

Chhattisgarh Private Universities (Establishment And Operation) Act, 2005

13 of 2005

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SCHEDULE 1 :- SCHEDULE I

Chhattisgarh Private Universities (Establishment And Operation) Act, 2005

13 of 2005

An Act to provide for establishment and for incorporation of self-financed Universities in the State of Chhattisgarh for imparting Higher Education, and to regulate their functions and for matters connected therewith or incidental thereto. Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth year of the Republic of India as follows :-- 1. Received the assent of the Governor on the 17th August, 2005; assent first published in the Chhattisgarh Rajpatra (Asadharan), dated the 25th August, 2005.

CHAPTER 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called The Chhattisgarh Private Universities (Establishment and Operation) Act, 2005.

(2) It extends to whole of the State of Chhattisgarh.

(3) It shall come into force on date of its publication in the Official Gazette.

2. Definitions :-

In this Act, unless the context otherwise requires :--

- (1) "Academic Council" means Academic Council of the Private University;
- (2) "All India Council of Technical Education" means All India Council of Technical Education established under All India Council of Technical Education Act, 1987 (Central Act No. 52 of 1987);
- (3) "Bar Council of India" means Bar Council of India constituted under Section 4 of the Advocates Act, 1961 (No. 25 of 1961);
- (4) "Board of Management" means Board of Management of the Private University;
- (5) "Chancellor" means Chancellor of the Private University;
- (6) "Chief Finance and Accounts Officer" means Chief Finance and Accounts Officer of the Private University;
- (7) "Distance Education Council" means Distance Education Council established under Section 28 of Indira Gandhi National Open University Act, 1985 (No. 50 of 1985);
- (8) "Endowment Fund" means Endowment Fund of the Private University;
- (9) "Fee" means collection made by the Private University from the students, by whatever name it may be called;
- (10) "Government" means Government of Chhattisgarh;
- (11) "Governor" means Governor of Chhattisgarh;
- (12) "Governing Body" means Governing Body of the Private University;
- (13) "Higher Education " means study of curriculum or course for the pursuit of knowledge beyond 10 + 2 level;
- (14) "Medical Council of India" means Medical Council of India constituted under the Indian Medical Council Act, 1956 (No. 2 of 1956);
- (15) "Main Campus" means Main Campus of the Private University situated in Chhattisgarh, consisting of minimum five university teaching departments/schools of studies and where Vice-Chancellor and Registrar reside and also the main office of the Private University is located;
- (16) "National Council of Assessment and Accreditation" means the National Council of Assessment and Accreditation, Bangalore, an autonomous Institution of UGC;

- (17) "Off-Campus Centre" means centre of the Private University established outside the main campus but within the State, operated and maintained as its constituent unit;
- (18) "Ordinance" means Ordinance of the Private University;
- (19) "Other Backward Class" means Other Backward Classes which may be declared by the State Government from time to time by Notification;
- (20) "Private University" means a Private University established and incorporated under this Act;
- (21) "Pharmacy Council of India" means Pharmacy Council of India constituted under the Pharmacy Act, 1948 (No. 8 of 1948);
- (22) "Regulatory Body" means a Central or a State Regulatory Body established by the Central or State Government for laying down norms and conditions for ensuring standards of higher education;
- (23) "Regulatory Commission" means Commission established under Section 36 of this Act;
- (24) "Regulations" means Regulations made under the provisions of the Act;
- (25) "Registrar" means Registrar of the Private University;
- (26) "State " means State of Chhattisgarh;
- (27) "Study Centre" means centre established in the State and maintained by the Private University for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education which implies imparting education by combination of any two or more means of communication, viz., broadcasting, telecasting, correspondence courses, seminars, contact programmes and any other such methodology;
- (28) "Statute" means Statute made under the provisions of the Act;
- (29) "Sponsoring Body" in relation to a Private University means :--
- (a) A Society registered under Chhattisgarh Societies Registration Act, 1973 (No. 44 of 1973);
- (b) Any registered Public Trust;
- (c) A Company registered under Section 25 of the Companies Act, 1956 (No. 1 of 1956); and
- (d) Any other body registered under any Act for the time being in force;
- (30) "Student" means a person enrolled in the Private University for pursuing a course of study for the award of a degree/diploma/certificate or other academic distinction;
- (31) "Schedule" means Schedule appended to the Act;

- (32) "Scheduled Caste" means the Scheduled Castes specified in relation to this State under Article 341 of the Constitution of India;
- (33) "Scheduled Tribe" means the Scheduled Tribes specified in relation to this State under Article 342 of the Constitution of India;
- (34) "School of Studies" means an institution maintained by Private University as a place of the higher learning and research;
- (35) "Teacher" means a Professor, Reader, Lecturer or a person known by any other designation who is required to impart education or to guide research or to render guidance to the students for pursuing a course of study of the University;
- (36) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (No. 3 of 1956);
- (37) "UGC REGULATIONS, 2003" means UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003;
- (38) "Visitor" means Visitor of the Private University;
- (39) "Vice-Chancellor" means Vice Chancellor of the Private University;
- (40) "BPL Family" means a family whose income is below the poverty line as specified by the Government from time to time.

CHAPTER 2

ESTABLISHMENT OF PRIVATE UNIVERSITY

3. Objects Of The Private University :-

The following shall be the general objects of the Private University :--

- (a) To provide instructions, teaching and training in Higher Education and make provisions for research, advancement and dissemination of knowledge;
- (b) To create higher levels of intellectual abilities;
- (c) To establish state of the art facilities for education and training;
- (d) To carry out teaching and research and offer continuing education programmes;
- (e) To create centers of excellence for research and development and for sharing knowledge and its application;
- (f) To provide consultancy to the industry and public organizations;
- (g) To maintain the standard of degrees, diplomas, certificates and other academic distinctions in accordance with the norms laid down by UGC, AICTE, BCI, MCI, DEC, or any other Regulatory Body;
- (h) To pursue any other objective as may be approved by the State

Government based on the recommendations of the Regulatory Commission from time to time.

4. Submission Of Proposal For Establishment Of A Private University :-

(1) An application containing the proposal and the project report to establish a Private University for carrying out the objectives enumerated in Section 3 of this Act shall be made by the sponsoring body, to the Regulatory Commission along with such fee and in such form with the project report as may be prescribed.

(2) The project report shall contain the following particulars, namely:--

(a) the details of the sponsoring body along with the copies of its registration certificate, constitution and bye-laws;

(b) the information regarding financial resources of the sponsoring body along with audited accounts for past three years;

(c) the name, location and main campus of the proposed Private University;

(d) the objectives of the Private University;

(e) availability of land, and details of buildings and infrastructure facilities;

(f) the details of plans for campus development such as construction of buildings, development of structural amenities and infrastructural facilities and procurement of equipment etc., to be undertaken before the Private University starts functioning, and the phase-wise programme for five years;

(g) phased outlays of capital expenditure proposed for five years and its sources of finance;

(h) the nature and the number of faculties such as Science, Arts, Commerce, Technology, Education etc., types of programmes (Under Graduate/Post Graduate) of study and research proposed to be undertaken by the Private University in each faculty, and their relevance to the developmental goals of the State, and phasing of such programmes for five years with coursewise enrolment targets;

(i) the experience and expertise in the concerned disciplines at the command of the sponsoring body;

(j) availability of academic facilities such as teaching staff, technical/ non-technical staff, equipments etc., required for the courses of study and research;

(k) the estimated recurring expenditure coursewise or activity-wise, sources of finance and estimated expenditure per student;

- (l) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;
- (m) the scheme for generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the private university; and other anticipated income;
- (n) the proposed fee structure for the different courses, with reference to the details of expenditure on unit cost and the extent of concessions of rebates in fee or free-ships and scholarships, if any, for the students belonging to Scheduled Caste, Scheduled Tribe, Other Backward Classes and BPL families;
- (o) the system proposed to be followed for selection of students for admission to the courses of study at the Private University;
- (p) the system proposed to be followed for appointment of teachers and other employees at the Private University;
- (q) details of distance education programme with proposed study centres;
- (r) programmes related to local needs, the nature of specialized teaching, training or research activities;
- (s) programmes for the benefit of farmers, women and industries especially located in this State;
- (t) details of play grounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides etc.;
- (u) establishment of off-campus centres and study centres specially in the Scheduled areas of the State;
- (v) justification regarding the necessity of establishing the proposed Private University.

5. Evaluation Of The Proposal :-

(1) The Regulatory Commission shall, on receipt of the proposal and the project report for establishment of a Private University, make such scrutiny, as far as possible within 7 days from the receipt of proposal as to the facts stated in the project report, as it may deem necessary.

(2) The Regulatory Commission in course of scrutiny may ask for any additional information from the sponsoring body, and after receipt of such information, the Regulatory Commission shall evaluate the project proposal as far as possible, within 45 days. In the course of evaluation, the Regulatory Commission shall take into

consideration, the following :--

- (a) existing facilities for higher education and research in the area in which the Private University is proposed to be established;
- (b) the proposed Private University has some special features or new programmes and activities which will augment the existing academic resources in the State and help in human resource development;
- (c) the Private University shall have programmes for the upliftment of backward areas or removal of regional imbalances by starting off campus centres in the Scheduled areas of the State;
- (d) the main motive for establishment of the Private University is of social service and welfare of youths by providing them high quality education.

6. Issuing Letter Of Intent :-

- (1) After inquiry and evaluation as provided in Section 5, if Regulatory Commission is of opinion that an opportunity to establish a Private University be given to the sponsoring body, it shall make its recommendation to the State Government to issue a Letter of Intent to the sponsoring body in this regard.
- (2) After receiving the recommendation from Regulatory Commission, State Government may issue Letter of Intent to the sponsoring body with regard to establishment of Private University in the State.

7. Conditions For Establishing A Private University :-

The Letter of Intent as provided under Section 6 (2) shall contain the following conditions, which the sponsoring body will be required to fulfil for establishing a Private University in the State; namely :--

- (1) It shall establish :--
 - (a) the main campus, off-campus centres and study centres within the State;
 - (b) an endowment fund in accordance with the provisions of Section 11 of the Act.
- (2) It shall procure a minimum :--
 - (a) 15 acres land in case the main campus is proposed to be established within the Municipal Corporation limits of Raipur.
 - (b) 25 acres of land in case the main campus is proposed to be established at any other place; and submit its ownership papers.
- (3) It shall make available a minimum built up area of 25,000 square feet in the form of buildings, and ancillary structures for

administrative purposes and for conducting the academic programmes.

(4) It shall give an undertaking :--

(a) that the land and buildings of the Private University shall be used for the purpose of the Private University only;

(b) further, to appoint immediately after incorporation of the Private University and before starting of the classes, adequate number of faculty members along with necessary supporting staff in each department or discipline;

(c) to procure equipments, computers, furniture, and other essential items and invest a minimum of Rs. 20 lacs per year during first five years;

(d) to purchase books and journals at least worth Rs. 10 lacs in the first year and to invest not less than Rs. 50 lacs on books, journals, computer networking and other facilities to make the library facilities adequate for contemporary teaching and research within first three years;

(e) to take up co-curricular activities to foster a proper academic and healthy environment, such as seminars, debates, quiz programmes and extra curricular activities like games, sports, National Service Scheme, National Cadet Corps etc., for the benefit of students as per the norms laid down by the regulatory bodies;

(f) to establish welfare programmes for the employees of the Private University;

(g) to fulfil such other conditions and provide such other information as may be prescribed by the central regulatory bodies from time to time;

(h) to fulfil the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability etc., as laid down from time to time by the regulatory bodies;

(i) that the programmes of study leading to a degree and/or a Post Graduate Degree/Diploma offered by a Private University shall conform to the relevant regulations/norms of the UGC or the concerned statutory bodies as amended from time to time;

(j) that the admission procedure and fixation of fees shall be in accordance with the norms/guidelines, if any, prescribed by the regulatory bodies;

(k) that the teaching staff of the Private University shall have at least the minimum qualifications prescribed by the UGC or other concerned regulatory bodies, and be paid appropriate emoluments;

(l) that the Private University shall be open to all persons of either sex, and it shall not discriminate on grounds of caste, creed,

religion, race, and it shall not be lawful for the Private University to adopt or impose on any person, any test whatsoever of religious belief or any profession in order to entitle him to be appointed as a teacher of the Private University or to hold any other office therein or to be admitted as a student or to enjoy or exercise any privilege thereof;

(m) that the admissions and conduct of classes shall not be started till concerned Statutes, Ordinances are approved as per provisions of this Act.

8. Submission Of Compliance Report, Verification And Inspection :-

(1) The sponsoring body shall submit the Compliance Report and an undertaking alongwith the relevant documents to the Regulatory Commission.

(2) After receiving the Compliance Report from the sponsoring body, the Regulatory Commission shall examine the same and factual data in the manner it may deem fit, including spot inspection.

(3) The Regulatory Commission, after examination of the Compliance Report and the Undertaking as mentioned under sub-section (2) above, finds any shortcomings in the same, it may direct the sponsoring body to remove the identified shortcomings at the earliest.

(4) The Regulatory Commission on being satisfied that the identified short-comings, as mentioned under sub-section (3) above, have been removed, it shall send its report regarding status of the proposal for establishment of the Private University to the State Government within 15 days from the date of receipt of the report from sponsoring body regarding removal of identified shortcomings.

(5) The State Government may, after the receipt of the report from the Regulatory Commission mentioned under sub-section (4) above, ask the University Grants Commission for inspection of the proposed Private University :

Provided that University Grants Commission shall submit the report within a maximum period of three months, or else, the State Government may take such decision as it may deem fit.

9. Establishment And Incorporation :-

(1) The State Government, if satisfied considering the report

submitted by the Regulatory Commission under Section 8 and Inspection Report of the UGC, if any, that the sponsoring body has complied with the provisions of Section 7 and a Private University may be established on the basis of its proposal, shall establish, by amending the Schedule appended to this Act, a Private University with such name and description as may be specified in this behalf.

(2) Such a Private University shall be deemed to have been incorporated from the date of the amendment in the schedule in this behalf :

Provided that, the period between the date of incorporation as mentioned under sub-section (2) above, and the date of submission of the application mentioned under sub-section (1) of Section 4, shall not be more than 6 months.

(3) The Private University shall be a body corporate by such name, as shown in the Schedule, having perpetual succession, and common seal with powers subject to the provisions of this Act, to acquire and own property, to contract, and shall sue and be sued by the said name.

(4) In all the suits and other legal proceedings by or against such Private University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to any be served on the Registrar.

(5) The main campus of the Private University shall be at such place as shown in Column 5 of the Schedule.

CHAPTER 3

OPERATION AND MANAGEMENT OF PRIVATE UNIVERSITY

10. Private University To Be Self-Financed :-

The Private University shall be self-financed. However, the Government may consider providing it financial/physical incentives for reasons to be recorded in writing.

11. Endowment Fund :-

(1) On receipt of the letter of intent from the State Government as provided under Section 6 (2) above, a sponsoring body willing to fulfil the conditions and give undertakings as mentioned in such Letter of Intent, shall establish an endowment fund for the Private University by depositing the amount in the Fund of the Regulatory Commission, in the manner prescribed, as under :--

(a) One crore rupees in case the Private University is to be established in a Scheduled Area of the State.

(b) Three crore rupees in other cases :

Provided that any deposit in the endowment fund prior to the commencement of this Act by the sponsoring body shall be adjusted.

(2) The endowment fund shall be used as security deposit to ensure that the Private University complies with the provisions of the Act, Statutes and Ordinances. The State Government may forfeit, after giving notice, whole or part to endowment fund on the recommendation of the Regulatory Commission in case of a breach or contravention of any provisions and of the Act, Statute, Ordinance or Regulations by the sponsoring body.

(3) The mode of establishment of endowment fund, the manner of its investment, the payment of income from it to the sponsoring body, its forfeiture and mode of its return to the sponsoring body shall be such, as may be prescribed.

12. General Fund :-

Every Private University shall establish a fund, which shall be called the general fund to which the following shall be credited, namely:--

(a) fees and other charges received by the Private University;

(b) any contribution made by the sponsoring body;

(c) any income received from consultancy and other work undertaken by the Private University in pursuance of its objectives;

(d) trusts, bequests, donations, endowment and any other grants; and

(e) all other sums received by the Private University :

Provided that one per cent of the fees collected from the students under clause (a), shall be deposited through bank draft/bankers cheque with the Regulatory Commission within 15 days of the month next to the month in which such fees are received. If Private University fails to deposit fees within stipulated period then it shall be liable to pay such fee with penal interest at the rate of 15% for every 30 days. If default continues further beyond 90 days, this would tantamount to violation of the Act for which necessary action may be taken by the Regulatory Commission :

Provided further that the Regulatory Commission shall credit this amount to the Consolidated Fund of the State in due course.

13. Application Of General Fund :-

The General Fund shall be utilized for the following purposes, namely :--

- (1) repayment of debts including interest charges thereto incurred by the university for the purposes of this Act and the Statutes, Ordinances and Regulations made thereunder;
- (2) for upkeep of the assets of the Private University;
- (3) for the payment of the cost of audit of the funds created under Sections 11 and 12;
- (4) meeting expenses of any suit or proceedings in the Court to which university is a party;
- (5) for payment of salaries and allowances of the officers and employees of the Private University and members of the teaching and research staff, and for payment of any provident fund contributions, gratuity and other benefits to any such officers and employees, and members of the teaching and research staff;
- (6) for payment of travelling and other allowances of the members of the Government Body, the Board of management, the Academic Council and other authorities so declared under the Statutes of the Private University, and to the members of any committee appointed by any of the authorities or by the Chairperson of the sponsoring body or the Vice Chancellor, in pursuance of any provision of the Act, Statute, Ordinances, or the Regulations made thereunder;
- (7) for the payment of fellowships, free-ships, scholarships assistantships and other awards to the students belonging to BPL families or research associates or trainees as the case may be, or to any student otherwise eligible for such awards under the Statutes, Ordinances, Regulations or Rules of the Private University made under the provisions of this Act;
- (8) for the payment of any expenses incurred by the Private University in carrying out the provisions of this Act, and the Statutes, Ordinances, or the Regulations made thereunder;
- (9) for payment of cost of capital, not exceeding the prevailing bank rates of interest, incurred by the sponsoring body for setting up the Private University and the investments made there for;
- (10) for payment of charges and expenditure relating to the consultancy work undertaken by the Private University in pursuance of the provisions of this Act and the Statutes, Ordinances and the Regulations made thereunder;
- (11) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the Private University, on behalf of the sponsoring body, as approved by the Board of Management to be an expenses for the purposes of the Private University :

Provided that no expenditure shall be incurred by the Private University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management:

Provided further that the general fund shall not be utilized for the objects specified under sub-section (1), without the prior approval of the Governing Body of the Private University.

14. Officers Of The University :-

The following shall be the officers of the Private University, namely :--

- (1) The Visitor;
- (2) The Chancellor;
- (3) The Vice-Chancellor;
- (4) The Registrar;
- (5) The Chief Finance and Accounts Officer;
- (6) Such other officers as may be declared by the Statutes to be the officers of the University.

15. The Visitor :-

(1) The Governor of Chhattisgarh shall be the Visitor of the Private University.

(2) The Visitor shall, when present, preside at the convocation of the Private University for conferring degrees and diplomas.

(3) The Visitor shall have the following powers, namely :--

- (a) to appoint Vice-Chancellor;
- (b) to call for any paper or information relating to the affairs of the Private University;
- (c) if it appears on the basis of the information that any order, proceeding or decision taken by any authority of the Private University is not in conformity with the provisions of this Act, Statutes, Ordinances or Regulations made thereunder, Visitor may ask for the opinion of the Regulatory Commission. On being satisfied that certain irregularity has taken place, he may issue such directions as he may deem fit in the interest of the Private University and the directions so issued shall be complied with by the Private University;
- (d) to institute inquiry against the Vice-Chancellor, on the report of the Chancellor or otherwise.

16. The Chancellor :-

(1) The Chancellors shall be appointed by the sponsoring body for a period of three years with the approval of the Visitor :

Provided that, for establishing the Private University and making it functional, the sponsoring body shall appoint the Chancellor in consultation with the State Government for a minimum period of one year, but not exceeding three years.

(2) The Chancellor shall be the head of the Private University.

(3) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside over convocation of the Private University for conferring degrees, diplomas or other academic distinctions.

(4) The Chancellor shall have the following powers, namely :--

(a) to call for any information or record.

(b) the report to the Visitor for removal of the Vice-Chancellor, if he is satisfied on the basis of complaints that the Vice-Chancellor has acted in violation of the Act, Statutes or Ordinances of the Private University or committed financial irregularity.

17. The Vice-Chancellor :-

(1) This Vice-Chancellor shall be appointed by the Visitor from the panel recommended by the Search Committee constituted for the purpose.

(2) The Search Committee referred to in sub-section (1) shall consist of the following :--

(i) Two eminent academicians nominated by the Sponsoring Body.

(ii) One eminent person nominated by the State Government in Higher Education Department.

The Visitor shall appoint one of the members of the Search Committee as Chairman.

(3) The Search Committee shall submit a panel of at least three eminent academicians for the appointment of Vice-Chancellor :

Provided that if the Visitor does not approve the recommendation of the Search Committee; he may call for fresh recommendation from the Committee :

Provided further that that the Vice-Chancellor, to carry out the business of newly established Private University, shall be appointed by the Visitor on the advice of the Chancellor for a period of 2 years.

(4) The Vice-Chancellor shall, subject to the provision contained in sub-section (10), hold office for a term of four years :

Provided that, a Vice-Chancellor shall continue to hold the office even after expiry of his term till a new Vice-Chancellor joins. However, in any case this period shall not exceed 6 months.

(5) The Vice-Chancellor shall be the principal executive and academic officer of the Private University, and shall exercise general superintendence and control over the affairs of the Private University and shall execute the decisions of various authorities of the Private University.

(6) The Vice-Chancellor shall preside at the convocation of the Private University in the absence of the Visitor and the Chancellor.

(7) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary, and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter :

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Vice-Chancellor then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Governing Body. The decision of the Governing Body shall be communicated to the person concerned within a maximum period of three months from the date of appeal.

(8) If, in the opinion of the Vice-Chancellor any decision of any authority of the Private University is not in conformity with the powers conferred by this Act, Statutes, Ordinances or Regulations made thereunder, or is likely to be prejudicial to the interest of the Private University, he shall request the concerned authority to revise its decision. In case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final, which will be reported to the Governing Body for ratification.

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

(10) If at any time upon representation made or otherwise, it appears to the Visitor that the Vice Chancellor,--

- (a) has made default in performing any duty imposed on him by or under this Act, or
 - (b) has acted in a manner prejudicial to the interest of the Private University, or
 - (c) is incapable of managing the affairs of the Private University, the Visitor may notwithstanding the fact that the term of office of Vice Chancellor has not expired, by an order, in writing, stating the reasons therein, require Vice-Chancellor to relinquish his office as from such date as may be specified in the order.
- (11) No order under sub-section (10) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Vice-Chancellor and he is given reasonable opportunity of showing cause against the proposed order.
- (12) As from the date specified in the order under sub-section (10), Vice-Chancellor shall be deemed to have relinquished the office and the office of Vice-Chancellor shall fall vacant.

18. The Registrar :-

- (1) The appointment of the Registrar shall be made by the Governing Body on the recommendation of the experts committee constituted for the purpose, as prescribed by the Statutes. However, the first Registrar shall be appointed by the sponsoring body for a period of 2 years.
- (2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the Private University.
- (3) The Registrar shall be the Member-Secretary of the Governing Body, Board of Management and Academic Council but he shall not have a right to vote.
- (4) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.
- (5) If at any time upon representation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants that the continuance of the Registrar is not in the interest of the Private University, the Vice-Chancellor may request the Chancellor, in writing stating the reasons therein, for the removal of the Registrar :
- Provided that before taking an action under this sub-section, the Registrar shall be given an opportunity of being heard.

19. The Chief Finance And Accounts Officer :-

- (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor as may be prescribed by the Statutes.
- (2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

20. Other Officers :-

- (1) The Private University may appoint such other officers as may be necessary for its functioning.
- (2) The manner of appointment of other officers of the Private University and their powers and functions shall be such as may be prescribed by the Statutes.

21. Authorities Of The University :-

- (1) The following shall be the authorities of the Private University, namely :--
 - (a) the Governing Body;
 - (b) the Board of Management;
 - (c) the Academic Council;
 - (d) such other authorities as may be created by the Statutes shall be the authorities of the Private University.
- (2) The term of the nominated members on the Governing Body and the Board of Management shall be three years. No nominated member shall be nominated for more than two consecutive terms.

22. The Governing Body :-

- (1) The Governing Body of the university shall consist of the following, namely :--
 - (a) the Chancellor;
 - (b) the Vice-Chancellor;
 - (c) three eminent persons nominated by the sponsoring body out of whom atleast one shall be noted educationist;
 - (d) three distinguished persons nominated by the Visitor out of a panel of six names submitted by the State Government;
 - (e) one representative of the State Government, not below the rank of Deputy Secretary.
- (2) The Chancellor shall be the ex-officio Chairman of the Governing Body.
- (3) The Governing Body shall be the higher authority of the

university. All the movable and immovable property of the university shall vest in the Governing Body. It shall have following powers, namely :--

- (a) to provide general superintendence and directions and to control functioning of the Private University by using all such powers as are provided by this Act or the Statutes, Ordinances or Regulations made thereunder;
 - (b) to review the decisions of other authorities of the Private University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances or Regulations made thereunder;
 - (c) to approve the budget and annual report of the Private University;
 - (d) to lay down the policies to be followed by the Private University;
 - (e) to recommend to the sponsoring body about the voluntary liquidation of the Private University if a situation arises when smooth functioning of the Private University is not possible;
 - (f) such other powers as may be prescribed by the Statutes.
- (4) The Governing Body shall meet at least three times in a calendar year.
- (5) The quorum for meetings of the Governing Body shall be five.

23. The Board Of Management :-

- (1) The Board of Management shall consist of the following members, namely :--
- (a) the Vice-Chancellor;
 - (b) two representatives nominated by the sponsoring body;
 - (c) two representatives nominated by the State Government;
 - (d) two senior most professors of the Private University by rotation;
 - (e) two senior most teachers of the Private University, other than in sub-section (1) (d), by rotation.
- (2) The Vice-Chancellor shall be the ex-officio Chairperson of the Board of Management.
- (3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.
- (4) The Board of Management shall meet at least once in every two months.
- (5) The quorum for meetings of the Board of Management shall be five.

24. The Academic Council :-

- (1) The Academic Council shall consist of the Vice Chancellor and such other members as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the Chairperson of the Academic Council.
- (3) The Academic Council shall be the principal academic body of the Private University and shall, subject to the provisions of this Act, Statutes, Ordinances and Regulation, co-ordinate and exercise general supervision over the academic policies of the Private University.
- (4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

25. Other Authorities :-

The composition, constitution, powers and functions of other authorities of the Private University shall be such as may be prescribed by the Statutes.

26. The First Statutes :-

- (1) Subject to provisions of this Act, and the Rules made thereunder, the First Statutes of the Private University may provide for all or any of the following matters, namely :--
 - (a) the constitution, powers and functions of the authorities and other bodies of the Private University as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;
 - (c) the manner and terms and conditions of appointment of the Registrar, Chief Finance and Accounts Officer and other Officers, and their powers and functions;
 - (d) the manner and terms and conditions of appointment of teachers;
 - (e) the terms and conditions of services of employees of the Private University;
 - (f) the procedure for arbitration in case of disputes between officers, teachers, employees and students;
 - (g) the conferment of honorary degrees;
 - (h) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships;
 - (i) provisions regarding the policy of admissions, including

regulation of reservation of seats specially for students below poverty line (BPL), SC/ST, handicapped and girls categories;

(j) provisions regarding fee to be charged from students and concession for the categories mentioned in (i) above;

(k) provisions regarding number of seats in different courses :

Provided that the Private University shall not make any Statute relating to charging of donation or capitation fee from the students.

(2) The first Statutes of the Private University shall be made by the Governing Body and shall be submitted to the Regulatory Commission for approval.

(3) The Regulatory Commission shall consider the First Statutes submitted by the Private University within two months from the date of its receipt and shall give its approval with such modification as it may deem necessary.

(4) The Private University shall communicate its agreements to the First Statutes as approved by the Regulatory Commission and if it desires not to give effect to the modifications made by the Regulatory Commission under sub-section (3), it may give the reasons therefor and the Regulatory Commission may or may not accept the suggestions made by the Private University.

(5) The State Government shall publish the first statute as approved by the Regulator Commission in the Official Gazette and thereafter such Statute shall come into force.

27. The Subsequent Statutes :-

(1) Subject to the provisions of this Act and the Rules made thereunder the Subsequent Statutes of the Private University may provide-for all or any of the following matters, namely :--

(a) creation of new authorities of the Private University;

(b) accounting policy and financial procedure;

(c) representation of teachers in the authorities of the Private University;

(d) creation of new departments and abolition or restructuring of existing departments;

(e) institution of medals and prizes;

(f) creation of posts and procedure for abolition;

(g) revision of fees;

(h) alteration of the number of seats in different courses; and

(i) all other matters which under the provisions of this Act are to be prescribed by the Statutes.

(2) The Statutes of the Private University other than the first

Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be sent to the Regulatory Commission and the Regulatory Commission may, if it considers necessary, give suggestions for modifications in it within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the Regulatory Commission and return the Statutes to the Regulatory Commission with its comments on the suggestions.

(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 Statutes shall come into force.

28. The First Ordinances :-

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

(a) admission of students to the Private University and their enrolment mentioning clearly special consideration for the students of Scheduled Castes and Scheduled Tribes, handicapped and girls categories;

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

(c) award of the degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same and the means to be adopted relating to the granting and obtaining of the same;

(d) conditions for award of fellowships, scholarships, stipends, medals and prizes;

(e) conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(f) examination fees to be charged for the various courses for degrees and diplomas of the university;

(g) conditions of residence of the students of the university;

(h) provision regarding disciplinary action against the students;

(i) creation, composition and functions of any other body which is considered necessary for improving the academic environment of the Private University;

(j) manner of co-operation and collaboration with other universities and institutions of higher education;

(k) all other matters which, by this Act or Statutes made thereunder, are required to be provided by the Ordinances.

(2) The First Ordinances of the Private University shall be made by the Vice-Chancellor which shall be submitted to the Regulatory Commission for approval.

(3) The Regulatory Commission shall consider the First Ordinances submitted by the Vice-Chancellor under sub-section (2) within two months from the date of its receipt and shall either approve it or give suggestions for modifications.

(4) 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.

29. The Subsequent Ordinances :-

(1) All Ordinance other than the First Ordinances shall be made by the Academic Council with the approval of the Board of Management.

(2) The State Government after approval of the Ordinances by the Regulatory Commission, shall publish all Ordinances made under sub-section (1) in the gazette and on such publication, the Ordinance shall come into force.

30. Vacancies Not To Invalidate The Proceedings Of Any Authority Or Body Of The University :-

No act or proceeding of any authority or body of the Private University shall be invalid merely by reason of any vacancy or defect in the constitution thereof.

31. Filling Up Of Emergent Vacancies :-

Vacancies arising in the members of authorities or bodies of the Private University due to death, resignation or removal of a member or due to change of capacity in which he was appointed or nominated, shall be filled up as early as possible by the person or

the body who had appointed or nominated such a member :

Provided that the person appointed or nominated as a member of an authority or body of the Private University on an emergent vacancy, shall remain member of such authority or body for only the remaining period of the member in whose place he is appointed or nominated.

32. Committee :-

The authorities or officers of the Private University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees and their duties shall be such as may be prescribed by the Statutes.

33. Mode Of Proof Of University Record :-

A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or Committee of the Private University or other documents in possession of the Private University or any entry in any register duly maintained by the Private University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or documents 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.

34. Regulations :-

(1) The Authorities of the Private University constituted by or under this Act may make regulations subject to the provisions of this Act, the Statutes and the Ordinances of the Private University.

(2) The Board of Management may modify or annul any regulations made under this section by any authority.

35. Enforcement Of Statute, Ordinance And Regulation :-

All Statute, Ordinance or Regulation shall come into force after its publication in the Official Gazette.

CHAPTER 4

REGULATION OF PRIVATE UNIVERSITY

36. Regulatory Commission :-

(1) A Regulatory Commission shall be established by the State Government for the purpose of providing a regulatory mechanism at the State level, and for working as an interface between the State Government and the Central Regulatory Bodies for the purpose of ensuring appropriate standard of teaching, examinations, research, extension programmes, protection of interest of the students and ensuring reasonable service conditions of the 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) a Chairman, two full-time Members, out of which one Member shall be "Member-Academic" and another Member as "Member-Administration" and not exceeding two part-time members to be appointed by the Visitor;

(b) a full time or part time Secretary.

(4) The Chairman shall be appointed by the Visitor from a panel recommended by the State Government consisting of eminent educationists who have a thorough 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 Private Universities established under this Act.

(7) Terms and conditions of services of Chairman and the members, mode of authentication of orders and decisions of the Regulatory Commission and instruments issued by the Commission, 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.

(8) It shall be the general duty of the Regulatory Commission :--

(a) to take all such steps as it considers necessary for determination and maintenance of standards of teaching, examination and research in the Private University;

(b) to ensure that Private Universities collect only 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;

(c) to ensure that teachers of the University have at least the minimum educational qualifications prescribed by the UGC or other regulatory bodies;

(d) to ensure that the staff of the Private University is appointed in conformity with the Statutes, Ordinance, and norms/guidelines prescribed by UGC and other concerned Statutory Bodies;

(e) to ensure that students enrolled in the Private University are not exploited and no un-ethical means are adopted to collect undue excessive fee from them;

(f) to take action pertaining to, and pursuant upon, liquidation of a Private University by the State, including arrangement for completion of courses, conduct of examinations, award of degrees etc., by assigning the job to some other State University in such a manner that the interest of the students are not adversely affected. Expenditure made for these arrangements for the students along with the process of liquidation of the Private University shall be made good from the money deposited in the Endowment Fund and/or General Fund;

(g) to regulate consultation with the concerned Private University, the study centres established at different places in the State.

(9) The State Government may issue directions on matters of policy to the Regulatory Commission.

37. Annual Report :-

(1) The annual report of the Private University shall be prepared by the Board of Management which shall include among other matters, the steps taken by the Private University towards the fulfilment of its objects and shall be approved by the Governing Body, and a copy of the same shall be submitted to the sponsoring body.

(2) Copies of the annual report prepared under sub-section (1) shall also be presented to the Visitor and the Regulatory Commission.

38. Annual Accounts Audit :-

(1) The annual accounts including balance sheet of the Private University shall be prepared under the directions of the Board of Management and the annual accounts shall be audited at least once every year by the auditors appointed by the Private University for

this purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the Governing Body.

(3) A copy of the annual accounts and audit report along with the observations, if any, of the Governing Body shall be submitted to the Visitor and the Regulatory Commission.

(4) The Regulatory Commission shall examine the annual report and accounts and audit report. The direction of the Regulatory Commission on the subject arising out of the annual report and accounts and audit report of the Private University shall be binding on the Private University.

39. Periodic Inspection :-

(1) The UGC may cause periodic inspection of the Private University or any of its centres. For this purpose, the UGC may call for all relevant information from the concerned Private University, as provided in the UGC (Returns of Information by Universities) Rules, 1979 as amended from time to time.

(2) After inspection and assessment of a Private University providing first degree and/or Post-Graduate Degree/diploma courses, the UGC may indicate to the university any deficiency and non-conformity with the relevant UGC Regulations and give it reasonable opportunity to rectify the same. If the Commission is satisfied that the Private University has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, the Commission may pass an order prohibiting the Private University from offering any course for the award of the first degree and/or the Post-Graduate degree/diploma, as the case may be, till the deficiency is rectified.

(3) The UGC may take necessary action against a Private University awarding a first degree and/or a Post-Graduate degree/diploma, which are not specified by the UGC, and inform the public in general through a public notification. A Private University continuing such programme(s) and awarding unspecified degree(s) shall be liable for penalty under Section 24 of the UGC Act.

CHAPTER 5

WINDING OF PRIVATE UNIVERSITY

40. Management Of University On Dissolution Of Sponsoring Body :-

(1) If the Sponsoring Body proposes to dissolve itself or wants to

discontinue the function of the Private University established under the Act, it shall inform the Regulatory Commission of its 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 fulfilment 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.

41. Special Powers Of The State Government In Certain Circumstances :-

(1) On report of Regulatory Commission or otherwise if it appears to the State Government that any of the directions issued by it to the Private University under this Act has been violated or a situation of financial mismanagement and maladministration has arisen in the Private University, it shall issue notice requiring the Private University to show cause within forty five days as to :--

- (a) Why an order of its liquidation should not be made;
- (b) Why the board of management should not be suspended and an administrator be appointed under sub-section (7).

(2) If the State Government considers it necessary to suspend the Board of Management for the proper investigation, it shall, by notification published in the Gazette, order suspension of the Board Management and shall make such arrangement in consultation with the sponsoring body for the administration of the business of the Private University till the completion of investigation as it may consider necessary.

(3) If the State Government, on receipt of reply of Private University in respect of notice issued under sub-section (1), is satisfied that there is a prima facie case of financial

mismanagement, maladministration or violation of any of the provisions of this Act or directions issued thereunder it shall make an order of such enquiry as it may consider necessary.

(4) The State Government shall, for the purposes of any enquiry under sub-section (3), appoint an officer or authority to enquire into any of the allegations and to make report thereon.

(5) The Enquiring Authority appointed under sub-section (4) shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (No. 5 of 1908) while trying a suit in respect of the following matters namely :--

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;

(c) requisitioning any public record from any Court or office;

(d) any other matter which may be prescribed.

(6) Every Enquiring Authority enquiring under this Act shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter 26 of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(7) If the State Government on receipt of the enquiry report is satisfied that owing to financial mismanagement and maladministration a situation has arisen where by the financial stability or administration of the Private University has become insecure, it shall, by notification in the Official Gazette, order liquidation of the Private University or may cause the functioning of the Private University to continue by appointing an Act who shall have the powers vested in the Governing Body :

Provided that no order of liquidation shall take effect unless the entry relating to such Private University shall be deleted from the schedule appended to the Act.

(8) While issuing notification in respect of liquidation under sub-section (7), the State Government, shall, till the end of its current course, make arrangement for the administration of business of the Private University.

(9) The State Government during the period of management of Private University under sub-section (8) shall use the funds available with the Private University and the surplus, if any, shall be forfeited for itself.

(10) All the expenses incurred in the process of enquiry and till the completion of admission of the students, shall be met from the endowment fund or general fund of the university.

42. Power To Make Rules :-

(1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely :--

(a) the manner of making proposal to establish a Private University and the fees payable under sub-section (1) of Section 4;

(b) other particulars to be contained in the Project Reports under sub-section (2) of Section 4;

(c) the mode of establishment of endowment fund, in the manner of its investment, the payment of income from it to the sponsoring body, its forfeiture and mode of its return to the sponsoring body under Section 11 (3);

(d) mode of collection of fee from the Private University and depositing amount so collected in the Consolidated Fund and proviso to Section 12 (e);

(e) other matters to be provided for in the Statutes under sub-section (1) of Section 26;

(f) mode of authentication of orders and decisions of the Regulatory Commission and the instruments issued by the Commission, 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 conditions, temporary association of persons with the Commission, its budget, annual report, accounts and audit and such other matters as may be required for proper functioning of the Regulatory Commission under sub-section (9) of Section 30;

(g) other matters which are required to be, or may be, prescribed by rules under this Act.

(3) All rules for which provision is made in this Act, shall be Act in the State Legislative Assembly.

43. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as it may be deemed necessary or expedient for removing

the difficulty.

44. Repeal And Savings :-

The Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 (No. 2 of 2002) and orders, rules, resolutions, if any, in force immediately before the commencement of this Act, are hereby repealed and rescinded, as the case may be :

Provided that all orders made or actions taken under the Act so repealed, except under Sections 5 and 6, shall be deemed to have been made or taken under the corresponding provisions of this Act.

SCHEDULE 1

SCHEDULE I

[Under Section 9(1)]

Sl. No.	Name of Private University	Name of Sponsoring Body	Procedure of establishment of Sponsoring Body
(1)	(2)	(3)	(4)
1.	Dr. C.V. Raman University	All India Society for Electronics and Computer Technology (AISECT)	Firms and Societies Registration Act, 1973 (No. 44 of 1973) Registration No. C.G. State 208 dated 14-8-2002.
2.	MATS University	Shri Bhagwan Mahavir Jain Educational and Cultural Society.	Firms and Societies Registration Act, 1973 (No. 44 of 1973) Registration No. C.G. State 2342, dated 7-5-2003.

Main Premises (Head quarters)	Jurisdiction	Educational Programme
(5)	(6)	(7)
Kargi Road, (Kota) District : Bilaspur.	Chhattisgarh State	Under Graduation, Post Graduation and Diploma Courses in the faculties of Technology, Engineering, Rural Information, Science, Commerce, Education and matters related to.
Arang Kharora Highway, Gram Panchayat : Gullu, Village : Gullu, Tehsil : Arang, District : Raipur	Chhattisgarh State	Under Graduation, Post Graduation and Research Courses in the faculties of Management, Business, Commerce, Engineering, Information Technology, Life Sciences, Pharmacy, Arts & Humanities, Law, Education and Science and matters related.

1. Inserted by C.G. Act No. 29 of 2006 (W.e.f. 3-11-2006).