

THE HIMALAYAN UNIVERSITY ACT, 2012
[UTTARAKHAND ACT NO. 12 OF 2013]

AN
ACT

to establish and incorporate an University in the name of Himalayan University, promoted by Himalayan Institute Hospital Trust (HIHT), Dehradun, Uttarakhand, a Society registered under Societies Registration Act, 1860 with emphasis on providing education, training and research in the areas of medical sciences, dental sciences, allied health sciences, pharmacy, nursing, management studies, science, engineering & technology, biotechnology, rural development, humanities, law, yoga sciences and other areas of higher education.

It is hereby enacted by Uttarakhand State Legislature in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER – I

Preliminary

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| Short title, and | 1. (1) This Act may be called the Himalayan University Act, 2012. |
| Commencement | (2) It shall be deemed to have come into force on the date, the Notification is issued by the State Government. |
| Definitions | 2. In this Act, unless the context otherwise requires:- <ul style="list-style-type: none"> (a) 'Authorities' means the Authorities of the University; (b) 'Academic Council' means the Academic Council of the University; (c) 'Bodies' means the bodies of the University constituted by the relevant authorities; (d) 'Board of Governors' means the Board of Governors of the University; (e) 'Board of Management' means the Board of Management of the University; (f) 'Board of Studies' means the Board of Studies of the University; (g) 'Board of Examinations' means the Board of Examinations of the University; (h) 'Campus' means a campus of the University; |

- (i) **'Chancellor', 'Vice Chancellor', 'Pro Vice Chancellor', 'Registrar', 'Controller of Examinations' and 'Finance Officer'** respectively means the 'Chancellor', 'Vice Chancellor', 'Pro Vice Chancellor', 'Registrar', 'Controller of Examinations' and 'Finance Officer' of the University;
- (j) **'Constituent College'** means a college or institution maintained and managed by the University;
- (k) **'Dean of Faculty'** means the Dean of the Faculty of the University;
- (l) **'Department'** means a department (Academic Unit) of a college, teaching and undertaking research in a subject or a group of subjects;
- (m) **'Distance Education System'** means the system of imparting education, within the State, through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, other interactive methods of communications, e-mail, internet, computer, interactive talk back, e-learning, correspondence course, seminar, contact program or a combination of any two or more of such means;
- (n) **'Employee'** means employee appointed by the University and includes faculty and other staff of the University or of a constituent college;
- (o) **'Faculties'** means faculties of the University;
- (p) **'Finance Committee'** means the Finance Committee of the University;
- (q) **'Government'** means the Government of Uttarakhand;
- (r) **'Head of Department'** means the Head of the department or a centre in the University;
- (s) **'Ordinance', 'Statutes' and 'Rules'** means, respectively, the Ordinance, Statutes and Rules of the University;
- (t) **'Permanent Resident'** means any resident of the State, who has the domicile/permanent residence certificate as per the rules framed by the State Government from time to time;
- (u) **'Prescribed'** means prescribed by the Statutes;

- (v) 'Principal/Dean' means the Principal/Dean of a College of the University;
- (w) 'Promoting Society' means Himalayan Institute Hospital Trust Society registered under Societies Registration Act, 1860;
- (x) 'Regional Center' means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;
- (y) 'State' means Uttarakhand State;
- (z) 'Statutory Council' means the Statutory Council established by the Act of Parliament;
- (aa) 'Study Centre' means a centre established, maintained or recognized by the University for the purpose of advising, counseling or for rendering any other assistance required by the students;
- (bb) 'Teacher' means a Professor, Associate Professor, Assistant Professor/Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college and institution and includes the Principal/Dean of a constituent college, in conformity with the norms prescribed by the Statutory Council;
- (cc) 'UGC' means the University Grants Commission established under University Grants Commission Act, 1956;
- (dd) 'University' means the Himalayan University;
- (ee) 'Visitor' means the Visitor of the University.

CHAPTER – II

The University and its Objectives

Proposal for
the establish-
ment of the
University

3. (1) The Promoting Society i.e. Himalayan Institute Hospital Trust shall have the right to establish the University in accordance with provisions of this Act.
- (2) An application containing the proposal to establish a University has

been made to the State Government by the Himalayan Institute Hospital Trust, Dehradun.

The proposal contained the following particulars; namely:-

- (a) the objectives of the University along with the details of the Himalayan Institute Hospital Trust;
- (b) the extent and status of the University and the availability of land;
- (c) the nature and type of programs of study and research to be undertaken in the University during a period of the next five years;
- (d) the nature of faculties, courses of study and research proposed to be started;
- (e) the campus development such as buildings, equipment and structural amenities;
- (f) the phased outlays of capital expenditure for a period of the next five years;
- (g) the item-wise recurring expenditure, sources of finance and estimated expenditure for each student;
- (h) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;
- (i) the scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objectives of the University and other anticipated incomes;
- (j) the details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities;
- (k) the years of experience and expertise in the concerned discipline at the command of the Himalayan Institute Hospital Trust (HIHT) as well as the financial resources;
- (l) the system for selection of students to the courses of study at

the University; and

- (m) status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

**Establishment
of the
University**

4. (1) Whereas the State Government, after such inquiry as it may deem necessary, is satisfied that the Himalayan Institute Hospital Trust, Dehradun has fulfilled the norms, requirements and conditions for establishment of Himalayan University hence there shall be established a University to be known as 'Himalayan University'.
- (2) The University shall be a body corporate by the name Himalayan University and shall have a perpetual succession and a common seal and shall sue and be sued in its name.
- (3) (a) The headquarters of the University shall be at Swami Ram Nagar, Dehradun, Uttarakhand. The University can open its second campus within the State after 5 (five) years of its coming into existence with prior approval of the State Government. The University may open other campuses any time in a hill region located at an altitude greater than 2500 feet without any time limit.
- (b) However, to establish new department/subject/faculties where additional land is required as per the norms of the concerned regulatory body, the University shall establish a separate split campus either adjoining or within a radius of 25 (twenty five) km from its main campus.
- (4) On the establishment of the University under sub-section (1), the land and other movable and immovable properties acquired, created, arranged or built by the University for the purpose of the University, except the properties of Himalayan Institute Hospital Trust, shall stand transferred to and vested in the University.
- (5) The land, building and other properties acquired for the University shall not be used for any purpose, other than that for

which the same is acquired.

- (6) For running all courses of various departments/faculties, the University shall have land and building as per the norms of the relevant Apex Regulatory Commission.

**State not under
any statutory
obligation to
grant Financial
Assistance to
the University**

5. The University shall be self-financing and the State shall not be under any Statutory obligation for providing any grant to the University established herein :

Provided that the University shall be entitled to receive any such grant which may be granted under any special scheme of the State Government or any body or corporate owned or controlled by the State Government subject to the conditions of such grant. This shall not have any effect on the self financing statutes of the University.

**No power to
affiliate any
Institution**

6. The University may have its own Constituent Colleges, Regional Centres, Study Centres and Training and Research Centres, but shall have no power to admit any other college or institution to the privileges of affiliation.

**Objectives of
the University**

7. The objectives for which the University is established are as follows:-
- (a) to establish courses of study and research and to provide instruction and training in such branches of study as the University deems appropriate including medical sciences, dental sciences, nursing, pharmacy, paramedical and allied health sciences, science, engineering and technology, biotechnology, yoga sciences, management, rural development, humanities, law and other branches of higher education;
 - (b) to provide for the advancement and dissemination of knowledge derived through research and experiential learning to larger audiences for the benefit of mankind through seminars, conferences, workshops, educational programmes, community development programmes, publications, training programmes and

study groups etc;

- (c) to undertake extra-mural studies, extension programs and field outreach activities to contribute to the development of society;
- (d) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objectives of the University.

Powers of the University

8. (1) The University shall have the following powers; namely :-

- (a) to establish, maintain and recognize such Regional Centres and Study Centres as may be determined by the University from time to time in the manner laid down by the statutes;
- (b) to hold examinations for, and to institute, grant and confer degrees or other academic distinctions to, and on, persons, who -
 - (i) have pursued a course of study in the University or a constituent college or under a distance education system at Regional Centres/ Study Centres or
 - (ii) have carried out research in the University or in a constituent college or under a distance education system;
- (c) to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes;
- (d) to institute and award fellowships, scholarships, prizes, studentships, certificates and other academic distinctions, in accordance with the Statutes;
- (e) to grant assistance to similar organizations or individuals;
- (f) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for teachers, faculty, academic staff and students;
- (g) to prescribe such courses for Bachelor Degree, Post Graduate Degree, Doctor of Philosophy, Doctor of Science Degree, and Research which would be covered by UGC, MCI, DCI, INC, PCI, AICTE and other Statutory Councils; but University shall

have right to start diplomas, certificates, etc. in its own subjects;

- (h) to determine standards of admission to the University or a Constituent College, Regional Centres, Study Centres through specialized Committees with the approval of Academic Council;
- (i) to make special provision for permanent residents of Uttarakhand for admission in any course of the University or in a Constituent College, Regional Centre or Study Centre as per merit;
- (j) to create Academic, Administrative and support staff and other necessary posts;
- (k) to make appointments of the faculty, officers and employees of the University or a Constituent College, Regional Centres and Study Centres;
- (l) to make provision for the advancement of education in distance and alternate learning systems;
- (m) to provide distance education system with prior approval of the Distance Education Council in the manner in which distance education in relation to the academic programmes of the University may be organized;
- (n) to demand and receive such fee, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;
- (o) to raise, collect, subscribe and borrow with the approval of the Board of Governors, whether on the security or the property of the University, money for the purposes of the University;
- (p) to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property for the purpose of the University or a Constituent College or a Regional Centre or a Study Centre with the prior permission of the Promoting Society;

- (q) to make provisions for extracurricular activities for students and employees;
 - (r) to institute and maintain halls and to recognize places of residence for students of the University or a Constituent College;
 - (s) to supervise and control the residence, to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
 - (t) to co-operate and collaborate with other Institutions, Organizations, Universities, Individuals, Industries and Societies in India and abroad in such a manner and for such purposes as the University may determine from time to time;
 - (u) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD and other software;
 - (v) to recognize examinations of, or periods of study (whether in full or in part) of other Universities, Institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
 - (w) to enter into, carry out, amend or cancel contracts;
 - (x) to clearly set apart the academic activities of the University from the activities of the Society;
 - (y) to sue or be sued in its own name as a legal entity in any Court of Law, Tribunal or Authority through its authorized officer;
 - (z) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary or feasible in furtherance of the objectives of the University.
- (2) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-

section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the University and distance education systems and for the determination of standards of teaching, evaluation and research in such systems, and for the purpose of performing this function, the University shall have such powers, including the power to allocate and disburse grants to its own Constituent Colleges, Regional Centres and Study Centres whether admitted to its privileges or not, or to any other University or institution of higher learning, as may be specified in the Statutes.

University
Open to all
persons
irrespective of
class, caste,
creed or
gender

9. The University shall be open to all persons irrespective of class, caste, creed or gender :

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission to students of the State of Uttarakhand :

Provided further that nothing in this section shall be deemed to require the University or Constituent Colleges or Regional Centres or Study Centres to admit in any course of study a larger number of students than may be determined by the Statutes.

National
Accreditation

10. The University shall seek accreditation from respective national accreditation bodies.

CHAPTER – III

Officers of the University

Officer's of the
University

11. The following shall be the officers of the University:-

- (a) the Visitor;
- (b) the Chancellor;
- (c) the Vice-Chancellor;
- (d) the Pro Vice-Chancellor;
- (e) the Registrar;
- (f) the Deans of Faculties;
- (g) the Finance Officer; and

- (h) such other officers as may be declared by the Statutes to be officers of the University.

The Visitor

12. (1) The Governor of Uttarakhand shall be the Visitor of the University.
 (2) The Visitor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.
 (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, Statutes, Ordinances 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.
 (4) Every proposal for the conferment of an honorary degree shall be subject to the approval of the Visitor.

**The
Chancellor**

13. (1) The Chancellor shall be appointed by the Promoting Society from such persons who shall be a member of the Promoting Society :

Provided that the Promoting Society may also appoint Chancellor from persons other than the members of the Promoting Society.

- (2) The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes made thereunder.

**The Vice
Chancellor**

14. (1) The Vice-Chancellor shall be appointed on such terms and conditions as may be prescribed by the statutes for a term of three years by the Chancellor from a panel of three persons recommended by a Committee constituted in accordance with the provisions of sub-section (2).
 (2) The Committee referred to in sub-section (1) shall consist of the

following persons; namely :-

- (a) One person nominated by the Chancellor;
 - (b) Principal Secretary/Secretary, Govt. of Uttarakhand, Deptt. of Higher Education;
 - (c) Three persons nominated by the Board of Governors, one of whom shall be nominated as the convener of the committee by the Board of Governors.
- (3) The committee shall, on the basis of merit, prepare a panel of names of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with a concise statement showing the academic qualifications and other distinctions of each person.
 - (4) The Vice-Chancellor shall be the Principal Executive and Academic Officer of the University who shall exercise general supervision and control over the affairs of the University and implement the decisions of the authorities of the University.
 - (5) Where any matter, other than the appointment of a faculty, is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit with the prior approval of the Chancellor.
 - (6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.
 - (7) 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.

**The Pro-Vice
Chancellor** 15.

The Pro-Vice Chancellor may be appointed by the Vice-Chancellor with prior approval of the Chancellor in such manner and he shall exercise such powers and perform such duties as may be prescribed by Statutes.

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| The Registrar | 16. | (1) The Registrar shall be appointed by the Chancellor in such manner and on such terms and conditions as may be prescribed by Statutes.
(2) All contracts shall be entered into and signed by Registrar on behalf of the University.
(3) The Registrar shall be responsible for due custody of records and 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 have powers to authenticate records on behalf of the University and he shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or may be required from time to time, by the Chancellor or the Vice- Chancellor. |
| Deans of Faculties | 17. | Deans of Faculties shall be appointed by the Vice-Chancellor in such manner and he shall exercise such powers and perform such duties as may be prescribed by Statutes. |
| The Finance Officer | 18. | The Finance Officer shall be appointed by the Chancellor in such manner and he shall exercise such powers and perform such duties as may be prescribed by 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

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| 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 |
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- (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 : --

- (a) The Chancellor - Chairman;
- (b) The Vice-Chancellor - Member-Secretary;
- (c) Three academicians nominated by the Visitor;
- (d) The Principal Secretary/Secretary, Government of Uttarakhand, Department of Higher Education;
- (e) Five persons nominated by the Promoting Society;
- (f) A nominee of the U G C;
- (g) Three persons nominated by the Chancellor.

(2) The Board of Governors shall be the Principal Governing Body of the University and shall have the following powers; namely:-

- (a) to lay down policies to be pursued by the University;
- (b) to appoint the Statutory Auditors of 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 budget, annual report and annual account of the University;
- (e) to make new or additional Statutes & Rules or amend or repeal the earlier Statutes & Rules;
- (f) to take decision about voluntary winding up of the University;
- (g) to open, close, operate and manage accounts of the University;
- (h) to approve proposals for submission to the State Government; and
- (i) to take such decisions and steps as are found desirable for effectively carrying out the objectives of the University.

(3) The Board of Governors shall, meet at least thrice a year at such time and place as the Chancellor thinks fit.

The Board of Management

22. (1) The Board of Management shall consist of :--
- (a) the Vice-Chancellor - Chairperson;
 - (b) the Pro Vice Chancellor, if any;
 - (c) five persons, nominated by the Promoting Society;
 - (d) two Deans of the Faculties by rotation and nominated by the Chancellor;
 - (e) the Principal Secretary/Secretary, Govt. of Uttarakhand, Department of Higher Education;
 - (f) two Professors by rotation nominated by the Vice Chancellor;
 - (g) the Registrar shall be non-member Secretary.
- (2) 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 :-
- (a) the Vice- Chancellor – Chairman;
 - (b) the Registrar - Secretary;
 - (c) such other members as may be prescribed in the Statutes.
- (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.
- (3) The powers and functions of the Academic Council shall be such as may be prescribed by the Statutes.

The Finance Committee

24. (1) The Finance Committee shall consist of :-
- (a) the Vice-Chancellor - Chairman;
 - (b) the Finance Officer - Secretary;
 - (c) the Principal Secretary/Secretary, Govt. of Uttarakhand, Department of Finance;
 - (d) such other members as may be prescribed in the Statutes.
- (2) The Finance Committee shall be the Principal Financial Body of the University which shall 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.

- (3) The powers and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

**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, the Statutes may provide for all or any matter relating to the University and staff, as follows:-

- (a) Transaction of business of the Authorities of the University and the composition of bodies not specified in this Act;
- (b) The operation of the permanent endowment fund, the general fund and the development fund;
- (c) Appointment of the Chancellor, his powers and functions;
- (d) Terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
- (e) Mode of Recruitment and the conditions of service of the other officers, faculty members and employees of the University;
- (f) Resolving of disputes between the University and its officers, faculty members, employees and students;
- (g) Disciplinary action against employees of the University;
- (h) Disciplinary action against students of the University;
- (i) Creation, abolition or restructuring of departments and faculties;
- (j) Manner of co-operation with other Universities or institutions of

higher education;

- (k) Conferment of honorary degrees;
- (l) Grant of freeships and scholarships;
- (m) Number of seats in different courses of studies, and the procedure for admission of students to such courses including reservation of seats for students of Uttarakhand;
- (n) Institution of fellowships, scholarships, studentships, freeships, medals and prizes;
- (o) Creation and abolition of posts; and
- (p) Other matters which may be prescribed.

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 the Statutes give its approval with or without modification.
- (2) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-section (1) it shall be deemed to have been approved by the State Government.

Power to amend the Statutes

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

Rules

30. Subject to the provisions of this Act, the Rules may provide for all or any of the following matters:-

- (a) Admission of students to the University and their enrollment and continuance as such;
- (b) Laying down the courses of study for all degrees and other academic distinctions of the University;
- (c) The award of degrees and other academic distinctions;
- (d) The conditions of the award of fellowships, scholarships, studentships, medals and prizes;

- (e) The conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
- (f) Fee chargeable from students for various courses;
- (g) The fee to be charged for admission to the examinations, degrees and other academic distinctions of the University;
- (h) The conditions of residence of the students at the University or a Constituent College;
- (i) Maintenance of discipline among the students of the University or a Constituent College;
- (j) All other matters as may be provided in the Statutes and rules under this Act.

**Rules how
made**

31. (1) The Rules shall be made by the Board of Governors and the rules so made shall be submitted to the State Government for its approval, which may, within two months from the date of receipt of the rules, give its approval with or without modification.
- (2) Where the State Government fails to take any decision with respect to the approval of the rules within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.

**Power to
amend Rules**

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

CHAPTER – VI

Miscellaneous

**Provisions for
Permanent
Residents of
Uttarakhand**

33. (1) For admission in all courses conducted by the University, 40% seats shall be reserved for the permanent residents of the State of Uttarakhand, and if the reserved seats are vacant, than the said vacant seats may be filled by other students.
- (2) For tuition fees fixed for various courses conducted by the University, 26% rebate shall be given to the permanent residents of Uttarakhand as mentioned in sub-section (1) above.

(3) All posts of Group 'C' and 'D' employees shall be filled by the permanent residents of the State of Uttarakhand based on their merits.

(4) For the reserved seats as mentioned in sub-section (1) above, the University shall comply with the State Government reservation policy as amended/applicable from time to time.

**Conditions of
service of
employees**

34. (1) Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.
- (2) Disciplinary action against the employees shall be governed by relevant Statutes.
- (3) Any dispute arising out of the contract between the University and an employee shall be resolved by the procedure prescribed by the relevant statutes.
- (4) Notwithstanding anything contained in this Act, the employees of University shall not be deemed to be Public Servants and would always remain as under the private employment of the University for the purpose of this Act or otherwise.

**Right to
Appeal**

35. Every employee or student of the University or of a Constituent College, Regional Centre, Study Centre etc. 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/Dean of any such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

**Provident
Fund and
Pension**

36. The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

- Disputes as to constitution of University Authorities and Bodies** 37. If any question arises as to whether any person has been duly nominated or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.
- Constitution of committees** 38. Any authority of the University mentioned in section 20 shall be empowered to constitute a committee of such authority, consisting of such members and having such powers as the authority may deem fit.
- Filling of casual vacancies** 39. 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 member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member.
- Protection of action taken in good faith** 40. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the Rules.
- Transitional Provisions** 41. Notwithstanding anything contained in any other provisions of this Act and the Statutes: -
- (a) the first Vice-Chancellor and first Pro Vice-Chancellor (if any) shall be appointed by the Chancellor and the said officer shall hold office for a term of three years;
 - (b) the first Registrar and the first Finance Officer shall be appointed by the Chancellor and said officers shall hold office for a term of three years;
 - (c) the first Board of Governors shall hold office for a term not exceeding three years;
 - (d) the first Board of Management, the first Finance Committee

and first Academic Council shall be constituted by the Chancellor for a term of three years.

**Permanent
Endowment
Fund**

42. The University shall establish a permanent endowment fund of ₹ 5 crore (₹ Five crore) in the form of a Bank Guarantee of a Nationalized Bank pledged in the name of State Government of Uttarakhand for the period of 5 years which shall be further renewed for a term of five years.

General Fund

43. (1) The University shall establish a general fund to which the following amount shall be credited; namely : -
- (a) all fee charged by the University;
 - (b) all sums received from any other source;
 - (c) all contributions made by the Promoting Society;
 - (d) all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.
- (2) The funds credited to the general fund shall be applied to meet all the recurring expenditures of the University.

**Development
Fund**

44. (1) The University shall also establish a Development Fund to which the following amounts shall be credited; namely : -
- (a) development fee 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 Promoting Society;
 - (d) all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
 - (e) All incomes received from the Permanent 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** 45. The funds established under sections 42, 43 and 44 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** 46. (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 the Visitor and the State Government before 31st December following closing of the financial year on 31st March each year.
- Accounts and Audit** 47. (1) The accounts of the University shall be opened in any nationalized Bank.
- (2) 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 amounts disbursed or paid shall be entered in the accounts maintained by the University.
- (3) The annual accounts of the University shall be audited by auditor, who is a member of the Institute of Chartered Accountants of India, every year.
- (4) A copy of the annual accounts and the balance sheet together with the audit report shall be submitted to the Board of Governors well before 31st December following closing of the financial year on 31st March every year.
- (5) The annual accounts, the balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observations thereon before the 31st December each year.

- (6) The directions of the State Government on the subject arising out of the account and the audit report of the University shall be binding on the University.

**Mode of proof
of University
Record**

48. 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
University**

49. (1) If Himalayan Institute Hospital Trust, Dehradun proposes dissolution of the Himalayan University in accordance with the law governing its constitution or incorporation, it shall give at least three months notice in writing to the State Government.
- (2) On identification of mismanagement, mal-administration, indiscipline, failure in the accomplishment of the objectives of the University and economic hardships in the management systems of the University, the State Government would issue directions to the management system of the University. If the direction is not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.
- (3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf :

Provided that no such action shall be initiated without affording a reasonable opportunity to show cause to the Himalayan Institute Hospital Trust.

- (4) On receipt of the notice referred to in sub-section (1), the State

Government shall, in consultation with the respective Statutory Council and UGC make such arrangements for administration of the University from the proposed date of dissolution of University and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

**Expenditure of
the University
during
Dissolution**

(5) On dissolution of the University and after paying all the liabilities, the assets remaining with the University shall vest in the Promoting Society i.e. Himalayan Institute Hospital Trust.

50. (1) The expenditure for administration of the University during the taking over period of its management under section 49 shall be met out of the permanent endowment fund, the general fund or the development fund.

(2) If the fund referred to sub-section (1) is 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**

51. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no notification or order shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as after it is made, be laid before the State Legislature.

**Repeal and
saving**

52. (1) The Himalayan University Ordinance, 2012 is hereby repealed.

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

By Order,

D. P. GAIROLA,
Principal Secretary.