



CMJ University Act, 2009

Act 4 of 2009

Keyword(s):

AICTE, Annual Report, BCI, Board of Governors, Board of Management, DCI, DEC, Development Fund, Endowment Fund, Finance Officer, INC, MCI, PHI, Official Gazette, Off-Shore Campus, PCI, Sponsor, UGC

Amendment appended: 14 of 2019

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The 20th July, 2009.

No.LL(B)42/09/80.—The CMJ University Act, 2009 (Act No. 4 of 2009) is hereby published for general information.

MEGHALAYA ACT NO. 4 OF 2009

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 14th July, 2009.

Published in the Gazette of Meghalaya Extraordinary issue dated 20th July, 2009.

CMJ UNIVERSITY ACT, 2009

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ACT

to establish and incorporate a University in the State, with emphasis on providing high quality and industry-relevant education in the areas of Physical Sciences, Life Sciences, Technology, Medical Science and Paramedical, Management, Finance & Accounting, Commerce, Humanities, Languages & Communication, Applied and Performing Arts, Education, Law, Social Science and related areas sponsored by CMJ Foundation and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Sixtieth Year of the Republic of India as follows:

Chapter 1

Preliminary

Short title, and Commencement

1. (1) This Act may be called CMJ University Act, 2009
- (2) It shall come into force on such date as the State Government may, by notification appoint.

Definitions

2. In this Act, unless the context otherwise indicates:
 - (i.) "Academic Council" means the Academic Council of the University;
 - (ii.) "Act" means the CMJ University Act, 2009;
 - (iii.) "AICTE" means the All India Council for Technical Education established under Section 3 of the All India Council for Technical Education Act, 1987;

- (iv.) "Affiliated College" means a college or an institution which is affiliated to this University;
- (v.) "Annual Report" means the annual report of the University as prepared in Section 45 of the Act;
- (vi.) "BCI" means the Bar Council of India;
- (vii.) "Board of Governors" means the Board of Governors of the University as referred to in Section 21 of the Act;
- (viii.) "Board of Management" means the Board of Management of the University constituted in Section 22 of the Act;
- (ix.) "CMJ Foundation" means Chandra Mohan Jha Foundation, a Trust registered at Shillong and recorded in Book No. 1, Vol-2, Pages 166-188 being no. 383 of the year 2004;
- (x.) "Chancellor" means Chancellor of the University appointed in Section 14 of the Act;
- (xi.) "Constituent College" means a College or an Institution established and maintained by the University;
- (xii.) "DCI" means the Dental Council of India;
- (xiii.) "DEC" means the Distance Education Council;
- (xiv.) "Development Fund" means the Development Fund of the University established under Section 43 of the Act;
- (xv.) "Distance Education System" means the system of imparting education through any means of Information Technology, Communication and other media such as Multimedia, Broadcasting, Telecasting, Online over internet, portal, other interactive methods, email, internet, computer, interactive talk-back, e-learning, correspondence course, seminar, contact programme or a combination of any two or more of such means;
- (xvi.) "Endowment Fund" means Endowment Fund of the University established under Section 41 of the Act;
- (xvii.) "Employee" means employee appointed by the University and includes teachers and other staff of the University or of a constituent college;
- (xviii.) "Faculty" means Faculty of the University;
- (xix.) "Finance Officer" means Finance Officer of the University appointed under Section 18 of the Act;
- (xx.) "General Fund" means General Fund of the University as referred to in Section 42 of the Act;
- (xxi.) "INC" means the Indian Nursing Council;
- (xxii.) "prescribed" means prescribed by the rules, regulations or statutes under the Act;
- (xxiii.) "MCI" means the Medical Council of India;
- (xxiv.) "NCTE" means the National Council for Teacher Education;

- (xxv.) "Off-campus Centre" means a Centre of the private university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (xxvi.) "Official Gazette" means the Gazette of Meghalaya;
- (xxvii.) "Off-shore campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (xxviii.) "PHI" means the Pharmacy Council of India;
- (xxix.) "Principal" in relation to a Constituent College, means the Head of the Constituent College and includes, where there is no Principal, the Vice Principal or any other person for the time being appointed to act as Principal;
- (xxx.) "Regional Centre" means a Centre established or maintained by the University for the purpose of coordinating and supervising the work of Students and for rendering any other assistance including training, conducting contact classes and administering examinations required by the students and for performing such other functions as may be conferred on such Centre by the Board of Management;
- (xxxi.) "Registrar" means Registrar of the University appointed under Section 17 of the Act;
- (xxxii.) "Rules & Regulations" means the Rules & Regulations of the University;
- (xxxiii.) "Sponsor" means CMJ Foundation;
- (xxxiv.) "State" means the State of Meghalaya;
- (xxxv.) "State Government" means the State Government of Meghalaya;
- (xxxvi.) "Statutes" means the Statutes of the University;
- (xxxvii.) "Study centre" means a Centre established and maintained by the University for the purpose of advising, counselling or for rendering any other assistance required by the students used in the context of distance education;
- (xxxviii.) "Teacher" means a Professor, Associate Professor, Assistant Professor, Lecturer or such other person as may be appointed for imparting education or conducting research in the University or in a constituent college or institution and includes the Principal of a constituent college or institution, in conformity with the norms prescribed by the UGC;
- (xxxix.) "UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;
- (xl.) "University" means CMJ University, established under this Act;
- (xli.) "Vice Chancellor" means Vice Chancellor of the University appointed under Section 15 of the Act;
- (xlii.) "Visitor" means the Visitor of the University as referred to in Section 13

Chapter 2

The University and its Object

Proposal for the establishment of the University

3. (1) The sponsor shall have the right to establish the University in accordance with the provisions of this Act and the guidelines issued by the UGC.
- (2) The sponsor shall make an application containing the proposal to establish the university to the State Government.
- (3) The proposal may contain the following particulars, namely:
 - (a) The object of the University along with the details of the Sponsor;
 - (b) The extent and status of the University and the availability of land;
 - (c) The nature and type of programmes of the study and research to be undertaken in the University during a period of the next five years;
 - (d) The nature of faculties, courses of study and research proposed to be started;
 - (e) The campus development such as buildings, equipment and structural amenities;
 - (f) The phased outlays of capital expenditure for a period of the next five years;
 - (g) The item-wise recurring expenditure, sources of finance and estimated expenditure for each student,
 - (h) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;
 - (i) The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes;
 - (j) The details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on Non-Resident Indians and students of other nationalities;
 - (k) The history and credentials of the sponsor including years of experience and expertise in the concerned discipline at the command of the Sponsor as well as the financial resources;
 - (l) The system for selection of students to the courses of study at the University;
 - (m) Status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University;
 - (n) Nature and types of its partnership and affiliations; and
 - (o) Such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

Establishment of the University.

4. (1) Where the State Government, after such inquiry as it may deem necessary, is satisfied that the sponsor has fulfilled the conditions, specified in Sub-Section (2), of Section 3, it may direct the Sponsor, to establish an Endowment Fund in accordance with the guidelines issued by the UGC.

- (2) After the establishment of the Endowment Fund, the State Government may, by notification in the Official Gazette, accord sanction for establishment of the University in accordance with the guidelines issued by the UGC.
- (3) The headquarters of University shall be at Shillong and it may have campuses or Regional Centres, Study Centres anywhere in India and abroad with prior approval of the UGC, the respective State Governments, the Government of India and the Government of the Host Country as the case may be.

Provided that after the development of the main Campus and 5 years after the Act comes into force the University may obtain permission from the UGC to set up such off-Campus Centre(s) and / or Study Centre(s) and/or regional centres and /or off-shore campuses.

- (4) The Chancellor, the Vice Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.
- (5) On the establishment of the University under Sub Section (2), the land and other movable and immovable properties acquired, created, arranged or built by the University for the purpose of the University in the State of Meghalaya shall vest in the University.
- (6) The land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

University not to be entitled to financial assistance.

5. The University shall be self-financing and shall not make a demand to any grant-in-aid or any other financial assistance from the State Government or any other body or Corporation owned or controlled by the State Government.

Constituent Colleges and Affiliated Colleges.

6. The University may have Constituent Colleges, Regional Centres, Campuses, Off-campus Centres, Off-shore campuses and Study Centres.

Objectives of the University.

7. The objectives for which the University is established are as follows:
 - (a) To provide Instruction, Teaching, Training and Research in various branches and specialized fields of Physical Sciences, Life Sciences, Technology, Medical Science and Paramedical Management, Finance & Accounting, Commerce, Humanities, Languages & Communication, Applied and Performing Arts, Education, Law, Social Science and related areas and subjects and to make provisions for research, advancement and dissemination of knowledge therein.
 - (b) To establish a campus in the State of Meghalaya, and to have Study Centres, campuses examination, Off-campus Centres, Off-shore campuses and Regional Centres at different places in India and abroad;
 - (c) To provide continuing and distance education programmes;
 - (d) To institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;
 - (e) To collaborate with other colleges or universities, research institutions, industry associations, professional associations or any other organization, in India or abroad, to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;

- (f) To disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;
- (g) To undertake programmes for the training and development of faculty members & Teachers of the University and other Institutions of India and abroad;
- (h) To undertake collaborative research with any organization in India and abroad; (i) To create higher levels of intellectual abilities;
- (j) To provide consultancy to industry, Government, public and private organization;
- (k) To create a Industry Academia partnership by inviting Industry in the University campus and other university places for mutual benefits.
- (l) To ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE/ NCTE/ UGC/ MCI/ DEC/ DCI/ INC/ BCI and Pharmacy Council of India;
- (m) To do all things necessary or expedient to promote the above objectives; and
- (n) To pursue any other objective as may be prescribed by State Government or Sponsor.

Powers of the University.

- 8. The University shall have the following powers, namely:
 - (a) To establish, maintain and recognize such Regional Centres, Study Centres, Campuses, Off-campus Centres and Off-shore campuses as may be determined by the University from time to time in the manner laid down by the Statutes;
 - (b) To confer degrees, diplomas, certificates or other academic distinctions etc.
 - (c) To institute and award fellowships, scholarships and prizes etc;
 - (d) To launch any academic & research programmes & courses, discipline of education which deemed suitable for meeting the object clause 7 of the University.
 - (e) To determine, demand and receive fees, bills, invoices and collect charges to fulfill the object of the University,
 - (f) To make provisions for extra curricular activities for students and employees;
 - (g) To appoint the faculties, teachers, officers and employees of the University or a constituent college, affiliated colleges, Regional Centres, Study Centres, campuses, establish, maintain and recognize such Regional Centres, Study Centres and Campuses, Off-campus Centres and Off-shore campuses located in India and abroad;
 - (h) To receive donations and gifts of any kind and to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable or immovable property, including Trust and Endowment properties for the purpose of the University or a constituent college, or a Regional Centre or a Off-campus centre or a Off-shore campus or a Study Centre;
 - (i) To create & manage the halls and places of residence for students, officers,

faculties, teachers and employees of the University or a constituent college or other partners of the University at the main campus and other campuses in India and abroad;

- (j) To supervise and control the residential facilities, and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (k) To create academic, administrative and support staff and other necessary posts;
- (l) To cooperate and collaborate with other Universities and Institutions in such a manner and for such purposes as the University may determine from time to time;
- (m) To offer programmes on distance learning basis and continuing education and the manner in which such programmes are offered by the University;
- (n) To organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for industry executives, teachers, developers of courseware, evaluator and other academic staff;
- (o) To determine standards of admission to the University, constituent colleges, affiliated colleges, Regional Centres, Off-campus Centre, Off-shore campus, Study Centres with approval of Academic Council;
- (p) To make special provision for students belonging to the State of Meghalaya for admission in any course of the University or in a constituent college, affiliated college, Regional Centre, Off-campus centre, Off-shore campus or Study Centre;
- (q) To prescribe such courses for Bachelor Degree, Master's Degree, Doctor of Philosophy, Doctor of Science Degrees and Research and such other Degrees, Diplomas, Certificates etc.;
- (r) To provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD, DVD and other software;
- (s) To recognize examinations or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
- (t) To create Industry Academia partnership by inviting Industry in the University campus and other university Centres for mutual benefits.
- (u) To raise, collect, subscribe and borrow with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;
- (v) To enter into, carry out, vary or cancel contracts;
- (w) To create, amend and cancel the rules and regulations to fulfill the object of the University.
- (x) To do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the object of the University;
- (y) To carry out all such other activities as may be necessary or feasible in furtherance of the object of the University;

- (z) To do all things necessary or expedient to exercise the above powers;
- University open to all classes, castes, creed religion, language and gender.**
9. The University shall be open to all persons irrespective of class, caste, creed, religion, language or gender.
- Provided that nothing in this section shall be deemed to require the University from making special provisions for admission to students of the State.
- National and International Accreditation.**
10. The University will seek accreditation from respective national and international accreditation bodies.
- Places of campuses**
11. (1) The Campuses of the University shall be at any place within the State of Meghalaya with its Headquarters at Shillong and it may have campuses or Regional Centres, Study Centres, Off-campus Centres, Off-shore campus anywhere in India or abroad.
- (2) The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.
- (3) The Board of Governors will decide the usage of land, building and other properties acquired for the University, which is for the benefits of the University.

Chapter 3

Officers of the University

- Officers of the University.**
12. The following shall be the officers of the University:
- a) The Chancellor;
 - b) The Vice-Chancellor;
 - c) The Registrar;
 - d) The Finance Officer; and
 - e) Such other officers as may be declared by the Act to be officers of the University.
- The Visitor**
13. (1) The Governor of Meghalaya will be the Visitor of the University
- (2) The Visitor shall, when present, preside at the Convocation of the University for conferring Degrees, Diplomas, Designations and Certificates.
- (3) The Visitor shall have the following powers namely: -
- a) To call for any paper or information relating to the affairs of the University
 - b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding or decision taken by any authority of the University is not in conformity with the Act, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the University which will be binding to all concerned.
- The Chancellor**
14. (1) The Sponsor shall appoint a person suitable to be appointed as the Chancellor of the University subject to the approval of the Visitor.

- (2) The Chancellor so appointed shall hold the office for a period of five years, which may be extended with a prior approval of the Visitor.
- (3) The Chancellor shall be the head of the University
- (4) The Chancellor shall preside at the meeting of the Board of Governors and shall, when the Visitor is not present, preside at the convocation of the University for conferring Degrees, Diplomas, Designations or Certificates.
- (5) The Chancellor shall have the following powers, namely:
 - (a) To call for any information or record;
 - (b) To appoint the Vice-Chancellor;
 - (c) To remove the Vice-Chancellor;
 - (d) Such other powers as may be conferred on him by this Act made thereunder.

The Vice-Chancellor.

- 15. (1) The Vice-Chancellor shall be appointed on such terms and conditions as approved by the Board of Governors for a term of four years by the Chancellor.
- (2) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors and shall hold office for a term of four years. Provided that, after expiration of the term of four years the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding four years
- (3) The Vice-Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.
- (4) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter.

Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred 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 three months from the date on which such action is communicated to him, and appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.

- (5) If in the opinion of the Vice-Chancellor any decision of any authority of the University is outside the powers conferred by this Act, or is likely to be prejudicial to the interest of University, he shall request the concerned authority to revise its decision within seven days from the date of his decision and incase the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.
- (6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Act and the Statutes.

- (7) The Vice-Chancellor shall preside at the Convocation of the University in the absence of both, the Visitor and the Chancellor, for conferring Degrees, Diplomas, Designations or Certificates.
- (8) The Chancellor is empowered to remove the Vice-Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.
- Deans of Faculties** 16. Deans of Faculties shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes.
- The Registrar** 17. (1) The appointment of the Registrar shall be made by the Board of Governors on such terms and conditions as approved by the Board of Governors for a term of four years.
- (2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.
- (3) The Registrar shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Board of Governors.
- (4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.
- (5) The Registrar shall exercise such powers and perform such duties as may be prescribed by Statutes of the University.
- (6) The Board of Governors is empowered to remove the Registrar after due enquiry. It will be open to the Board of Governors to suspend the Registrar during enquiry depending upon the seriousness of the charges, as he may deem fit.
- The Finance Officer** 18. (1) The appointment of the Finance Officer shall be made by the Board of Governors on such terms and conditions as approved by the Board of Governors for a term of four years.
- (2) The Finance Officer shall exercise such other powers and perform such other duties as may be prescribed by the Statutes of the University or may be required from time to time by the Board of Governors.
- (3) The Board of Governors is empowered to remove the Finance Officer after due enquiry. It will be open to the Board of Governors to suspend the Finance Officer during enquiry depending upon the seriousness of the charges, as he may deem fit.
- Other Officers** 19. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be as authorized by the Board of Governors.

Chapter 4

Authorities of the University

Authorities of the University

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

The Board of Governors and its power

21. (1) The Board of Governors shall consist of the following members:
- i) The Chancellor;
 - ii) The Vice-Chancellor;
 - iii) Three persons nominated by the Sponsor;
 - iv) One representative of the State Government;
 - v) An educationist of repute to be nominated by the State Government;
 - vi) An educationist of repute to be nominated by the Sponsor;
- (2) The Chancellor shall be the Chairman of the Board of Governors.
- (3) In absence of Chancellor the Vice-Chancellor will be the Chairman of the Board of Governors.
- (4) The Registrar shall be an ex-officio Secretary of the Board of Governors.
- (5) In absence of the Registrar, one existing member nominated by the Board of Governor, will work temporarily as the Secretary of the Board of Governors.
- (6) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely:
- (a) To appoint the Statutory Auditors of the University;
 - (b) The terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and other officers and appoint / remove the Registrar and the Finance Officer and other officers.
 - (c) To lay down policies to be pursued by the University;
 - (d) To approve the Rules and Regulations of the University created by Board of Management
 - (e) To make new or additional Statutes, Rules and Regulations or amend or repeal the earlier Statutes.
 - (f) To review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Rules and the Statutes of the University;
 - (g) To approve the budget and annual report of the University;

- (h) To approve proposals for submission to the State Government; and other State Governments, Government of India or Government of other countries.
- (i) To take such decisions and steps as are found desirable for effectively carrying out the object of the University;
- (j) To exercise all the powers of the University as vested in the Clause 8.
- (k) To do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the object of the University;
- (l) To carry out all such other activities as may be necessary or feasible in furtherance of the object of the University;
- (m) To do all things necessary or expedient to exercise the above powers;
- (n) To take decision about voluntary winding up of the University;
- (o) To approve additional power and modify the existing power of
 - (i) Board of Management
 - (ii) Academic Council
 - (iii) Finance Committee
 - (iv) Other Authorities
 - (v) Other Committees

(7) The Board of Governors shall meet at least twice in a calendar year at such time and place as the Chancellor thinks fit.

The Board of Management

22. (1) The Board of Management shall consist of:
- (a) The Vice-Chancellor;
 - (b) The Registrar;
 - (c) Three persons, nominated by the Sponsor;
 - (d) Two Deans of the Faculties as nominated by the Vice Chancellor;
 - (e) One representative to be nominated by the State Government;
 - (f) One management representative to be nominated by the Sponsor
- (2) The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management.
- Provided in absence of the Vice-Chancellor, the management representative nominated by the Sponsor will work temporarily as the Chairman of the Board of Management:
- Provided further in absence of the Registrar, one existing member nominated by the Board of Management, will work temporarily as the Secretary of the Board of Management.
- (3) The Board of Management shall have the following powers, namely.
- (a) To establish, maintain and recognize such Regional Centres, Campuses, Study Centres and Off-campus Centres and Off-shore campuses subject to the approval from Board of Governors;

- (b) To launch any academic and research programmes and courses, discipline of education which deemed suitable for meeting the object of the University;
- (c) To create and amend the Rules and Regulations of the University to fulfill the objects of the University;
- (d) To determine, demand and receive fees, bills, invoices and collect charges;
- (e) To make provisions for extra curricular activities for students and employees;
- (f) The operation of the endowment fund, the general fund and the development fund;
- (g) To appoint the faculties, teachers, officers and employees of the University or a constituent college, affiliated colleges, Regional Centres, Study Centres, campuses, establish, maintain and recognize such Regional Centres, Study Centres and Campuses, Off-campus Centres and Off-shore campuses located in India and abroad;
- (h) To receive donations and gifts of any kind and to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable or immovable property, including trust and endowment properties for the purpose of the University or a constituent college, or a Regional Centre, Off-campus Centre, Off-shore campus or a Study Centre;
- (i) To create & manage the halls and places of residence for students, officers, faculties, teachers and employees of the University or a constituent college or other partners of the University at the main campus and other campuses in India and abroad;
- (j) To supervise and control the residence, and to regulate discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (k) To create academic, administrative and support staff and other necessary posts;
- (l) To co-operate and collaborate with other Universities and Institutions in such a manner and for such purposes as the University may determine from time to time;
- (m) To offer programmes on distance learning basis and continuing education and the manner in which such programmes are offered by the University;
- (n) To organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for industry executives, teachers, developers of courseware, evaluator and other academic staff;
- (o) To determine standards of admission to the University, constituent colleges, affiliated colleges, Regional Centres, Off-campus Centres, Off-shore campuses, Study Centres with approval of Academic Council;
- (p) To make special provision for students belonging to the State of Meghalaya or other states for admission in any course of the University or in a constituent college, affiliated college, Off-campus Centres, Off-shore campuses, Regional Centre or Study Centre;
- (q) To prescribe such courses for Bachelor Degree, Master's Degree, Doctor of Philosophy, Doctor of Science Degrees and Research and such other

Degrees, Diplomas, Certificates etc.;

- (r) To provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD, DVD and other software;
- (s) To recognize examinations or periods of study (whether in full or in part) of other Universities, Institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
- (t) To create an Industry Academia partnership by inviting Industry in the University campus and other university Centres for mutual benefits;
- (u) To raise, collect, subscribe and borrow with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;
- (v) To enter into, carry out, vary or cancel contracts;
- (w) To do all such other acts or things as directed by the Board of Governors;
- (x) To do all things necessary or expedient to exercise the above powers.

The Academic Council

23. (1) The Academic Council shall consist of, -
- (a) The Vice-Chancellor as Chairman
 - (b) The Registrar as Secretary
 - (c) The Finance Officer
 - (d) Such other members as may be prescribed in the statutes (like Dean, HOD, Professors).
- (2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, and the Rules & Regulations, coordinate and exercise general supervision over the academic policies of the University.

The Finance Committee

24. (1) The Finance Committee shall consist of, -
- (a) The Vice-Chancellor as Chairman.
 - (b) The Registrar as Secretary.
 - (c) The Finance Officer.
 - (d) One person, nominated by the Sponsor.
- (2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Rules & Statutes; coordinate and exercise general supervision over the financial matters of the University.

Other Authorities

25. The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed by the Act.

Proceedings not invalidated on account of vacancy

26. No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy of post or defect in the constitution of the authority.

Chapter 5

Statutes and Rules

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| Statutes | <p>27. Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and staff, as given below:</p> <ul style="list-style-type: none"> (a) The constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time; (b) The mode of recruitment and the conditions of service of the other officers, teachers and employees of the University; (c) The procedure for resolving disputes between the University and its officers, faculty members, employee and students; (d) Creation, abolition or restructuring of departments and faculties; (e) The manner of co-operation with other Universities or institutions of higher learning; (f) The procedure for conferment of honorary degrees; (g) Provisions regarding grant of freeships and scholarships; (h) Number of seats in different courses of studies and the procedure of admission of students to such courses; (i) The fee chargeable from students for various courses of studies; (j) Institution of fellowships, scholarships, studentships, freeships, medals and prizes; (k) Procedure for creation and abolition of posts; (l) Other matters which may be prescribed. |
| Statutes how made | <p>28. (1) The first Statutes framed by the Board of Governors shall be submitted to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modifications.</p> <p>(2) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-section (1) it shall be deemed to have been approved by the State Government.</p> |
| Power to amend the Statutes | <p>29. (1) The Statutes as stated in the Act may be amended or new Statutes may be added by the Board of Management which needs to be approved by the Board of Governors.</p> <p>(2) The Board of Governors shall submit the new and amended Statutes to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modifications.</p> <p>(3) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-section (1), it shall be deemed to have been approved by the State Government.</p> |
| Rules | <p>30. Subject to the provisions to this Act, the Rules may provide for all or any of the following matters, namely:</p> <ul style="list-style-type: none"> (a) Admission of students to the University and their enrollment and continuance as such; |

- (b) The courses of study to be laid down for all Degrees, Diplomas, Certificates and other academic distinctions of the University;
 - (c) The award of Degrees, Diplomas, Certificates and other academic distinctions of the University;
 - (d) Creation of new authorities of the University;
 - (e) Accounting policy and financial procedure;
 - (f) The conditions of the award of fellowships, scholarships, studentships, medals and prizes;
 - (g) The conduct of examinations and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
 - (h) The fee to be charged for admission to the examinations, Degrees, Diplomas, Certificates and other academic distinctions of the University;
 - (i) Revision of fees;
 - (j) Alteration of number of seats in different courses and programmes;
 - (k) The conditions of residence of the students at the University or a constituent college or affiliated college;
 - (l) Maintenance of discipline among the students of the University or a constituent college or affiliated college;
 - (m) All other matters as may be provided under the Act.
- Rules how made** 31. (1) The Rules shall be made by the Board of Governors and the Rules so made shall be submitted to the State Government for its approval, which may within two months from the date of receipt of the Rules, give its approval with or without modification.
- (2) Where the State Government fails to take any decision with respect to the approval of the Rules within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.
- Power to amend Rules** 32. The Board of Governors may make new or additional Rules or amend or repeal the Rules.

Chapter 6

Miscellaneous

- Conditions of service of employees** 33. (1) Every employee shall be appointed under a written contract, which shall be kept in the University a copy of which shall be furnished to the employee concerned.
- (2) Disciplinary action against the students/employees shall be governed by procedure prescribed in the Statutes.
- Right to appeal** 34. Every employee or student of the University or of a constituent college, shall notwithstanding anything contained in the Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any other officer or authority of the University or of the Principal of any such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

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| Provident fund and pension | 35. | The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed. |
| Disputes as to constitution of University authorities and bodies | 36. | If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final. |
| Constitution of Committees | 37. | Any authority of the University mentioned in Section 18 will be empowered to constitute a committee of such authority, consisting of such members as such authority may deem fit, and having such powers as the authority may deem fit. |
| Filling of casual vacancies | 38. | Any casual vacancy among the members, other than ex-officio members, of any authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member. |
| Protection of action taken in good faith | 39. | No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, or the Rules & Regulations. |
| Transitional provisions | 40. | Notwithstanding anything contained in any other provisions of this Act: <ul style="list-style-type: none"> (a) The first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for a term of three years; (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years; (c) The first Board of Governors shall hold office for a term not exceeding three years; (d) The first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years; |
| Endowment Fund | 41. (1) | The University shall establish an Endowment Fund of at least Rupees Two Crore. |
| | (2) | The University shall have power to invest the Endowment Fund in such manner as may be prescribed. |
| | (3) | The University may transfer any amount from the General Fund or the Development Fund to the Endowment Fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the Endowment Fund for other purpose. |
| | (4) | Not exceeding 75% of the incomes received from the Endowment Fund shall be used for the purposes of development works of the University. The remaining 25% shall be reinvested into the Endowment Fund. |
| General Fund | 42. (1) | The University shall establish a general fund to which the following amount shall be credited, namely: <ul style="list-style-type: none"> (a) All fees, which may be charged by the University; |

- (b) All sums received from any other source(s);
 - (c) All contributions made by the Sponsor;
 - (d) All contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force;
- (2) The funds credited to the General Fund shall be applied to meet the following payments, -
- (a) The repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes made thereunder;
 - (b) The upkeep of the assets of the University;
 - (c) The payment of the cost of audit of the fund created under Section 46;
 - (d) Meeting the expenses of any suit or proceedings to which University is a party;
 - (e) The payment of salaries and allowances of the officers and the employees of the University, members of the teaching and research staff, and payment of any Provident Fund Contributions, Gratuity and other benefits to any such officers and employees, members of the teaching and research staff;
 - (f) The payment of travelling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Rules & Regulations of the University and of the members of the Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Statutes made thereunder;
 - (g) The payment of fellowships, freeships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Act, or Statutes of the University under the provisions of this Act;
 - (h) The payment of any expenses incurred by the University in carrying out the provisions of this Act, or the Rules & Regulations made thereunder;
 - (i) The payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsor for setting up the University and the investments made thereof;
 - (j) The payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act, and the Statutes made thereunder;
 - (k) The payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the Sponsoring Body, as approved by the Board of Management to be an expense for the purpose of the University;

Provided that no expenditure shall be incurred by the University in excess of the limits for the total recurring expenditure and the total non-recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management;

Provided further that the General fund shall be applied for the object

specified under sub-section (2) with the prior approval of the Board of Management of the University.

- Development Fund** 43. The University shall also establish a Development Fund to which the following funds shall be credited namely, -
- (a) Development fees which may be charged from students;
 - (b) All sums received from any other source for the purpose of the development of the University;
 - (c) All contributions made by the Sponsor;
 - (d) All contributions/ donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
 - (e) All incomes received from the Endowment Fund
- Maintenance of fund** 44. The funds established under Section 41, 42 and 43 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed by the Statutes.
- Annual Report** 45. (1) The Annual Report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.
- (2) The Board of Governors shall consider the Annual Report in its meeting and may approve the same with or without modification;
 - (3) A copy of Annual Report duly approved by the Board of Governors shall be sent to Visitor and the State Government on or before December 31 following close of the financial year in March 31 each year.
- Account and Audit** 46. (1) The Annual Accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.
- (2) The Annual Accounts of the University shall be audited every year by a Chartered Accountant, who is a member of the Institute of Chartered Accountants of India, to be appointed by the Board of Management on a mutually agreeable terms for a period of three years.
 - (3) A copy of the annual accounts and the Balance Sheet together with the audit report shall be submitted to the Board of Governors on or before December 31 following close of the financial year in March 31 each year.
 - (4) The Annual Accounts, the Balance Sheet and the Audit Report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observation thereon on or before December 31 each year.
- Mode of proof of University record** 47. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of the entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

- Dissolution of University**
48. (1) If the Sponsor proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least 3 months notice in writing to the State Government.
- (2) On identification of mismanagement, mal-administration, in-discipline, failure in the accomplishment of the objectives of University and economic hardships in the management systems of University, the State Government would issue directions to the Management system of the University. If the directions are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.
- (3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf. Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.
- (4) On Receipt of the notice referred to in Sub-section (1), the State Government shall, in consultation with the AICTE, UGC or other regulatory bodies make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.
- Expenditure of the University during dissolution**
49. (1) The expenditure for administration of the University during the taking over period under Section 48 shall be made out of the Endowment Fund, the General Fund or the Development Fund.
- (2) If the funds referred to Sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.
- Laying of Statutes and Rules**
50. Every Statute or Rule made under this Act shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly.
- Removal of difficulties**
51. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Act, as appeared to it to be necessary or expedient, for removing the difficulty;
- Provided that no notification or order under Sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.
- (2) Every order made under Sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.
- University to be subject to Standards of UGC**
52. Notwithstanding anything contained in this Act, the establishment, maintenance of standards and any other matter concerning Private Universities established under this Act shall be subject to the UGC (Establishment and Maintenance of Standards in Private Universities) Regulations 2003 as amended from time to time and any other regulation or direction as may be issued by the UGC and the State Government from time to time.

E. M. DONN,
Deputy Secretary to the Govt. of Meghalaya,
Law (B) Department.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 312

Shillong, Wednesday, October 16, 2019

24th Asvina, 1941 (S. E.)

PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 16th October, 2019.

No.LL(B).42/2009/132. – The Meghalaya CMJ University (Amendment) Act, 2019 (Act No. 14 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 14 OF 2019

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 16th October, 2019.

THE CMJ UNIVERSITY (AMENDMENT) ACT, 2019**An****Act**

to further amend the CMJ University Act, 2009 (Act No. 4 of 2009).

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows:

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| Short title and Commencement. | 1. (1) This Act may be called the CMJ University (Amendment) Act, 2019.

(2) It shall come into force from the date of notification in the official Gazette. |
| Amendment of Section 2. | 2. (1) The existing clause (iv) of Section 2 shall be deleted.

(2) In clause (xxv) of Section 2 the brackets and the words "or outside" appearing in between the words "within" and "the State" shall be omitted and for the word "compliment" the word "complement" shall be substituted.

(3) The existing clause (xxvii) of Section 2 shall be omitted. |
| Amendment of Section 6. | 3. In the heading of Section 6 the words "and Affiliated Colleges" shall be omitted and the words ",Off-shore campuses" appearing therein shall be omitted. |
| Amendment of Section 7. | 4. In clause (b) of Section 7 the words ",Off-shore campuses" appearing therein shall be omitted and the words "India and abroad" shall be substituted by the word "Meghalaya". |
| Amendment of Section 8. | 5. (1) In clause (a) of Section 8 the words "and Off-shore campuses" appearing therein shall be omitted and the word "and" shall be inserted before the words "Off-campus Centres".

(2) In clause (g) of Section 8 the words "and Off-shore campuses located in India and abroad" shall be substituted by the words "located in Meghalaya" and the word "and" shall be inserted before the words "Off-campus Centres".

(3) In clause (h) of Section 8 the words "or a Off-shore campus" appearing therein shall be omitted.

(4) In clause (i) of Section 8 the words "India and abroad" shall be substituted by the word "Meghalaya".

(5) In clause (o) and (p) of Section 8 the words ",Off-shore campus" appearing therein shall be omitted. |
| Amendment of Section 11. | 6. In sub-section (1) of Section 11 the words "Off-shore campus anywhere in India or abroad" shall be substituted by the words "in the State of Meghalaya". |
| Amendment of Section 13. | 7. (1) After the existing clause (b) of sub-section (3) of Section 13, the following proviso shall be inserted, namely-

"Provided that all such directions which may involve closure of the University or cancellation of degrees or stoppage of admission and any other matter involving the interest of the State Government shall be issued by the Visitor after due consultation with the State Government".

(2) After the new proviso to clause (b) of sub-section (3) of Section 13 a new sub-section (4) shall be inserted namely- |

- "(4) Every proposal for the conferment of an honorary degree or distinction shall be subject to the prior approval of the Visitor."
- Amendment of Section 14.** 8. The existing sub-section (1) of Section 14, shall be substituted by namely-
- "(1) The Sponsor shall with the prior approval of the Visitor, appoint a person suitable as the Chancellor of the University."
- Amendment of Section 41.** 9. The existing sub-section (4) of Section 41 shall be substituted by namely-
- "Not exceeding 75% of the incomes received from the endowment fund shall be used for the purpose of development work of the University; not less than 20% of such incomes shall be reinvested in the endowment fund and 5% of such incomes shall be utilized by the State Government for funding the Private Universities Regulatory Board set up under the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 as amended from time to time."
- Amendment of Section 48.** 10. After the existing sub-section (4) of Section 48 a proviso shall be inserted, namely-
- "Provided if the University is dissolved at the instance of the Sponsor as provided in sub-section (1), making arrangement for the affected students of the University, until the last batch of regular courses of studies of the University are completed, shall be the responsibility of the University in consultation with the UGC, AICTE and other Regulatory Bodies".
- Amendment of Section 52.** 11. The existing Section 52 shall be substituted by the following, namely-
- "Notwithstanding anything contained in this Act, the establishment maintenance of standards and any other matter concerning this University including constituent colleges, study centres and regional centres shall be subjected to the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 as amended from time to time and also to the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 as amended from time to time and regulations and directions as may be issued by UGC and other Statutory Bodies and by the State Government from time to time."
- Savings.** 12. Anything done or any action taken under the provisions of the Principal Act prior to this amendment shall remain valid unless revoked or annulled by the State Government.

D. LYNGDOH,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.