

विश्वविद्यालय की समितियों अथवा आरितियों के निस्तारण द्वारा की जा सकती है।

- कठिनाईयों का निराकरण 53. (1) यदि इस अधिनियम के उपबन्धों को लागू करने में कोई कठिनाई उत्पन्न हो तो राज्य सरकार अधिसूचना या आदेश द्वारा ऐसे प्रावधान कर सकती, जो इस अधिनियम के उपबन्धों से असंगत न हो और जो कठिनाईयों को दूर करने के लिए उसे आवश्यक या समीचीन प्रतीत हो।

परन्तु यह कि उपधारा (1) के अधीन कोई अधिसूचना या आदेश इस अधिनियम के प्रारम्भ से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं दिया जायेगा।

- (2) उपधारा (1) के अधीन दिया गया प्रत्येक आदेश, यद्यपी राज विधान सभा के समक्ष रखा जायेगा।

आज्ञा से,
रमेश चन्द्र खुल्ने,
प्रमुख सचिव।

No. 350/XXXVI(3)/2016/48(1)/2016
Dated Dehradun, December 07, 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 Himalayan Garhwal University Bill, 2016' (Adhiniyam Sankhya 33 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 02 December, 2016.

THE HIMALAYAN GARHWAL UNIVERSITY ACT, 2016

(Uttarakhand Act no. 33 of 2016)

To establish and incorporate a Private University in the name of "Himalayan Garhwal University" at Block Pokhra, Pauri Garhwal, Uttarakhand Promoted by Jan Kalyan Educational Trust registered under the Indian Trusts Act, 1882 at 13, Naveen Park, Sahibabad, Ghaziabad to provide and facilitate education of Technical Education, Higher Education, Humanities & Social Sciences, Commerce, Science, Computer Science, Agriculture Science, Management, Poultry Husbandry and Animal Feed, Horticulture, Paramedical Science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy and to facilitate education, training and research in other area of education.

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

CHAPTER-1 Preliminary

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| Short title and Commencement | 1. | <p>(1) This Act may be Called the "Himalayan Garhwal University" Act, 2016.</p> <p>(2) It shall be deemed to have come into force on the date, the notification is issued by the State Government in the Official Gazette.</p> |
| Definitions | 2. | <p>In this Act, unless the context Otherwise Required:-</p> <p>(a) "Academic Council" means the Academic Council of the University;</p> <p>(b) "Authorities" means Authorities of the University;</p> <p>(c) "Board of Governors" means the Board of Governors of the university;</p> <p>(d) "Board of Management" means the Board of Management of the University</p> <p>(e) "Board of studies" means the Board of Studies of the University;</p> <p>(f) "Board of Examination" means Board of examination of the University</p> <p>(g) "Chancellor", Pro- Chancellor, "Vice Chancellor", "Pro Vice Chancellor", "Registrar", "Controller of Examinations", and "Finance Officer" respectively, means the "Chancellor", Pro-Chancellor, "Vice Chancellor", "Pro Vice Chancellor", "Registrar", "Controller of Examination" and "Finance Officer" of the university;</p> <p>(h) "Campus" means the campus of the University;</p> <p>(i) "Constituent College" means a college or institution maintained by the University;</p> <p>(j) "Career Academy Centre" Means Such centre which is established, conducted and recognized by the University with</p> |

prior permission of U.G.C. and State Government for the purposes of acceptance of the e-mails, Internet, Interactive talk, training, lectures, conduct of seminar and workshops, guidelines, consultation or any type of necessary help for students;

- (k) "Director" of the campus or principal/ Dean regarding constituent college means the Head of that campus or Constituent college and where there is no Director/ Principal/ Dean appointed, any other person for the time being appointed is also included;
- (l) "Distance Education System" means the system of imparting education with the prior approval of the U.G.C. and State Government within the State through any means of information technology and communication such as multimedia, Broadcasting, telecasting, online over Internet, other interactive methods, e-mails, Internet, computer, interactive talk, e-learning, correspondence courses, seminars, contact Programmes or a combination of any two or more of such means;
- (m) "Deposits" means collection made by the University from the students under the name Deposits, Which is refundable;
- (n) "Dean of Faculty" Means the Dean of Faculty of the university
- (o) "Department" Means a Department (Academic Unit) of a college teaching and undertaking research in a subject or a group of subjects;
- (p) "Employee" means employee appoint by the University; and includes teachers and other staff of the University or of Constituent College;
- (q) "Finance Committee" Means Finance Committee of the university;
- (r) "Faculty" means faculty of the University;
- (s) "Fee" means collection made by the University from the students under the name Fee, which is not refundable;
- (t) "Government" means the state Government of Uttarakhand;
- (u) "Hall" or "Hostel" means a unit for residence for students maintained or recognized by the university or constituent college;
- (v) "Jan Kalyan Educational Trust", Branch Office Dehradun means a trust registered under the Indian Trusts Act, 1882, having registered office at 13, Naveen park, -Sahibabad, Ghaziabad;
- (w) "Promoting Trust" means "Jan Kalyan Educational Trust" registered under the Indian Trusts Act, 1882;
- (x) "Prescribed" means Prescribed by the statutes;
- (y) "permanent Resident" means any resident of the state who has the valid domicile/ permanent resident certificate issued by the prescribed authority as per the rules framed by the State Government for time to time.
- (z) "Regional Centre" means a centre established or maintained by the university with the prior approval of the U.G.C. and State Government 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.

- (aa) "State" means State of Uttarakhand;
- (bb) "Statutes", "Rules" and "Ordinance" means, respectively, the "Statutes", "Rules" and "Ordinance" of the university made under this Ordinance;
- (cc) "Study Centre" means a centre established, maintained or recognized by the University with the prior approval of the U.G.C. and State Government for the purpose of advising, counselling or for rendering and other assistance required by the students;
- (dd) "Teacher" means a Professor/ Dean, Associate Professor, Assistant Professor/ Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in constituent Colleges and Institute and includes the Principal/ Dean of the Constituent College.
- (ee) "UGC" means the university Grants Commission established under the University Grants Commission Act, 1956;
- (ff) "University" means "Himalayan Garhwal University", Block Pokhra, Pauri Garhwal, Uttarakhand under this Act;
- (gg) "Bodies" means the bodies of the university constituted by the relevant authorities;
- (hh) "Visitor" means the Visitor of the University.

Chapter-2

The University and its Objects

Proposal for the
Establishment
of University

3. (1) The promoting Trust shall have the right to establish the Himalayan Garhwal University in accordance with the provisions of this Act.
- (2) An application containing the proposal to establish a University has been made to the State Government by Promoting Trust.
The Proposal contained the following Particulars, namely:-
 - (a) The objects of the university along with the details of Promoting 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, source of finance and estimated expenditure for each student;

- (h) The scheme for mobilizing resource and the cost of capital thereto and the manner of repayments to each source;
- (i) The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes;
- (j) The details of expenditure on unit cost, the extent of concessions or rebate in fee, free ship and scholarship for students who are permanent resident of the state 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 promoting Trust as well as the detail of financial resources;
- (l) The system for selection of students to the course of study at the university;
- (m) Status of fulfilment of such other conditions as may be required by the state Government to be fulfilled before the establishment of the University.

Establishment
of University

4.

- (1) Where the state Government, after such inquiry is satisfied that promoting Trust, has fulfilled the all conditions, norms and requirements for establishment of Himalayan Garhwal University, hence a University to be known as Himalayan Garhwal University is hereby established in the state of Uttarakhand.
- (2) The University shall be a body corporate by the name "Himalayan Garhwal University" and shall have a perpetual succession and common seal and shall sue and be sued by its name.
- (3) (a) The main campus of the university shall be at village-Dhaid Gaon, Block Pokhra, Pauri Garhwal, Uttarakhand. It may also have campuses or regional centres, study centres at other places provided that the procedures established by UGC and other statutory bodies shall be complied with. The University can open its second campus within the state in 5 (five) years of its Coming into existence with prior approval of the U.G.C. and State Government. The university can open other campuses any time in a hill region located at an altitude greater than 1500 feet without any time limit.
(b) However, to establish new faculties where additional land would be required as per norms of the concerned regulatory body, the university shall establish a split campus either adjoining or nearby within entire region of Pauri Garhwal.
- (4) The Chancellor, the Pro-Chancellor, the Vice Chancellor, Pro-Vice Chancellor, Registrar, members of the Board of Governors and members of Board of Management for the

time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the university.

- (5) On the establishment of the university under sub-section (1), the land and other moveable and immoveable properties acquired, created, arranged or built by Promoting Trust, for the purpose of the University.
- (6) The available land, building, various department/ faculties of the University shall be must according the standard of Apex Regulatory Commission.
- (7) The infrastructural and other facilities of the University campus, off campus centre, study centre, information centre etc, shall be maintained as per the standards laid down by the UGC and other apex regulatory bodies.

State not under any Statutory Obligation to Grant Financial Assistance to the University

5.

The University shall be self financing and shall neither make a demand nor shall be entitled to any grant-in-aid or any other financial assistance from the state Government or any other body or corporation owned or controlled by the state Government.

No Power to affiliate Any Institution

6.

Without the prior approval of U.G.C. and State Government within the territory of State the University may have no right to establish off-campus centres, constituent colleges, regional centres, study Centres and Career Academic Centres and shall have no power and privileges to affiliate any other college or institution.

Objects of the University

7.

The objectives for which the University is established are as follows:

- (a) To provide instructions, teaching, training and research in all disciplines pertaining to Technical Education, Higher Education, Humanities & Social Sciences, Commerce, Science, Computer Science, Agriculture Science, Management, Poultry Husbandry and Animal Feed, Horticulture, Paramedical Science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy and other areas of education; as deem fit by the University after getting approval of the respective regulatory.
- (b) To establish campuses or Constituent Colleges of Technical education, Higher education, Humanities & Social Sciences, Commerce, Science, Computer Science, agriculture Science, management, poultry husbandry and animal feed, Horticulture, Paramedical science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy and other areas of education for offering certificate, Diploma, Graduate Degree, post graduate degree and Doctoral degree which would be as

nominated by the university Grant Commission but the University shall, have the right to start other diploma and certificate course in furtherance of its Objectives.

- (c) To establish a Constituent Centre for Continuing Education to Provide instruction through the distance learning methodology for the courses mentioned in Programs as given in clause(b) above, as per the guidelines of concern council within the territory of State.
- (d) To establish examination centres;
- (e) To institute degree, diplomas, certificates, and other academic distinctions on the basis of examination, or any other such method;
- (f) To establish research and development centre to promote research and innovation in the Technical Education, Higher Education, Humanities & Social Sciences, Commerce, Science, Computer Science, Agriculture Science, Management, Poultry Husbandry and Animal Feed, Horticulture, Paramedical Science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy and other areas of education through Seminars, conference, workshops, educational programmes, community development program, publications, training programmes, and study groups etc;
- (g) To undertake extra-mural studies, extension programmes and field outreach activities to contribute to the development of the society;
- (h) To pursue any other objective as may be approved by the Board of Governors within the rules of the State Government and UGC.
- (i) Under the university-industry interlinked programme, for the skills development of the students, the university will collaborate in internship and placement programme with various Industrial Institutions both at national and international level and with its experienced faculty, the university will offer teaching & training to the persons working with the Industrial Houses and shall provide aid and assistance in consultancy services and R&D activities.
- (j) For the growth and development of economically and socially deprived class, the university will offer pre university course, which shall provide such students a chance to enter in mainstream.

Powers of the University 8.

- (1) The university shall have the following powers; namely:
 - (a) To provide for instructions in all disciplines pertaining to Technical Education, Higher Education, Humanities & Social Sciences, Commerce, Science, Computer Science, Agriculture Science, Management, Poultry Husbandry and Animal Feed, Horticulture, Paramedical Science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy and other areas of education and to make provision for research and for the advancement and dissemination of knowledge;

- (b) To carry out all such other activities as may be necessary or feasible in furtherance of the objects of the University;
- (c) To hold examination 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 in a constituent College or through its distance education system at regional centre/ study Centre/ Career Academy Centre/ Information centre; or
 - (ii) Have carried off research in the university or in a constituent body or under its distance education centre;
- (d) To confer honorary degree or other academic distinctions in the manner and under conditions laid down in the statutes/ Provisions;
- (e) To institute and award fellowships, scholarships and prize etc. in accordance with the statutes;
- (f) To demand and receive such fees, deposits, bills, invoices and collect charges as may be fixed by the statutes or rules, as the case may be;
- (g) 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 after the completion of five years of the university. In this regards the guidelines of the State Government and UGC as applicable from time to time shall be followed;
- (h) To make provisions for the extracurricular activities for students and employees;
- (i) To make appointments of faculty, officers and employee of the university or a Campus College, constituent College, Regional Centre, study centres, Research Centre, career Academy Centre;
- (j) To receive donation 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, Regional Centre, study centres, Research Centre, career Academy Centre with prior permission of the promoting trust;
- (k) To institute and maintain halls/ Hostels and to recognize places of residence for students of the University or a Constituent College;
- (l) To supervise and control the residence of students and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees including their code of conduct;
- (m) To create academic, administrative, and supporting staff and other necessary posts;
- (n) To co-operate and collaborate with other Universities, institutions, Organisations, 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;

- (o) To provide distant education system and the manner in which distance education in relation to academic programmes of the university may be organized;
 - (p) To organize and conduct refresher course, orientation courses, workshops, seminars and other programmes for teachers, lesson writers, evaluation and other academic staff;
 - (q) To determine standards of admission to the university or a constituent College, Regional Centre, study centres, with the approval of academic council;
 - (r) To make special provision for residents of Uttarakhand for admission in any course of the University or in a Constituent College, Regional Centre, Study Centre, Research Centre and Career Academic Centre;
 - (s) To prescribe such courses for Bachelor Degree; Post Graduate Degree, Doctor of Philosophy, Doctor of Science Degree and Research and to start Diploma, Certificates in Technical Education, Higher Education, Humanities & Social Sciences, Commerce, Science, Computer Science, Agriculture Science, Management, Poultry Husbandry and Animal Feed, Horticulture, Paramedical Science, Nursing, Law Education, Mass Communication and Journalism, Teaching Education, Hotel Management, Pharmacy other areas of education which would be covered by UGC and other Statutory bodies;
 - (t) To clearly set apart the academic activities of the University from the activities of the Promoting Trust;
 - (u) To provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, DVD, and other software's;
 - (v) To recognize examination of, or periods of study (whether in full or in part) of other Universities, institutions or other place of higher learning and to withdraw such recognition at any time;
 - (w) To raise, collect, subscribe and borrow funds with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;
 - (x) To enter into, carry out, amend or cancel contracts;
 - (y) To establish information center throughout the country of India and abroad and to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University;
 - (z) 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.
- (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 system and for the determination of standard of teaching, evaluation and research in such systems

and for the purpose of performing this function, the University shall have such power, including the power to allocate and disburse grants to colleges, Regional Centres and Study Centres and Career Academy Centres, whether admitted to its privileges or not or to any other university or institution of higher learning, as may be specified by the statutes.

- University open to all classes, and gender 9. 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 permanent Resident of Uttarakhand;
Provided further that nothing in this section shall be deemed to require the University or constituent colleges or Regional Centers or Study Centers or Career Academy Centers 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, if required.

CHAPTER- 3

Officers of the University

- University's Officers 11. The following shall be the officers of the University; namely:-
(a) the Visitor;
(b) the Chancellor;
(c) the Pro-Chancellor;
(d) the Vice-Chancellor;
(e) the pro Vice-Chancellor;
(f) the Registrar;
(g) the sub-Registrar;
(h) the Deans of Faculties;
(i) the Finance Officer; and
(j) Such other officers as may be declared by the Statutes to be officers of the University.
- Visitor 12. (1) The Governor of Uttarakhand will 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 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 Decision, Act, Regulation, Statutes, or Rules, he may issue Such direction as he may deem fit in the Interest of the University and the directions so issued shall be complied by all concerned.
- The Chancellor 13. (1) The Chancellor shall be the president of the Promoting trust.
(2) The Chancellor shall have the overall supervision and controlling power over the affairs of the university and shall have such powers as may be conferred on him by this Ordinance or the Statutes made there under.

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| The Pro-Chancellor | 14. | <p>(1) Upto Three Pro-Chancellors may be appointed from amongst the members of the Promoting Trust.</p> <p>(2) The Pro-Chancellor shall have such powers as may be conferred on him by this Act or the Statutes made there under.</p> |
| The Vice-Chancellor | 15. | <p>(1) The 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).</p> <p>(2) The Committee referred to in sub-section (1) shall consist of the following Persons, namely:-</p> <ul style="list-style-type: none"> (a) One nominees of Visitor; (b) One nominees to the State Government by the Chief Secretary; from the Principal Secretary/ Secretary. (c) Three nominees of the Board of Governors; in which one of the member shall be the convener of the committee. (d) One person nominated by the board of Director. <p>(3) The committee shall, on the basis of merit, prepare a panel of names of persons suitable to hold the office of the Vice-Chancellor and forward the same to the Board of Governors along with a concise Statement showing the academic qualifications and other distinctions of each Person.</p> <p>(4) The Vice-Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision over the affairs of the university and give effect to the decisions of the Chancellor of the University;</p> <p>(5) Where any matter other than the appointment of a teacher 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.</p> <p>(6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes or the rules.</p> <p>(7) The Chancellor after due approval from the Board of Governors is empowered to the 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.</p> |
| The Pro-Vice Chancellor | 16. | <p>A Pro-Vice-Chancellor may be appointed by the Chancellor with prior approval of the Board of Governors in such manner and shall exercise the powers of Vice Chancellor in his absence and shall exercise such powers and Perform such duties as may be prescribed by Statutes.</p> |
| The Registrar | 17. | <p>(1) The Registrar shall be appointed by the Chancellor in such manner and on Such terms and conditions as may be prescribed.</p> <p>(2) All contracts shall be entered into and signed by the Registrar on behalf of the University.</p> <p>(3) The Registrar shall have power to authenticate records on behalf of the University and shall exercise such other powers and perform Such other duties as may be prescribed or may be required from time to time, by the Chancellor or the Vice-Chancellor.</p> |

- (4) The Registrar shall be responsible for the due custody of the records and the Common seal of the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transactions of their business.

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| The Sub-Registrar | 18. | A Sub- Registrar may be appointed by the Chancellor with prior approval of the Board of Governors in such manner and shall exercise the powers of the Registrar in his absence and shall exercise such powers and Perform such duties as may be prescribed by Statutes. |
| Deans of Faculties | 19. | Deans of faculties shall be appointed by the Vice-Chancellor with approval of Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes. |
| The Finance Officer | 20. | The Finance Officer shall be appointed by the Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by the Status. |
| Other Officer | 21. | The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University Shall be such duties as may be prescribed by the Statutes. |

CHAPTER- 4

Authorities of the University

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| Authorities of the University | 22. | 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 authorities of the University. |
| The Board of Governors and its powers | 23. | (1) The Board of Governors shall consist of:-
(a) The Chancellor -Chairman;
(b) The Vice-Chancellor - Member Secretary;
(c) One Academicians nominated by the Visitor;
(d) Principal Secretary/ Secretary to the State Government in the Higher Education Department;
(e) five members nominated by the Promoting Trust; -
(f) One member nominated by the Promoting Trust from reputed higher education institutions.
(g) One member nominated by the Promoting Trust from reputed Industrial/corporate sector/ reputed practicing professionals.
(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 review decisions of the other authorities of the University if they are not in conformity with the provisions of this Ordinance, or the Statutes or the Rules;
(c) To approve the budget and annual report of the University;
(d) To make new or additional Statutes or amend or repeal the earlier Statutes and Rules; |

- (e) To take decision about voluntary winding up of the University;
 - (f) To approve proposals for submission to the State Government; and
 - (g) To take such decisions and steps as are found desirable for effectively carrying out the objects of the University.
 - (h) To appoint the statutory auditors of the university
 - (i) To appoint and authorised any person/ persons to open, close, operate and manage accounts of the university.
- (3) The Board of Governors shall, meet at least twice in a year at such time and place as the Chairman, Board of the Governors thinks fit.

The Board of Management

24.

- (1) The Board of Management shall consist; namely:-
 - (a) The Pro-Chancellors – special invitees
 - (b) The Vice-Chancellor -Chairman
 - (c) The Pro Vice-Chancellor, if any;
 - (d) One member nominated by the Chancellor;
 - (e) Five members, nominated by the Promoting Trust;
 - (f) Two professors of the University, by rotation as nominated by the Chancellor;
 - (g) Two Deans of the faculties by rotation as nominated by the Chancellor,
 - (h) Principal Secretary/ Secretary to the State Government of the Higher Education Department;
 - (i) The Registrar shall be non-member Secretary;
- (2) The Board of Management shall be the Principal Managing body of the University.
- (3) The powers and functions of the Board of Management shall be Such as may be prescribed by the Statute

The Academic Council

25.

- (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 Ordinance, the Rules and the Statutes, 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

26.

- (1) The Finance Committee shall consist of, namely:-
 - (a) the Vice-Chancellor-
 - (b) the Finance Officer –Secretary;
 - (c) Principal Secretary/ Secretary to the State Government of the Higher Education Department;
 - (d) Four members nominated by the promoting trust.
- (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 Ordinance, Rules, Statutes, 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	27.	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	28.	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- 5

Statutes and Rules

Statutes	29.	Subject to the provisions of this Act, the statutes may provide for any matter relating to the University and staff, as following:- (a) Transaction of business of the Authorities of the University and procedure of constitution of such units, which is not specified in this Act; (b) The operation of the permanent endowment fund, the general fund and the development fund; (c) The terms and conditions of appointment of the Vice-Chancellor, Pro Vice-Chancellor, Registrar, Sub Registrar and the Finance Officer and their powers and functions; (d) The mode of recruitment and the conditions of service of the other officers, teachers and employees of the University; (e) resolving disputes between the University and its officers, faculty members, employees and students; (f) creation, abolition or restructuring of departments and faculties; (g) the manner of co-operation and collaboration with other Universities including foreign University or institutions of higher learning; (h) conferment of honorary degrees; (i) grant of free ships and scholarships; (j) number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats for permanent resident of Uttarakhand; (k) the fee chargeable from students for various courses of studies; (l) institution of fellowships, scholarships, studentships, free ships, medals and prizes; (m) creation and abolition of posts; (n) disciplinary action against students/ employee of the University; (o) other matters which may be prescribed and deemed necessary for framing of the Statutes. (p) The power and functions of Chancellor;
Statutes how made	30.	(1) The first Statutes made by the Board of Governors shall be submitted to the State Government for its approval, which 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.

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| Power to Amend the Statutes | 31. | The Board of Governors may, with the prior approval of the State Government, make new or additional Statutes or amend or repeal the existing Statutes. |
| Rules | 32. | 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 and other academic distinctions of the University;
(c) The award of degree and other academic distinctions;
(d) The conditions of the award of fellowships, 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) The fee to be charged for admission to the examinations, degrees and other academic distinctions of the University;
(g) The conditions of residence of the students at the University or a Constituent College;
(h) Maintenance of discipline of the students at the University or a Constituent College;
(i) The Fee and Deposits chargeable from students for various courses of studies;
(j) All other matters as may be provided in the Statutes and under the Ordinance. |
| Makeup of Rules | 33. | (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 modifications.
(2) Where the State Government fails to take any decision with respect to 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 | 34. | The Board of Governors may, with the approval of the State Government, make new or additional rules or amend or repeal the Rules. |

CHAPTER - 6

Miscellaneous

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| Provisions for Permanent Resident of Uttarakhand | 35. | (1) For admission in various courses conducted by the University, 31% percent seats shall be reserved for the permanent residents of Uttarakhand, and if the reserved seats are vacant, then the above said vacant seats may be filled by the other candidates.
(2) For tuition fees fixed for various courses conducted by the University, 31 percent rebate shall be given to the permanent residents of the State of Uttarakhand who shall seek admission as per sub-clause (1) above.
(3) First priority to hire 'C' and 'D' Category employees shall be given to the Permanent residents of the State of Uttarakhand. |
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Conditions of Service of Employees	36.	(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 any employee shall be governed by Procedure prescribed in the 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 any thing contained in this Ordinance, the employees of The University shall not be deemed to be public servant and would always remain as under the private employment of the University for the purpose of this Ordinance or otherwise.
Right to appeal	37.	Every employee or student of the university or of a Constituent College, Regional Centre, Study Centre and Career Academy Centers Shall, notwithstanding anything contained in this Ordinance, 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 Constituent College, Regional Centre, Study Centre and Career Academy Centers, as the Case may be, and there upon the Board of Management may confirm, modify or change the decision appealed against.
Provident Fund and Pensions	38.	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 University Authorities and Bodies	39.	If any question arises as to whether any person has been duly Constitution of 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	40.	Any authorities of the University mentioned under section 20 will 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	41.	Any casual vacancy among the members, other than ex-officio members, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was Chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member.
Protection of action taken in good faith	42.	No suit or other legal proceeding 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 Ordinance, the statutes or the Rules.
Transitional Provisions	43.	Notwithstanding anything Contained in any other provisions of this and the Statutes: (a) The first Vice-Chancellor and Pro-Vice Chancellor, if any shall be

appointed by the Chancellor after due approval from the Board of Governors and the said officer shall hold office for a term of two years;

- (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor after due approval from the Board of Governors who shall hold office for a term of three years;
- (c) The first Board of Governors shall hold office for a term not exceeding three years;
- (d) The first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor after due approval from the Board of Governors for a term of three years;

Permanent Endowment Fund 44. The University shall establish a permanent endowment fund of Rs. Two crore in the form of a Bank Guarantee of a Nationalized Bank pledged in the name of State Government of Uttarakhand which tenure shall be five years and after that shall be renewed for five years again.

General Fund 45. (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 Promoting Trust;
 (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 expenditure of the University.

Development Fund 46. (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 Promoting Trust;
 (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;
 (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 47. The funds established under sections 44, 45 and 46 shall, subject of Fund to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

Annual Report 48. (1) The annual report of the University shall be prepared under the direction of the Board of Management and forward to 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 31 December following close of the financial year in 31 March each year

Account and
Audit

49. (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 an auditor, Who is a member of the Institute of Chartered Accountants of India (I.C.A.I.), every year.
- (3) 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 31 December following close of the financial year in 31 March each year.
- (4) The annual accounts, the Balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Government along with its observations thereon before the 31st December each year.

Mode of proof
Of University
record

50. 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 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 there of would, if produced, have been admissible in evidence.

Dissolution of
University

51. (1) If Promoting trust proposes dissolution of the "Himalayan Garhwal 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, in-discipline, failure in the accomplishment of the objects of University and economic hardship in the management systems of University, the State Government would issue directions to the management system of University, if the directions are not following 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 to the University would be such as may be prescribed by the State Government in this behalf:
Provided that no such action will be initiated without affording a Reasonable opportunity to show cause to the Promoting trust;
- (4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with University Grant Commission, make such arrangements for administration of the University from the proposed date of dissolution of the "Himalayan Garhwal University" and until the last batch of students in regular courses of Studies of the University completed their courses of students in such manner as may be prescribed by the Statutes.
- (5) On the dissolution of the University, all the assets and liabilities of the University Shall vest in the Promoting trust.

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| Expenditure of
University
During
dissolution | 52. | <p>(1) The expenditure for administration of the University during the dissolution of the University under section 50 shall be met out of the permanent endowment fund, the general fund or the development fund.</p> <p>(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the dissolution of the University, such expenditure may be disposed of the properties or assets of the University.</p> |
| Removal of
Difficulties | 53. | <p>(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 under sub-section (1) shall be made after the expiration of a period of two years from the Commencement of this Act.</p> <p>(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State legislature.</p> |

By Order,

RAMESH CHANDRA KHULBE,
Principal Secretary.

उद्देश्य एवं कारणों का कथन

जनपद पीड़ी गढ़वाल के विकासखण्ड पोखड़ा में हिमालयन गढ़वाल विश्वविद्यालय की स्थापना का लक्ष्य उत्तराखण्ड के पर्वतीय क्षेत्र के गरीब बच्चों को उच्च शिक्षा प्रदान करना एवं क्षेत्र में रोजगार के संसाधन उपलब्ध कराना।

2- प्रस्तुत विधेयक उक्त उद्देश्य की पूर्ति करता है।