

Bihar Agricultural University Act, 2010

12 of 2010

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SCHEDULE 1 :- SCHEDULE

Bihar Agricultural University Act, 2010

12 of 2010

PREAMBLE

An Act to establish and incorporate an University for the Development of Agricultural and Allied Sciences in the State of Bihar.

Be it enacted by the legislature of the state of Bihar in the sixty one year of the Republic of India as follows:-

- 1. Published in Bihar Gazette (Ex. order) No. 271, dated 16 April, 2010

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

- (1) This Act may be called the Bihar Agricultural University Act, 2010.
- (2) It shall extend to the whole of the State of Bihar.
- (3) It shall come into force on such date as the Government may appoint by notification in the Government Gazette.

2. Definitions :-

In this Act and all Statutes and Regulations made there under, unless the context otherwise requires:—

- (1) "Academic Council" means the Academic Council of the University.
- (2) "Act" means the Bihar Agricultural University Act, 2010.
- (3) "Agriculture" includes the disciplines of:
 - (a) Natural Resource Management;
 - (b) Crop Improvement including Production and Protection;
 - (c) Horticulture;
 - (d) Veterinary, Animal Sciences and Fisheries;
 - (e) Dairy Sciences and Technology;
 - (f) Forestry;
 - (g) Agricultural Engineering and Technology;
 - (h) Food Technology;
 - (i) Home Science;
 - (j) Agri-business Management;
 - (k) Agricultural Bio-technology;
 - (l) Basic Sciences and Humanities in relation to Agriculture;
 - (m) Any other subject related to Agriculture, and allied sciences applicable for management and socio-economic upliftment of the rural communities.
- (4) "Authority" means any authority of the University as specified in this Act;
- (5) "Board" means Board of Management (BOM) of the University;
- (6) "Board of Studies" means academic affairs committee at faculty level;
- (7) "College" means a Constituent College of the University;
- (8) "Chancellor" means Chancellor of the University;
- (9) "Comptroller" means Comptroller of the University;
- (10) "Dean" means Head of a Constituent College;
- (11) "Dean of the Faculty" means Head of a Faculty
- (12) "Department" means Department of the Faculty;

- (13) "Director" means and includes Director of Resident Instruction, Director of Research, and Director of Extension Education;
- (14) "Faculty" means Faculty in the University as specified in the Act and the Statutes.
- (15) "Government" means Government of Bihar;
- (16) "Governor" means the Governor of the State of Bihar;
- (17) "Head" means Head of the College /Department;
- (18) "KVK" means Krishi Vigyan Kendra under the jurisdiction of the University;
- (19) "Officer" means an officer of the University as specified in the Act/ Statutes;
- (20) "Prescribed" means provision as set forth in the Act/Statutes/ Regulations of the University;
- (21) "Registrar" means Registrar of the University;
- (22) "Scheduled Castes" means the Scheduled Castes specified in Part III to the Schedule to the Constitution (Scheduled Castes) order, 1950;
- (23) "Scheduled Tribes" means the Scheduled Tribes specified in Part III to the Schedule to the Constitution (Scheduled Tribes) Order, 1950;
- (24) "Statutes", Regulations and Rules means respectively the Statutes; Regulations and Rules of the University for the time being in force;
- (25) "Student" means the person admitted and enrolled in a Constituent College/faculty of the University for taking a course of study for a degree, diploma or other academic Programmes duly instituted;
- (26) "Teacher" means a person not below the rank of Assistant Professor appointed or recognized by the University for the purpose of imparting instruction and/or conducting and guiding research and/or extension education programmes, and may include any other person who may be declared by the Statutes to be a teacher with minimum prescribed qualifications.
- (27) "Unit" means and includes service units of the University;
- (28) "University" means Bihar Agricultural University;
- (29) "Vice-Chancellor" means Vice-Chancellor of the University;

CHAPTER 2 THE UNIVERSITY

3. Establishment and Incorporation of the University :-

(1)The following University shall be established with effect from the date of enforcement of this Act:—

(i) The Bihar Agricultural University with the Headquarters at Sabour, District Bhagalpur having its jurisdiction over the whole State of Bihar.

(ii) All Colleges, Research and Experimental Stations, Krishi Vigyan Kendras or other Institutions mentioned in Schedule-I shall be its constituent units under the full management and control of its officers and authorities and no such units shall be recognized as affiliated units. The State Government shall have power to add or delete any institution to/from Schedule I.

(2) The University shall consist of a Chancellor, a Vice-Chancellor, Board of Management, Academic Council and other authorities and officers and constituent bodies as set forth in this Act or as provided in the Statutes.

(3) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The University shall be competent to acquire and hold property, both movable and immovable, lease, sell or otherwise transfer any movable or immovable property which may have become vested in or has been acquired by it for the purpose of a University, and to borrow money from the Central Government, State Government or any corporate body approved by the State Government and to contract and do all other things necessary for the purpose of this Act:

Provided that the University shall not lease, sell or otherwise transfer any immovable property transferred to it by the State Government without the prior approval of the State Government.

(5) In all suits and other legal proceedings by or against the University, the pleading shall be signed and verified by the Registrar or by the Law Officer or any other officer as authorized by the Vice-Chancellor and all processes in such suits and proceedings shall be issued to and served on the Registrar/Law Officer.

4. Territorial Jurisdiction and Constituent Bodies :-

(1) With respect to teaching at the University or college level, research, and extension education programmes in the field of agriculture and its allied fields broadly defined in this Act, the territorial jurisdiction and responsibility of the University shall extend to the area as mentioned in Section 3 (1) (i) and (ii).

(2) All Colleges, Research Stations, KVKs and other institutions coming under the jurisdiction and authority of the University shall

come in as constituent units of the University under the full management and control of the University officers and authorities. No unit shall be recognized as an affiliated unit.

(3) The University may assume responsibility for the establishment, development and operations of its constituent bodies in the territorial jurisdiction as may be required.

(4) The University shall have authority throughout its jurisdiction to provide for, instruction, teaching, research, extension education and training in Agriculture & allied subjects in the State.

(5) No University other than those Agricultural Universities already existing in the State or is established by an Act of the Government of Bihar or the Government of India, to which this Act relates shall be competent to award any degree in Agriculture in the State except in the discipline of Home Science.

(6) The University may have collaborative research project with other Universities set up under this Act or otherwise or with other institutions in subjects of common interest.

5. Objectives of the University :-

The University shall be established and incorporated for the following purposes:—

(1) Making provision for imparting education in different branches of Agriculture and any other allied branches of learning and scholarship which the University may find necessary to include;

(2) Furthering the advancement of learning and conducting of research in Agriculture;

(3) Undertaking extension education activities for the welfare of people of State;

(4) Promoting partnership and linkages with National and International educational institutions;

(5) Such other purposes as the University or the State Government may from time to time determine.

6. Admission to the University :-

(1) The University shall, subject to the provisions of this Act and the statutes, be open to all persons:

Provided that nothing in this section, shall require the University to admit to any course of study any person who do not meet the prescribed academic requirements/ standards for admission or to retain on the rolls of the University, persons whose academic records are below the minimum standards required for the award of

a degree or whose personal conduct is such as to be inimical to the purpose of the University or to the appropriate rights and privileges of other students and staff.

(2) Subject to the provisions under sub section (1), the University shall reserve seats for Scheduled Castes, Scheduled Tribes and other categories specified by the Government:

Provided that no such person shall be entitled to be admitted to the University unless he or she meets the standards prescribed in respect of such candidates.

(3) A. University may admit to any course of study a large number of students that can be accommodated in the available faculties of the University or in a particular college or department as determined by the Academic Council*.

7. Powers and functions of the University :-

A. University shall have the following powers and functions:—

(1) to provide for undergraduate and postgraduate instructions in Agriculture and other allied areas as the university may deem fit;

(2) to provide for conduct of research in agriculture and its allied branches;

(3) to provide for dissemination of the findings of research and technical information through extension education programme;

(4) to institute degree, diploma and other academic distinctions;

(5) to institute courses of study and hold examinations and confer degree, diploma, certificates and other academic distinctions on persons who have:—

(i) pursued courses of study as prescribed, and

(ii) carried out research in the University or institution recognized in this behalf by the University as may be prescribed;

(6) to confer honorary degrees and other distinctions as may be prescribed;

(7) to provide lectures and instructions for field workers, farmers other persons not enrolled as regular students of the University and to grant certificate to them as may be prescribed;

(8) to have collaboration in academic, research and extension education programmes with other Universities, ICAR Institutes and Public and Private R&D Organizations/Institutions;

(9) to acquire, hold and retain property, both movable and immovable which may have become vested or have been acquired by it for the purpose of the University;

(10) to establish and maintain colleges/faculties, Research Stations/

Laboratories, KVKs and other units thereof relating to agriculture and allied Sciences;

(11) to create teaching, research and extension education posts with the prior approval of the State Government and to appoint persons to such posts;

(12) to create administrative and other posts with the prior approval of the State Government and to appoint persons to such posts;

(13) to institute and award fellowship, scholarships, stipends, prizes in accordance with the Statutes;

(14) to fix, demand and receive such fees and other charges as may be prescribed;

(15) to institute and maintain residential accommodations for students and staff of the University as appropriate;

(16) to supervise and control the residence, conduct and discipline of the students of the University, and to make arrangement for promoting their health and welfare.

(17) to determine qualifications for teachers and to recognize persons as qualified to give instruction or to carry out research and extension education in Agriculture and allied sciences.

(18) to do all such acts and things whether incidental to the powers aforesaid or not as may be required in order to further the objectives of the University.

CHAPTER 3 AUTHORITIES OF THE UNIVERSITY

8. Authorities of the University :-

The following shall be the authorities of the University namely:-

(1) Board of Management;

(2) Senate;

(3) Academic Council;

(4) Faculties and their Board of Studies;

(5) Such other bodies of University as may be declared by the Statutes to be authorities of University;

9. Board of Management and its Constitution :-

(1) The Board of Management shall be the Chief Executive body of the University and shall consist of the following persons:—

(i) The Vice-Chancellor -Chairperson;

(ii) Agriculture Production Commissioner/Principal Secretary/
Secretary, Department of Agriculture, Government of Bihar;

- (iii) Principal Secretary/ Secretary, Finance Department of the State Government;
 - (iv) Principal Secretary/Secretary, Department of Animal and Fisheries Resources;
 - (v) Director, Agriculture;
 - (vi) Director, Horticulture;
 - (vii) One eminent educationist (not below the rank of Professor) from the field of Agriculture and allied Sciences to be nominated by the State Government;
 - (viii) Two representatives of State Legislature to be nominated by the State Government;
 - (ix) One outstanding woman social worker having background of rural advancement to be nominated by the State Government;
 - (x) One progressive farmer from the jurisdiction of the University to be nominated by the State Government;
 - (xi) One distinguished agro-industrialist to be nominated by the State Government;
 - (xii) One representative from the Indian Council of Agricultural Research (ICAR) to be nominated by the Director General, ICAR;
 - (xiii) One Director to be nominated by the Vice-Chancellor in rotation as prescribed in the Statutes;
 - (xiv) One Dean to be nominated by the Vice-Chancellor in rotation as prescribed in the Statutes;
 - (xv) One Chairman of the Post-Graduate Department to be nominated by the Vice-Chancellor in rotation as prescribed in the Statutes;
 - (xvi) Registrar - Secretary.
- (2) The term of the office of the Members of the Board other than the ex-officio members shall be two years.
- (3) When a vacancy occurs in the office of any member by the reason of death, resignation or any cause other than the expiry of term, the vacancy shall be filled in accordance with the provisions of this section and the person who fills such vacancy shall hold office for the residue of the term for which the person whose place he/she fills would have been a member.
- (4) No action or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.
- (5) One third of the members of the Board shall form quorum at a meeting of the Board:
- Provided that if a meeting of the Board is adjourned for want of quorum, no quorum shall be necessary at the next meeting called

for transacting the same business.

(6) Normally the Board shall on dates to be fixed by the Vice-Chancellor meet at least twice a year. However, Vice-Chancellor may whenever, he thinks fit and shall, upon the requisition in writing signed by not less than five members of the Board, convene a special meeting of the Board.

10. Powers and Functions of the Board of Management :-

The Board of Management shall exercise the following powers and shall perform the following duties, namely:—

- (i) Frame, amend and repeal the Statute/Regulations in the manner prescribed under this Act;
- (ii) Review and consider the financial requirements and estimates for the University and approve its budget;
- (iii) Approve the recommendation for appointment of officers, teachers and other staff of the University ;
- (iv) to accept or transfer any property on behalf of the University;
- (v) to administer funds placed at the disposal of the University for the purpose intended;
- (vi) to arrange for the investment and withdrawal of the funds of the University;
- (vii) to accept on behalf of the University trusts, bequests and donations;
- (viii) to consider and approve the recommendations of the Academic Council where required;
- (ix) to direct the form and use of the common seal of the University;
- (x) to appoint such committees and bodies as it may deem necessary and set down the terms of reference thereof in accordance with the provisions of this Act and the Statutes;
- (xi) to consider and approve establishment, amalgamation and abolition of Colleges, Department, Centre or Research Station/sub-station on the recommendation of Academic Council. New college / faculty shall be established only after prior approval of the State Government.
- (xii) to create teaching, research and extension education posts with the prior approval of the State Government.

11. The Senate :-

- (1) The Senate shall consist of the following persons, namely:—
Ex-officio members

- (i) Chancellor: Chairman
 - (ii) Vice-Chancellor : The Vice-Chancellor, in the absence of the Chancellor, shall preside the Senate;
 - (iii) Agriculture Production Commissioner or the Agriculture Secretary in his absence;
 - (iv) Principal Secretary, Food & Consumer Protection Department Government of Bihar;
 - (v) Special or Additional or Joint Secretary of the Department of Agriculture, Government of Bihar;
 - (vi) Special or Additional or Joint Secretary of the Department of Animal Husbandry, Government of Bihar.
 - (vii) Chief Conservator of Forest, Bihar;
 - (viii) Director of Agriculture, Bihar, Patna
 - (ix) Director of Animal Husbandry, Bihar;
 - (x) Director of Fisheries, Bihar;
 - (xi) Joint Director of Agriculture, Education, Bihar, Patna;
 - (xii) Director, Research, Bihar Agricultural University ;
 - (xiii) Director, Extension Education to the University;
 - (xiv) All Deans of Faculties;
 - (xv) All Principals of Constituent Colleges and all Director of Research Institutes;
- Representative Members.
- (xvi) Seven persons to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;
 - (xvii) Two persons to be elected by and from amongst the members of the Bihar Legislative Council in such manner as may be prescribed by the Chairman of the Council;
 - (xviii) Six Teachers, other than Principals and Deans of faculties having at least five years teaching experience to be nominated in the manner prescribed by Statutes so as to give representation to all the Constituent Colleges of the University;
 - (xix) Two persons one each to be nominated by the Bihar Fruit & Vegetable Development Corporation and COMFED;
 - (xx) One representative of the employees of the University (other than teacher) to be elected in the manner prescribed;
 - (xxi) Two farmers to be nominated by the State Government;
 - (xxii) Two eminent Agricultural Scientists to be nominated by the Chancellor;
 - (xxiii) One meritorious student to be nominated by the Vice-Chancellor in the manner prescribed by the statutes;
- (2) The term of the office of members of the senate, other than ex-

officio members shall be for a period of two years with effect from the date of their respective elections or nominations, as the case may be and shall include any further period which may elapse between the expiration of the said period of two years and the date of the next succeeding election or nomination, as the case may be not being an election or nomination to fill up a casual vacancy:

Provided that a member elected or appointed as a representative of a body shall be deemed to have vacated office with effect from the date on which he ceased to be a members of the said body which elected or appointed him.

(3) The Senate shall, on dates to be fixed by the Vice-Chancellor, meet twice in every year and these meetings shall be called the ordinary meetings of the Senate, one of which shall be declared by the Statutes to be the annual meeting of the Senate.

(4) The Vice-Chancellor may whenever he thinks fit and shall upon a requisition in writing signed by not less than one third of the total number of members of the senate convene a special meeting of the Senate.

12. The power and duties of the Senate :-

Subject to the provisions of this Act, the Senate shall have the following powers and functions:—

(i) To review the broad policies and programmes of the University and suggest measures for the improvement and development of the University;

(ii) To consider and pass resolution on the annual report, annual account, financial estimates and audit reports on such accounts of the University; and

(iii) To advice the Chancellor in respect of any matter which may be referred to it for advice.

13. Academic Council :-

(1) Academic Council shall consist of the following members—

(i) The Vice-Chancellor - Chairperson.

(ii) The Directors.

(iii) All Deans of the Faculty/Deans.

(iv) All Chairman, Post-Graduate Departments.

(v) Two Heads of the College Department from each faculty nominated by the Vice-Chancellor on rotational basis.

(vi) One teacher of the Professor rank from each faculty to be nominated by the Vice- Chancellor on rotational basis.

(vii) One eminent agriculture educationist from outside the University to be nominated by the Vice-Chancellor.

(viii) Registrar - Member Secretary. Comptroller and University Librarian shall be the non-member invitees.

(2) Academic Council may co-opt as members not more than two persons for such period and in such manner as may be prescribed so as to secure adequate representation of different sectors of agriculture and allied fields.

(3) All members of the Academic Council other than the ex-officio members and members referred in sub-section (2) shall hold office for a term of two years.

(4) One third of the members of the Academic Council shall form quorum at a meeting of the Council:

Provided that if a meeting of the Council is adjourned for want of quorum, no. quorum shall be necessary at the next meeting for the transaction of the same business.

(5) Normally the Academic Council shall meet once in each semester on such dates as may be fixed by the Vice-Chancellor. However, special meetings of the Academic Council can be called by the Vice-Chancellor.

14. Powers and Functions of the Academic Council :-

(1) The Academic Council shall, subject to provisions of this Act and the Statutes, have the power by regulations of prescribing all courses of study and determining curricula, and shall have control on teaching and other educational programmes within the University, and shall be responsible for the maintenance of standards thereof.

(2) It shall have power to make Regulations consistent with this Act and the Statutes relating to all academic matters subject to its control and to amend or repeal such regulations.

(3) In particular, and without prejudice to the generality of the foregoing power, the Academic Council shall have power:—

(i) To advise the Board and Vice-Chancellor on all academic matters.

(ii) To make recommendation regarding teaching, research and extension education.

(iii) To make recommendations for the institution of Professorships, Associate Professorships, Assistant Professorships and other teaching posts including posts in research and extension education and in regard to the duties thereof.

- (iv) To make recommendations for adjunct professorship.
- (v) To make recommendations for the establishment/amalgamation/abolition of Faculty, College, Department of teaching, research and extension education.
- (vi) To make Regulations regarding the admission of students to the University, and determine the number of students to be admitted.
- (vii) To make Regulations relating to the courses of study leading to degrees, diplomas and certificates.
- (viii) To make Regulations relating to the conduct of examinations and to maintain and improve standards of education.
- (ix) To make Recommendations to the Board regarding conferment of honorary degree.
- (x) To make recommendations regarding the qualifications to be prescribed for teachers in the University.
- (xi) To exercise such other powers and perform such other functions as may be conferred or imposed on it under the provisions of this Act, by the Board or Vice-Chancellor.

15. Faculties and Board of Studies :-

- (1) A University shall have such faculties as may be prescribed.
- (2) Each Faculty shall comprise of such department of study as may be prescribed by the Statutes.
- (3) Each faculty shall consist of such members and shall have such powers and perform such duties as may be prescribed by the Statutes.
- (4) Each faculty shall have Board of Studies consisting of the following members:
 - (i) Dean of Faculty/Dean - Chairperson
 - (ii) Deans of the Constituent Colleges of the faculty
 - (iii) All Chairman/Head of the Departments of the concerned faculty
 - (iv) One elder faculty member from each Department nominated by the Dean of Faculty
 - (v) A senior Head of the Department - Member Secretary
- (5) The functions of each faculty shall be as follows:
 - (i) To review teaching programme and suggest improvement thereof.
 - (ii) To consider the recommendations of the Committee of Courses and Curricula or similar body of department/faculty and submit to the Academic Council for approval.
 - (iii) To perform such other functions as may be assigned to it by

the Academic Council or Vice-Chancellor.

(6) Each post-graduate department of a University shall have a Chairman and each college department shall have a Head whose appointment, powers and duties shall be prescribed by the Statutes

16. Provisions in relation to Membership of Authorities :-

(1) Save as otherwise provided in this Act, if any member other than ex-officio member of any authority or body of the University, is unable by reason of his death, resignation, removal or otherwise to complete his full term of office, the vacancy so caused shall as soon as convenient, be filled by the appointment, nomination or co-option, as the case may be and the person so appointed, nominated or co-opted shall fill such vacancy for the unexpired portion of the term for which the member in whose place such person is appointed, nominated or co-opted would otherwise have continued in office.

(2) The Board may remove any person from membership of any authority or body of the University on the ground that such person has been convicted of any offence involving moral turpitude or conduct not befitting the office held by the concerned member with the approval of the Chancellor, except that prior approval of the Chancellor shall not be necessary where such a person has been convicted by a competent Court of law:

Provided that no such order shall be made against any person without giving reasonable opportunity of being heard.

(3) A person who is a Member of any authority or body of the University as a representative of another body whether of the University or not, shall cease to be a member of such authority or body if before the expiry of the term of his membership he ceases to be a member of that other body by which he was appointed or nominated.

(4) Whenever any person becomes a Member of any authority or body of the University by virtue of the office held by him, he shall forthwith cease to be a member of such authority or body if he/she ceases to hold such office before the expiry of the term of his membership:

Provided that he shall not be deemed to have ceased to hold his office merely by reason of his proceeding on leave for a period not exceeding four months.

(5) Any member, other than an ex-officio member of any authority or body of a University may resign his office by letter addressed to

the Vice-Chancellor and such resignation, upon acceptance, shall take effect from the date on which the same is submitted.

17. Validity and Protection of Act :-

(1) The University shall adhere to the Acts and Laws of the Union and the State.

(2) No act or proceeding of any authority or body of a University shall be invalid by reason of the existence of any vacancy among its members or by reason of some person having taken part in the proceedings who is subsequently found to have been not entitled to do so.

(3) Save as otherwise provided in this Act, all the acts done or orders made in good faith by the University or any of its authorities shall be final and no suit shall be instituted against or damages claimed from the University or its authority for anything done or purported to have been done in pursuance of this Act or the Statutes or the Regulations.

(4) No suit or other legal proceeding shall lie against any officer or other employee of the University in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any Statutes made thereunder.

CHAPTER 4 OFFICERS OF THE UNIVERSITY

18. Officers :-

The following shall be the officers of a University namely-

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Directors;
- (iv) The Deans;
- (v) The Registrar;
- (vi) The Comptroller;
- (vii) Such other persons in the service of the University as may be declared by the Statutes to be the Officers of the University.

19. The Chancellor :-

(1) The Governor of the State of Bihar shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall be the Head of the University and shall when present, preside at the Convocation of that University.

(3) Every proposal to confer an honorary degree shall be subject to

the confirmation of the Chancellor.

(4) The Chancellor may

(i) call for any paper for information relating to the affairs of the University; and

(ii) for reasons to be recorded, refer any matter except a matter falling under Section 42 for reconsideration to any officer or authority of the University that has previously considered such matter.

(5) The Chancellor may by an order in writing annul any order or proceeding of the officer or authority of the University which is not in conformity with this Act, the Statutes or the Regulation:

Provided that before making any such order he shall call upon the officer or authority concerned to show cause why such an order should not be made and if any cause is shown within the time specified in this behalf, he shall consider the same.

(6) The Chancellor shall exercise such powers and perform such other duties as are conferred on him by this Act or the Statutes.

(7) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University including its building, laboratories, libraries, museums, workshops and equipments and any institution, college or hostel maintained or administered by the University or the teaching and other work conducted by the University or in its auspices; and of the conduct of any other functionary of the University; and to cause any enquiry to be made in respect of any matter connected with administration and finances of the University.

(8) The Chancellor shall communicate to the University the view of the State Government with reference to the result of such inspection or enquiry and after ascertaining the opinion thereon of the University, advise the University, upon the action to be taken and fix a time limit for taking such action.

20. The Vice-Chancellor :-

(1) The Vice-Chancellor shall be a whole time officer of the University and he shall be appointed by the Chancellor from a panel of names recommended by the State Government. The State Government shall prepare a panel on the basis of the recommendations of the Search Committee. The Search Committee shall consist of the following Members:—

(i) One nominee of Director General, ICAR

(ii) One nominee of the State Government

(iii) One nominee of the Chancellor:

Provided that one of these Members shall be nominated by the State Government to act as Convener;

Nominee of the Government and the Chancellor shall be in the rank of Vice Chancellor or equivalent. The first Vice Chancellor of the University shall, however, be appointed by the State Government from eminent agricultural scientists.

(2) A person who has attained academic excellence and demonstrated leadership qualities in research, education and extension shall be eligible for candidature to the post of Vice Chancellor.

(3) Notice of Search Committee shall be widely publicized and go to all agricultural universities/institutes. The Search Committee will select and suggest a panel of the three names.

(4) Notwithstanding anything contained in sub-section (1) above the second and subsequent Vice-Chancellor shall be appointed by the Chancellor on terms and conditions as he may determine.

(5) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty five years, whichever is earlier. In case of vacancy of first Vice Chancellor created before five years the State Government shall appoint the Vice Chancellor for remaining period of five years.

(6) The Vice-Chancellor may relinquish his office by resignation in writing under his hand addressed to the Chancellor which shall be delivered to the Chancellor normally 60 days prior to the date on which the Vice-Chancellor wishes to be relieved from his office, but the Chancellor may relieve him earlier.

(7) In the event of a temporary vacancy of the post of Vice-Chancellor or his absence on leave or for any other reason, senior most Director/Dean of Faculty of the University, with the approval of the Chancellor, may perform the duties of the Vice-Chancellor but his period shall not exceed six months.

(8) The Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed on the ground of mis-behaviour or incapacity or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, after due inquiry by such person nominated by the Chancellor in which the Vice-Chancellor, shall have an opportunity of making his representation.

21. Powers and Duties of the Vice-Chancellor :-

(1) The Vice-Chancellor shall be the Principal Executive Officer of the University and ex-officio Chairman of the Board, Academic Council and other authorities and shall, in the absence of the Chancellor, preside at the Convocation of the University and confer degrees on persons entitled to receive them.

(2) The Vice-Chancellor shall exercise overall control over the affairs of the University and shall be responsible for due maintenance of discipline in the University.

(3) The Vice-Chancellor shall convene meetings of the Board of Management and Academic Council.

(4) The Vice-Chancellor shall ensure faithful observance of the provisions of this Act and Statutes and Regulations and he shall exercise such powers as may be necessary in this behalf.

(5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts to the Board of Management.

(6) The Vice-Chancellor may take any action in any emergency which in his opinion calls for immediate action. He shall in such case and as soon as may be thereafter report his action to the authorities who would ordinarily have dealt with the matter. If the authority disagrees with the action of the Vice-Chancellor the matter shall be referred to the Chancellor whose decision shall be final.

(7) Where any action taken by the Vice-Chancellor under sub-sections (6) affects any person in the service of the University to his disadvantage, such person may prefer an appeal to the Board within thirty days from the date on which such person has been served a notice of the action taken.

(8) If the Vice-Chancellor is satisfied that a decision of the Board is not in the best interest of the University, he shall refer it to the Chancellor whose decision thereon shall be final.

(9) Subject to the provisions of the preceding sub-sections, the Vice Chancellor shall give effect to the decisions of the Board regarding the appointments, promotions and dismissal of officers, teachers and other employees of the University.

(10) The Vice-Chancellor shall be responsible for the proper administration of the affairs of the University and for a close co-ordination and integration of teaching, research and extension.

(11) The Vice-Chancellor may appoint under intimation to the Board of Management, any suitable person temporarily for a period not exceeding six months in a vacancy of an officer of a University

referred to in clause (iii) to (vii) of Section-18.

(12) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed upon him under the provisions of this Act and the Statutes.

(13) The Vice-Chancellor, for a period of six months from the date of first enforcement of this Act may have the following extra powers:

(i) Subject to the approval of the Chancellor, to make the statutes under this Act to provide functioning of the University;

Provided, the Vice-Chancellor may adopt mutatis mutandis the Statutes existing before the commencement of this Act in the University;

(ii) With the prior approval of the Chancellor, to constitute provisional authorities and bodies and on their recommendation make Rules for the conduct of the work of the University;

(iii) Subject to the control of the Chancellor to make such financial arrangement and incur such expenditure as may be necessary to enable this Act or any part thereof to be brought into operation;

(iv) With the prior approval of the State Government, to make such appointments as may be necessary to enable this Act or any part thereof to be brought into operation;

(v) With the prior approval of the Chancellor to appoint committees that he thinks fit to discharge such of the functions as he may direct,

(vi) To exercise all or any of the powers conferred on the Board of Management by this Act or the Statutes.

22. Other Officers of the University :-

General Terms and Conditions: The Officers of the University referred to in clause (iii) to (vii) of Section 18 shall be appointed by the Vice-Chancellor with the approval of the concerned authority of the University on such terms and conditions as may be prescribed shall be the whole time Officer of the University. The salary and allowances and other conditions of service of such an officer shall be as prescribed by the Statutes.

23. Directors, Deans, Registrar, Comptroller etc :-

(1) Director of Resident Instruction-cum-Dean (PGS) shall be responsible for inter-faculty and inter-departmental -co-ordination of under graduate and post-graduate resident instructions

(2) Director of Research : shall be responsible for the direction and

coordination of research programmes in the University.

(3) Director of Extension Education : shall be responsible for direction and coordination of agricultural extension programme.

The duties and responsibilities of other Directors shall be as prescribed by the Statutes.

(4) Dean of the Faculty/Deans : The Dean shall be the Chairman of the Faculty and its Board of Studies and shall be responsible to the Vice-Chancellor for the organization of the teaching programme of the Faculty.

(5) Registrar:—

(a) shall be ex-officio Secretary of the Board of Management and Academic Council and permanent invitee of all councils.

(b) shall be responsible for the due custody of records and common seal of the University.

(c) shall be responsible for establishment matters and general administration in the University as prescribed.

(d) shall be responsible for admissions of Under Graduate (UG) and Post Graduate (PG) and conduct and management of examinations at UG and PG, maintenance of permanent records of the students at the University including the courses taken, credits obtained, degrees, prizes or other distinctions and other items pertaining to academic performance and discipline of the students.

(6) Comptroller:

(a) shall be responsible for preparation of the budget, the statement of accounts, management of the funds and investments of the University.

(b) shall be responsible for ensuring that expenditure is made as authorized.

(c) shall arrange periodical internal inspection of the accounts maintained in various units of University.

(d) shall be responsible for the maintenance of the accounts of the University in the form and manner as approved by the Board and keep constant watch on the state of cash and bank balance and on the state of investment.

(e) shall see that the asset registers are maintained up-to date and that the regular stock checking is conducted.

(7) Subject to the provisions of this Act, the Officers of the University referred to in clauses (iii) to (vii) of Section 18 shall perform such other duties as may be prescribed or as may be assigned to them from time to time, by the Vice-Chancellor.

CHAPTER 5 SERVICE CONDITION OF TEACHERS AND STAFF

24. Appointment, selection and fixation of pay and allowances :-

(1) Subject to the provision of this Act, procedure for appointment, promotion, selection, fixation of pay and allowance, and other service conditions of teachers and members of the staff of the University shall be as prescribed in the Statutes.

(2) Notwithstanding anything contained in the Act no University or any colleges or its institutions shall create any teaching or non-teaching post involving financial liability, nor shall increase the pay and allowances of its staff without prior sanction of the State Government.

CHAPTER 6 EDUCATION, RESEARCH AND EXTENSION EDUCATION

25. Education :-

(1) Subject to provisions of this Act, Education in the University shall include Bachelors, Masters and Doctoral degree programmes and short-term diploma / certificate courses etc. in the disciplines of Agriculture and allied sciences as prescribed.

(2) The Educational programmes would maintain congruence with the State and National policies.

(3) The University shall put in place initiatives for e-learning, distributed / distance education, ICT-enabled knowledge sharing etc.

(4) Programmes of Agricultural Education should aim at producing competent and skilled graduates and post-graduates.

26. Research :-

(1) Subject to the provisions of this Act and the Statutes, the University shall carry on strategic, basic and applied research in agriculture and allied discipline.

(2) The University through its research organization shall be the principal agency of control over research activities in Agriculture, Animal Husbandry and other allied branches in its jurisdiction.

(3) The University with the concurrence of Government may establish Regional/Zonal Research Stations and Sub-Stations in different agro-climatic zones in its territorial jurisdiction for the conduct of research including operational research.

27. Extension Education :-

(1) Extension Education programmes shall be established in the University and shall, subject to the provisions of this Act and the Statutes, ensure technology assessment and refinement and facilitate dissemination of technology based on research findings to farmers and others for accelerated -agricultural growth. It shall conduct demonstrations and training programmes for the benefit of various stakeholders. Extension Education programmes shall be coordinated with various units of the University and other appropriate agencies of the Centre and the State.

(2) The University shall be responsible for developing models of Agricultural Extension in the State.

(3) University shall aid and assist State Government Officers/ Extension Officers & Farmers of its jurisdiction to impact training pertaining the agricultural innovations.

28. Integration of teaching, research and extension education :-

(1) In consultation with the appropriate officers of the University, the Vice-Chancellor shall be responsible for taking such steps as may be necessary for the full integration of teaching, research and extension education activities of the University.

(2) Every faculty member borne on teaching cadre shall devote some time (not exceeding 30% and as decided by the Vice Chancellor in consultation with the appropriate officers of the University) in an academic year for undertaking research and/or extension activities besides teaching. Likewise a faculty member borne on research or extension shall spend some time in teaching.

(3) All teaching, research and extension education staff located in the college/ faculty shall be under the administrative control of Dean of the Faculty/Dean of the College/Faculty and overall technical control of Director (Research) and Director (Extension Education) as the case may be.

(4) The University shall develop its programme of research and extension education keeping in view the regional needs of the State and provide the appropriate technological backstopping, to the Government and other stakeholders.

CHAPTER 7 FUNDS AND ACCOUNTS

29. The University Funds :-

(1) The University shall have a General Fund to which shall be

credited:—

(i) Its income from fees, endowments and grants and income from properties of the University including hostel, experimental stations and farms;

(ii) Contribution and grants made by the Government on such conditions as are consistent with the provision of this Act;

(iii) Other contributions, grants, donations, benefications and loans and other receipts.

(2) The University shall form a fund called the Foundation Fund from contributions and grants made by the Central Government or the State Government or approved agency for being credited to that fund and such other sums as may be specified by the Board, shall be credited to this fund. The Board may as and when necessary retransfer such amount as may be specified, from the Foundation Fund to the General Fund, in manner prescribed.

(3) The University shall furnish statements of accounts, reports and other particulars to the Government relating to any grant made by the Government and shall take such action and furnish such statements, accounts, reports and other particulars relating to the utilization of any grant within such time and manner as the Government may direct.

(4) It shall be competent for the University in furtherance of its objectives to accept the grants from the Government or any other State Government or the Central Government or Statutory Bodies or endowments or donations under such conditions as may be agreed upon between the University and the grantor or donor.

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31. Accounts and Audit :-

The Annual Statement of accounts of the University shall be prepared by the Comptroller and certified by an authority to be nominated or authorized by the Board. The Statement shall include all the money accruing to or received by the University from whatever source and all amount disbursed and paid by the University. Such statement shall be submitted to the Government by the Board normally within six months after close of the financial year to which these pertain.

32. Provident Fund, Pension and Insurance :-

(1) The University shall constitute for the benefit of its officers, teachers, ministerial staff and other employees, in such manner and subject to such conditions as may be prescribed, such as pension, gratuity, insurance, provident fund, contributory pension fund as approved by the State Government.

(2) For such pension, gratuity, insurance and provident fund so constituted by the University, the State Government may declare that the provisions of the Provident Funds Act shall apply to such funds as if it were Government Provident Fund:

Provided that the University shall have power in consultation with the Finance Committee and the Board to invest Provident Fund amount in such manner as it may determine.

33. Government Grants :-

The Government shall every year make the following lump sum grants to the University, namely:—

- (i) A grant not less than the estimated expenditure of pay and allowances of the staff contingencies, supplies and services of the University for proper functioning of University;
- (ii) A grant to meet such additional items of expenditure, recurring and non-recurring as the State Government deem necessary.

34. Finance Committee :-

(1) The Board shall constitute a Finance Committee consisting of:—

- (i) The Vice-Chancellor - Chairperson
- (ii) Principal Secretary/ Secretary .Finance to the State Government or his nominee not below the rank of Joint Secretary;
- (iii) Principal Secretary / Secretary Agriculture to the Government or his nominee not below the rank of Joint Secretary;
- (iv) One Director/Dean from amongst the Board Members to be nominated by the Vice-Chancellor;
- (v) One nominee of the Board; (vii) Comptroller - Member Secretary

(2) Finance Committee shall have the following functions:-

- (i) To examine the annual accounts and budget estimates of the University and to advise the Board thereon;
- (ii) To review the financial position of the University from time-to-time;
- (iii) To make recommendations to the Board on all matters relating to the finances of the University.
- (iv) To make recommendation to the Board on all proposals involving expenditure in excess of the amount provided in the budget.

CHAPTER 8 STATUTES AND REGULATIONS

35. Statutes :-

Subject to the provisions of this Act, the Statutes, the University may provide for any matter connected with the affairs of the University and shall, in particular, provide for the following, namely:—

- (1) Constitution, powers and duties of the Authorities;
- (2) Creation, composition and functions of the other Bodies or Committees necessary or desirable for improving the academic life of the University;

- (3) Designations, powers, functions, duties, manner of appointment and selections, and terms and conditions of service of the officers other than Chancellor and Vice-Chancellor;
- (4) Classification, qualification and manner of appointment, terms and conditions of services and duties of teachers and non-teaching staff of the University;
- (5) Terms and conditions of service of the Vice-Chancellor;
- (6) Establishment, amalgamation, sub-division or abolition of faculties, Departments/ Research Stations/Centres or other units of the University;
- (7) Establishment of pension and insurance schemes for the benefit of officers, teachers and other employees of the University and rules, terms and conditions of such schemes;
- (8) Holding of Convocation to confer degrees and diplomas;
- (9) Conferment and withdrawal of honorary degrees and academic distinctions;
- (10) Conditions of service, remunerations and allowances including traveling and daily allowances to be paid to officers, teachers and other persons employed under the University;
- (11) Conditions and mode of appointment and the duties of examining bodies and examiners;
- (12) Management of Colleges/Centres/Divisions/Departments/Regional Stations/other KVKs/ institutions founded or maintained by the University
- (13) Constitution of Selection Committee for appointment of teachers and other staff;
- (14) Designation, manner of appointment, powers and duties of officers
- (15) All other matters which this Act are to be or may be provided for by the Statutes.

36. Statutes how made :-

- (1) Statutes under this Act shall be proposed by the Board and submitted to the Chancellor for his assent and shall be valid only after the assent is received and notified by the Vice-Chancellor. However Statutes in respect of Section 35(7) and (10) will require prior approval of the State Government.
- (2) Any Statute may be amended or repealed by the Board with the assent of the Chancellor;
- (3) All Statutes made under this Act shall be published in the Official Gazette;

37. Regulations :-

(1) The authorities of a University may make Regulations consistent with this Act and the statutes for:—

(i) Laying down the procedure for their meetings and number of members required to form the quorum.

(ii) Providing for matters which by this Act and the Statutes are to be regulated by Regulations;

(iii) Providing for any other matter solely concerning the authority and not provided for by this Act and the Statutes

(2) The Academic Council may subject to the provisions of Act and the Statutes, make regulations providing for courses of studies, system of examination, academic calendar, award of degrees and diplomas of the University and other matters related to Resident Instruction.

(3) The regulations made by any authority of the University shall be subject to such directions as the Board may from time to time give in this behalf.

(4) Academic Council of the University may make Regulations for—

(i) The holding of Convocations to confer degrees and diplomas;

(ii) The conferment of honorary degrees, academic distinctions and withdrawal of degrees.

(iii) The establishment and abolition of hostels maintained by the University;

(iv) The institution of fellowships, scholarships, stipends, bursaries, medals and prizes and the conditions of award thereof;

(v) The entrance or admission of the students to the University and their enrollment and continuance as such and the conditions and procedures for dropping students from enrollment;

(vi) The fees which may be charged by the University;

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

(viii) The conditions under which students shall be admitted to the degrees, diplomas, or other courses and examinations of the University and their eligibility for the award of degrees and diplomas;

(ix) The conditions for conferment of degrees and other academic distinctions.

(x) The maintenance of discipline among the students of the University

(xi) The special arrangements, if any, which may be made for residence, discipline and teaching of women students and the

provision of special courses of study for women.

(xii) The conditions of residence of students of the University and the levy of fees for residence in hostels.

CHAPTER 9 MISCELLANEOUS

38. Residence of students :-

The students shall reside in the accommodation hostels provided as per rules.

39. Annual Report :-

The annual report of a University shall be prepared by the Registrar or any other officer, assigned under the direction of the Vice-Chancellor normally within six months from the close of the Financial Year and circulated to the Members of the Board before the meeting at which it is to be considered. The Board shall after consideration of the annual report forward a copy thereof to the Government.

40. Delegation of powers :-

The B.O.M. may, by statutes, delegate the powers exercisable under this Act or the Statutes made there under, to any authority, officer, heads of colleges/departments/ institutions or units/office subject to such conditions and restrictions as the B.O.M. may deem proper.

41. Constitution of ad-hoc committees :-

Notwithstanding anything in this Act and until such time as the authorities are duly constituted, the Vice-Chancellor may subject to the approval of the Board, after it has been constituted appoint committees temporarily to exercise, perform and discharge any of the powers, functions and duties of such authority under this Act.

42. Disputes as to institution of University Authorities and Bodies :-

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

Provided that before taking any such decision, the Chancellor shall

give the person affected thereby reasonable opportunity of being heard.

43. Legal Proceeding :-

All suits and other legal proceedings by or against the University shall be instituted, prosecuted or defended on behalf of the University by the Law Officer under the Administrative control of Registrar or any other officer specifically nominated in this behalf by the Vice-Chancellor.

44. Appointment to posts in connection with the affairs of University :-

(1) Subject to the provisions of this Act and the Statutes made thereunder, appointment to posts and services in connection with the affairs of the University may be made by the Vice-Chancellor with the approval of the concerned authority as prescribed:

Provided that such approval of Board shall not be necessary in respect of appointment of posts carrying scales of pay lower than the pay scale of an Assistant Professor.

(2) Notwithstanding anything contained in this Act and until such time as the Statutes are made or the authorities of the University are constituted, appointments to posts and services in connection with the affairs of the University may be made by the Vice-Chancellor on such terms and conditions as may be approved by the Chancellor.

45. Transitional Provisions :-

(1) Notwithstanding anything contained in this Act or in the other Universities Act in the State or in the Statutes or Regulations made under any of these enactments any student who immediately before the commencement of this Act was studying in a college which has been or may hereafter be admitted to the privileges of a University for degree, diploma or certificate of the (other) Universities, in accordance with the regulations of the University be permitted:—

(a) to complete his course in accordance with the curriculum of studies of (other University in State) University;

(b) to be examined by the University and if on the results of such examination he qualifies, be entitled to be conferred a corresponding degree or diploma or certificate of the University;

(c) to appear at the examination within two years of the normal period required for completing the said course of studies.

(2) In the year of the establishment of the University, University examinations of all courses in different faculties and disciplines shall be conducted by other Universities in the State as the case may be, and in subsequent years, the examination shall be conducted by the University.

46. Provisions regarding existing Colleges and Institutions

:-

(1) The Colleges and the Research Institutes indicated in schedule-1 shall be maintained, controlled and managed by the University.

(2) All the properties, assets, liabilities and obligations in respect to institution indicated in Schedule I shall stand transferred to and vest in or devolve upon the University.

(3) Notwithstanding anything contained in (other Universities in the State) Universities Act, or in Statutes or Regulations made thereunder, College of Agriculture/Veterinary and other colleges in allied fields (as approved by Government) shall after the commencement of this Act, be dis-affiliated from other University in the state and shall be maintained by the University as Constituent College.

(4) All employees of any College, Research Institute or other officers & Institutions mentioned in Schedule I shall be the employee of the University and shall cease to be the employee of Rajendra Agriculture University:

Provided that they shall give written notice to the Rajendra Agricultural University within one year of publication of Notification of the Act in the Bihar Gazette. They may be permitted to be retained in the service of and to be posed on equivalent post within the jurisdiction of the Rajendra Agricultural University. Likewise the employees of Rajendra Agricultural University, if they so desire, may give written notice to the State Government for their absorption in the Bihar Agricultural University, Sabour. The State Government will intimate its decision to the University.

47. Removal of difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order do anything which appears to it necessary for the purpose of removing the difficulty.

(2) No order made under sub-section (1) shall be questioned in any

Court of law on the ground that no difficulty, as is referred to in the said sub-section, existed to be removed.

(3) Every order published, under this section shall as soon as may be after its publication laid before both Houses of the State Legislature.

48. Repeal and Saving :-

(1) The Bihar Agricultural University Act, 1987 (Bihar Act 8, 1988) is deemed to be modified in terms of this Act in respect of institutions enumerated in Schedule-I.

(2) Notwithstanding such amendment, anything done or any action taken in exercise of the powers conferred by or under the said Act and so far as it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.

SCHEDULE 1

SCHEDULE

I. Educational Institutes—

1. Bihar Agricultural College, Sabour, Bhagalpur
2. Mandan Bharti Agriculture College, Agwanpur, Saharsa
3. Bihar Veterinary College, Patna
4. Sanjay Gandhi Institute of Dairy Technology, Patna
5. College of Horticulture, Noorsarai, Nalanda

II. Research Institutes/Stations/Sub Stations

1. Regional Research Station, Agwanpur, Saharsa
2. Regional Research Sub Station, Jalalgarh, Purnea
3. Jute Research Station, Katihar
4. Irrigation Research Station, Madhepura
5. Irrigation Research Sub Station, Araria
6. Regional Research Sub Station, Munger
7. Fine Rice Research Sub Station, Tilondha, Bhagalpur
8. Irrigation Research Station, Bikramganj, Rohtas
9. Botanical Research Sub Station, Dhangain, Rohtas
10. Agricultural Research Institute, Patna
11. Pulse Research Centre, Mokama, Patna
12. Betelvine Research Station, Islampur, Nalanda

III. Krishi Vigyan Kendras

1. Krishi Vigyan Kendra, Munger
2. Krishi Vigyan Kendra, Ariari, Sheikhpura
3. Krishi Vigyan Kendra, Agwanpur, Saharsa
4. Krishi Vigyan Kendra, Jalalgarh, Purnea
5. Krishi Vigyan Kendra, Katihar
6. Krishi Vigyan Kendra, Madhepura
7. Krishi Vigyan Kendra, Sabour, Bhagalpur
8. Krishi Vigyan Kendra, Araria
9. Krishi Vigyan Kendra, Banka

10. Krishi Vigyan Kendra, Lakhisarai
11. Krishi Vigyan Kendra, Supaul
12. Krishi Vigyan Kendra, Kisanganj
13. Krishi Vigyan Kendra, Barh, Patna
14. Krishi Vigyan Kendra, Harnaut, Nalanda
15. Krishi Vigyan Kendra, Bikramganj, Rohtas
16. Krishi Vigyan Kendra, Jehanabad
17. Krishi Vigyan Kendra, Aurangabad
18. Krishi Vigyan Kendra, Gaya
19. Krishi Vigyan Kendra, Arwal