

- नीति विषयक मामलों में राज्य सरकार का निर्देश देने का अधिकार
- विघटन/साम्प्रदायिक होने पर सम्पत्तियाँ/सत्तरपादित की स्थिति
51. राज्य सरकार समय-समय पर विश्वविद्यालय को ऐसी नीति विषयक निर्देश जारी कर सकती है जो इस अधिनियम के उपबन्धों से असंगत न हों, जैसा वह अवसर समझे। ऐसे निर्देशों का अनुपालन विश्वविद्यालय द्वारा किया जाएगा।
52. अधिनियमों में ऊपर उल्लिखित किसी खण्ड के अधीन विश्वविद्यालय के विघटन की स्थिति में विश्वविद्यालय की समस्त वस्तुयाँ और सम्पत्तियाँ, जिसमें स्थायी विन्दास निधि सामान्य निधि या कोई अन्य निधि सम्मिलित है तथा विश्वविद्यालय के दायित्व भी प्रस्तावित न्याय से सम्बन्धित हो जायेंगे।

आज्ञा से,
रमेश चन्द्र खुल्वा,
प्रमुख सचिव।

No. 353/XOXVI(3)/2016/51(1)/2016
Dated Dehradun, December 08, 2016

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Ras Bihari Bose Subharti University Bill, 2016' (Adhiniyam Sankhya 35 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 07 December, 2016.

THE RAS BIHARI BOSE SUBHARTI UNIVERSITY ACT, 2016

(Uttarakhand Act no. 35 of 2016)

An

Act

to establish and incorporate a Teaching University sponsored by Dr. Jagat Narnin Subharti Charitable Trust, Dehradun in Uttarakhand and to provide for matters connected therewith or incidental thereto;

IT IS HEREBY enacted in the Sixty-seventh Year of the Republic of India by Uttarakhand State Legislative Assembly as follows:-

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| Short Title and Commencement | 1 | (1) This Act may be called the Ras Bihari Bose Subharti University Act, 2016.
(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. |
| Definitions | 2 | In this Act, unless the context otherwise requires:—
(a) "Academic Council" means the Academic Council of the University;
(b) "Board" means the Board of Studies and the Planning Board, or any other Board of the University;
(c) "Visitor", "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" means respectively the Visitor, Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the University;
(d) "Court" means the Court of the University;
(e) "Director / Principal" means the Head of an Institution, College, School, Polytechnic and Industrial Training Institute or the person appointed for the purpose to act as such in his absence;
(f) "Department" means a Department of Studies, and includes a Centre of Studies and Research;
(g) "Employee" means any person appointed by the University, and includes a teacher or any other member of the staff of the University;
(h) "Executive Council" means the Executive Council of the University;
(i) "Faculty" means a Faculty of the University;
(j) "Hostel" means Scholars/Students Hostel of the |

University;

- (k) "Institution" means an Academic Institution established or maintained by the University;
- (l) "Prescribed" means prescribed by Statutes;
- (m) "Records and Publications" means the Records and Publications of the University;
- (n) "Statutes" and "Acts" means respectively, the Statutes and Acts of the University for the time being in force.
- (o) "Student" means a student enrolled in the Register of the University;
- (p) "Teacher of the University" means Professor, Associate Professor/Reader Asst. Professor/Lecturer and such other person as may be appointed for imparting education/instructions or conducting research in the University and is designated as Teacher by the Acts;
- (q) "Accounts Officer", "Registrar", "Additional Registrar", "Deputy Registrar", "Assistant Registrar", "Purchase Officer", "Finance Officer", "Controller of Examinations", "Librarian", "Chief Proctor", "Proctor" means respectively the Accounts Officer, Registrar, Additional Registrar, Deputy Registrar, Assistant Registrar, Purchase Officer, Finance Officer, Controller of Examinations, Librarian, Chief Proctor, Proctor of the University;
- (r) "Trust" means Dr. Jagat Narain Subharti Charitable established on 12.08.2002 by the name of Sri Sri 1008 Narayan Swami Charitable Trust and the new name 'Dr. Jagat Narain Subharti Charitable', given vide amended and corrected Trust Deed dated 15.09.2011 which was registered at the office of the Sub Registrar Vikas Nagar, Dehradun on 15.09.2011. Therefore, all the properties registered under the name of Sri Sri 1008 Narayan Swami Charitable Trust comes under the ownership of Dr. Jagat Narain Subharti Charitable Trust;
- (s) "University", means the Ras Bihari Bose Subharti University, Uttarakhand established under this Act by

Establishment University	of 3	(1) the Trust. There shall be established at Dehradun in Uttarakhand, a University by the Trust, in the name of Ras Bihari Bose Subharti University, Uttarakhand.
Conditions establishment University	for 4 of	(2) The University shall be a Body Corporate. The sponsoring body, the Trust shall, for the purposes of establishing the University under this Act, fulfill / have already fulfilled the following conditions, namely:- (a) The Trust already possesses more than 10 acres contiguous land; (b) The Trust has already constructed on land referred to in clause (a), buildings of more than 20000 sq. meter carpet area; (c) The Trust has already installed equipments and furniture, in offices and laboratories worth more than Rs. thirty lacs in the building referred to in clause (b); (d) The Trust has already installed computers, common networking and purchased books worth more than Rs. 75 lacs; (e) The Trust has already purchased books of more than Rs. Twenty Five lacs; (f) The net worth of the trustees is more than 30 crores; (g) The Trust has already invested a sum of Rs. 58 crores in the development of the infrastructure of the University; (h) The Trust has given an affidavit to follow the policy of reservation of the State Government, giving 25% reservation in admissions to the permanent residents of Uttarakhand and giving 25% rebate in the fee to the permanent residents of Uttarakhand and to appoint all the employees of group 'C' and 'D' from the permanent Residents of Uttarakhand; (i) The Trust has given an affidavit that it shall follow such other directions issued by the State Government from time to time; (j) The Trust has given commitment to start Post Graduate courses at least in five disciplines; (k) The Trust has given an affidavit that it shall follow the Acts, rules, regulations, orders, issued by the U.G.C.,

Starting of the University	Statutory Bodies, Central and the State Government. (1) The University shall start operation only after the State Government issues to the Trust a letter of authorization for the commencement of the functioning of the University. (2) The State Government shall issue the letter of authorization after verifying the proposal along with documents received from the Trust to the effect that all conditions referred to in section (4) have been fulfilled.
Objects of the University	The objects of the University shall be to disseminate and advance knowledge by providing instructional, research and extension of facilities in such branches of learning as it may deem fit and the University shall Endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of:- (a) Innovations in education leading to restructuring of courses, new methods of teaching and learning and integral development of personality; (b) Studies in various disciplines; (c) Inter-disciplinary studies; (d) National integration, secularism, social equity and engineering of international understanding and ethics.
Powers of University	7 The University shall have the following powers, namely:- (a) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge; (b) to impart and promote the study of Science, Technology, Medicine, Dentistry, Management, Law and other professional courses and also history, culture, philosophy, art etc. through in-campus centers or by conducting distant educational programs with prior permissions of the University Grant Commission as well as State Government within the territory of the State. (c) to honor educational stalwarts and persons of academic eminence with the decoration of Professor Emeritus. (d) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer

degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

- (e) to confer honorary degrees or other distinctions in the manner prescribed;
- (f) to provide education including correspondence and such other courses to such persons, who are not members of the University after obtaining permissions from the relevant bodies wherever required;
- (g) to institute Directorships, Principalships, Professorships, Associate Professorships/Readerships, Assistant Professorships/Lectureships and other teaching or academic posts required by the University and to make appointments for the same;
- (h) to create administrative, ministerial and other posts and to make appointments thereto;
- (i) to appoint/engage persons working in any other University or Organization having specific knowledge permanently or for a specified Period;
- (j) to co-operate, collaborate or associate with any other University or Authority or Institution in such manner and for such purpose as the University may determine;
- (k) to establish and maintain schools, centers, specialised laboratories or other unit for research and instructions as are in the opinion of the University, necessary for the furtherance of its objects;
- (l) to institute and award fellowships, scholarships, studentships, medals and prizes;
- (m) to establish, maintain and supervise residence/hostels for students of University and promote their health & general welfare activities;
- (n) to make provisions for research and consultancy, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;
- (o) to declare centre, an institution, a department, or school, as the case may be, in accordance with the

Statutes;

- (p) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;
- (q) to determine the fee for different course, demand and receive payment of fees and other charges;
- (r) to make special arrangements in respect of women students as the University may consider desirable;
- (s) to regulate and enforce discipline amongst the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary by the University;
- (t) to make arrangements for promoting the health and general welfare of the employees of the University;
- (u) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable for the welfare of the University;
- (v) to borrow by way of hypothecation or mortgage against the property of University with prior approval of the Trust.
- (w) to appoint, either on contract or otherwise, visiting professors, emeritus professor, consultants, fellows, scholars, artists, course writers, and such other persons who may contribute to the advancement of the objects of the University.
- (x) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University and which may be permitted by the Executive Council of the University.

Admission and Standards

- 8 (1) Admission to the different academic programs shall be made in accordance with the laws for the time being in force/as decided by the Executive Council of the University
- (2) The University shall ensure that the academic standards of the courses offered by the University are in accordance with the guidelines of the University Grants Commission / MCI/ DCI / AICTE / INC and or

		other statutory bodies etc. as the case may be;
	(3)	The teacher-student ratio shall be in accordance with the guidelines of the University Grants Commission or specific Council.
University open to all classes and creeds	9	The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein as an officer, a teacher, staff member, student, or to hold any office therein or to graduate thereat.
Reservation	10	Trust will follow the policy of reservation of the State Government, will give 25% reservation in admissions to the permanent residents of Uttarakhand and give 25% rebate in the fee to the permanent residents of Uttarakhand and appoint all the employees of group 'C' and 'D' who are the permanent Residents of Uttarakhand
Officers of the University	11	The following shall be the other officers of the University:- - Visitor; - Chancellor; - Vice-Chancellor; - Pro-Vice-Chancellor; - Principal or Head of the Institution; - Registrar; - Dean of Faculty; - Dean of student's Welfare; - Controller of Examination; - Chief Proctor; - Finance Officer; and - Such other officer as may be declared by the Statutes to be officers of the University.
The Visitor	12	(1) The Governor of Uttarakhand will be Visitor of the University. (2) The Visitor shall, when present, will preside over the Convocation of the University held for conferring degrees. (3) The Visitor shall have the following powers; namely; (a) to call for any paper or information in relation to

the affairs of the University;

- (b) On the basis of the information received by the Visitor, if he is satisfied that any decision taken by any authority of the University is not in conformity with the Act, Statutes or Rules, he may issue such directions as he may deem fit for the reconsideration of such decision by the Chancellor of the University, in the interest of the University and the directions so issued shall be complied with by the Chancellor.

- (4) Every proposal for the conferment of an honorary or degree or distinction shall be subject to the approval of the Visitor.

The Chancellor

- 13 (1) A person of eminence shall be appointed by Board of Trustees of the Trust as Chancellor for a period of three years.
- (2) The Chancellor may in writing under his hand addressed to the Trust, resign his office.
- (3) The Chancellor shall, by virtue of his office, be the Head of the University and shall constitute interim Executive Council.
- (4) The Chancellor shall, if Visitor is not present, preside at the Convocation of the University held for conferring degrees.

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 two years by the Board of Governor from persons recommended by the 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) Chancellor;
- (b) The Principal Secretary/ Secretary to the State Government in the Higher Education Department.
- (c) Three nominees of the Board of Governors
- (d) One person nominated by Promoting Society, who shall be the convener of the committee.

- (3) The Chancellor after due approval from the Board of Governors 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.
- (4) The Vice Chancellor shall be the principal executive and academic officer of the University and shall be the Chairman of the Executive Council and the Academic Council of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.
- (5) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters.

Provided that any authority or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, may prefer an appeal to the Chancellor within one month from the date of communication of the order. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

The Pro- Vice-
Chancellor

- (6) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.
- 15 (1) The Pro-Vice-Chancellor shall be appointed by the Vice-Chancellor for a period of one year at a time as prescribed and shall exercise such powers and performs such functions as may be prescribed.
- (2) The Pro-Vice Chancellor appointed under sub-section (1) shall discharge his duties in addition to his duties as a professor.
- (3) The Pro-Vice Chancellor shall assist the Vice-Chancellor in discharging day to day duties as and

when required by the Vice-Chancellor.

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| Principals | 16 | Principal or Head of Institution shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed. They will be responsible for maintaining the discipline in the University and the overall achievements of the objects of the Institution/College. |
| The Registrar | 17 | <p>(1) The Registrar shall be appointed in such manner as may be prescribed.</p> <p>(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other function as may be prescribed.</p> <p>(3) The Registrar shall be the <i>ex-officio</i> Secretary of the Executive Council and the Academic Council.</p> |
| Dean of Faculties | 18 | Every Dean shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed. |
| Finance Officer | 19 | <p>(1) The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.</p> <p>(2) The Finance Officer shall be the <i>ex-officio</i> Secretary of Finance Committee.</p> |
| Other Officers | 20 | The manner of appointment and powers and duties of the other officers of the University shall be such as may be prescribed. : |
| Authorities of the University | 21 | <p>The following shall be the authorities of the University:-</p> <p>(a) Court;</p> <p>(b) Executive Council;</p> <p>(c) Academic Council;</p> <p>(d) Finance Committee;</p> <p>(e) Planning Board;</p> <p>(f) Boards of Faculties;</p> <p>(g) Admissions Committee;</p> |

- (h) Examinations Committee;
- (i) Such other authorities as may be declared by the Statutes to be authorities of the University.
- The Court** 22 (1) The Constitution of the Court and the term of office of its members shall be such as may be prescribed.
- (2) Subject to the provisions of this Act the Court shall have the following powers and functions, namely:-
- (a) to review from time to time, the broad policies and programmes of the University and suggest measures for the working, improvement and development of the University;
- (b) to consider and pass resolutions on the Annual Report and the Annual Accounts of the University and Audit Report of such accounts;
- (c) to nominate members for various councils or Government, semi government or private bodies, where such a member is required to be sent & represent the University for the specific period as may prescribed;
- (d) to perform such other functions as may be prescribed.
- The Executive Council** 23 (1) The Executive Council shall be the principal executive body of the University.
- (2) First Executive Council shall be Constituted by the Trust for three months. After that period constitution of the Executive Council, the term of office of its members and its powers and duties shall be such as may be prescribed.
- The Academic Council** 24 (1) The Academic Council shall be the principal academic body of the University and shall subject to the provisions of the Statutes and the Acts, co-ordinate and exercise general supervision over the academic policies of the University.
- (2) The Constitution of the Academic Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

The Finance Committee 25 (1) The Finance Committee shall be the principal financial body of the University to take care of the financial matters.

(2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.

The Planning Board 26 (1) The Planning Board shall be the principal planning body of the University. The Board shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective councils.

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

Board of Faculty and other authorities of the University 27 The constitution, powers and functions of the Boards of faculties the Admission Committee, the Examination Committee and of such other authorities of University which may be declared by the statutes to be the authorities of the University, shall be such as may be prescribed.

Power to make Statutes 28 (1) The first Statutes made by the Executive Council shall 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 make any decision with respect to the approval of the Statutes within the period of specified under sub-section (1) it shall be deemed to have been approved by the State Government.

(3) Subject to the provisions of this Act the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities, filling of vacancies of members and all other matters

relating to those authorities for which it may be necessary to provide;

- (c) the appointment, powers and duties of the officers of the University and their emoluments;
- (d) the appointment of teachers of the University and other academic and administrative staff, and their emoluments;
- (e) the appointment of teachers and other academic and administrative staff working in any other University or Institution for a specific period for undertaking a joint project;
- (f) the conditions of service of employees including provisions for retirement benefits, insurance and provident fund, the manner of termination of service and disciplinary actions;
- (g) the principles governing seniority of service of employees;
- (h) the procedure for settlement of disputes between employees or students and the University;
- (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
- (j) the conferment of honorary degrees;
- (k) the withdrawal of degree, diploma, certificate and other academic distinctions;
- (l) the institution of fellowships, scholarships, studentships, medals and prizes;
- (m) the maintenance of discipline among the students;
- (n) the establishment and abolition of Departments, Centres and other constituted institutions/Colleges etc,
- (o) to approve the fee fixed by the finance committee for different courses,

- (p) to allow the number of admissions in a particular course and decide the mode of admission. It will direct the Admission Committee to hold competitive examinations wherever required as per law and regulations of the statutory bodies for determining the merit of the students for the admission in a particular course,
 - (q) to delegate powers in the authorities or officers of the University for the smooth functioning of the University and to withdraw them if required and
 - (r) all other matters, which may be prescribed.
- (4) The Executive Council shall not make, amend or repeal any Statute affecting the powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.
- (5) Notwithstanding anything contained in the foregoing sub-sections the Chancellor may direct the University to make provisions in the Statutes, in respect of any matter specified by him and if the Executive Council is unable to implement such a direction within ninety days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes accordingly as he may deem fit.

Power to make Acts 29 Subject to the provision of the Act and the Statutes, the Acts shall be made by the Executive Council. Approval of the Chancellor will be obtained within one month of its implementation or passing by the Executive Committee. In case any Act has been implemented but the Chancellor does not give his approval, the same shall be withdrawn immediately. Acts can be made for the following issues,

namely:-

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degree, diploma, certificate and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;
- (f) the conditions for the award of fellowships, scholarships studentships, medals and prizes;
- (g) the conduct of examinations, including the term of Office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them within the University;
- (j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;
- (k) the establishment of Centre of Studies, Boards of Studies, Interdisciplinary Studies, Special Centres, Specialized Laboratories and other Committees;
- (l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;
- (m) the creation, composition and functions of any other body which is considered necessary, for improving the academic mileage of the University;

- (a) the remuneration to be paid to the examiners, moderators, invigilators and tabulators;
- (o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;
- Annual Report** 30 (1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed and the Court shall consider the report in its annual meeting.
- (2) The court shall submit the annual report to the Chancellor along with its comments, if any.
- Annual Accounts** 31 (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant of repute.
- (2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Court and the Chancellor along with the observations of the Executive Council.
- (3) Any observations made by the Chancellor or the Court on the annual accounts shall be brought to the notice of the Executive Council and the observations, if any, shall after being reviewed by the Executive Council, be submitted to the Court/Chancellor.
- Conditions of Service of employees** 32 (1) Every employee of the University shall be appointed /engaged as per provisions of the Statutes.
- (2) Any dispute arising between the University and any of the employees appointed substantively, shall be referred to the Executive Council who shall decide the dispute after affording an opportunity of being heard to the employee within three months from the date of its reference.
- (3) The aggrieved employee may file an appeal against

the order of the Executive Council to the Chancellor.

- (4) Any dispute in respect of any employee engaged temporarily or on ad-hoc or part time or casual basis shall be heard and decided by the Vice-Chancellor.
- (5) Appeal against the decision of the Vice-Chancellor can be made to the Chancellor. The decision of the Chancellor shall be final and no suit shall lie in any court in respect of the matters decided by the Chancellor.

Right to Appeal

- 33 (1) Any student or candidate for an examination, whose name has been removed from the rolls of the University by the orders or resolution of the Academic Council, Proctorial Board or Controller of Examination as the case may be and who has been debarred from appearing at the examinations of the University for more than one year, may within ten days of the date of receipt of such order by him in writing appeal to the Vice-Chancellor who may confirm, modify or reverse the decision to the aforesaid authorities or the concerned Committee, as the case may be.
- (2) Any decision taken by the Vice-Chancellor shall be final.
- (3) The Vice Chancellor can modify the procedure and system of appeal in view of the directions issued by the Central Government, State Government, UGC from time to time or suo motto.

Employee's provident fund and welfare schemes

- 34 The University may constitute for the benefit of its employees such welfare scheme or Provident Fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be decided by the Executive Council.

Disputes as to the constitution of Authorities and bodies

- 35 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 thereupon shall be final.

Constitution of Committees	36	Where any authority of the University is given power under this Act or the Statutes to appoint Committees, such Committees have as otherwise provided, consist of the members of the authority concerned and of such other persons as the authority in each case may think fit.
Filling of the vacancies	37	All vacancies among the members (other than ex-officio) of any authority or other body of the University shall be filled for the period as per provision in the relevant section, as soon as may be convenient by the person or the body, who appointed, nominated or co-opted the member whose place has become of such authority or body for the remaining term for which he has been appointed or co-opted.
Invalidity of Proceedings	38	No Act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.
Mode of Proof of University records	39	A copy of any receipt, application, notice, proceeding, resolution of any authority or Committee of the University or other documents in possession of the University, if certified by the Registrar, shall be received as prima-facie evidence of such receipt, application, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein where the original, if produced have been admissible in evidence.
Publication of Statutes, and Act	40	(1) Every Statute or Acts made under this Act shall be made available in writing. (2) Each new Statute or Acts made under this Act shall be enforced as soon as it is made by the competent authority.
Permanent Endowment fund	41	(1) The Trust shall create a permanent endowment fund of at least rupees five crores in the form of a Fixed Deposit of a Nationalized Bank pledged in the name of the State Government. (2) The University shall have the power to invest the permanent endowment fund in such manner as may be prescribed. (3) The University may transfer any amount from the

general fund or the development fund to the permanent endowment fund.

- (4) Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University for the purposes of development 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 received from any other source;
 - (c) all contributions made by the Trust; and
 - (d) all contributions 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 moneys credited to the general fund shall be applied to meet all the recurring expenditures of the University.

Development Fund

- 43 (1) The University shall also establish a development fund to which following moneys shall be credited, namely;
- (a) development fee, which may be charged from students;
 - (b) all sums received from other sources for the purpose of the development of the University;
 - (c) all contributions made by the Trust;
 - (d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being enforce; and
 - (e) all incomes received from the permanent endowment fund.
- (2) The moneys credited to the development fund from time to time shall be utilized for the development of the University.

Maintenance Fund

- of 44 The funds established under Sections 41, 42 and 43 shall be

subject to general supervisions and control of the Court and be regulated and maintained in such manner as may be prescribed.

Financial Condition 45 The University shall be not be eligible for any grant-in-aid or any financial assistance from the State Government or any other body or Corporation owned and controlled by the State Government.

Fees 46 The fees charged for different academic programs shall be decided by the finance committee in accordance with laws for the time being in force.

Power of the State Government to call for information and records 47 (1) It shall be the duty of the University or any authority or officer of the University to furnish such informations or records relating to the administration or finances and other affairs of the University as the State Government may call for.

(2) The State Government, If it is of the view that there is a violation of the provisions of this Act or the Statutes or Acts, made there under, may issue such directions to the University under section 51 as it may deem necessary.

Dissolution of University 48 (1) If the University proposes its dissolution in accordance with the law governing its constitution or incorporation, it shall give at least six months written notice to the State Government.

(2) On receipt of information referred to in sub-section (1) the State Government shall make such arrangement for administration of the University from the date of dissolution of the 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.

Expenditure of the University during dissolution 49 (1) The expenditure for administration of the University during the taking over the liabilities of the University under Section 48 shall be met out of the permanent endowment fund, the general fund and 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 the liabilities of the University such expenditure may be met by disposing of the properties or assets of the University by the State Government.

De-recognition of University

- 50 (1) Where the State Government receives a complaint that the University is not functioning in accordance with the provisions of this Act, it shall require the University to show cause, within such time, which shall not be less than six months, referring a copy of the complaint, as to why the University should not be derecognised.
- (2) If, upon receipt of the reply of the University to the notice given under sub-section (1), the State Government is satisfied that a prima-facie case of violation of the provisions of this Act in the functioning of the University, is made out, it shall order such enquiry as it deems necessary.
- (3) For the purposes of an inquiry under sub-section (2), the State Government shall, by notification, appoint an officer or authority as the enquiring authority to enquire into the allegation of violation of the provisions of this Act.
- (4) Every enquiring authority appointed under sub-section (3) shall while performing its functions under this Act, shall have all the powers of Civil Court under the Code of Civil Procedure, 1908 trying a suit and in particular in respect of the following matters, namely :-
- (a) summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) requisitioning any public record or copy thereof from any office;
 - (d) receiving evidence on affidavits;
 - (e) any other matter which may be prescribed.

- (5) If, upon receipt of the inquiry report, the State Government is satisfied that the University has violated any provision of this Act, the Government shall direct the University to make necessary improvements & suggest for proper implementation of the provisions of this Act.
- (6) If it is observed that the University is violating the Act continuously for three times, State Government may derecognize the University with prior approval of University Grant Commission.
- (7) During the period of the management of the University under sub-section (6), the State Government may utilize the permanent endowment fund, the general fund or the development fund for the purposes of the management of the affairs of the University. If the funds of the University are not sufficient to meet the requisite expenditure of the University, the State Government may dispose of the assets or the properties of the University to meet the said expenses.
- (8) Every notification under sub-section (6) shall be laid before both Houses of the State Legislature before implementation.

Power of the State Government on policy matters

- 51 The State Government may issue such directions from time to time to University on policy matters not inconsistent with the provisions of this Act, as it may deem necessary. Such directions shall be complied with by the University.

Status of assets/liabilities on dissolution /de-recognition

- 52 All assets and properties including permanent endowment fund, general fund or any other fund & also the liabilities of the University will belong to the proposed Trust in case of dissolution of the University under any clause mentioned herein above in the Act.

By Order,

RAMESH CHANDRA KHULBE,
Principal Secretary.

उद्देश्य एवं कारणों का बखान

राज्य सरकार द्वारा देहरादून क्षेत्र को शिक्षा हब के रूप में विकसित करने का हर सम्भव प्रयास कर रही है, इसी काम में देहरादून, के प्रेमनगर में अवस्थित रास बिहारी बोस सुभारती विश्वविद्यालय की स्थापना किये जाने का प्रस्ताव है। इस विश्वविद्यालय की स्थापना के पश्चात् उत्तराखण्ड के निर्धन छात्र-छात्राओं को उच्च शिक्षा के क्षेत्र में बेहतर अवसर प्राप्त हो सकेंगे।

2- प्रस्तावित विधेयक उपरोक्त उद्देश्य की पूर्ति करता है।

डॉ० इन्दिरा हृदयेश
मंत्री।