

**THE MEDHAVI SKILLS
UNIVERSITY, SIKKIM BILL, 2021**

(BILL NO. 12 OF 2021)

A

BILL

to establish and incorporate a Private Skills University in the State of Sikkim to promote quality skill education and entrepreneurship in an integrated manner with higher education to meet the qualified skilled manpower requirements of a growing national economy and to develop qualified youth with skill proficiencies and standardized competencies, sponsored by **MEDHAVI FOUNDATION, B1/42, Rajasthali, Pitampura, New Delhi 110034** and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Seventy-second Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

- | | | | |
|---|----|--------|---|
| Short title, extent and Commencement | 1. | (1) | This Act may be called the "The Medhavi Skills University, Sikkim Act, 2021". |
| | | (2) | It shall extend to the whole of Sikkim. |
| | | (3) | It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. |
| Definition | 2. | | In this Act, and in all statutes made hereunder, unless the context otherwise requires:- |
| | | (i) | "Academic council" means the Academic Council of the University; |
| | | (ii) | "Academic year" means the Academic year which the Board of Management may determine; |
| | | (iii) | "Accreditation" with the grammatical variations means the process of quality control in skills education, whereby, as a result of evaluation or assessment or by any other scientific method, an institution of skills education or training establishment is recognized by it as conforming to specific parameters of academic quality and benchmarking of such academic quality determined by the University; |
| | | (iv) | "Affiliation" together with its grammatical variations, includes, in relation to an institution of skills education or training establishments, recognition of such institution and training establishment by the University and association of such institution and training establishment with the University; |
| | | (v) | "Annual Report" means the annual report of the University referred to in section 45 of the Act; |
| | | (vi) | "Board of Governors" means the Board of Governors of the University constituted under section 21 of the Act; |
| | | (vii) | "Board of Management" means the Board of management of the University constituted under section 22 of the Act; |
| | | (viii) | "Chancellor", means the Chancellor of the University appointed under section 12 of the Act; |

- (ix) "credit framework" means the framework, developed by the University, built on measured units of education, skills and learning credits for a student to achieve the competency for performing a job role successfully or efficiently;
- (x) "Development Fund" means the Development fund of the University established under section 43 of the Act;
- (xi) "Education and Training Institution, Registered Training Organization" means an organization recognized by the University.
- (xii) "Employee" means an employee appointed by the University and includes teachers and other staff of the University or of a constituent college;
- (xiii) "Endowment Fund" means the endowment fund of the University established under section 41 of the Act;
- (xiv) "Faculty" means teaching faculty of the University;
- (xv) "Finance Committee" means the Finance Committee constituted under section 24 of the Act;
- (xvi) "Government" means the State Government of Sikkim;
- (xvii) "General Fund" means the General Fund of the University established under section 42 of the Act;
- (xviii) "Training Centres" means centres established or maintained or recognized by the University;
- (xix) "National Council for Vocational Education and Training" means National Council for Vocational Education and Training established by the Central Government;
- (xx) "National Occupational Standards" means the National Occupational Standards developed by the Sector Skill Councils concerned;
- (xxi) "National Skill Development Agency" means the National Skill Development Agency as constituted by the Central Government;
- (xxii) "National Skill Development Corporation" means the National Skill Development Corporation as established by the Central Government;
- (xxiii) "National Skill Qualification Framework" means the qualification assurance framework for skills as notified by the Central Government;
- (xxiv) "National Apprentice Promotion Scheme" means National Apprenticeship Promotion Scheme as launched by Central Government;
- (xxv) "prescribed" means prescribed by the rules made under this Act;
- (xxvi) "Pro-Chancellor" means the Pro-Chancellor of the University appointed under section 13 of the Act;
- (xxvii) "Pro-Vice-Chancellor" means the Pro Vice-Chancellor of the University appointed under section 15 of the Act;
- (xxviii) "Registrar" means the Registrar of the University appointed under section 17 of the Act;
- (xxix) "rules" means the rules of the university made under this Act;
- (xxx) "School" means a School of Studies of the University;
- (xxxi) "Sector Skill Council" means the Sector Skill Council recognized by the National Skill Development Corporation of Central Government;

- (xxxii) "Sponsoring Body" means the Medhavi Foundation, a non-profit organisation duly incorporated and registered under Section 25 of Indian Companies Act 1956, bearing Corporate Identity Number (CIN) as U80903DL2012NPL238611, represented by Chairman or President;
- (xxxiii) "State" means the State of Sikkim;
- (xxxiv) "Statutes" mean the Statutes of the University made under this Act;
- (xxxv) "Student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
- (xxxvi) "Training Centre, Model Skill Centres, Centre of Excellence" means any Skill and Education Training Infrastructure recognised or maintained by the University;
- (xxxvii) "UGC" means the University Grants Commission established under the University Grants Commission Act of 1956 (3 of 1956);
- (xxxviii) "University teachers" means Professors, Associate Professors, Assistant Professors, Trainers and such other persons as may be appointed for imparting instructions, trainings or conducting research in the University or in any college or institution and are designated as teachers by the Act;
- (xxxix) "University" means the "Medhavi Skills University, Sikkim;
- (xl) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 14 of the Act;
- (xli) "Vocational education" means such education that prepares a person to work as a technician in a trade, craft, or in support role in professions such as engineering, accountancy, nursing, medicine, architecture, law etc.;

CHAPTER II

THE UNIVERSITY

- | | | | |
|---|----|-----|---|
| Establishment of the University | 3. | (1) | There shall be a University by the name "MEDHAVI SKILLS UNIVERSITY, SIKKIM". |
| | | (2) | The University shall be a body corporate, shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and to hold property, to contract and shall sue and be sued by the said name. |
| | | (3) | The Headquarters of the University shall be at Sikkim. |
| | | (4) | The University may establish or maintain education and training institutions, skill training centres, centre of excellences either by itself or in collaboration with the industries or corporations or Industry Associations in Sikkim and in other states of Indian Union and outside the country as laid down in section 7 and 8 of the Act. |
| Constituent Centres and Institutions | 4. | (1) | The University may have constituent Training Institutions, Registered Training Organizations, Centre of Excellences and Skill Development |

Facilities, learning centres, counselling centres, employment exchange offices and Institutions anywhere in India or abroad with required approvals as may be necessary from relevant prescribed authorities as mentioned in sub-section (4) of section 3.

- (2) The University may, with the prior approval of the Board of Governors, accredit any Registered Training Organizations or facilities in India or abroad after the compliance of the provisions prescribed as mentioned in sub-section (4) of section 3 in order to fulfil the objects of University as mentioned in the section 6.

University shall be Self-Financing 5.

The University shall be self-financing. The State Government shall have no objection to the University obtaining grants, soft loans from various funding organizations, institutions and agencies including International and bilateral agencies, for expansion, modernization of the facilities and augmenting the quality of education, training and research that is carried out at the University and in its accredited or affiliated training institutions or facilities provided that there shall be no financial obligation on the part of State Government.

Objects of the University 6.

- The objects for which the University is established shall be as follows:
- (a) to become the leading institution for delivering excellence in quality skill education recognized by industry, locally, nationally and internationally;
 - (b) develop competent, skilled and capable youth imbued with skills, learning and the spirit of entrepreneurship to meet the world-wide demand for skilled workforce;
 - (c) to encourage and promote uptake of skill education in an integrated and holistic manner with higher education to ensure pathways for progression and mobility;
 - (d) to develop a credit-based framework for competency skills and vocational education;
 - (e) engage and collaborate with industry partners and educational institutions, for establishing training institutions, training centres and Centre of excellences with the aim of providing workplace training and familiarization with industry best practices;
 - (f) provide opportunities for flexible learning, online learning, recognition of prior learning, competency-based modular courses and credit accumulation or transfer across educational streams for continuous learning;
 - (g) collaborating with industries for facilitation of On the Job Trainings (OJTs), Apprenticeships and Job Placements;
 - (h) develop as a hub of skilling activities including – offering skills-based programmes, fostering apprenticeships, on-the-job trainings & placements, counselling, conducting Training of Trainers & Training of Assessors, development of National

Skills Qualifications Framework (NSQF) aligned curriculum etc.;

- (i) to ensure that the standards of degree, diploma, certificates and other academic distinctions are not lower than those laid down by statutory regulatory authorities in India; and
- (j) to pursue any other objects, as may be prescribe and to strive to fulfil the above objects by a diversified means of flexible, collaborative, industry-led, technology-enabled approach to higher education for scale, outreach, impact and sustainability.

Powers of the University

7.

The University shall have the following powers, namely:-

- (i) to provide facilities and promote trainings, studies and research in such branches of knowledge, technology, skills, vocation and profession as the University may determine from time to time;
- (ii) to design the program structures, curricula, credit system, teaching learning methodology, evaluation pedagogy and adopt all measures in respect of study, teaching and research relating to the courses offered by the University, to keep the programs outcome skill based and in line with industry requirement;
- (iii) to hold examinations or other assessments of knowledge or competency, or accredit the examination or other assessment systems of institutions of skills education affiliated to it, as the University may, from time to time, determine;
- (iv) define norms of examination or any other measure of assessment of knowledge and competency of a student including modalities of industry based assessment, industry based projects, internships, on the job training & any related activities of students admitted to the University or institutions of skills education affiliated to it;
- (v) to lay down parameters for assessment and accreditation of skill educators and training providers in accordance with the norms specified by or under the National Skills Qualification Framework, or in their absence, such norms as may be determined by the University;
- (vi) to award degrees, diplomas, certificates and other distinctions that conform with the criteria laid down by the University Grants Commission (UGC) Act, 1956 or the National Skills Qualification Framework;
- (vii) to develop credit framework in accordance with the National Occupational Standards as specified by the National Skill Qualification Framework;
- (viii) Co-Design, Co-Develop and offer job oriented National Skills Qualifications Framework (NSQF) aligned courses in partnership with industries which can be delivered on-site employer premises which may lead to employment post completion of courses;
- (ix) engage and promote constant engagement with industry to understand the skilled manpower needs of industry and build partnerships for youth to learn in a practical and real-world environment;

- (x) to recognize industries for purposes of practical training of students in skills and to define norms for recognition of competency attained by a student in such practical training for the purpose of earning credits;
- (xi) collaborate with any other Indian or Foreign University or institution in offering joint certificate, diploma or degree programmes for bridging skill education with higher education;
- (xii) to identify, recognize, accredit or affiliate institutions of skill education in such manner and in accordance with such parameters as may be specified by statutes;
- (xiii) to implement different models of embedded apprenticeships under National Apprentice Promotion Scheme to find the most scalable and sustainable solutions for on-job learning for learners in school or technical education and to integrate all skill courses with practical training components;
- (xiv) to design industry-led innovative models with flexibility in training delivery and assessment mechanism via use of Technology platforms / Employer on-site location / On-the-Job models covering the entire course credit requirements;
- (xv) to identify and recognize industries or training centres for the purpose of practical or hands on training of students in skill and to define norms for recognition of competency attained by students in practical training in industry or training centre for the purpose of earning credits;
- (xvi) to provide facilities and promote trainings, studies and research in emerging areas of skill development viz. Automation, IoT (Internet of Things), Robotics, Machine Learning etc.;
- (xvii) to give preference to skill training enhancing local economic activities of the state of Sikkim or any other States as per requirement;
- (xviii) to design and implement entrepreneurship development programmes promoting or facilitating micro-preneurs, woman entrepreneurs and access to government schemes which facilitate and enable livelihood generation and entrepreneurship.
- (xix) to establish its own production units, entrepreneurship promotion centre, incubation centre, service centre or any other centre which shall provide practical training to enhance entrepreneurship skill level of youth;
- (xx) to create, establish and maintain Infrastructure, centre of excellence, model skill centres including campuses within state;
- (xxi) to develop bridge courses to allow informal skilled workers get admission to higher learning programmes in accordance with the credit framework and National Skills Qualification Framework;
- (xxii) to define norms and measures of assessment for recognition of prior learning and competency in skills, based on prior relevant experience at work or in industry; and to assign credits for such prior learning or competency in accordance with the credit framework;
- (xxiii) to define norms of examination or any other measure

- of assessment of knowledge and competency of a student for admission to the University or institution;
- (xxiv) to lay down norms and processes for transfer of credits to promote latest learning opportunities without compromising on outcomes;
- (xxv) to define assessment and accreditation parameters of skill educators and training providers in accordance with the norms specified under the National Skill Qualification Framework, or such other norms, as may be determined by the University;
- (xxvi) to design National Skills Qualifications Framework (NSQF) compliant and market driven new courses independently or in conjunction with Industry leaders or with Sector Skill Councils or with National Skill Development Corporation (NSDC);
- (xxvii) to act as an awarding body under the NCVET (National Council of Vocational Education & Training) guidelines for the purpose of assessment and certification of all NSQF compliant training courses including Recognition of Prior Learning (RPL) as well as for Training of Trainers (ToT) and Training of Assessors (ToA) certification courses;
- (xxviii) to offer Unified Vocational model offering short term trainings, ITI Certificate & Diplomas, Polytechnique Diplomas, Advanced Diploma, Bachelor of Vocational Education (B.Voc), Bachelor of Skills (B.Skills) Degrees etc;
- (xxix) to facilitate synergy between school education and vocational training by establishing Hub and Spoke model to create a clear vertical at school level in line with National Education Policy, 2020;
- (xxx) to reach out and partner with Central and State Ministries, Governments, National bodies, International bodies for accessing funding, grants, resources via applying to various schemes which can help further the objects of the University as laid down in section 6;
- (xxxi) to receive gifts, grants, donations or benefactions from the Central Government and the State Government and to receive bequests, donations and transfer of movable or immovable properties from testators, donors or transferors, as the case may be;
- (xxxii) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University;
- (xxxiii) to determine, specify and receive payment of fees and other charges, as the University may deem fit, from students and any other person institution, industry, foundations, or body corporate for instructions and other services, including training, consultancy and advisory services;
- (xxxiv) to appoint, either on contract, or otherwise, Visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Artists, Course Writers and such other persons who may contribute to the advancement of the objects of the University;
- (xxxv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;
- (xxxvi) to institute Professorships, Associate Professorships, Assistant Professorships and other academic

- (xxxvii) positions wherever necessary; to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
- (xxxviii) to provide for the preparation of instruction materials, learning resources, workplace training practices, knowledge repositories, e-learning platforms, digital learning experiences, including films, digital media, video, streaming content, multimedia content, visualization, simulations and other software;
- (xxxix) to supervise and control the residence and to regulate the discipline among students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (xl) to pursue any other objective as may be approved by the State Government;
- (xli) to create professional, technical, administrative, ministerial and other necessary posts and to make appointments thereto;
- (xlii) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;
- (xliii) to enter into, carryout, vary or cancel contracts;
- (xliv) to have autonomy in financial, administrative and academic matters in regard to the attainment of its objects;
- (xlv) 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.

Maintenance of minimum standards

8.

The University shall conform to the norms and guidelines as laid down from time to time by the skill regulatory bodies or concerned statutory bodies such as the National Council of Vocational Education and Training (NCVET), Ministry of Skill Development and Entrepreneurship etc.

Admission to University

9. (1)

The University shall, subject to the provision of this Act and the Statutes be open to all persons irrespective of class, caste, creed, religion, language or gender:

- Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission for students of the State;
- Provided further that special efforts shall be taken to encourage the underprivileged classes and disadvantaged groups.

(2)

Nothing contained in sub-section (1) shall require the University;

- (a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;
- (b) to retain on the rolls of the University any student whose academic record is below the minimum standard required for the award of a degree, diploma or other academic distinction;

or

- (c) to admit any person or retain any student whose conduct is prejudicial to the interests of the University or the rights and privileges of other students and teachers.

CHAPTER III

OFFICERS OF THE UNIVERSITY

- The Visitor**
- 10 (1) The Governor of Sikkim shall be the Visitor of the University.
- (2) The Visitor shall preside at the convocation of the University for conferring Degrees, Diplomas, Charters, 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 and the directions so issued shall be complied with by all concerned.
- Officers of the University**
11. The following shall be the officers of the University, namely:
- (a) The Chancellor;
 - (b) The Pro-Chancellors;
 - (c) The Vice Chancellor;
 - (d) The Pro-Vice Chancellors;
 - (e) Deans of faculties;
 - (f) The Registrar;
 - (g) The Finance Officer;
 - (h) Controller of Examination; and
 - (i) such other officers as may be declared by the Statutes to be officers of the University.
- Chancellor**
12. (1) The Chancellor of the University shall be appointed by the Sponsoring Body of the University.
- (2) The Chancellor shall be the head of the University.
- (3) The Chancellor, in the absence of the Visitor, shall preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations or Certificates.
- (4) The Chancellor shall have the following powers, namely:
- (a) to call for any information or record;
 - (b) to appoint and to remove the Vice-Chancellor; 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.

- (c) To appoint and to remove the Pro-vice-Chancellor;
- (d) to amend or revoke any decision taken by any authority or officers of University and may exercise his powers suo motu or otherwise to do all necessary actions to facilitate the smooth functioning of the University.
- (e) such other powers as may be conferred on him by this Act or the rules made thereunder.

Pro-Chancellor

13. (1) The Sponsoring Body shall appoint two Pro-Chancellors of the University namely Pro-Chancellor (Administration) and Pro-Chancellor (Academic).
- (2) The Pro-Chancellor so appointed shall hold office for a period of 5 (five) years.
- (3) The Pro-Chancellor shall preside at the meeting of the Board of Governors when the Chancellor is not present and shall, when the Visitor or Chancellor is not present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations or Certificates.
- (4) The Pro-Chancellor (Administration) shall have the following powers, namely;
- (a) to call for any information related to the entire administration of the University;
 - (b) such other powers as may be conferred on him by this Act or the Statutes made thereunder.
- (5) The Pro-Chancellor (Academic) shall have the following powers, namely:
- (a) to call for any information related to the entire Academic including research proceedings of the University;
 - (b) such other powers as may be conferred on him by this Act or the Statutes made thereunder.
- (6) The Sponsoring Body shall have the power to remove the Pro-Chancellor.

The Vice-Chancellor

14. (1) The Vice-Chancellor shall be appointed by the Chancellor, from a panel of 3 (three) persons recommended by the Board of Governors on such terms and conditions as may be prescribed and shall hold office for a period of 5 (five) years: Provided that after expiry of the period of 5 (five) years, the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding 5 (five) years. The Vice-Chancellor shall be stationed in Headquarters.
- (2) 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 all the authorities of the University.
- (3) 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 where any person in the service of University is aggrieved by such action taken by the Vice-Chancellor, such person shall have the right to prefer, within 3 (three) months from the date on which such action is communicated to him, an appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.

(4) If in the opinion of the Vice-Chancellor any decision of any authority of the University is beyond the powers conferred by this Act, Statutes or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to review its decision within 7 (seven) days from the date of his decision and in case the authority refuses to review such decision wholly or partly or fails to take any decision within 7 (seven) days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes.

(6) The Vice-Chancellor shall preside at the convocation of the University in the absence of the Visitor, the Chancellor and the Pro Chancellors for conferring Degrees, Diplomas, Charters, Designations or Certificates.

**The Pro-Vice
Chancellor**

15. (1) The two Pro-Vice Chancellors of the University viz. Pro-Vice Chancellor (Administration) and Pro-Vice Chancellor (Academic) shall be appointed by the Vice Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The Pro-Vice chancellor so appointed shall hold office for a period of 5 (five) years.

(3) The Pro-Vice Chancellor (Administration) shall be a member of the Board of Governors.

(4) The Pro-Vice Chancellor (Academic) shall be a member of the Board of Management.

Deans of faculties

16. Deans of faculties shall be appointed by the 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 Chancellor in such manner as may be prescribed by the Statutes

- (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 be responsible for 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.
- (4) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- The Finance Officer** 18. The appointment of the Finance Officer shall be made by the Sponsoring Body in such manner and on such terms and conditions and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- 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 such as may be prescribed by the Statutes.

CHAPTER IV

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 Statutes to be the authorities of the University.
- The Board of Governors and its Powers** 21. (1) The Board of Governors shall consist of the following, namely:-
- (a) The Chancellor;
 - (b) The Pro-Chancellor (Administration);
 - (c) The Pro-Chancellor (Academic);
 - (d) The Vice-Chancellor;
 - (e) The Pro-Vice Chancellor (Administration);
 - (f) A nominee of the NCVET (National Council of Vocational Education & Training);
 - (g) Three persons nominated by the Sponsoring Body;
 - (h) One person nominated as representative of the State Government;
 - (i) One person of repute to be nominated by the Visitor; and
 - (j) Two persons to be nominated by the Chancellor.
- (2) The Chancellor shall be the Chairman of the Board of Governors.

- (3) The Registrar shall be an ex-officio Secretary of the Board of Governors.
- (4) 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) to lay down policies to be pursued by the University;
 - (c) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the rules;
 - (d) to approve the budget and annual report of the University;
 - (e) to make new or additional Statutes and rules or amend or repeal the earlier Statutes and rules;
 - (f) to take decision about voluntary winding up of the University;
 - (g) to approve proposals for submission to the State Government; and
 - (h) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University;
- (5) 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 the following, namely;
 - (a) The Vice-Chancellor.
 - (b) The Pro-Vice Chancellor (Academic)
 - (c) The Registrar.
 - (d) 2 (two) persons, nominated by the Sponsoring Body.
 - (e) 2 (two) Deans of the faculties as nominated by the Chancellor.
 - (f) 2 (two) representatives to be nominated by the State Government.
- (g)
- (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.
- (3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

The Academic Council

23. (1) The Academic Council shall consist of the following, namely;
 - (a) The Vice-Chancellor who shall be the Chairman.
 - (b) The Pro-Vice Chancellor (Academic).
 - (c) The Registrar who shall be the Secretary.
 - (d) Such other members as may be prescribed in the Statutes.
 - (e) One representative to be nominated by the State Government.
- (2) The Academic Council shall be the principal academic body of the University and shall, subject to

the provisions of this Act, the Statutes and the rules, co-ordinate and exercise general supervision over the academic policies of the University.

- The Finance Committee** 24. (1) The Finance Committee shall consist of the following, namely:
- (a) The Vice-Chancellor shall be the Chairman.
 - (b) The Pro-Vice Chancellor (Administration).
 - (c) The Registrar shall be the Secretary.
 - (d) The Finance Officer.
 - (e) Such other members as may be prescribed in the Statutes.
- (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, Statutes and rules, co-ordinate 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 Statutes.
- 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 or defect in the constitution of the authority.

CHAPTER V

STATUTES AND RULES

- Statutes** 27. Subject to the provisions of this Act and rules, the Statutes may provide for all or any matter relating to the University and the staff, as given below:
- (a) the constitution, powers and functions of the authorities and other bodies of the University as specified in the Act and such other authorities as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
 - (c) the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;
 - (d) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;
 - (e) creation, abolition or restructuring of departments and faculties;
 - (f) the manner of co-operation with other Universities or institutions of higher learning;
 - (g) the Registration of Training Organizations, Learning Centres or Accreditation of Institutions or Industries providing Education, Training, Learning Support or facilitation for Skill Development;
 - (h) the modalities for determination or revision of the framework of qualifications, prescriptions for learning pathways, curriculum, training, skill

development, recognition of prior learning, credit transfer, learning support, assessment and certification frameworks, internship, apprenticeship and on-the-job training policies and such other academic matters;

- (i) number of seats in different courses of studies and the procedure of admission of students to such courses;
- (j) the fee chargeable from students for various courses of studies;
Provided that the University shall not make any Statute relating to the charging of capitation fee from the students;
- (k) procedure for creation and abolition of posts;
- (l) all other matters which by this Act are required to be provided.

Statutes - how made

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 Statutes give its approval with or without modifications.

(2) Where the state Government fails to take any decision with respect to the approval of the Statutes within period specified in sub section (1), it shall be deemed to have been approved by the State Government.

Amendment of Statutes

29.

The Board of Governors may make new or additional Statutes or amend or repeal the Statutes as required with the prior approval of the State Government.

Rules

30.

Subject to the provisions of this Act, the rules may provide for all or any of the following matters, namely:

- (a) admission of students to the University and their enrolment and continuance as such;
- (b) the courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
- (c) the award of Degrees, Diplomas, Charters, Certificates and other academic distinctions of the University; the procedure for conferment of honorary degrees;
- (d) creation of new authorities of the University;
- (e) accounting Policy and financial procedure;
- (f) institution of and conditions for the award of fellowships, freeships, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations and the conditions 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, Charters and other academic distinctions of the University;
- (i) revision of fees;
- (j) alteration of number of seats in different courses and programs;

- (k) the conditions of residence of the students at the University or a constituent college;
- (l) maintenance of discipline among the students of the University or a constituent college;
- (m) Any other matters not specifically provided in the Statutes.

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 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 period specified in sub section (1), it shall be deemed to have been approved by the State Government.

Amendment of Rules 32.

The Board of Governors may make new or additional rules or amend or repeal the rules as required, with the prior approval of the State Government.

CHAPTER VI

MISCELLANEOUS

Conditions of service of employees. 33. (1)

Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Disciplinary action against the students or 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 this Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any 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.

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 by statutes.

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 and binding.

- Constitution Committees** 37. Any authority of the University mentioned in section 20 may constitute a committee of such authority, consisting of such members 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 or 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 or anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the rules.
- Transitional provisions** 40. Notwithstanding anything contained in any other provisions of this Act and the Statutes:-
- (a) the first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for such term not exceeding 5 (five) years or as may be specified by the Chancellor;
 - (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of 5 (five) years;
 - (c) The first Board of Governors shall hold office for a term not exceeding 5 (five) 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 5 (five) years.
 - (e) The Chancellor may discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the Statutes, and for that purpose, may exercise such powers and perform such duties, which by this Act and the Statutes are to be exercised or performed by any authority or officer of the University, until such authority comes into existence or officer is appointed.
- Endowment Fund:** 41. (1) The University shall establish an endowment fund of at least 1,00,00,000/- (Rupees one crore).
- (2) The University shall have power to invest the endowment fund in such manner as may be prescribed by rules.
- (3) The University may transfer any amount from the general fund or the development fund to the endowment fund. Except for the dissolution of the University, in no other circumstances money/ funds can be transferred from the endowment fund for other purposes.
- (4) Not exceeding 75 percent of the incomes received from the endowment fund shall be used for the

purposes of development works of the University. The remaining 25 percent shall be reinvested into the endowment fund.

- (5) The amount of Endowment Fund shall be kept invested, until the dissolution of the University.
- General fund:** 42. (1) The University shall establish a general fund to which the following amount shall be credited, namely:
- (a) all fees which may be charged by the University;
 - (b) all sums or payments received from any other source;
 - (c) all contributions made by the Sponsoring Body;
 - (d) all contributions/donations/grants made in this behalf by any other person or organisation, 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, namely :-
- (a) The repayment of debts including interest charges thereto incurred by the University for the purposes of this Act, the Statutes and the rules made there under;
 - (b) the upkeep of the assets of the University;
 - (c) the payment of the cost of audit of the fund created under section 41.
 - (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 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 Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act or the Statutes or the rules 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 Statutes or rules 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, and the Statutes or the rules made thereunder;
 - (i) the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsoring Body 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, and the rules made thereunder:

(k) the payment of any other expenses including consultancy fees or management fees payable to any organisation charged with the responsibility of providing services to University or managing the University on behalf of the Sponsoring Body, as approved by the Board of Management;

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and 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 objects specified under subsection (2) with the prior approval of the Board of Management of the University.

Development Fund:

43. (1)

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 purposes of the development of the University;
- (c) all contributions made by the Sponsoring Body;
- (d) all contributions or donations made in this behalf by any other person or organisation which are not prohibited by any law for the time being in force; and
- (e) all incomes received from the endowment fund.

(2)

The funds credited to the development fund from time to time shall be utilized for the development of the University.

Maintenance of fund:

44.

The funds established under sections 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.

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 the 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.

Accounts 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 by a chartered accountant, who is a member of the Institute of Chartered Accountants of India, every year.

(3) A copy of the annual accounts and the Balance Sheet together with the Audit report shall be submitted to the State Government and the Board of Governors on or before December 31 following close of the financial year in March 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 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 the
University**

48. (1)

If the Sponsoring Body proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least 12 (twelve) months' notice in writing to the State Government and it shall ensure that no new admissions to the University are accepted during the notice period. All financial obligations, whatsoever may be, for dissolution of the University shall lie with the University.

(2) Notwithstanding anything contained under sub section (1) above, the State Government may initiate dissolution of the University suo motu, after it is satisfied that the sponsoring body has failed to adhere to the established norms.

(3) The manner of winding up of the University would be such as may be prescribed in this behalf by the State Government:

Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsoring Body.

(4) On receipt of the notice referred to in sub-section (1), or action initiated vide sub section (2) the State Government shall, in consultation with the UGC make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsoring Body 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.

- (5) Under no circumstances the State Government will be liable to bear ~~any~~ financial burden of any kind during the period of dissolution.

Expenditure of the University during dissolution

49. (1) The expenditure for administration of the University during the taking over period of its management under section 48 shall be met 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.

Removal of difficulties

50. (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 deemed necessary or expedient, for removing the difficulty :

Provided that no notification or order under sub-section (1) shall be made after the expiry of a period of 3 (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.

FINANCIAL MEMORANDUM

-NIL-

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 and Clause 31 of the Bill empowers the Board of Governors to make the statutes and rules respectively.

Clause 37 of the Bill empowers any authority of the University to constitute a committee of such authority having such powers as the authority may deem fit.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.


(K. N. LEPCHA)

Kunga Nima Lepcha

Minister for Education, Law and Parliamentary Affairs,
Sports and Youth Affairs and Land Revenue and Disaster Management

Government of Sikkim


Department

STATEMENT OF OBJECTS AND REASONS

Whereas, the state Government has deemed it expedient to establish a self financing Private University under the name of "The Medhavi Skills University, Sikkim" in the state of Sikkim sponsored by Medhavi Foundation, at Bermiok, West Sikkim.

The aim for establishing the University is to promote quality skill education and entrepreneurship in an integrated manner with higher education to meet the qualified skilled manpower requirements of a growing national economy and to develop qualified youth with skilled proficiencies. Further, establishment of the University in West Sikkim will provide necessary momentum for overall development of the area.

With this object in view, the Bill has been framed.


(K. N. LEPCHA)
Kungo Nima Lepcha
MINISTER
Minister for Education Department, Law and Parliamentary Affairs, Sports and Youth
Affairs and Land Revenue and Disaster Management Department
Education Deptt. Law Deptt. And Parliamentary Affairs
Deptt. of Disaster Management and Youth Affairs Deptt.
Government of Sikkim