

No. 343/XXXVI(3)/2015/82(1)/2014

Dated Dehradun, January 19, 2015NOTIFICATIONMiscellaneous

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 Motherhood University Bill, 2014' (Adhiniyam Sankhya 05 of 2015).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 07 January, 2015.

THE MOTHERHOOD UNIVERSITY ACT, 2014

(Uttarakhand Act No. 05 of 2015)

An

Act

to establish and incorporate a Private University in the name of "Motherhood University" at Roorkee promoted by Institute of Management & Technology Society registered under Societies Registration Act, 1860 at Roorkee, Uttarakhand to provide and facilitate education, training and research in the areas of Technical education, Higher education, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences and other areas of education.

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

CHAPTER-1**Preliminary**

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| Short title and Commencement | 1. (1) This Act may be called the "Motherhood University" Act, 2014.
(2) It shall be deemed to have come into force on the date, the notification is issued by State Government in the Official Gazette. |
| Definitions | 2. In this Act, unless the context otherwise required:-
(a) "Academic Council" means the Academic Council of the University;
(b) "Authorities" means Authorities of the University;
(c) "Board of Governors" means the Board of Governors of the University; |

- (d) "Board of Management" means the Board of Management of the University;
- (e) "Board of Studies" means the Board of Studies of the University;
- (f) "Board of Examinations" means Board of Examinations of the University;
- (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 Examinations", and "Finance Officer" of the University;
- (h) "Campus" means the campus of the University;
- (i) "Constituent College" means a college or institution maintained by the University;
- (j) "Career Academy Centre" means such centre which is established, conducted and recognized by the University for the purposes of acceptance of 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 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 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 appointed 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) "Motherhood Institute of Management & Technology Society" means a society registered under The Society Registration Act, 1860, having registered office at MIMT Compound Vill- Karoundi, Post- Bhagwanpur, Roorkee, 247667;
- (w) "Promoting Society" means Motherhood Institute of Management & Technology Society, registered under The Society Registration Act, 1860;
- (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 from time to time;
- (aa) "Regional Centre" 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;
- (bb) "State" means State of Uttarakhand;
- (cc) "Statutes", "Rules" and "Ordinance" means, respectively, the "Statutes", "Rules" and "Ordinance" of the University made under this Act;
- (dd) "Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;
- (ee) "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 institution and includes the Principal/ Dean of the Constituent College;
- (ff) "UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;

(gg) "University" means the "Motherhood University" under this Act;

(hh) "Bodies" means the bodies of the University constituted by the relevant authorities;

(ii) "Visitor" means the Visitor of the University.

CHAPTER - II

The University and its Objects

Proposal for the Establishment of University

3. (1) The Promoting Society means Motherhood Institute of Management Technology Society, Roorkee, Uttarakhand shall have the right to establish the Motherhood 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 Society.
The proposal contained the following particulars, namely:-
 - (a) the objects of the University alongwith the details of Promoting Society;
 - (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 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 Society as well as the detail of financial resources;

- (l) the system for selection of students to the courses of study at the University;
- (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 University

4. (1) Where the State Government, after such inquiry is satisfied that Promoting Society, has fulfilled the conditions, norms and requirements for establishment of Motherhood University, hence a University to be known as Motherhood University is hereby established.
- (2) The University shall be a body corporate by the name "Motherhood University" and shall have a perpetual succession and a common seal and shall sue and be sued by its name.
- (3) (a) The main campus of the University shall be at Roorkee, Uttarakhand. It may also have Campuses or regional centers, study centers at other places provided that the procedures established by the UGC and other statutory bodies shall be complied with. 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 can 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 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 Roorkee.
- (4) The Chancellor, the Pro-Chancellor, the Vice-chancellor, Pro-Vice Chancellor, Registrar, members of the Board of Governors, members of Board of Management and the Academic Council 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 Society, for the purpose of the University shall stand transferred to, and vest in 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 center, study center 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. However the University shall be entitled to receive any such grant which may be granted under any special scheme of the State Government or any other body or corporation. This shall have no effect on the self-finance status of the University.
- No Power to Affiliate Any Institution** 6. The University may have off-campus centers, Constituent Colleges, Regional Centres, Study Centres and Career Academic Centres but shall have no power to admit any other college or institution to the privileges of affiliation.
- Objects of the University** 7. The objectives for which the University is established areas follows:-
- (a) to provide instructions, teaching, training and research in all disciplines pertaining to Technical education, Higher education, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences and other areas of education;
 - (b) to establish campuses or Constituent Colleges of Technical education, Higher education, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences 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 Grants Commission but the University shall, have the right to start other diploma and certificate courses in furtherance of its Objectives;
 - (c) to establish a Constituent Centre for Continuing Education to provide instructions through the distance learning methodology for the courses mentioned in programs as given in clause (b) above;
 - (d) to establish examination centres;
 - (e) to institute degrees, 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 innovations in the Technical education, Higher education, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences and other areas of education through Seminars, conferences, 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 set up Off-shore campuses as per the provision laid down by UGC,
- (i) to pursue any other objective as may be approved by the Board of Governors within the rules of the State Government and UGC;

**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, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences 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 examinations for, and to institute grant and confer degrees or other academic distinctions to, and on, persons, who:
 - (1) 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; or
 - (2) have carried on research in the University or in a constituent body or under its distance education center;
 - (d) to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes/Provisions;
 - (e) to institute and award fellowships, scholarships and prizes 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 regard the guidelines of the State Government and UGC as applicable from time to time shall be followed;
- (h) to make provisions for extra curricular activities for students and employees;
- (i) to make appointments of faculty, officers and employees of the university or a Campus College, Constituent College, Regional Centres, Study Centres, Research Centres, Career Academy Centre;
- (j) 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, Study Centre and Career Academy Centre with prior permission of the Promoting Society;
- (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, Organizations, 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 the 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, evaluators and other academic staff;
- (q) to determine standards of admission to the University or a Constituent College, Regional Centres, Study Centres, with the approval of Academic Council;

- (r) to make special provision for permanent resident 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 as per merit;
 - (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, Medical and Dental education, Legal education, Aviation education, Social Sciences, General Sciences and 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 Society;
 - (u) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, DVD and other softwares;
 - (v) to recognise 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 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 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 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 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, castes, creed and 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 permanent resident 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 or Career Academy 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

- University's Officers** 11. The following shall be the officers of the University; namely:-
- the Visitor;
 - the Chancellor;
 - the Pro-Chancellor;
 - the Vice-Chancellor;
 - the Pro Vice-Chancellor;
 - the Registrar;
 - the Deans of Faculties;
 - the Finance Officer; and
 - 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:-
- To call for information relating to the affairs of the University;
 - 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, Regulations, Statutes, 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 by all concerned.

(c) Every proposal for the conferment of an honorary degree shall be subject to the approval of the Visitor.

**The
Chancellor**

13. (1) The Chancellor may be appointed from amongst or by 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 Pro-
Chancellor**

14. (1) The Pro-Chancellor may be appointed from amongst or by the members of the Promoting Society.

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

**The Vice-
Chancellor**

15. (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 Board of Governors from a panel of three 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 the Promoting Society, who shall be the convenor of the committee.

(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 Board of Governors alongwith 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 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) 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.

- (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.
- (7) 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.
- The Pro-Vice Chancellor** 16. A Pro-Vice-Chancellor may be appointed by the Chancellor with prior approval of the Board of Governors in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes.
- The Registrar** 17. (1) The Registrar shall be appointed by the Chancellor in such manner and on such terms and conditions as may be prescribed.
- (2) All contracts shall be entered into and signed by the Registrar on behalf of the University.
- (3) The Registrar shall have the 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.
- (4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.
- Deans of Faculties** 18. 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** 19. 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 Statutes.
- Other Officer** 20. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER - IV

Authorities of the University

- Authorities of the University** 21. 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**

22. (1) The Board of Governors shall consist of:-
- (a) Chairman and Co-chairman (if any) of the Board of Governors shall be nominated from amongst the members of the Promoting Society;
 - (b) The Chancellor - Vice Chairman;
 - (c) The Vice-Chancellor - Member Secretary;
 - (d) Two Academicians nominated by the Visitor;
 - (e) Principal Secretary/Secretary to the State Government in the Higher Education Department ;
 - (f) Five members nominated by the Promoting Society;
 - (g) Two members nominated by the Chairman, Promoting Society from reputed higher education institutions;
 - (h) Two members nominated by the Chairman, Promoting Society 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 Act, 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 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**

23. (1) The Board of Management shall consist;namely:-
- (a) The Vice-Chancellor - Chairman;
 - (b) The Pro Vice-Chancellor, if any;

- (c) One member nominated by the Chancellor;
- (d) Five members, nominated by the Institute of Management & Technology Society, Roorkee;
- (e) Two Professors of the University, by rotation as nominated by the Chancellor;
- (f) Two Deans of the faculties, by rotation as nominated by the Chancellor;
- (g) Principal Secretary/Secretary to the State Government of the Higher Education Department;
- (h) 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 Statutes.

The Academic Council

24. (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 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

25. (1) The Finance Committee shall consist of, namely:-
- (a) the Vice-Chancellor - Chairman;
 - (b) the Finance Officer - Secretary;
 - (c) Principal Secretary/Secretary to the State Government of the Higher Education Department;
 - (d) such other members as may be prescribed in the Statutes.
- (2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, 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** 26. 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** 27. 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** 28. Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and staff, as follows:-
- transaction of business of the Authorities of the University and procedure of constitution of such units, which is not specified in this Act;
 - the operation of the permanent endowment fund, the general fund and the development fund;
 - the terms and conditions of appointment of the Vice-Chancellor, Pro Vice-Chancellor, Registrar and the Finance Officer and their powers and functions;
 - the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;
 - resolving disputes between the University and its officers, faculty members, employees and students;
 - creation, abolition or restructuring of departments and faculties;
 - the manner of co-operation with other Universities or institutions of higher learning;
 - conferment of honorary degrees;
 - grant of freeships and scholarships;
 - 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;
 - the fee chargeable from students for various courses of studies;
 - institution of fellowships, scholarships, studentships, freeships, medals and prizes;
 - creation and abolition of posts;
 - disciplinary action against students/ employee of the University;

- (o) other matters which may be prescribed and deemed necessary for framing of the Statutes.
- (p) appointment of the chancellor his power and functions;

Statutes how made	29. (1) The first Statutes made 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	30. 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	31. 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 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) 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 among the students of 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 rules under the Act.

- Rules how made** 32. (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 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** 33. The Board of Governors may, with the approval of the State Government, make new or additional rules or amend or repeal the Rules.

CHAPTER-VI

Miscellaneous

- Provisions for Permanent Resident of Uttarakhand** 34. (1) For admission in various courses conducted by the University, 40 percent seats shall be reserved for the permanent residents of State of Uttarakhand, and if the reserved seats are vacant, then the said vacant seats may be filled by the other candidates.
- (2) For tuition fees fixed for various courses conducted by the University, 26 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) All posts of Group 'C' and 'D' employees shall be filled by the permanent residents of the State of Uttarakhand.
- Conditions of Service of employees** 35. (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 anything contained in this Act, 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 Act or otherwise.
- Right to appeal** 36. Every employee or student of the University or of a Constituent College, Regional Centre, Study Centre and Career Academy Centres shall, notwithstanding anything contained in this Act, have a right to appeal

within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the Principal of any such Constituent College, Regional Centre, Study Centre and Career Academy Centres, as the case may be, and there upon the Board of Management may confirm, modify or change the decision appealed against.

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| Provident Fund and Pensions | 37. | 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 | 38. | 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 | 39. | 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 | 40. | 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 | 41. | 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 | 42. | Notwithstanding anything contained in any other provisions of this Act and the Statutes: <ul style="list-style-type: none"> (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 three 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** 43. The University shall establish a permanent endowment fund of Rs. Five 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** 44. (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 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 expenditure of the University.
- Development Fund** 45. (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 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;
 - (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** 46. The funds established under sections 43, 44 and 45 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** 47. (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 31 December following close of the financial year in 31 March each year.
- Account and Audit** 48. (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 Governors shall forward the same to the Visitor and the State Government alongwith its observations thereon before the 31st December each year.
- Mode of proof of University record** 49. 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 thereof would, if produced, have been admissible in evidence.
- Dissolution of University** 50. (1) If Promoting Society proposes dissolution of the "Motherhood 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, is-discipline, failure in the accomplishment of the objects of University and economic hardships in the management systems of University, the State Government would issue directions to the management system of

University, if the directions are 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 will be initiated without affording a reasonable opportunity to show cause to the Promoting Society;

- (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 "Motherhood 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.
- (5) On the dissolution of the University, all the assets and liabilities of the University shall vest in the Promoting Society.

Expenditure of University during dissolution

51. (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.
- (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 met by disposing of the properties or assets of the University.

Removal of Difficulties

52. (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 Bill, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no notification order under sub-section (1) 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 may be after it is made, be laid before the State legislature.

By Order,

JAI DEO SINGH,
Principal Secretary.