for advice ;
- (d) approve the creation of posts and the terms and conditions of service of teachers and staff;
- (e) approve the establishment of new departments, faculties, or schools ;
- (f) approve the fee structure ;
- (g) approve the Statutes of the university;
- (h) exercise such other powers as may be conferred by this Act or the Statutes : and
- (i) to perform such other functions as may be prescribed.

33. **Executive Council.**— (1) The Executive Council shall be the Chief Executive Body of a Private University.

(2) The Executive Council shall consist of not more than ten members of whom two members shall be :

- (a) Administrative Secretary to the Government, Higher Education Department-Ex-officio Member ;
- (b) Director Colleges, Higher Education Department-Ex-officio Member.

(3) The remaining eight members of the Executive Council shall

be nominated by the sponsoring body from among the eminent people in the relevant disciplines of study provided by the Private University.

(4) The powers and functions of the Executive Council, shall be to :

- (a) manage and administer the university in accordance with the policies approved by the Board of Governors;
- (b) approve the appointments of teachers and officers other than those specified in this Act;
- (c) approve the academic calendar;
- (d) exercise such other powers as may be conferred by this Act or the Statutes.

34. Academic Council.—(1) The Academic Council shall be the principal academic body of the Private University.

(2) The Academic Council shall consist of :

- (a) the Vice-Chancellor—Chairperson ;
- (b) all Deans of Faculties or Schools ;
- (c) all Heads of Departments;
- (d) three Professors, one from each major discipline, by rotation ;
- (e) three external experts in different disciplines nominated by the Vice-Chancellor ;
- (f) the Controller of Examinations ;
- (g) the Registrar –Secretary ;

(3) The Academic Council shall—

- (a) exercise general supervision over the academic policies ;
- (b) approve courses of study for various programmes ;
- (c) approve the curriculum and syllabus ;
- (d) recommend to the Governing Council the establishment of new departments or programmes ;

- (e) approve proposals for collaboration with other institutions;
- (f) exercise such other powers as may be conferred by this Act or the Statutes.

35. Finance Committee.—(1) The Finance Committee shall be the principal financial body of a University to take care of the financial matters.

(2) The Finance Committee shall consist of—

- (a) the Vice-Chancellor-Chairperson;
- (b) two nominees of the sponsoring body ;
- (c) a nominee of the Government;
- (d) the Finance Officer-Secretary.

(3) The Finance Committee shall—

- (a) scrutinize the annual budget;
- (b) advise on all matters relating to finance and investments,
- (c) recommend to the Governing Council the fee structure,
- (d) exercise such other powers as may be conferred by this Act or the Statutes.

36. Planning Board.—(1) The Planning Board shall be the principal Planning Body of a Private University.

(2) The Planning Board shall ensure that the infrastructure and academic support system meets the norms prescribed by the regulatory bodies.

(3) The constitution of the Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed.

37. Board of Examinations, Boards of Faculties, Admission Committee, Grievance Redressal Committee and other Authorities of University.—The constitution, powers and functions of the Board of Examination, Boards of Faculties, the Admission Committee, Grievance Redressal Committee and of such other authorities of a University shall

be such as may be prescribed in the statutes.

38. Power to make Statutes.—(1) The Executive Council shall make the statutes for carrying out the purposes of this Act, subject to the approval of the Management Committee.

(2) 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 functions of the authorities of the Private University, as may be constituted from time to time;
- (b) the appointment and continuance in office of the members of the said authorities, filling up of vacancies of members and all other matters relating to those authorities for which it may be necessary to provide;
- (c) the appointment, powers and duties of the officers of the Private University and their emoluments :—
- (d) the appointment of teachers of the Private University and other academic and administrative staff and their emoluments ;
- (e) the appointment of teachers and other academic and administrative staff working in the Private University or Institution for specific period for undertaking a joint project;
- (f) the conditions of service of employees including provisions for retirement benefits, insurance and provident fund, the manner of termination of service and disciplinary actions;
- (g) the principles governing seniority of service of employees;
- (h) the procedure for settlement of disputes between employees or students and the Private University;
- (i) the procedure for appeal to the Executive Council by any employee or students against the action of any officer or other authority of the Private University;
- (j) the conferment of honorary degrees;
- (k) the withdrawal of degree, diploma, certificate and other academic distinction : (/) the institution of fellowships, scholarships, studentships, medals and prizes ;
- (1) the maintenance of discipline among the students ;

- (m) the establishment and abolition of Department, Centres and other institutions ;
- (n) the delegation of powers vested in the authorities or officers of the Private University ; and
- (o) all other matters, which may by this Act are to be or may be prescribed.

(3) The Executive Council shall not make, amend or repeal any statute affecting the powers or constitution of any authority of the Private University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(4) The Executive Council may, from time to time, make statutes and amend or repeal the statutes in the manner hereinafter provided in this section.

(5) A statute or an amendment to, or repeal of, a statute passed by the Executive Council shall be submitted to the Management Committee who may assent thereto or withhold its assent. A statute or an amendment to, or repeal of, a statute passed by the Executive Council shall have no validity unless it has been assented to by the Management Committee. A copy of the statutes shall be sent to the Government for information.

39. Power to make Ordinances.— (1) Subject to the provisions of this Act and the statutes, the ordinances shall be made by the Executive Council, subject to the approval of the Management Committee, which may provide for all or any of the following matters, namely :—

- (a) the admission of students to the Private University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the Private University;
- (c) the medium of instruction and examination;
- (d) the award of degree, diploma, certificate and other academic distinctions, the qualification for the same and the matters to be taken relating to the granting and obtaining of the same;

- (e) the fees to be charged for courses of study in the Private University and for admission to the examinations, degrees, diplomas and certificates of the Private University ;
 - (f) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;
 - (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
 - (h) the conditions of residence of the students of the Private University ;
 - (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them within the Private University;
 - (j) the appointment and emoluments of employees other than those for whom provision has been made in the statutes;
 - (k) the establishment of Centre of Studies, Boards of Studies, Interdisciplinary Studies, Special Centres, Specialized Laboratories and other Committee;
 - (l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or association;
 - (m) the creation, composition and functions of any other body which is considered necessary for improving the academic mileage of the Private University ;
 - (n) the remuneration to be paid to the examiners, moderators, invigilators and tabulators ;
 - (o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the statutes.
- (2) Ordinances, how made.—In making ordinances, the Executive Council shall consult the Management Committee.
- (3) All ordinances made by the Executive Council shall have

effect from such date as it may direct.

40. Power to make Regulations.—(1) Subject to the provisions of this Act, the Statutes, and the Ordinances, the Regulations may provide for the conduct of business of the various authorities and bodies of the university.

(2) The Regulations shall be made by the relevant authority or body, subject to approval by the Management Committee.

CHAPTER VII

FINANCIAL PROVISIONS

41. Self-financing University.—(1) A Private University established under this Act shall be a self-financed institution and shall not be entitled to receive any grant or financial assistance from the Government for its maintenance or development, unless otherwise decided by the Government ;

(2) The sponsoring body shall be responsible for the financial requirements of the university.

42. Endowment Fund.—(1) The Sponsoring Body shall establish an Endowment Fund to the tune of Rs. 1 Crore for a multi-domain university offering programmes across multiple disciplines.

(2) The Endowment Fund shall be kept in a fixed deposit for a period of not less than ten years.

(3) The interest accruing on the Endowment Fund may be utilized for the development of the university.

(4) The principal amount of the Endowment Fund shall not be withdrawn without the prior approval of the Government.

(5) In case of dissolution of the university, the Endowment Fund shall be first utilized for the payment of liabilities to students and employees.

43. General Fund.—(1) Every Private University shall maintain a General Fund.

(2) The General Fund shall consist of—

- (a) fees and other charges received from students;
- (b) income from investments;
- (c) donations, grants, and contributions;
- (d) any other income.

(3) The General Fund shall be applied towards the expenses of the university including—

- (a) payment of salaries and allowances to teachers and staff;
- (b) maintenance and development of infrastructure;
- (c) conduct of academic programmes and research;
- (d) provision of scholarships and freeships;
- (e) such other purposes as may be specified by the Statute.

44. Fee structure and Prohibition of Capitation Fee.—(1) The fee structure of a Private University shall be transparent and reasonable.

(2) The fee structure shall be approved by the Governing Council and notified on the website of the university.

(3) No Private University shall charge any fee other than the notified fee.

(4) No Private University shall, directly or indirectly, demand or accept, by itself or through any other person, any capitation fee or any donation as a condition for admission.

(5) Contravention of sub-section (4) shall be an offence punishable under this Act.

45. Reservation for Local Students and Scholarships.—

(1) Notwithstanding anything contained in this Act, every Private University established under this Act, shall reserve not less than twenty-five percent (25%) of the total seats in each programme for students who are domiciles of the Union Territory of Jammu and Kashmir.

(2) The reservation provided under sub-section (1) shall be apportioned among the eligible categories in accordance with such guidelines, standing orders or instructions as may be issued by the Government from time to time.

(3) Every University shall provide scholarships and freeships to not less than ten percent of the students based on merit-cum-means criteria.

(4) The criteria and procedure for grant of scholarships and freeships shall be specified by the university and placed in the public domain.

46. Audit of Accounts.—(1) The annual accounts and balance sheet of a Private University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant eligible for conducting audit as per the provisions of the Chartered Accountant Act, 1949.

(2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Governing Council and the Chancellor along with the observations of the Executive Council for their approval.

(3) The audited accounts along with the annual report shall be submitted to the Government and the Regulatory Authority within six months of the close of the financial year.

(4) The audited accounts shall be placed on the website of the university.

CHAPTER VIII

ADMISSION, CURRICULUM AND DEGREES

47. Admission of Students.—(1) No person shall be admitted to a course of study in a Private University for admission to the examinations for degrees, titles or diplomas of the Private University unless he—

(i) has passed the examination prescribed therefor ; and

(ii) fulfills such other academic conditions as may be prescribed.

(2) Admission of students shall be made strictly on the basis of merit, subject to the reservation policy for local students as provided in section 45.

(3) Every candidate for a Private University examination shall, unless exempted from the provisions of this sub-section by a special order of the Executive Council made on the recommendation of the Academic Council, be enrolled as a member of the Private University. Any such exemption may be made subject to such conditions as the Executive Council may think fit.

(4) No candidate shall be admitted to any Private University examination unless he is enrolled as a member of the Private University, and has satisfied the requirements as to the attendance required for the same or unless he is exempted from such requirements of enrolment or attendance or both by an order of the Executive Council passed on the recommendation of the Academic Council. Exemptions granted under this section shall be subject to such conditions as the Executive Council may think fit.

(5) Any student or candidate for an examination, whose name has been removed from the rolls of the Private University by the orders or recommendation of the Academic Council or Controller of Examinations, as the case may be, and who has been debarred from appearing at the examinations for more than one year, may within ten days of the date of receipt of such order, appeal to the Vice-Chancellor.

(6) Any decision taken by the Vice-Chancellor in this regard shall be final.

(7) The admission procedure shall be in accordance with the guidelines of the University Grants Commission and other relevant regulatory bodies.

(8) The university shall give wide publicity to the admission process, eligibility criteria, and fee structure.

(9) No admission shall be made in excess of the sanctioned intake.

48. Curriculum and Syllabus.—(1) The curriculum and syllabus of the university shall be designed in accordance with the guidelines of the University Grants Commission and relevant statutory professional councils.

(2) The curriculum shall be periodically reviewed and updated to keep pace with developments in the field.

(3) The Academic Council shall be responsible for approving the curriculum and syllabus.

49. Programmes of Study.—(1) A Private University may offer undergraduate, postgraduate, diploma, and doctoral programmes in disciplines for which it has adequate faculty and infrastructure.

(2) No programme shall be commenced without the approval of the Academic Council and the Governing Council.

(3) Programmes requiring approval from statutory professional councils shall not be started without obtaining such approval.

(4) A private university shall not start any programme in Open and Distance Learning or online mode without the prior approval of the University Grants Commission.

50. Award of Degrees.—(1) A private university shall have the power to confer degrees, diplomas, and certificates as specified by the University Grants Commission.

(2) The degrees conferred by a private university shall be recognized under Section 22 of the University Grants Commission Act, 1956.

(3) The award of degrees shall be the exclusive preserve of the university and no institution affiliated or recognized by the university, if any, shall award degrees in its name.

CHAPTER IX

QUALITY ASSURANCE, ACCREDITATION AND ACADEMIC STANDARDS

51. Promotion of Academic Excellence and Research.—(1) Every Private University established under this Act shall endeavor to promote excellence in higher education, research, innovation and academic development in accordance with the standards prescribed by the University Grants Commission and other competent statutory bodies.

(2) The university shall establish appropriate institutional mechanisms to promote research, innovation and interdisciplinary academic activities including the creation of research centres, incubation facilities and collaboration with national and international institutions.

(3) The university shall ensure that teaching, research, and extension activities are conducted in accordance with academic, ethical and quality standards prescribed by the competent regulatory authorities from time to time.

52. Mandatory Accreditation.—(1) Every Private University established under this Act shall obtain institutional accreditation from the National Assessment and Accreditation Council or any other accreditation agency recognized by the University Grants Commission within a period of five years from the date of commencement of its academic operations.

(2) The University shall initiate the process of accreditation within such period as may be prescribed and, in any case, not later than three years from the commencement of its academic operations, so as to ensure timely assessment.

(3) The university shall comply with all norms, procedures and quality benchmarks prescribed by the accreditation agency for the purpose of accreditation.

(4) In case the university fails to obtain accreditation within the stipulated period, the Government may, after providing the university an opportunity of being heard, take such measures as it may deem appropriate, including—

- (i) issuing directions for compliance within a specified period ;
- (ii) restricting the opening of new courses or programs ;
- (iii) restricting increase in student intake, or taking such other regulatory measures as may be prescribed.

(5) Every Private University shall ensure periodic renewal or reaccreditation in accordance with the norms prescribed by the accreditation agency.

53. Maintenance of Academic Standards.—(1) Every Private University shall maintain academic and research standards in accordance with the regulations and guidelines issued by the University Grants Commission and other relevant regulatory bodies.

(2) The University shall implement mechanisms for internal quality assurance. including the establishment of an Internal Quality Assurance Cell (IQAC) or such other body as may be prescribed.

(3) The University shall submit periodic reports relating to academic performance, research output, accreditation status, and quality assurance measures to the Government or the competent authority as may be specified.

CHAPTER X

TEACHERS AND OTHER STAFF

54. Appointment of Teachers.—(1) The appointment of teachers in a Private University shall be made in accordance with the qualifications prescribed by the University Grants Commission and statutory bodies of the University.

(2) The selection of teachers shall be made by a duly constituted Selection Committee.

(3) The Selection Committee for the appointment of Professor and Associate Professor shall consist of—

- (a) the Vice-Chancellor-Chairperson;
- (b) Administrative Secretary, Higher Education Department ;
- (c) the Dean of the concerned Faculty or School;
- (d) the Head of the concerned Department;
- (e) two external subject experts nominated by the Vice-Chancellor from the panel approved by the Academic Council.

(4) The selection of Assistant Professor shall be made by a Committee consisting of the Vice-Chancellor or his nominee, the Head of Department, and two subject experts.

(5) No teacher shall be appointed unless he possesses the minimum qualifications prescribed by the UGC or the relevant statutory council.

55. Terms and Conditions of Service.— (1) The pay, allowances, and other conditions of service of teachers shall be in conformity with the norms of the University Grants Commission.

(2) The pay scales of teachers shall not be less than that prescribed by the University Grants Commission.

(3) Every teacher shall be entitled to leave, pension or retirement benefits, and other allowances as prescribed by the Statutes.

(4) Any dispute arising between a Private University and any of the employee appointed substantively, shall be referred to the Vice-Chancellor who shall decide the dispute after affording an opportunity to the employee within three months from the date of its reference.

(5) The aggrieved employee may file an appeal against the decision of the Vice Chancellor to the Chancellor. The decision of the Chancellor in such an appeal shall be final.

(6) Any dispute in respect of any employee engaged temporarily or on *ad-hoc* or part-time or casual basis shall be heard and decided finally by the Head of the Department concerned.

56. Employees Provident Fund and Pensions.—A Private University may constitute for the benefit of its employees such pension or welfare schemes or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be decided by the Executive Council.

CHAPTER XI

COMPLIANCE AND INSPECTION

57. Compliance with UGC Regulations.—(1) Every Private University shall comply with the provisions of the University Grants Commission Act, 1956, and the regulations made thereunder.

(2) Every Private University shall comply with the UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003, and any amendments thereto.

(3) Every Private University shall comply with the norms and guidelines of the relevant statutory professional councils.

(4) Non-compliance with UGC regulations shall render the university liable for action under this Act

58. Off-campus Centres.—(1) A Private University may establish off-campus centres within the Union Territory of Jammu and Kashmir

with the prior approval of the University Grants Commission and the Government after a period of five years from its establishment.

(2) No off-campus centre shall be established beyond the territorial jurisdiction of the Union Territory of Jammu and Kashmir.

(3) No off-campus centre shall be established without adequate infrastructure and faculty.

59. Prohibition of certain activities.—(1) A Private University shall not—

- (a) affiliate any institution or college ;
- (b) open study centres, franchisee or sub-centres,
- (c) engage in any activity that amounts to franchising of higher education ;
- (d) enroll students through agents or commission-based admissions ;
- (e) offer programmes through correspondence or distance mode without prior approval of UGC.

(2) Contravention of this section shall attract penalties under this Act.

60. Inspection by Government.—(1) The Government may, at any time, cause an inspection of any Private University by such person or body as may be appointed for this purpose.

(2) The inspecting authority shall have access to all buildings, records, and documents of the university.

(3) The university shall provide all facilities and assistance to the inspecting authority.

(4) The inspecting authority shall submit a report to the Government within such time as may be specified.

61. Annual Report.—(1) Every Private University shall prepare an Annual Report containing—

- (a) particulars of academic programmes, student enrolment, and examinations ;

- (b) particulars of research activities and publications ;
- (c) particulars of faculty strength and recruitment ;
- (d) particulars of infrastructure development ;
- (e) financial statements ;
- (f) such other particulars as may be prescribed.

(2) The annual report of a Private University shall be prepared under the direction of the Executive Council and shall be submitted to the Governing Council on or after such date as may be prescribed and the Governing Council shall consider the report in its annual meeting.

(3) The Governing Council shall submit the annual report to the Chancellor along with its comments, if any and the same shall be submitted to the Government and the Regulatory Authority within six months of the close of the academic year.

(4) The Annual Report shall be made available on the website of the university.

CHAPTER XII

PENALTIES AND DISSOLUTION

62. **Penalties.**—(1) If a Private University contravenes any provision of this Act, or fails to comply with any direction given under this Act, the Government may, after giving the university an opportunity of being heard—

- (a) impose a fine which may extend to Rupees Fifty Lakh per contravention;
- (b) direct the university to stop admission for such period as may be specified;
- (c) withdraw recognition of any programme;
- (d) recommend to the Legislative Assembly of the Union Territory the dissolution of the university.

(2) If any person demands or accepts capitation fee in contravention of this Act, he shall be punishable with imprisonment for a

term which may extend to three years, or with fine which may extend to Rupees Ten Lakh, or with both.

(3) If any person sells or attempts to sell a degree, diploma, or certificate of a Private University, he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to Twenty Lakh Rupees, or with both.

CHAPTER XIII

ADMINISTRATOR FOR SPECIAL CIRCUMSTANCES

63. De-recognition of Private University by the Government.—

(1) Where the Government receives a complaint with material and substantial allegation that any Private University is not functioning in accordance with the provisions of this Act, or the university has been involved in activities prejudicial to the sovereignty, integrity, or security of India; or the premises of the university have been used for unlawful or anti- national activities; or the university has persistently failed to maintain academic standards or comply with the directions of the Regulatory Authority; or the university is being managed in a manner gravely prejudicial to the interests of students or public interest, it shall require the Private University to show cause within such time, which shall not be less than two months referring a copy of the complaint as to why the Private University should not be de- recognized.

(2) If, upon receipt of the reply of the Private University to the notice given under Sub- Section (1), the Government is satisfied that a *prima facie* case of mismanagement or violation of the provisions of this Act in the functioning of the Private University is made out, it shall order such inquiry as it deems necessary.

(3) For the purposes of an inquiry under sub-section (2), the Government shall by notification, appoint an officer or authority as the enquiring authority to enquire into the allegations of violation of the provisions of this Act.

(4) Every inquiring authority appointed under sub-section (3) shall while performing its functions under this Act have all the powers of Civil Court under the Code of Civil Procedure, 1908 trying a suit and in particular in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) requiring the discovery and production of any document ;
- (c) requisitioning any public record or copy thereof from any office ;
- (d) receiving evidence on affidavits;
- (e) any other matter which may be prescribed.

(5) If, upon receipt of the inquiry report, the Government is satisfied that the Private University has violated any provisions of this Act, it shall direct the Private University to make necessary improvement and suggest for proper implementation of the provisions of this Act.

(6) If it is observed that the Private University is violating the Act continuously leading to a situation of financial mismanagement and maladministration has arisen in the Private University which threatens the academic standards of the Private University, the Government may, by notification, appoint an Administrator or a Committee of Administrators to take over the management of the university.

64. Appointment of Administrator.— (1) The Administrator appointed under sub-section (5) of section 63 shall hold office for such a period as the Government may specify, but not exceeding two years, extendable by a further period of one year.

(2) The Administrator shall exercise all the powers and perform all the duties of the Governing Council, Executive Council and all other authorities of the university under this Act and shall administer the affairs of the Private University until the last batch of the students of the regular courses have completed their courses or syllabus and they have been awarded with degrees, diplomas or other academic distinctions, as the case may be.

(3) After having been awarded the degrees, diplomas or academic distinctions, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the Government.

(4) On receipt of the report under sub-section (3), the Government after due consideration, continue the functioning of the Private

University by vesting the powers of the Governing Council in any other sponsoring body having similar objectives or may with the prior approval of the Universities Grants Commission and other regulatory bodies concerned, de-recognise the Private University.

(5) During the process of de-recognition under sub-section (4), the Government may utilise the funds of the Private University for the purpose of managing its affairs. If the funds of the Private University are not sufficient to meet the requisite expenditure of the Private University, the Government may dispose of the assets or the properties of the Private University to meet the said expenses.

(6) Power of the Government to issue directions on policy matters to Private University.—The Government may issue such directions, from time to time, to a Private University on policy matters not inconsistent with the provisions of this Act as it may deem necessary. Such directions shall be complied with by the Private University.

65. Dissolution of Private University.— (1) If any Private University proposes its dissolution for any reason, it shall give at least six months written notice to the Government.

(2) On receipt of notice referred to in sub-section (1), the Government shall make such arrangement for administration of the Private University from the date of dissolution of the Private University and until the last batch of students in regular courses of studies of the Private University complete their courses of studies in such manner as may be prescribed.

66. Expenditure of Private University during Dissolution.— (1) The expenditure for administration of a Private University during the process of its dissolution shall be met out from the funds of the university.

(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the Private University, such expenditure may be met by disposing of the properties or assets of the Private University by the Government.

67. Transfer of Students.— (1) In case of dissolution of a Private University, the Government shall make arrangements for the transfer of students to other universities.

(2) The credits earned by students in the dissolved university shall be recognized by the university to which they are transferred.

68. Status of assets and liabilities on dissolution or de-recognition.— All assets and properties and also the liabilities of a Private University shall belong to the sponsoring body in case of dissolution or de-recognition of the Private University.

CHAPTER XIV

MISCELLANEOUS

69. Disputes as to the constitution of Authorities and Bodies.— If any question arises as to whether any person has been duly nominated or appointed as or is entitled to be a member of any authority or other body of a Private University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

70. Constitution of Committees.— Where any authority of a Private University is given power under this Act or the statutes to constitute Committees, such Committees shall as otherwise provided, consist of the members of the authority concerned and of such other persons as the authority in each case may think fit.

71. Filling up of the vacancies.—All vacancies among the members of any authority or other body of a Private University shall be filled as soon as may be convenient by the person or body who appointed or nominated the members whose place has become vacant for the remaining term for which he has been appointed or nominated.

72. Proceedings of Private University authorities and bodies not to be invalidated by vacancies.— No act or proceeding of any authority or other body of a Private University shall be invalidated merely by reason of the existence of a vacancy or of any defect or irregularity in the nomination of a member of any authority or other body of the Private University or of any defect or irregularity in such act or proceeding not affecting the merits of the case or on the ground that the authority or other body of the Private University, did not meet at such intervals as required under this Act.

73. Removal from membership of Private University.— (1) The Executive Council may, remove by an order in writing made in this behalf, any person from membership of any authority of the Private University by a resolution passed by a majority of the total members of the Executive Council and by a majority of not less than two-thirds of the members of the Executive Council present and voting at the meeting, if such person has been convicted by the Court for an offence which in the opinion of the Executive Council involves moral turpitude.

(2) The Executive Council may also by an order in writing made in this behalf remove any person from the membership of any authority of the Private University if he becomes of unsound mind or has been adjudicated as an insolvent.

(3) No action under this section shall be taken against any person unless he has been given a reasonable opportunity to show cause against the action proposed to be taken. A copy of every order made under sub-section (1) or sub-section (2), as the case may be, shall, as soon as may be after it is so made, be communicated to the person concerned in the manner prescribed.

(4) Mode of proof of Private University records.—A copy of any receipt, application, notice, proceeding, resolution of any authority or Committee of a Private University or other documents in possession of the Private University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, applications, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein where the original would, if produced have been admissible in evidence.

74. Student Protection.— (1) The Sponsoring Body shall institute and maintain such financial, operational and other safeguards as may be necessary to ensure the continued functioning of the University and to protect the interests of enrolled students.

(2) The safeguards referred to in sub-section (1) may include such arrangements, reserves, insurance, guarantees, escrow mechanisms, contingency plans or other measures as may be determined by the Sponsoring Body and disclosed in the manner prescribed.

(3) No minimum rupee amount shall be prescribed under this Act or the rules for the purposes of this section.

(4) The safeguards shall subject to general supervision and control of the Governing Council, be regulated and maintained in such manner as may be prescribed.

75. Powers of the Government to make rules.— (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form and manner of application including the manner of making the project report, the particulars to be contained therein and the fee payable under section 5;
- (b) the procedure for scrutiny of applications;
- (c) the conditions of service of the Chairperson and members of the Regulatory Authority;
- (d) the procedure for inspection of private universities;
- (e) the format and contents of the annual report;
- (f) sitting fees and allowances payable to the Chairman and Members of the Expert Committee under sub-section (3) of section 6.
- (g) such other matters as may be considered necessary.

(3) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed, on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or the Legislative Assembly decides that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

76. Power of Government to call for information and records.— (1) It shall be the duty of a Private University or any authority or officer of the Private University to furnish such information or records relating to the administration or finance and other affairs of the Private University as the Government may call for.

77. Annual report of Regulatory Authority.— (1) The Regulatory Authority shall prepare an annual report on the functioning of private universities in the Union Territory.

(2) The report shall be submitted to the Government and laid before the Legislative Assembly of the Union Territory.

78. Validity of degrees.— The degrees, diplomas, and certificates conferred or granted by a Private University established under this Act shall be recognized for purposes of employment under the Government and for admission to higher studies.

79. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Government, the Regulatory Authority, or any officer or employee thereof for anything done or intended to be done in good faith under this Act.

80. Act to have overriding effect.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, provided that such overriding effect shall be limited only to matters related to the establishment, incorporation, governance, administration and regulation of Private Universities established under this Act.

81. Repeal and Savings.— (1) Any law, rule, or regulation inconsistent with this Act shall, to the extent of such inconsistency, be deemed to have been repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed provisions shall be deemed to have been done or taken under the corresponding provisions of this Act.

82. Power to remove difficulties.— (1) If any difficulty arises as to the constitution or reconstitution of any authority of any Private University or in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such

provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty :

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

(2) Every order made under this section shall be laid before the Legislative Assembly of the Union Territory of Jammu and Kashmir.

FIRST SCHEDULE

[See Section 8]

S. No.	Name of University	Location	Type	Date of Establishment	Name and address of sponsoring body

Sd/-

ASHISH GUPTA,
Special Secretary to the Government,
Department of Law, Justice and Parliamentary Affairs.