

**HIMACHAL PRADESH TECHNICAL UNIVERSITY (ESTABLISHMENT  
AND REGULATION) BILL, 2010**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*to provide for establishment, incorporation and regulation of Himachal Pradesh Technical University in the State for technical education and to regulate its functioning and for matters connected therewith or incidental thereto.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

CHAPTER—I

PRELIMINARY AND DEFINITIONS

Short title  
and  
commence-  
ment.

**1. (1)** This Act may be called the Himachal Pradesh Technical University (Establishment and Regulation) Act, 2010.

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

Definitions.

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

- (a) “College” means a college or an institution maintained by or admitted to the privileges of the University under this Act;
- (b) “convocation” means a meeting of the Executive Council for the purpose of conferring degrees, titles or other academic distinctions;
- (c) “employee” in relation to the University, means a person other than teacher or an officer employed by the University;

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- (d) “financial year” means the year ending on the 31st day of March;
- (e) “Governor” means the Governor of Himachal Pradesh;
- (f) “hall” or “hostel” means a unit of residence of the students maintained by the University;
- (g) “institution” means a College, Research Organization or any other place, by whatever name called, for training, instruction, research or study;
- (h) “Member” means a member of the Board of Governors established under section 20 of this Act and includes its Chairman;
- (i) “Principal” means the head of a College (by whatever name called) and includes when there is no Principal, the person for the time being duly appointed, to act as Principal, and in the absence of Principal or the acting Principal, a Vice-Principal duly appointed as such;
- (j) “regulations” means the regulations of the University made under this Act;
- (k) “technical education” means the education in the subjects of Engineering Technologies, Information Technologies, sciences, management, pharmacy and architecture and such other subjects as may be deemed fit by the State Government from time to time;
- (l) “University” means the Himachal Pradesh Technical University, as incorporated under section 4 of this Act;
- (m) “non-teaching staff” means—
- (i) “in relation to the University, the non-teaching staff, not holding any teaching post(including part- time teaching post), appointed or recognized as such by the University”, and

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- (ii) in relation to an affiliated College, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized by the University or appointed by such College, but does not include any librarian;
- (n) “prescribed” means prescribed by statutes or regulations made under this Act;
- (o) “statutes”, “regulations”, “rules” and “ordinances” means respectively, the statutes, regulations, rules and ordinances made under this Act; and
- (p) “State Government” means the Government of Himachal Pradesh.

## CHAPTER—II

### THE OBJECTS OF THE UNIVERSITY AND ITS OFFICERS

Objects of  
the  
University.

**3.** The University shall inter alia have the following main objects,  
namely:—

- (a) to provide a system of technical education capable of responding to the changing requirements of technical manpower;
- (b) to bring about qualitative improvement in teaching and learning process;
- (c) to provide congenial environment for continuing education consultancy, and research and development activities;
- (d) to provide for mutual benefits and develop strong links with industry and to provide consultancy and testing services for

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increase of internal resources of new industries and business organisations and motivate organizations for protection of intellectual property right;

- (e) to provide necessary help to the institutions to encourage entrepreneurship amongst students;
- (f) to maintain life time contact with alumni and develop alumni sponsored programmes;
- (g) to seek cooperation from national institutes for innovation in technology;
- (h) to develop excellent education atmosphere and students to keep live contact with institutes of international standard;
- (i) to provide instructions, teaching and training in higher education with a view to create higher level of intellectual abilities;
- (j) to establish facilities for education and training;
- (k) to carry out teaching, research, affiliation, examination and offer continuing education programme;
- (l) to create centres of excellence for research and development relevant to the needs of the State and for sharing knowledge and its applications;
- (m) to establish new institution, subjects to applicable rules and regulations and provide affiliation of Himachal Pradesh Technical University at Hamirpur;
- (n) to establish examination centre and award degrees to the students;
- (o) to confer degrees and other academic distinctions on the basis of examination or any such other method, while doing

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so, the University shall ensure that the standards of degrees and other academic distinctions are not lower than those laid down by regulating bodies;

- (p) to develop and enhance multiple intelligences and promote creativity in the members of academic community;
- (q) to provide avenues for collaborative planning, both for short term and long- term institutional plans;
- (r) to provide the right kind of work ethos, professional expertise and leadership in all walks of life;
- (s) to provide world-class professional and inter-disciplinary courses that are application oriented;
- (t) to act as the fountainhead of all the Engineering Colleges in the State and centre of technical education in the State;
- (u) to conduct timely examinations and award degrees to candidates of all affiliated Engineering Colleges;
- (v) to provide opportunities for life long learning to all concerned;
- (w) to develop interact with national and international institutes, Universities and organizations for making Himachal Pradesh a preferred destinationfor teaching learning research, trade and business; and
- (x) to seek and cultivate new knowledge, to engage vigorously and fearlessly in the pursuit of growth through Research and Development activities, and to interpret all knowledge and beliefs in the light of new inventions and discoveries.

Incorporation.

**4.** The first Chancellor and the first Vice-Chancellor of the University and the first members of the Board of Governors and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby

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constituted by the “Himachal Pradesh Technical University” with headquarters at Hamirpur. The University shall have perpetual succession and a common seal with power to acquire, hold and dispose of property, and to contract, and may by the said name sue and be sued.

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

- (a) to affiliate any College/institution or centre with the approval of the State Government, subject to such conditions and restrictions as the State Government may impose;
- (b) to hold examinations and to grant and confer degrees and other distinctions to and on persons who,—
  - (i) have pursued a course of study in the University or as prescribed by regulations and have passed the examinations prescribed by the University; and
  - (ii) have carried on research as prescribed by the regulations;
- (c) to make provisions for providing, upgrading and promoting technical education and training and research in technical education and to create entrepreneurship and a conducive environment for the pursuit of the technical education in close cooperation with industry;
- (d) to generate and maintain resources through consultancy services, continuing education programs, national and international collaborations and transfer of intellectual property rights;
- (e) to institute and confer degrees, awards, grades, credits and other academic distinctions;
- (f) to provide for the degree equivalent or corresponding to the degree of other recognized Universities;

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- (g) to take all necessary measures for setting up campuses;
  - (h) to institute and confer honorary degrees as may be prescribed;
  - (i) to institute and award scholarships to students as may be specified;
  - (j) to take special measures for spreading educational facilities among the educationally backward strata of the society;
  - (k) to encourage and promote sports and adventure activities;
  - (l) to create technical, administrative, ministerial and other necessary posts and to make appointments thereto;
  - (m) to provide consultancy services;
  - (n) to frame statutes and regulations for carrying out the objects of the University in accordance with the provisions of the Act;
  - (o) to encourage and promote co-curricular activities for personality development of the faculty, students and employees of the University;
  - (p) to provide for dual degrees vis-à-vis other Universities on reciprocal basis within and outside the country as per instructions of the State Government, Government of India and University Grants Commission;
  - (q) to make such provisions for integrated courses in different disciplines in the educational programmes of the University;
  - (r) to set up Colleges, institutions, off-campus centres, off-shore campus and study centres, as per the instructions issued by the State Government, Central Government and University Grants Commission from time to time;

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- (s) to receive donations, gifts and grants and to acquire hold, manage and dispose of any property, movable or immovable, including trust or endowed property within or outside Himachal Pradesh for the purpose and objects of the University and to invest funds in such manner as the University thinks fit;
  - (t) to prescribed the fee structure for various courses from time to time as per provisions of the Act;
  - (u) to demand and receive payments of such fees and other charges as may be specified from time to time;
  - (v) to seek collaborations with other institutions on mutually acceptable terms and conditions;
  - (w) to determine salaries, remunerations, honoraria to faculty and employees of the University in accordance with the norms, specified by the University Grants Commission and other regulatory bodies;
  - (x) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures as may be deemed necessary;
  - (y) to implement Right to Information Act, 2005 in the University and its affiliating Institutes/Colleges;
  - (z) to implement Himachal Pradesh Educational Institutions (Prohibition of Ragging) Act, 2009 in affiliating Institutes/Colleges;
  - (za) to establish and maintain linkage with industry and to promote interaction and enter into collaborative agreement with other University, research institutions and learned societies and industries around the world in matter that relates to the furtherance of the objective of the University;



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- (zb) to promote creation of higher skilled manpower capable of contributing towards national development in general and development of industry based on modern technology in particular;
  - (zc) to take appropriate measures for maintenance of standards and enhancement of quality in higher education;
  - (zd) to withdraw or to cancel degrees or other academic distinctions under such conditions as may be prescribed by statutes and after giving the person affected a reasonable opportunity to present his case;
  - (ze) to prescribe, subject to provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for the posts of officers and employees of the University;
  - (zf) to acquire, hold and dispose of property, movable or immovable and to make grants and advances for furthering its objects;
  - (zg) to accept and administer gifts, endowments and to make grants and advances for furthering its objects;
  - (zh) to accept grants and to raise loans or to accept loans from Central or any State Government or the University Grants Commission, and also from other resources;
  - (zi) to make appropriate measures for creation of an independent financial base of the University;
  - (zj) to create fund out of donations and contributions from private sources with attendant obligations and engagements not inconsistent with the objects or standing of the University;
  - (zk) to prescribe fees or other charges for examination and other purposes and to demand and receive the fees or other charges so prescribed;

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- (zl) to make arrangements for promoting health and general welfare of the students and the employees of the University;
- (zm) to co-operate with any other University in and outside the country, authority or any public or private body having in view the promotion of purpose and objects similar to those of the University for such proposes as may be agreed upon, on such terms and conditions as may, from time to time, be specified;
- (zn) to provide for the printing of question papers and other works, which may be required by the University; and(zo) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

**6.** (1) The territorial limits in which the University shall exercise powers and perform its duties shall be the whole of the State of Himachal Pradesh and other regions outside the State of Himachal Pradesh as may be decided by the Board of Governors from time to time subject to any regulation and statutes.

Territorial  
exercise of  
the powers.

(2) Notwithstanding anything contained in any other law for the time being in force, any college imparting technical education and situated within the limits of the area specified under sub-section (I) shall, with effect from such date, as may be notified in this behalf by the State Government, be deemed to be associated with and admitted to the privileges of the University and shall cease to be associated in any way with, or be admitted to any privileges of, the Himachal Pradesh University, Shimla:

Provided that any student of any such college affiliated to the Himachal Pradesh University, Shimla before the said date, who was studying for any degree or diploma examination of the said University shall be permitted to complete his course in preparation thereof and the University shall hold for such students examination in accordance with the curricula of study in force in those Universities for such period, as may be prescribed by regulations.

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Provided further that such student may, until any such examination is held by the University, be admitted to the examination of the said Universities and be conferred the degree, diploma or any other privileges of those Universities for which he qualifies on the result of such examination.

University  
open to all  
irrespective  
of religion,  
race, caste,  
sex or place  
of birth.

**7.** (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on grounds only of religion, race, caste, sex, place of birth or any of them:

Provided that the University may maintain any college exclusively for women either for education or residence or, reserve for women or members of classes and communities which are educationally backward for purposes of admission as students in any college.

(2) It shall not be lawful for the University to impose on any person any test what so ever relating to religion, race, caste, sex, place of birth in order to entitle him to hold any post or any office in the University or to enjoy or exercise any privileges of the University or benefactions thereof.

Power of  
affiliations.

**8.** The University shall have power to affiliate or otherwise as its privilege to admit any other institution.

Officers of  
the  
University.

**9.** The following shall be the officers of the University, namely:—

- (a) The Chancellor;
- (b) The Vice-Chancellor;
- (c) The Registrar;
- (d) The Finance Officer; and
- (e) Such other persons as may be declared by the statutes to be the officers of the University.

(2) The mode of appointments, terms and conditions of service and the functions of the officers of the University, other than the Chancellor, the Vice-Chancellor and the Registrar, shall be prescribed by regulations in so far as they are not provided herein.

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**10.** (1) The Governor shall, by virtue of his office, be the <sup>The</sup> Chancellor of the University. He shall be the head of the University and the President of the Executive Council and shall, when present, preside over the meeting of the Executive Council.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

(3) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interest not otherwise adequately represented.

(4) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

**11.** (1) The Vice-Chancellor shall be appointed by the Chancellor from amongst distinguished persons in the field of technical education on the advice of the State Government from the panel of persons recommended by the Board of Governors through a Committee to be nominated by the Board of Governors: <sup>The Vice-Chancellor.</sup>

Provided that the first Vice-Chancellor of University shall be appointed for a period of three years or till he attains the age of 65 years, whichever is earlier, and shall, subject to the provisions of this section, be eligible for re-appointment for a further period not exceeding three years by the State Government to manage the day to day affairs of the University.

(2) The Vice-Chancellor shall be whole time officer of the University and shall be paid from the University fund such salary and allowances as the Chancellor may decide in consultation with the State Government and Finance Department.

(3) The Chancellor shall determine the amount of remuneration and other conditions of service of the Vice-Chancellor:

Provided that terms and conditions of service shall not be altered to the disadvantage of the Vice-Chancellor during the term of office.

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(4) In case of illness or absence or leave of the Vice-Chancellor or in any other contingency, Registrar shall act as Vice-Chancellor of the University.

(5) The Vice-Chancellor shall be Principal Executive and academic officer of the University and shall exercise general control over its affairs in accordance with the regulations and give effect to the decisions of the authorities of the University.

(6) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act and the regulations are strictly observed and he shall have all powers necessary for this purpose.

(7) If, in the opinion of the Vice-Chancellor, an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for confirmation at the next meeting to the authority, which in the ordinary course, would have dealt with the matter:

Provided that where any such action taken by the Vice-Chancellor is not approved by the authority concerned he may refer that matter to the Chancellor whose decision thereon shall be final:

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

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the regulations or statutes.

Powers and  
functions of  
the Vice-  
Chancellor.

**12.** (1) The Vice-Chancellor shall, in the absence of the Chancellor, preside over the meeting of the Executive Council. He shall, by virtue of his office, be a member and the Chairman of the Board of Governors and the Academic Council for post-graduate and undergraduate studies and also the Chairman of any other authority or body of the University of which he may be member, but shall not be entitled to vote thereat.

(2) The Vice-Chancellor shall have the powers to convene meeting of the Executive Council, the Board of Governors and of any other authorities or body of the University.

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(3) The Vice-Chancellor shall have the power to exercise general control and supervisions over all others officers of the University and over all teachers and employees of the University and generally over all the affairs of the University.

(4) The Vice-Chancellor shall exercise such other powers, and discharge such other duties, as may be delegated to him by any authority or body of the University.

(5) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting of the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

**13.** (1) The Registrar shall be whole time officer of the University and shall be appointed by the Board of Governors on the recommendation of a committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Board of Governors and a nominee of the State Government for a period of three years which may be extended by another term of three years.

The  
Registrar.

(2) The term and conditions of service of the Registrar shall be such as may be determined by the Board of Governors.

(3) The Registrar shall be ex-officio-Secretary of the Board of Governors and the Academic Council.

**14.** The Registrar shall—

Powers and  
functions  
of  
Registrar.

(a) be custodian of the records, common seal and such other property of the University as the Board of Governors may commit to his charge;

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- (b) keep the minutes of all the meetings of the Board of Governors and the Academic Council;
  - (c) conduct the official correspondence of the Board of Governors and the Academic Council;
  - (d) arrange for and superintend the examination of the University;
  - (e) supply to the Chancellor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings; and
  - (f) perform such other duties as may, from time to time, be assigned to him by the Vice-Chancellor or the Board of Governors of the University.

The  
Finance  
Officer.

**15.** (1) The Finance Officer shall be a whole time officer of the University and shall be appointed by the Board of Governors on the recommendation of a Committee consisting of Vice-Chancellor as the Chairman, two nominees of the Board of Governors, a nominee of the Chancellor and a nominee of the State Government for a period of three years which may be extended by another term of three years.

(2) The terms and conditions of service of the Finance Officer shall be such as may be determined by the Board of Governors.

(3) He shall, subject to the supervision, direction and control of the Vice-Chancellor and the Board of Governors, be in charge of administration of the funds, the finance, and the properties and assets of the University and of all trusts and endowments.

(4) He shall have special interest in the activities that aim at raising funds of the University and augmenting the resources of the University.

(5) He shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under his charge and shall exercise such disciplinary powers as may be conferred on him by or under this Act.

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## CHAPTER—III

### AUTHORITIES OF THE UNIVERSITY

**16.** The following shall be the authorities of the University, Authorities of the University.  
namely:—

- (a) Executive Council;
- (b) Board of Governors;
- (c) Academic Council;
- (d) Finance Committee;
- (e) Selection Committee; and
- (f) Such other authorities as may be established under the statutes.

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

Ex-Officio Members:—

- (a) The Chancellor;
- (b) The Vice-Chancellor;
- (c) The immediate preceding Vice-Chancellor;
- (d) The Secretary, Technical Education Department, Government of Himachal Pradesh, or his nominee not below the rank of Special Secretary to the Government of Himachal Pradesh;
- (e) The Secretary, Finance Department, Government of Himachal Pradesh, or his nominee not below the



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- rank of Special Secretary to the Government of Himachal Pradesh;
- (f) The Director, Department of Technical Education, Vocational & Industrial Training;
  - (g) The Dean of Studies;
  - (h) The Directors of School Education;
  - (i) One nominee of University Grants Commission;
  - (j) One nominee of All India Council for Technical Education;
  - (k) Two Members of the Himachal Pradesh Legislative Assembly, elected by the Members of the Himachal Pradesh Legislative Assembly;
  - (l) Two Professors respectively one each from National Institute of Technology Hamirpur and Himachal Pradesh University, Shimla;
  - (m) Two members elected by the members of the non-teaching staff of the University from amongst themselves;
  - (n) Two members elected by the officers and the supervisory staff of the University from amongst themselves;
  - (o) Three persons to be nominated by the State Government to secure the representations of the professional, industrial, scientific, technical, academic and other learned societies;
  - (p) Two persons to be nominated by the Chancellor; and
  - (q) One elected member from the employees of the University by election.

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(2) All elections to the Executive Council shall be held in the manner prescribed by the statutes.

**18.** (1) The Executive Council shall have the following powers and functions, namely:—

Power and  
Functions  
of the  
Executive  
Council.

- (a) to consider the annual report as prepared by the Board of Governors and to pass such resolution relating thereto as may be considered necessary;
- (b) to consider and advise on such other reports from the Board of Governors or any other body as may be placed before it;
- (c) to consider, and advise on, proposals from the Board of Governors for co-operation and collaboration with other Universities, institutions and educational authorities in matters that relate to or further the academic objectives of the University;
- (d) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Board of Governors and to pass such resolutions relating thereto as may be considered necessary.

Provided that for the purpose of passing the resolution, modifying or rejecting any such Annual Financial Estimates, it shall be necessary for a majority of the total number of members of the Executive Council existing at the time to vote in favour of the resolutions;

- (e) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (f) to establish departments, engineering colleges, polytechnics and centres of multidisciplinary research, libraries, laboratories, workshops and museums for study and research;
- (g) to create and institute with the approval of the State Government, post of officers and subordinate staff as may

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be necessary for the establishment of University, centres, and libraries;

- (h) to institute fellowship, scholarship, studentship, stipend, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (i) to institute degree, diploma, certificates and other academic distinction on person who—
  - (i) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examination as may be prescribed; or
  - (ii) have carried on research in accordance with such conditions as may prescribed; or
- (j) to withdraw or to cancel degree, diploma, certificates and other academic distinction under such conditions as may be prescribed by statutes and after giving the person affected a reasonable opportunity to present his case;
- (k) to confer honorary degree and other academic distinctions;
- (l) to make rules for the transaction of its own business; and
- (m) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act.

Meeting of  
the  
Executive  
Council.

**19.** (1) The Executive Council shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Executive Council may also meet at such other times as it may, from time to time decide.

(2) One third of the total number of members of the Executive Council shall be quorum for a meeting of the Executive Council:

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Provided that such quorum shall not be required at a convocation meeting.

(3) The Vice-Chancellor may, where he thinks fit, and shall, upon a requisition in writing signed by not less than fifty per cent of the total number of members of the Executive Council, convene a meeting of the Executive Council. A meeting on such requisition shall be held fifteen days of the receipt of the requisition by the Vice-Chancellor.

**20.** (1) The Board of Governors shall consist of a Chairman, Board of Governors. seven ex-officio members and four nominated members.

(2) The Chairman of the Board of Governors shall be appointed by the Chancellor out of a panel of persons of national eminence in the field of Industry, Technology or Technical Education on the recommendation of the outgoing Chairman of the Board of Governors:

Provided that the first Board of Governors of the University shall be appointed by the State Government.

(3) The term of appointment of the Chairman of the Board of Governors shall be for a period of three years and he shall be eligible for re-appointment for another term for the same period.

(4) The Chairman of the Board of Governors shall ordinarily preside over the meetings of the Board of Governors and the convocation of the University in the absence of the Chancellor.

(5) The Chancellor shall appoint the following members of the Board of Governors for a period of three years and they shall be eligible for re-appointment for another term of the same period, namely:—

**(i) Ex-Officio members:**

- (a) Vice-Chancellor, Himachal Pradesh University Shimla;
- (b) Vice-Chancellor, Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya (CSKHPKV Palampur);

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- (c) Director of Indian Institute of Technology, Mandi;
  - (d) Secretary to Government of Himachal Pradesh, Department of Technical Education, Vocational and Industrial Training;
  - (e) Director, Technical Education, Vocational and Industrial Training;
  - (f) Secretary (Finance) to the Government of Himachal Pradesh; and
  - (g) Chairman of the North-West Committee, All India Council for Technical Education, Chandigarh.

**(ii) Nominated members:**

- (a) one member from the eminent industrialists;
- (b) two eminent technologists; and
- (c) President of the Confederation of Indian Industry:

Provided that the Chancellor may, on the recommendations of the Vice-Chancellor, cancel membership of any person who ceases to hold office by virtue of which he became such a member.

(6) When a vacancy occurs in the Board of Governors by resignation or death of a member or otherwise, the vacancy shall be filled in the manner provided by the Act:

Provided that the person who fills such vacancy shall hold office for the unexpired period of the term for which the person in whose place he becomes a member would have otherwise continued in office.

(7) The Board of Governors shall be the supreme authority of the University and shall have the following powers and functions, namely:—

- (a) to superintend and control affairs of the University;

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- (b) to recommend to the Chancellor, the appointment of the Vice-Chancellor from a panel of not less than three and not more than five persons of eminence from the fields of Industry/Technology/Technical Education as prepared by a high- level “Committee” comprising three persons of eminence in the field of Industry/Technology/ Technical Education;
  - (c) to recommend the emoluments and terms and conditions of service of the Vice-Chancellor;
  - (d) to approve academic programmes;
  - (e) to frame and approve rules and regulations of the University;
  - (f) to create Departments/Centre/Colleges/Academic Council for running various academic programmes;
  - (g) to create faculty and staff positions in University;
  - (h) to approve the University budget;
  - (i) to administer and control the funds of the University and to authorize the opening and operation of Bank Account;
  - (j) to accept, transfer and otherwise control the moveable, immoveable and intellectual property of the University;
  - (k) to decide upon the form and use of common seal of the University;
  - (l) to appoint such committees as may be required for the efficient functioning of the University;
  - (m) to approve the emoluments and terms and conditions of service of the faculty and staff of the University; and
  - (n) to approve the emoluments and terms and conditions of service on contract.

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(8) An annual meeting of the Board of Governors shall be held on a date to be fixed by the Vice-Chancellor in consultation with the Chairman of the Board of Governors. In such annual meeting report of working of University during the previous year together with the statement of the receipts and expenditure, the balance sheet and financial estimates shall be presented.

(9) Special meeting of the Board of Governors may be convened by the Chairman of the Board of Governors as and when necessary.

(10) The member of the Board of Governors shall be entitled to such allowances if any, and the sitting fee from the University as may be provided in the regulations.

Academic  
Council.

**21.** (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act and regulations have control and general regulations and be responsible for the maintenance of standard instructions, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by regulations. It shall have the right to advise the Board of Governors on all Academic matters.

(2) The Academic Council shall consist of the following members, namely:—

- |     |  |   |             |
|-----|--|---|-------------|
| (a) | Vice-Chancellor,   | — | Chairman;   |
| (b) | Dean,  | — | Member;     |
| (c) | Principal of colleges  | — | Member;     |
| (d) | One Heads of Department or one Professor of each department of Government colleges, to be nominated by the principals, | — | Member; and |
| (e) | Eminent Industrialist,   | — | Member:     |

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Provided that the term of nominated members shall be three years.

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

- (a) Vice-Chancellor, — Chairman;
- (b) The Secretary to the Government of Himachal Pradesh, Department of Finance or his representative; — Member;
- (c) The Secretary to the Government of Himachal Pradesh, Department of Technical Education, Vocational & Industrial Training; — Member;
- (d) one member of the Board of Governors — Member; and to be nominated by the Chairman of the Board of Governors; and
- (e) The Controller of Finance shall be the Member Secretary of the Finance Committee. — Member.

(2) The Finance Committee shall advise the Board of Governors on all financial matters and shall have the powers,—

- (a) to examine the annual accounts of the University and to advise the Board thereon;
- (b) to examine the annual budget estimates and to advise the Board;
- (c) to examine the annual Audit Report and action taken report;
- (d) to review the financial position of the University; and
- (e) to make recommendations to the University on all matters relating to the finances of the University.



Selection  
Committee.

**23.** (1) The Selection Committee shall consist of,—

- |     |  |   |           |
|-----|--|---|-----------|
| (a) | Vice-Chancellor  | — | Chairman; |
| (b) | Registrar  | — | Member;   |
| (c) | Dean concerned   | — | Members;  |
| (d) | a person, not holding any office of profit under the University and having special knowledge in the subject concerned nominated by the Chancellor. | — | Members.  |

(2) Three members, of which at least two shall be persons having special knowledge in the subject concerned, shall constitute quorum for a meeting of the Selection Committee.

Function of  
the  
Selection  
Committee.

**24.** (1) The Selection Committee shall make its recommendations to the Executive Council in the matters of selection of persons for appointment of officers and employees of the University and also provide for procedure and method of such selections.

(2) If the Executive Council does not accept the recommendation of Selection Committee, it shall refer the recommendation back to it with reasons for reconsideration and if the Executive Council does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons, and the decision of the Chancellor thereon shall be final.

Letter of  
appoint-  
ment of  
officers and  
employees.

**25.** (1) Every officer and employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed.

(2) An officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may at the discretion of the appointing authority of the University, be extended for a further period

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not exceeding one year. If at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(3) On satisfactory completion of the period of probation, a teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

**26.** The services of a temporary officer or employee shall not be terminated before the expiration of the period for which he is appointed, except after serving one month's notice or paying him one month's salary in lieu thereof. Termination of service of temporary officer or employee.

**27.** If any question arises whether any person has been duly appointed or elected 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. Disputes.

#### CHAPTER—IV

##### GENERAL PROVISIONS GOVERNING ALL AUTHORITIES AND OTHER BODIES OF THE UNIVERSITY

**28.** No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he,— Disqualifications.

(a) is of unsound mind or a deep mute, or

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(b) is un-discharged insolvent, or

(c) has been convicted by a court of law for an offence involving moral turpitude.

Part time  
non-  
teaching  
staff/  
employee  
not to be  
entitled to  
be enrolled  
as voters or  
to be  
nominated.

**29.** Notwithstanding anything contained elsewhere in this Act, no person shall, if he is a member of non-teaching staff/employee, not appointed on a regular scale of pay or not holding any whole time non-teaching post, be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or to be nominated to any such authority or body.

**Explanation.**—"regular scale of pay" shall mean pay which, subject to any condition prescribed by the University rises by periodical increments from a nomination to a maximum.

Term of  
office of  
members.

**30.** (1) Elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections or nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections or nominations.

(2) The term of office of members other than ex-officio-members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time:

Provided that when elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

(3) Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired period of the term of office of the member in whose seat he is so elected or nominated.

Cessation of  
membership in  
certain cases.

**31.** (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of

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the University when he ceases to be member of such other authority or body.

(2) When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

**32.** (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled up, in such manner and within such time, as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented.

Filling up  
of  
vacancies.

(2) Any vacancy among the nominated members of any authority or body of the University shall be filled up, within such time as may be prescribed, by nomination by the person or authority that nominated the member whose seat has become vacant.

(3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled up by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify, from the date on which the vacancies arise, as the Vice-Chancellor may fix.

**33.** No Act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Proceedings  
of the  
University or  
the  
authorities  
on body of  
the  
University  
not to be  
invalidated  
by vacancies.

**Explanation.**—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

Election  
Tribunal.

**34.** (1) There shall be an Election Tribunal to which shall be referred any question that may arise as to whether any person is eligible for election or nomination or has been duly elected or nominated as, or is entitled to be a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

(2) The constitution of the Election Tribunal shall be such as may be prescribed by the statutes.

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practices, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the statutes, and the regulations made there under from such stage as may be specified in the order, and such order of the Election Tribunal shall be final.

(4) No suit or other legal proceedings shall lie in any civil court against a decision or an order of the Election Tribunal.

Casting  
Vote by the  
Chairman.

**35.** At a meeting of the Executive Council, the Board of Governors, the Councils or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

## CHAPTER—V

### FUNDS OF THE UNIVERSITY, ACCOUNTS, AUDIT AND INSPECTION

The  
University  
Fund.

**36.** (1) The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, donations, loans and advances and from any other source whatsoever.

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(2) The University may also create by or under this Act separate special funds for the administration of endowments, trust or specific grant or grants for other special purposes.

**37.** (1) The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.

General  
limitations  
on  
financial  
powers of  
the  
University.

(2) The State Government shall, at least two months before beginning of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall release grants to the University to incur expenditure till the budget is approved.

(3) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account to excess of the amount specified in the budget on that account:

Provided that no such prior approval shall be necessary in respect of any expenditure on any scheme not provided in the budget, if such expenditure is met by the University out of its own resources.

**38.** Any Contributory Provident Fund instituted by the University for the benefit of its teachers, officers or employees shall be governed by the provisions of the Provident Funds Act, as if such fund were a Contributory Provident Fund and the Executive Council shall have power to frame rules, not inconsistent with the provisions of that Act, for the administration of the fund.

Contribu-  
tory  
Provident  
Fund.

**39.** (1) The State Government shall have the right to cause an inspection, to be made by such person or persons as it may direct,—

Inspection.

(a) of the University, its buildings, laboratories, libraries, museums, press establishments, workshops and equipments;

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- (b) of any college or institution maintained by, or affiliated to, the University;
- (c) of all affairs of the University, and of such other work, conducted or done by the University or the institution; and
- (d) of any income, expenditure, properties, assets and liabilities of the University, and of any college or institution maintained by or affiliated to the University.

(2) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University, or to such college or institution, of its intention to cause such inspection or enquiry.

(3) The State Government shall communicate to the Executive Council or to such college or institution, as the case may be, its views on the results of such inspection or enquiry, and may, after considering the opinion of the Executive Council or of such college or institution, thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or such college or institution in the matter concerned and the University or such college or institution shall report to the State Government within such time as the State Government may direct the action which is proposed to be taken by the University to give effect to such advice of the State Government.

(4) The State Government may, after considering the report referred to in sub-section (3), advise the University or such college or institution, as the case may be, to take such further action in the matter concerned, as may, in the opinion of the State Government, be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

## CHAPTER—VI

### STATUTES, ORDINANCES AND REGULATIONS

Statutes.

**40.** (1) Subject to the provisions of this Act, statutes may provide for all of any of the following matters, namely:—

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- (a) the declaration of posts as posts of officers of the University;
  - (b) the establishment of authorities of the University;
  - (c) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
  - (d) the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
  - (e) the rules and procedure for holding elections to the Executive Council and other authorities and bodies of the University;
  - (f) the appointment of officers and employees of the University, their emoluments, duties and terms and conditions of service in so far as these have not been specifically provided for in this Act;
  - (g) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions including honorary degrees and distinctions; and
  - (h) All other matters which under this Act are required to be, or may be, prescribed by statutes.

**41.** (1) The Executive Council may, make statutes or may amend or repeal the statutes in the manner hereinafter provided in this section: Powers to make statutes.

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

(2) Every statute or addition to the statutes, or any amendment or repeal, of the statutes, shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration with his suggestions. In case the Executive Council passes it



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again in the same form and manner and if the Chancellor is satisfied that it is not in the interests of the University, he may disallow such statutes, amendment or repeal.

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

Ordinances.

**42.** (1) Subject to the provisions of this Act and the statutes, ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and the colleges and their enrolment as such;
- (b) the conditions of residence and rules of discipline of the students of the University and the colleges and the levy of fees for residence in halls;
- (c) the appointment of officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this ordinance or in the statutes;
- (d) the registration of students;
- (e) the appointment, duties and remuneration of examiners, paper setters, scrutineers and such other persons as are related to examination;
- (f) the institution of Provident Fund or other funds for the benefit of the teachers, officers and employees of the University;
- (g) the establishment, maintenance and management of University libraries, examination halls and other University institutions;
- (h) the recognition of libraries, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (i) the imposition and collection of fees, fines and other dues payable to the University;

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- (j) the duties and functions of the officers of the University including the Heads of the Departments;
  - (k) the administration of gifts, endowments and benefications;
  - (l) the institution and award of fellowships, traveling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
  - (m) the procedure for accepting grants and for raising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;
  - (n) All other matters which under this Act or the statutes are required to be or may be prescribed by ordinances.

(2) The ordinances shall be made by the Executive Council and the ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the statutes.

(3) The amendments or the repeal of the ordinances under subsection (2) shall have no validity unless it has been assented to by the Chancellor in consultation with the State Government.

**43.** (1) The Executive Council may, with the sanction of the Chancellor, make regulations consistent with this Act, the statutes and the ordinances for all matters relating to the University. Regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may, in relation to the authorities of the University, provide for,—

- (a) laying down the procedure to be followed at their meeting and number of members required to form quorum;
- (b) all matters which by this Act, the statutes, or the ordinances are to be provided by the regulations;

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- (c) any other matter solely concerning any authority and not provided by this Act, the statutes and the ordinances; and
  - (d) the giving of the notice to its members of the dates of the meetings and the business to be transacted there at and for the keeping of the record of the proceedings of such meeting.

Power to  
make Rules.

**44.** (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Rules made under sub-section (1) shall be subject to the condition of previous publication in the Official Gazette.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of ten days which may comprise in one session or in two or more successive sessions and if, before expiry of the session in which it is so laid or the successive sessions, aforesaid, the Legislative Assembly agrees in the making any modification in the rule or agrees that the rules should not be made, the rule 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 the rule.

## CHAPTER—VII

### MISCELLANEOUS AND TRANSITORY PROVISIONS

Delegation.

**45.** (1) The Vice-Chancellor may, subject to the provisions of this Act, delegate such powers or duties conferred or imposed by or under this Act as may be prescribed by the statutes to an officer of the University under his direct administrative control.

(2) Subject to the provisions of this Act,—

- (a) the Executive Council may delegate any of its powers or duties, conferred or imposed by or under this Act to—

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(i) the Vice-Chancellor ; or

(ii) a committee constituted from amongst its own members ; or

(iii) a committee appointed in accordance with the statutes.

(b) The Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act to—

(i) the Vice-Chancellor; or

(ii) a committee constituted from amongst its own members.

**46.** The conditions of affiliation of a college shall be as may be prescribed. Conditions for affiliation.

**47.** Students shall be eligible for admission to the various courses of study instituted by the University and shall be admitted to examinations for various degrees, diplomas, certificates and other distinctions as may be prescribed. Examinations and admissions.

**48.** (1) The regulations of University shall be made by the State Government and notified in the Official Gazette. Making amendment, repeal and operations of regulations.

(2) The Board of Governors may, from time to time, make new or additional regulations or may amend or repeal the regulations:

Provided that the Board of Governors shall not propose the draft of amendment of the regulations affecting the status, powers, constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal and any opinion so expressed shall be in writing and shall be considered by the Board of Governors.

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(3) Every new regulation or addition to the regulations or any amendment or repeal of a regulation shall require the approval of the Board of Governors who may approve, disallow or remit it for further consideration.

Annual  
report.

**49.** (1) The annual report of the University shall be prepared and submitted to the Board of Governors for approval at its annual meeting on or before such date as may be prescribed by regulations.

(2) A copy of the annual report, as submitted to the Board of Governors under sub-section(1), alongwith the observations, if any, made by the Board of Governors thereon shall be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Legislature.

Annual  
accounts.

**50.** (1) The annual accounts and balance sheet of the 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 agency specifically authorised in this behalf by the State Government from time to time.

(2) A copy of the annual accounts together with the audit report, shall be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Legislature.

Disputes  
about  
constitution  
of  
authorities  
and bodies.

**51.** If any question arises whether a person has been duly nominated or appointed or is entitled to be a member of any authority or body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Powers and  
duties of  
the  
authorities  
of the  
University.

**52.** If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act, the State Government may, at any time, before any authority of the University has been constituted, by order make any appointment or do anything consistent so far as may be with the provisions of this Act, which appears to it necessary or where action had been made or taken in the manner provided in this Act.

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**53.** Notwithstanding anything contained in this Act, or in the statutes or ordinances, any student of a college who immediately before the commencement of this Act was studying for a degree, diploma or certificate of the Himachal Pradesh University, Shimla, shall be permitted by the University to complete his course for the degree, diploma, or certificate and the University or the college, as the case may be, shall provide for the instruction of such student in accordance with the prospectus of studies of the Himachal Pradesh University, and he shall be admitted to the examination concerned of the University.

Transitory provisions.

**54.** If any difficulty arises in giving effect to the provisions of this Act, the State 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 the purpose of removing the difficulty:

Powers to Remove difficulties.

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

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## STATEMENT OF OBJECTS AND REASONS

Education is the basic factor which plays a very important role in the all round development of human beings. The socio-economic conditions of the State and the country require more attention to education. With a view to accelerate the pace of development, it is imperative to open more educational institutions with modern and sophisticated facilities. With each passing day, the need for opening new Engineering/Professional Colleges/Institutions etc. is gaining momentum in the State. Like other States in the country, Societies and the private parties have been approaching the Government for establishing engineering/professional colleges/institutions. Many State Governments have set-up Technical Universities. Establishment of Technical Universities require seperate legislation in each case under the University Grants Commission Regulations. As such, it is considered essential to bring a legislation which may provide for establishment of technical university for technical education. Thus, it has been decided to bring a legislation *i.e.* the Himachal Pradesh Technical University (Establishment and Regulation) Bill, 2010 which will enable to give affiliation to the existing Government and Private Engineering Colleges/Professional institutions and to conduct counseling and certification/award of degree.

This Bill seeks to achieve the aforesaid objectives.

**NARENDER BRAGTA,**  
*Minister-in-Charge.*

SHIMLA:

The.....2010.

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## **FINANCIAL MEMORANDUM**

The provisions of the Bill, if enacted, shall involve approximately Rs. 3.71 crores as non-recurring expenditure and Rs. 1.32 crores recurring expenditure per annum. This amount shall be given as an interest free loan to the Himachal Pradesh Technical University repayable in three equal annual instalments. There shall, therefore, be no financial liability on the State Government.

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## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 44 of the Bill seeks to empower the State Government to make rules and clauses 41, 42 and 43 of the Bill seeks to empower the Executive Council to make statutes, ordinances and regulations respectively for carrying out provisions of this Act. The proposed delegation of powers are essential and normal in character.

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## **RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA**

(Technical Education Department File No. EDN(TE) A(1)-25/2009)

The Governor, Himachal Pradesh, having been informed of the subject matter of Himachal Pradesh Technical University (Establishment and Regulation) Bill, 2010, recommends, under article 207 of the Constitution of India, the introduction and consideration of the aforesaid Bill in the Legislative Assembly.

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