

**The following Act of Parliament received the assent of the President on the 10<sup>th</sup> January, 2007, and is hereby published for general information:--**

**THE SIKKIM UNIVERSITY ACT, 2006  
No. 10 of 2007**

**[10<sup>th</sup> January, 2007.]**

**An Act to establish and incorporate a teaching and affiliating University in the State of Sikkim and to provide for matters connected therewith or incidental thereto.**

# THE SIKKIM UNIVERSITY

ACT, 2006 [No 10 of 2007]

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## **1. Short title and Commencement**

- (1) This Act may be called the Sikkim University Act, 2006.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

## **2. Definitions**

In this Act, and in all Statutes made hereunder, unless the context otherwise requires:-

- (a) “Academic Council” means the Academic Council of the University;
- (b) “Academic Staff” means such categories of staff as are designated as academic staff by the Ordinances;
- (c) “Affiliated College” means a college admitted to the privileges of the University;
- (d) “Board of Studies” means the Board of Studies of the University;
- (e) “Chancellor”, “Vice-Chancellor”, and “Pro-Vice-Chancellor” mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;
- (f) “College Development Council” means the College Development Council of the University;
- (g) “Constituent College” means a college maintained by the University;
- (h) “Court” means the Court of the University;
- (i) “Department” means a Department of Studies and includes a Centre of Studies;
- (j) “Distance education system” means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;
- (k) “Employee” means any person appointed by the University and includes teachers and other staff of the University;
- (l) “Executive Council” means the Executive Council of the University;
- (m) “Hall” means a unit of residence or of corporate life for the students of the University, or of a College or an Institution, maintained by the University;

- (n) “Institution” means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;
- (o) “Principal” means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice Principal duly appointed as such;
- (p) “Recognised teachers” means such persons as may be recognised by the University for the purpose of imparting instructions in a College or an Institution admitted to the privileges of the University;
- (q) “Regulations” mean the Regulations made by any authority of the University under this Act for the time being in force;
- (r) “School” means a School of Studies of the University;
- (s) “Statutes” and “Ordinances” mean, respectively, the Statutes and the Ordinances of the University for the time being in force;
- (t) “Teachers of the University” means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances;
- (u) “University” means the Sikkim University established and incorporated as University under this Act.

### **3. Establishment of the University**

- (1) There shall be established, in the State of Sikkim, a University by the name of “Sikkim University”.
- (2) The headquarters of the University shall be at Gangtok.
- (3) The First Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of “Sikkim University”.
- (4) The University shall have perpetual succession and common seal, and shall sue and be sued by the said name.

### **4. Objects of the University**

The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in humanities, natural and physical sciences, social sciences, forestry and other allied disciplines in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching-learning process, interdisciplinary studies and research; to educate and train manpower for the development of the State of Sikkim; and to pay special attention to the improvement of the social and economic

conditions and welfare of the people of that State, their intellectual, academic and cultural development.

## **5. Powers of the University**

The University shall have the following powers, namely:-

- (i) To provide for instructions in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;
- (ii) To grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (iii) To organize and to undertake extramural studies, training and extension services;
- (iv) To confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (v) To provide facilities through the distance education system to such persons as it may determine;
- (vi) To institute Principalships, Professorships, Readerships, Lecturerships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other teaching or academic positions;
- (vii) To recognize an Institution of higher learning for such purposes as the University may determine and to withdraw such recognition;
- (viii) To recognize persons for imparting instructions in any College or Institution admitted to the privileges of the University;
- (ix) To appoint persons working in any other University or educational institution as teachers of the University for a specified period;
- (x) To create administrative, ministerial and other posts and to make appointments thereto;
- (xi) To co-operate or collaborate or associate with any other University or authority or Institution of higher learning in such manner and for such purposes as the University may determine;
- (xii) To establish, with the prior approval of the Central Government, such centres and specialized laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (xiii) To institute and award fellowships, scholarships, studentships, medals and prizes;
- (xiv) To establish and maintain Colleges, Institutions and Halls;
- (xv) To make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organizations, as the University may deem necessary;
- (xvi) To organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

- (xvii) To admit to its privileges Colleges and Institutions within the State of Sikkim not maintained by the University; to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes; to recognize, guide, supervise, and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;
- (xviii) To appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;
- (xix) To confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;
- (xx) To determine standards of admission to the University, which may include examination, evaluation or any other method of testing;
- (xxi) To demand and receive payment of fees and other charges;
- (xxii) To supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;
- (xxiii) To lay down conditions of service of all categories of employees, including their code of conduct;
- (xxiv) To regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;
- (xxv) To make arrangements for promoting the health and general welfare of the employees;
  
- (xxvi) To receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties for the purposes of the University;
- (xxvii) To borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;
- (xxviii) To do all such other acts and things as may be necessary, incidental or conducive, to the attainment of all or any of its objects.

## **6. Jurisdiction**

- (1) The jurisdiction of the University shall extend to the whole of the state of Sikkim.
- (2) Notwithstanding anything in any other law for the time being in force, no educational institution within the State of Sikkim shall be associated in any way with or be admitted to any privileges of any other University incorporated by law in India, and any such privileges granted by any such other University to an educational institution within the State of Sikkim prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act:

Provided that the Central Government may, by order in writing, direct that the provisions of this sub-section shall not apply in case of any educational institution specified in the order.

## **7. University open to all classes, castes and creed**

The university shall be open to persons of either sex and whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and Scheduled Tribes.

## **8. The Visitor**

- (1) The President of India shall be the Visitor of the University.
- (2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges and Institutions maintained by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.
- (3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College or Institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.
- (4) The Visitor shall, in every matter referred to in sub-section (3), give notice of his intention to cause an inspection or inquiry to be made:-
  - (a) to the University, if such inspection or inquiry is to be made in respect of the University or any College or Institution maintained by it, or
  - (b) to the management of the College or Institution, if the inspection or inquiry is to be made in respect of College or Institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the management shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and receipt of address made by the Visitor, the Vice-Chancellor shall communicate, to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any College or Institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the management, as the case may be, shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(10) Where the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he may think fit and the Executive Council or the management, as the case may be, shall comply with such directions.

(11) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such orders, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(12) The Visitor shall have such powers as may be prescribed by the Statutes.

## **9. The Chief Rector**

The Governor of the State of Sikkim shall be the Chief Rector of the University.

## **10. Officers of the University**



The following shall be the officers of the University:-

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellor;
- (4) The Deans of Schools;
- (5) The Registrar;
- (6) The Finance Officer;
- (7) The Controller of examinations;
- (8) The Librarian; and
- (9) Such other officers as may be declared by the Statutes to be officers of the University.

### **11. The Chancellor**

- (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.
- (2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

### **12. The Vice-Chancellor**

- (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.
- (3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer that matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

- (4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the

Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

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

### **13. The Pro-Vice-Chancellor**

The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

### **14. The Deans of Schools**

Every Dean of School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

### **15. The Registrar**

(1) The Registrar shall be appointed in such manner and on such terms and conditions or service as may be prescribed by the statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

### **16. The Finance Officer**

The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

### **17. The Controller of Examinations**

The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

### **18. The Librarian**

The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

## **19. Other Officers**

The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

## **20. Authorities of the University**

The following shall be the authorities of the University:-

- (1) The Court;
- (2) The Executive Council;
- (3) The Academic Council;
- (4) The College Development Council;
- (5) The Board of Studies;
- (6) The Finance Committee; and
- (7) Such other authorities as may be declared by the Statutes to be the authorities of the University.

## **21. The Court**

(1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be elected from among the teachers, employees and students of the University.

(2) Subject to the provision of this Act, the Court shall have the following powers and functions, namely:-

- (a) To review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
- (b) To consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts;
- (c) To advise the Visitor in respect of any matter which may be referred to it for advice; and
- (d) To perform such other functions as may be prescribed by the Statutes.

## **22. The Executive Council**

(1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers

and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

### **23. The Academic Council**

i) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Acts, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

ii) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court who are teachers of the University.

### **24. The College Development Council**

(1) The College Development Council shall be responsible for admitting Colleges to the privileges of the University.

(2) The constitution of the College Development Council, the term of Office of its members and its powers and functions shall be prescribed by the Statutes.

### **25. The Board of Studies**

The Constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.

### **26. The Finance Committee**

The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

### **27. Other authorities of the University**

The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

### **28. Power to make Statutes**

Subject to the provision of the Act, the Statutes may provide for all or any of the following matters, namely:-

- (a) The constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;
- (b) The appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- (c) The appointment, powers and duties of the officers of the University and their emoluments;
- (d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;
- (e) The recognition of persons as recognized teachers;
- (f) The appointment of teacher, academic staff working in any other University or organization for a specific period for undertaking a joint project;
- (g) The conditions of service of employees including provision for pension, insurance, provident fund, manner of termination of service and disciplinary action;
- (h) The principles governing the seniority of service of the employees of the University;
- (i) the procedure for arbitration in cases of dispute between employees or students and the University;
- (k) The conferment of autonomous status on a College or an Institution or a Department;
- (l) The establishment and abolition of Schools, Departments, Centres, Halls, Colleges and Institutions;
- (m) The conferment of honorary degrees;
- (n) The withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (o) The conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;
- (p) The management of Colleges and Institutions established by the University;
- (q) The delegation of powers vested in the authorities or officers of the University;
- (r) The maintenance of discipline among the employees and students; and
- (s) All other matters which by this Act are to be or may be provided for by the Statutes.

## **29. Statutes how to be made**

- (1) The first Statutes are those set out in the Schedule.
- (2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-sections (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both House of Parliament.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

### **30. Power to make Ordinances**

(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-

(a) The admission of the students to the University and their enrolment as such;

(b) The courses of the study to be laid down for all degrees, diplomas and certificates of the University;

(c) The medium of instruction and examinations;

(d) The award of degrees, diplomas, certificates and other academic distinctions the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) The fees to be charged for the courses of the study in the University and for admission to the examinations, degrees and diplomas of the University;

- (f) The conditions for award of fellowships, scholarships, studentships, medals and prizes;
- (g) The conduct of examinations, including the term of office and manner of appointment and duties of examining bodies, examiners and moderators;
- (h) The condition of the residence of the students of the University;
- (i) The special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (j) The establishment of Centres of Studies, Boards of Studies, Specialised Laboratories and other Committees;
- (k) The manner of co-operation and collaboration with other universities, institutions and other agencies not involving the carrying on of any activity for profit including learned bodies or associations;
- (l) The creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (m) The institution of fellowships, scholarships, studentship, medals and prizes;
- (n) The supervision of management of Colleges and Institutions admitted to the privileges of the University;
- (o) The setting up of a machinery for redressal of grievances of employees; and
- (p) All other matters which by this Act or the Statutes, are to be or may be, provided by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

### **31. Regulations**

The authorities of the University may make Regulations, consistent with this Act, the Statutes and the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

### **32. Annual Report**

(1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

### **33. Annual Accounts**

- (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorize in this behalf.
- (2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.
- (3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.
- (4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.
- (5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

### **34. Returns and Information**

The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

### **35. Conditions of service of employees**

- (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.
- (2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the employee concerned and an umpire appointed by the Visitor.
- (3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under Articles 32 and 226 of the Constitution.

- (4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996 (26 of 1996)
- (5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.



### **36. Procedure of appeal and arbitration in disciplinary cases against students**

(1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2),(3),(4) and (5) of section 35 shall, as far as may be, apply to a reference made under this sub-section.

### **37. Right to appeal**

Every employee or student of the University or of a College or Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

### **38. Provident and pension funds**

(1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 to 1925), shall apply to such fund, as if it were a Government provident fund.

### **39. Disputes as to constitution of authorities and bodies**

If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

#### **40. Filling of casual vacancies**

All casual vacancies among the members (other than ex-officio member) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

#### **41. Proceeding of authorities or bodies not invalidated by vacancies**

No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

#### **42. Protection of action taken in good faith**

No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

#### **43. Mode of proof of University record**

Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

#### **44. Power to remove difficulties**

(1) If any difficulty arises in giving effects to the provisions of this Act, the Central Government may, by order published in the Official Gazette, 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 such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effects only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

#### **45. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament**

(1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session of the successive sessions aforesaid, both Houses agree in making any modifications in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

#### **46. Transitional provision**

Notwithstanding anything contained in this Act and Statutes:-

- (a) The first Chancellor and first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;
- (b) The first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for the term of three years;
- (c) The first Court and the first Executive Council shall consist of not more than thirty-one members and eleven members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;
- (d) The first College Development Council shall consist of not more than eleven members, who shall be nominated by the Visitor and they shall hold office for a term of three years;
- (e) The first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and they shall hold office for a term of three years;

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.