

Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Adhiniyam, 2004

4 of 2004

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Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Adhiniyam, 2004

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An Act to amend Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam 2002 (No. 2 of 2002). Be it enacted by the Chhattisgarh Legislature in the Fifty-Fifth year of the Republic of India, as follows :--

1. Short title extent and commencement :-

(1) This Act may be called the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Act, 2004.

(2) It extends to the whole State of Chhattisgarh. (3) It shall come into force from the date of its publication in the Gazette.

2. Definition :-

In this Act, unless the context otherwise requires:-- "Principal Adhiniyam", means the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 (No. 2 of 2002).

3. Amendment of Section 2 :-

In Section 2 of the Principal Adhiniyam; after clause (d), the following clause shall be inserted; namely:-- "(e) "main campus" means, the campus of the university where main office of the university is situated and where the Vice-chancellor and Registrar reside and where not less than three University Teaching Departments/Schools of studies are located. (f) "off-campus centre" means a centre of the university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff. (g) "off-shore campus" means a campus of the university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff. (h) "study centre" means a centre established and maintained or recognized by the university for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education. (i) "fee" means collection made by the university from the students by whatever name it may be called, which is not refundable. (j) "Regulatory Commission" means the Regulatory Commission established under the Adhiniyam."

4. Amendment of Section 3 :-

For Sub-sections (10) and (11) of Section 3 of the Principal Adhiniyam, the following Sub-sections shall be substituted; namely:-- "(10) To ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI, Pharmacy Council, and such agency/ agencies established by the Central Government for regulation of education and the Regulatory Commission; and (11) To pursue any other objective as may be approved by the Regulatory Commission."

5. Amendment of Section 4 :-

For Sub-section (1) of Section 4 of the Principal Adhiniyam, the following Sub-sections shall be substituted; namely:-- "(7) (a) An

application containing the Project Report to establish a university for carrying out any or all the objectives enumerated in Section 3 of the Adhiniyam shall be made to the Regulatory Commission by Sponsoring Body alongwith fee and such form as may be prescribed, at least one year before the date from which it intends to start the university. (b) The Sponsoring Body shall submit alongwith its application as per (a) above, (i) Proof of having established an Endowment Fund of Rs. 2 crore; (ii) Proof of being in possession of 15 acres of land, in case the main campus is proposed to be established within the Municipal Corporation Limits of Raipur; or 25 acres of land in case the main campus is proposed to be established elsewhere in the State and in addition, if the land has been obtained on lease, the period of lease should be at least 30 years. In case, the Sponsoring Body does not possess the required land, it shall furnish proof of having deposited an additional sum of Rs. 2 crore in the manner prescribed. Withdrawals out of this additional fund shall be permitted by the Regulatory Commission for the purchase of land for the use of the University. Provided that where the main campus of the University is proposed to be established in a Scheduled Area of the State, only fifty percent of the amounts in (i) and (ii) above need to be deposited. (c) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of the Adhiniyam and functions as per the provision of the Adhiniyam, the Statutes and the Act. The Regulatory Commission shall have the power to forfeit a part or whole of the Endowment Fund, in case of non-compliance in the manner as may be prescribed. (d) The Endowment Fund shall be invested in the manner as may be prescribed. (e) The Sponsoring Body shall be permitted to use income from the Endowment Fund for the development of the University. (1-A) A University already established in the State under the provisions of the Adhiniyam, shall comply with the provisions of clauses (b) to (e) of Sub-section (1) of Section 4 above by 30th June 2004, or else the Notification issued by the Government under Sub-section (1) of Section 5 of the Adhiniyam shall be liable to be cancelled on the recommendations of the Regulatory Commission. In the event of such de-notification of the University, completion of courses, conduct of examinations, award of the degrees to the students of the University may be assigned to another University in such a manner that the interests of the students are not affected. Expenditure made in this behalf shall be made good from the General Fund of the University concerned."

6. Section 6 :-

For clause (j) of Sub-section (2) of section 4 of the Principal Adhiniyam, the following clause (j) shall be substituted; namely :-- "(j) the details of expenditure on unit cost, the extent of concessions or rebates in fee, free studentship and scholarship for students belonging to economically weaker sections and the fees structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities".

7. Section 7 :-

For Sub-section (3) of Section 4 of the Principal Adhiniyam, the following Sub-section shall be substituted; namely :-- "(J) The Regulatory Commission on receipt of the application, Project Report, proof of creation of Endowment Fund and of possession of land to be used exclusively for running the University or in lieu thereof proof of deposit of additional fund as per the provisions of Sub-section (1) above, shall make such enquiries as it may deem necessary within 45 days from the date of application."

8. Section 8 :-

For Sub-section (4) of Section 4 of the Principal Adhiniyam, the following shall be substituted; namely :-- "(4) If the Regulatory Commission is satisfied with the proposal to establish the University, it may advise the State Government to issue a notification."

9. Amendment of Section 5 :-

For Sub-section (1) of Section 5 of the Principal Adhiniyam, the following shall be substituted; namely :-- "(1) (a) The State Government on receipt of the advice of the Regulatory Commission under Sub-section (4) of Section 4 of the Adhiniyam, may declare, by notification in official gazette, that the university is established by such name and with such jurisdiction and location of main campus, from such data as may be mentioned in the notification. (b) All such notifications issued under Sub-section (1) of Section 5 of the Adhiniyam prior to coming into force of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Adhiniyam 2004, shall be included as Schedule-I of the Adhiniyam and hereafter, notification issued regarding establishment of a University under the provisions of this Adhiniyam, shall form part of the said Schedule-I in chronological order. (c) All the provisions of the Adhiniyam shall apply to Universities included in Schedule-I."

10. Amendment of Section 6 :-

After Sub-section (2) of Section 6 of the Principal Adhiniyam the following shall be substituted; namely :-- "(2) On its notification under Sub-section (1) of Section 5, the University shall establish its main campus in the State of Chhattisgarh on the land referred to in Sub-section (1) of Section 4 and for that purpose shall create a built up area of at least 25,000 Sq.ft. in the form of buildings and ancillary structures within a period of 2 years from the date of such notification. In the case of Universities which have already been notified before this Sansodhan Adhiniyam, the period of 2 years shall be reckoned from the date of coming in force of this Sansodhan Adhiniyam. (J) All disputes arising as a result of the provisions made in this Adhiniyam shall be settled by a court of law located in the State of Chhattisgarh."

11. Amendment of Section 7 :-

After clause (e) of Section 7 of the Principal Adhiniyam, the following proviso shall be inserted; namely :-- Provided that one percent of the fees collected from students enrolled in the main campus/off-campus centre or study centre located in the State of Chhattisgarh; two percent of fees collected from students enrolled in off-campus centre or study centre, off-shore campus located outside the State of Chhattisgarh; under (a) above, shall be deposited with the Regulatory Commission within 15 days of the month next to the month in which such fees are received. The Regulatory Commission shall credit this amount to the Consolidated Fund of the State alongwith the interest, if any, earned on this deposit, as far as possible within 60 days. In case of failure of the University, to so deposit the fees with the Regulatory Commission, the Regulatory Commission may charge a penal interest at the rate of 1.5% on the defaulted amount for every 30 days of delay.

12. Amendment of Section 10 :-

For Section 10 of the Principal Act, the following Section shall be substituted; namely :-- "10. Land of the University shall not be used for any purpose other than for running of the University."

13. Amendment of Section 24 :-

For Section 24 of the Principal Adhiniyam, the following shall be substituted; namely :-- "Setting up of a Regulatory Commission -- 24(1) There shall be a Regulatory Commission for the purpose of ensuring appropriate standards of teaching, examinations, research, protection of the interest of the students and ensuring reasonable service conditions of employees while the University has

full freedom to function. (2) The Regulatory Commission shall function under the general control of the Visitor. (3) The Regulatory Commission shall consist of a Chairman, two full-time and not exceeding two part-time members to be appointed by the Visitor. (4) The Chairman shall be appointed by the Visitor from a panel recommended by the State Government consisting of eminent educationists who have a through knowledge of the working of the institutions of higher education. (5) The members shall be appointed by the Visitor from a panel recommended by the State Government consisting of persons of repute in the field of education, finance, law, administration/ management, etc. (6) The chairman and the members shall not be connected in any way with any of the universities established under the Adhiniyam. (7) All orders and decisions of the Regulatory Commission and all instruments issued by the Commission shall be authenticated by signature of the Chairman. (8) Terms and conditions of services of Chairman and the members, procedure for meetings of the Commission, recruitment and service conditions of the staff of the Commission, temporary association of persons with the Commission for particular purposes, funds of the Commission, its budget, annual report, account, audit and such other matter as may be required for proper functioning of the Commission shall be provided in the rules made by the State Government in this regard. (9) It shall be the general duty of the Regulatory Commission :-- (a) To take, in consultation with the Universities and/or other bodies concerned with regulatory function of the higher education system in the country such as the UGC, AICTE and NCTE, MCI, Pharmacy Council, and such agency/ agencies established by the Central Government for regulation of education, all such steps, as it considers necessary for determination and maintenance of standards of teaching, examination and research in the universities; (b) To ensure that universities have the freedom to make rules for admissions, subject to reservation policy of the Government in State of Chhattisgarh with regard to admissions of students belonging to Scheduled Tribes, Scheduled Castes and other weaker Sections of Society, decide course contents, method of teaching and the evaluation of students and matters connected thereto; (c) To ensure that universities are allowed to collect such fees and other charges which cover the cost of education imparted by them and also give a reasonable surplus to enable them to maintain assets and carry out further expansion; (d) To ensure that the teaching staff of the university has at least the minimum

educational qualifications and get due emoluments looking to their qualifications; (e) To ensure that the staff of the university is appointed by a written contract which shall be kept with the university and a copy of which shall be furnished to the employee concerned; (f) To ensure that students enrolled in the university are not cheated or exploited and unscrupulous means are not adopted to collect fees from them; (g) To take action pertaining to the liquidation of a university. This will include completion of courses, conduct of examinations, award of degrees, etc. either by undertaking job itself or by assigning the job to some other university in such a manner that the interest of the students are not adversely affected in any way. Expenditure made for these arrangements for the students alongwith the process of liquidation of the university shall be made good from the money deposited in the Endowment Fund and/or General Fund; (h) To regulate in consultation with the concerned university, the study centres already established in different places in India and other countries on the date of coming into force of the Sansodhan Adhiniyam and to permit opening of off-campus centres, off-shore campus and study centres in consultation with the concerned University; (10) The State Government may issue directions on matters of policy to the Regulatory Commission. (11) Notwithstanding the provisions of this Adhiniyam, the State Government in the Education Department shall function as the Regulatory Commission till the Commission is constituted as per provision of this Adhiniyam or in case it has become nonfunctional, for whatever reasons."

14. Amendment of Section 25, 26, 27 and 30 :-

In Sub-section (1) to Sub-section (4) of Section 25, Sub-section (3) and (4) of Section 26, Subsection (2) and Sub-section (3) of Section 27 and Sub-section (3) and (4) of Section 30 of the Principal Adhiniyam, for the words "State Government" wherever they occur, the words "Regulatory Commission" shall be substituted.

15. Section 15 :-

For Sub-section (5) of Section 25 of the Principal Adhiniyam, the following shall be substituted; namely:-- "(5) The State Government shall publish the first Statute as approved by the Regulatory Commission in the official gazette and thereafter such Statute shall come into force."

16. Section 16 :-

For Sub-section 26(5) of the Principal Adhiniyam, the following shall be substituted; namely:-- "(5) The Regulatory Commission shall consider the suggestions made by the Governing Body and the Statutes, as finally approved by the Regulatory Commission, shall be published by the State Government in the gazette and on such publication, the Statute shall come into force."

17. Section 17 :-

For Sub-section (4) of Section 27 of the Principal Adhiniyam, the following shall be substituted; namely:-- "The Vice-Chancellor shall give his comments on the suggestions made by the Regulatory Commission and shall return the first Ordinance to the Commission and on receipt of the same, the Commission shall either approve the comments of the Vice-Chancellor or disapprove the same and on the basis of the final decision, the Ordinance as approved by the Regulatory Commission shall be notified by the State Government in the gazette and on such publication, the Ordinance shall come into force."

18. Amendment of Section 28 :-

For Sub-section (2) of Section 28 of the Principal Adhiniyam, the following shall be substituted; namely :-- "The State Government after approval of the Ordinances by the Regulatory Commission, shall publish all Ordinances made under Subsection (1) in the gazette and on such publication, the Ordinance shall come into force."

19. Amendment of Section 29 :-

For Sub-section (2) of Section 29 of the Principal Adhiniyam, the following shall be substituted; namely :-- "A copy of the Annual Report prepared under Sub-section (1) shall be presented to the Regulatory Commission."

20. Amendment of Section 33 :-

For Section 33 of the Principal Adhiniyam, the following Section shall be substituted; namely :-- "33(1) If the Sponsoring Body proposes to dissolve itself or wants to discontinue the functioning of the University established under the Adhiniyam, it shall inform the Regulatory Commission of a plan by which it shall ensure completion of courses and conduct of examinations and it shall announce the prospective date from which it shall not admit any new students. (2) The Regulatory Commission on receipt of such information shall have the right to issue such directions to the Sponsoring Body for the fulfillment of its obligations under sub-

section (1) as it may deem necessary. If the Sponsoring Body contravenes the provisions of sub-section (1), the Endowment Fund shall be forfeited by Regulatory Commission and the Commission shall make arrangements for completion of courses, conduct of examinations, award of degrees, etc. of students of the university either by undertaking the job itself or by assigning the job to some other university in such manner that the interest of the students are not affected adversely in any manner. Expenditure made for these arrangements for the students shall be made good from the money deposited in the endowment fund and/or General Fund of the university."

21. Amendment of Section 34 :-

For Section 34 of the Principal Adhiniyam, the following Section shall be substituted; namely :-- "34(1) If it appears to the Regulatory Commission that any of the directions issued by it to the university under the Adhiniyam has been violated or a situation of financial mismanagement and mal administration has arisen in the university, it shall issue notice requiring the university to show cause within 45 days as to why the notification in respect of such University under Subsection (1) of Section 5 may not be cancelled. (2) If the Regulatory Commission on receipt of the reply of the university is satisfied that there is a prima facie case of mismanagement, mal administration or violation of any of the provisions of the Adhiniyam or directions issued thereunder, it shall recommend to the State Government for cancellation of its notification under Sub-section (1) of Section 5 in respect of the University. (3) While canceling such a notification in respect of liquidation under sub-section (2), the State Government may direct the Regulatory Commission to assume the administration of the University till the end of current courses. (4) The Regulatory Commission during the period of management of the university under sub-section (3) shall use the funds available with the university and the surplus, if any, shall be forfeited."

22. Amendment of Section 35 :-

Section 35 of the Principal Adhiniyam shall be omitted.

23. Amendment of Section 36 :-

For clause (d) and (e) of Subsection (2) of Section 36 of the Principal Adhiniyam, the following shall be substituted; namely :-- "
(d) Deposit of additional fund under Sub-section 4(1)(b)(ii). (e)
The manner of forfeiture of Endowment Fund by the Regulatory

Commission under Sub-section 4(1)(c). (f) The manner of investment of sum meant for Endowment Fund under Sub-section 4(1)(d). (g) The manner of payment to and use of income by the Sponsoring Body from Endowment Fund under Sub-section 4(1)(e). (h) Mode of depositing part of the fee in the Consolidated Fund under Section 7(e). (i) Terms and conditions of services of Chairman and the members, procedure for meetings of the Commission, provision of staff to the Commission and their service condition, temporary association of persons with the Commission for particular purposes, funds of the Commission, its budget, annual report, accounts and audit and such other matters as may be required for proper functioning of the Commission under Sub-section 3 of Section 24."