

## **Sher-I-Kashmir Universities Of Agricultural, Sciences And Technology Act, 1982**

**7 of 1982**

**[17 April 1982]**

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**Sher-I-Kashmir Universities Of Agricultural, Sciences And  
Technology Act, 1982**

**[17 April 1982]**

An Act to provide for the establishment and incorporation of the and Sher-i-Kashmir Universities of Agricultural Sciences and Technology in the State of Jammu and Kashmir.] Be it enacted by the Jammu and Kashmir State Legislature in the Thirty third Year of the Republic of India as follows:- 1. Substituted by Act VIII of 1998 w.e.f. 20-9-199.

## **CHAPTER 1 PRELIMINARY**

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called Sher-i-Kashmir universities of Agricultural Sciences and Technology Act, 1982.

(2) It shall extend to the whole of the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Government may by notification in the Government Gazette appoint.

1. Enforced vide SRO 306 dated 27.7.1982 w.e.f. 1. 8.1982.

### **2. Definitions :-**

In this Act and all Statutes and Regulations made thereunder, unless the context otherwise requires-

( 1 ) "Academic Council" means the Academic Council of the University;

(2) "Agriculture" includes the basic and applied Sciences of-

(a) Soil and Water Management;

(b) Crop improvement and production including cultivation of herbs and medicinal plants;

(c) Horticulture, Pomology, Oleiculture and Floriculture;

(d) Animal Husbandry, Sheep and Poultry Husbandry, Veterinary and Dairy Sciences and Animal Products Technology;

(e) Fisheries;

(f) Forestry, farm forestry, forest management and silviculture;

(g) Agriculture Engineering and Technology;

(h) Post-harvest technology including processing and marketing;

(i) Land use management;

(j) Sericulture including mulberry culture;

(k) Apiculture;

(l) Basic Sciences and Humanities in relation to Agricultural and

Animal Sciences; and

(m) subject pertaining to Agricultural Technology;

(3) "Board" means the Board of management of the University;

(4) "Chancellor" means the Chancellor of the University;

(5) "Comptroller" means the Comptroller of the University;

(6) "department" means the Department of the Division;

(7) "Division" means the Division of the University comprising a number of Departments;

(8) "Dean" means the Dean of the faculty including the faculty of post-graduate studies;

(9) "Director" means the Director of Resident Instruction, Director of Research and Director of Extension Education;

(10) "Extension Education" means the Educational activities concerned with the training of farmers and other groups serving Agriculture. Animal Husbandry and allied activities, in improved Agricultural Practices and the training of workers required for the conduct of these educational activities or for scientific technology related to Agriculture in broader sense and includes endeavour, to work through meetings, demonstrations, publications and other methods for making useful information available to farmers and the training of workers required for the conduct of these educational activities;

(11) "Extension Education Council" means the Extension Education Council of the University;

(12) "Faculty" means Faculty of the University;

(13) "Head" means the Head of the division of the University;

(14) "Hostel" means the place of residence for the students of the University maintained or recognized by the University as a part or separate from a University campus;

(15) "Officer" means the Officer of the University as specified in section 22 or any other person in employment of the University designated as officer by the statutes;

(16) "Prescribed" means prescribed by the Statutes or Regulations made by the University under this Act;

(17) "Pro-Chancellor" mean the Pro-Chancellor of the University;

(18) "Research Council" means the Research Council of the University;

(19) "Registrar" means the Registrar of the University;

(20) "Student of the University" means the persons enrolled in the University for taking a course of study for a degree, diploma or other academic distinction duly instituted;

(21) "Teacher" means a person appointed or recognized by the

University for the purpose of imparting instruction or conducting and guiding research or extension education programme and includes the person who may be declared by the Statutes or regulations to be a teacher;

1(22) "UNIVERSITY" means Sher-i-Kashmir Universities of Agriculture Sciences and Technology established and incorporated under section 3 of the Act in Kashmir and Jammu Divisions and the word "University" wherever occurring in the Act shall be construed accordingly;]

(23) "University Council" means the University Council of the University;

(24) "Vice-Chancellor" means the Vice-Chancellor of the University;

1. Substituted by Act IV of 1983, Section 2.

## **CHAPTER 2 THE UNIVERSITY**

### **3. Establishment And Incorporation Of The Universities :-**

1[(1) There shall be two Universities in the State, one in the Kashmir Division and the other in the Jammu Division, each having jurisdiction extending to its respective Division of the territories of the State.

(2) The University in the Kashmir Division shall be known as the "Sher-i-Kashmir University of Agricultural Sciences and Technology of Kashmir" and the University in the Jammu Division shall be known as the "Sher-i-Kashmir University of Agricultural Sciences and Technology of Jammu".

(3) The "Sher-i-Kashmir Agricultural University of Sciences and Technology of Kashmir and the Sher-i-Kashmir Agricultural University of Sciences and Technology of Jammu" shall be corporate bodies known by the names of the Sher-i-Kashmir University of Agricultural Sciences and Technology of Kashmir" and the "Sher-i-Kashmir Agricultural University of Sciences and Technology of Jammu", each having perpetual succession and a common seal with power to acquire and hold property, movable and immovable, to transfer the same, to contract and to do all other things necessary for the purpose of its constitution and may sue or be sued by its corporate name as aforesaid.

(4) Each University shall consist of the Chancellor, the Pro-Chancellor, the Vice-Chancellor, members of University Council, Board of Management, Academic Council and other authorised officers as provided in the Act.

(5) (a) The headquarters of a University shall be at a place to be

approved by the Government.

(b) A University may establish regional research and experiment stations and sub-stations in its respective Division representing different agro-climatic conditions and needs.]

1. Substituted by Act VIII of 1998 w.e.f. 20-9-1999

#### **4. Territorial Jurisdiction :-**

(1) With respect to the reaching, research and extension education in the field of Agriculture, the territorial jurisdiction and the responsibility 1[of each university having jurisdiction extended to its respective Divisions] shall extend to the entire State of Jammu and Kashmir.

( 2 ) 1[Each University] may assume responsibility for the maintenance of Agriculture, Animal Husbandry, Fishery, Sericulture, and Forestry Training/Educational Centres and research and experimental stations and for the programme of training of field extension of such and for the establishment, development and operation of such centers as may be required 1[within their respective jurisdictions] in various parts of the State.

(3) All colleges, researches and experimental or sub-stations coming under the jurisdiction and the authority of 2[each University shall come in as constituent units of 1[each university] under the full management and control of 2[each University] officers and authorities and no unit shall be recognised as an affiliated unit.

(4) Notwithstanding anything contained in this Act or in any other law for the time being in force, no educational institution outside the State territories shall be associated with or admitted to any privilege of 1[each University under this Act] nor shall any educational institution imparting instruction in agriculture within the State be associated in any way with or be admitted to any privilege of any other University incorporated by the law outside the State.

(5) 1[Each university shall have exclusive authority within its territorial jurisdiction] to provide for teaching, research and extension education in Agriculture and notwithstanding anything contained in any other law relating to the incorporation of any other University in the State, no University shall be competent to provide for teaching, research and extension education in Agriculture in the State.

(6) No University other than 1[the University established under this Act,] shall be competent to award any degree in Agriculture in the

State unless registered for such degree 1[before the establishment of 1[each university] under this Act.]

(7) 1[Each University] may have collaboration in research projects having multi-disciplinary approach and academic programmes with other Universities or reputed institutes.

1. Substituted by Act VIII of 1998 w.e.f. 20-9-1999,

2. Substituted by Act IV of 1983, Section 2.

## **5. Objects Of The University :-**

The objects of the University, among others shall be-

(1) imparting education in Agriculture and other allied branches of learning and scholarship;

(2) furthering the advancement of learning and prosecution of research in Agriculture, Animal Husbandry and other allied branches with particular emphasis on temperature and cold desert Agriculture;

(3) undertaking the extension education of such science for the benefit of the rural people of the State; and

(4) such other, purposes as the University may from time to time determine.

## **6. Functions And Powers Of The University :-**

The University shall have the following powers and functions, namely:-

(1) to provide for under-graduate and post-graduate instruction in Agriculture and other allied branches of learning and scholarship as the University may deem fit;

(2) to provide for conduct of research in Agriculture and allied branches of learning;

(3) to provide for dissemination of the findings of research and technical information through Extension Education Programme;

(4) to institute courses of studies and hold examinations and confer degrees, diplomas, certificates and other academic distinctions on person who have pursued prescribed courses of study or research or both in the University including part courses and/or research carried out in any other University or recognized Institutes for the purposes of which facilities are not available at the University;

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

(6) to provide training, lectures, practicals, demonstration for field workers, farmers and other persons not enrolled as regular

students, in the University;

(7) to co-operate with other Universities, Institutions and authorities in such manner and for such purposes as the University may determine subject to the provisions of section 4;

(8) to take over and maintain colleges, hostels, laboratories, libraries, research stations and farms and museums, related to Agriculture, Animal Husbandry, and other allied branches for teaching research and extension education;

(9) to institute teaching, record, research and extension education posts required by the University and to appoint persons to such posts;

(10) to create administrative, ministerial and other posts and to appoint person to such posts;

(11) to determine qualifications for teachers and to recognize persons as qualified to give instructions or to carry out researches and extension education in Agriculture;

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

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

(14) to surprise and control the residential accommodation and to regulate the discipline of the students of the University and to make arrangements for their welfare;

(15) without prejudice to the aforesaid powers and functions the University shall be competent to take any action or do anything, not inconsistent with the provisions of this Act, which may be necessary for the furtherance of all or any of the objects of the University.

## **7. University Open To All :-**

(1) The University shall, subject to the provisions of this Act, and the Statutes, be open to all persons of either sex and of whatever race, creed or class:

Provided that nothing in this section shall-

(a) require the University to admit to any course of study any person who does not meet the prescribed conditions and academic standards for admission or to retain on the rolls of the University persons, whose academic records are below the minimum standards as required for the award of a degree or whose personal conduct is such as to be prejudicial to the purpose of the University or to the rights and privilege of other students and staff;



(b) be deemed to require the University to admit to any course or study a number of students larger than the number determined by the Academic Council.

(2) Subject to the provisions of sub-section (1), the University shall reserve seats for socially and educationally backward classes and farmers ward in accordance with such principles as may, from time to time be determined by the Government in this behalf:

Provided that no such person shall be admitted to the University unless he meets the standards laid down by the University in respect of such candidates.

## **8. Visitation And Inspection :-**

(1) 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, its buildings, laboratories and equipment and of any constituent units of the University and may cause an inquiry to be made in the like manner of any matter connected with the University.

(2) The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry proposed to be made and the University shall be entitled to appoint a representative who shall have the right to be present and heard at such inspection or inquiry.

(3) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and inquiry and the Vice-Chancellor shall place the same before the Board, if necessary, with such advice as the Vice-Chancellor may offer upon the action to be taken thereon.

(4) The Vice-Chancellor shall then within such time as the Chancellor may fix, submit to him a report of the action taken or proposed to be taken by the Board.

(5) If the Board does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation which the Board may furnish, issue such directions in consultation with the Vice-Chancellor as he may think fit and the Board shall comply with such directions.

(6) Notwithstanding anything contained in the preceding sub-sections of this section, if at any time the Chancellor is of the opinion that in any manner the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act and the statutes and

regulations or the special measures desirable to maintain the standard of University teaching, examination, research or extension education, he may indicate to the University any matter in regard to which it desires an explanation and call upon the University to offer such explanation within such time as may be specified by the Chancellor. If the University fails to offer any explanation within the time specified or offer an explanation which in the opinion of the Chancellor is unsatisfactory the Chancellor may issue such instructions as appear to him to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to these instructions.

(7) The University shall furnish such information relating in the administration of the University as the Chancellor may require.

### **CHAPTER 3 AUTHORITIES OF THE UNIVERSITY**

#### **9. Authorities Of The University :-**

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

- (1) The University Council;
- (2) The Board of Management;
- (3) The Academic Council;
- (4) The Research Council;
- (5) The Extension Education Council;
- (6) The Faculties including Post-graduate studies and their Board of Studies;
- (7) Such other bodies of University as may be declared by the Statutes to be the authorities of the University.

#### **10. University Council :-**

(1) 1[Each University shall have a University Council consisting of the following members.-

- (i) The Chancellor;
  - (ii) The Pro-Chancellor;
  - (iii) Agriculture Minister, Jammu and Kashmir State;
  - 2[(iv) The Vice-Chancellor of the University concerned;
  - (iv-a) The Vice-Chancellor of the other University established under the provisions of this Act;]
  - (v) A nominee of the Government;
  - (vi) The Council may co-opt not more than two specialists as members to advise on particular matter under consideration.
- (2) The Chancellor shall preside over the meetings of the University

Council when present. In his absence the Pro-Chancellor shall preside. In case Pro-Chancellor be not available, the Agriculture Minister shall preside.

(3) The University Council shall meet twice a year. However, a special meeting of the Council may be convened whenever considered necessary.

1. Substituted by Act VII of 1998 w.e.f. 20.9.1999.

2. Substituted by Act X of 2002 w.e.f. 23.4.2002.

### **11. Powers And Functions Of The University Council :-**

1[Subject to the provisions of this Act and the Statutes made thereunder, the University Council shall-

(a) review the policies and programmes of the University and advise in regard to its future plans, development and expansion;

(b) consider any matter referred to it by the Board of Management;

(c) examine the annual account and annual audit report;

(d) consider and pass resolution on the annual report of the University.]

1. Section 11 substituted by Act XVII of 1985, Section 2.

### **12. Board Of Management :-**

1[The Chancellor shall constitute the Board of Management which shall consist of the following-

(i) the Vice-Chancellor;

(ii) the Planning Commissioner, Jammu and Kashmir Government;

(iii) Commissioner/Secretary, Finance Department, Jammu and Kashmir Government;

(iv) Commissioner/Secretary, Agriculture Production Department, Jammu and Kashmir Government;

(v) one representative of ICAR;

(vi) two eminent agriculture/veterinary scientists to be nominated by the Chancellor;

(vii) one progressive farmer to be nominated by the Chancellor;

(viii) one agro-industrialist to be nominated by the Chancellor; and

(ix) three Directors/Deans in the University to be nominated by the Vice-Chancellor.]

1. Section 12 substituted by Act XVII of 1985, Section 2.

### **13. Power And Duties Of The Board :-**

(1) Subject to the provisions of this Act and the Statutes, the

Board shall be the Chief Executive Body of the University and shall manage and supervise the properties and activities of the University and shall be responsible for the conduct of all administrative affairs of the University not otherwise provided for in this Act.

(2) Without prejudice to the generality of the foregoing powers the Board shall exercise and perform the following powers and functions, namely:-

1[(a) to consider and approve the financial estimates and the budget of the University;]

(b) to hold and control the property and the funds of the University and issue any general directive on behalf of the University;

(c) to accept or transfer any property on behalf of the University;

(d) to administer funds placed at the disposal of the University for the purpose intended;

(e) to arrange for the investment and withdrawal of the funds of the University;

2(f) to borrow money for capital investment with prior approval of the State Government and make suitable arrangements for its repayment;

(g) to accept on behalf of the University trusts, bequests and donations;

(h) to consider and approve the recommendations of the Academic, Research and Extension Education Councils where required;

(i) to direct the form and use of the common seal of the University;

(j) 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;

(k) to recommend to the University Council establishment of a new Department, Division or Research Station/sub-division or abolition of any one thereof or otherwise re-constitution of Department/Divisions or Research Stations on the recommendation of the Academic Council;

(l) to recommend to the University Council establishment of a new faculty, amalgamation of two or more faculties into a single faculty or abolition of a faculty or reconstitution of any of the existing faculties on the recommendation of the Academic Council;

(m) to confer and distribute the degrees, diplomas and such other educational certificates as may be prescribed by the Statutes;

3[(n) to approve the recommendations for appointment of officers of the University and teachers, employees of the rank of Associate professors and above in the prescribed manner.]

1. Clause (a) substituted by Act XVII of 1985 Section 2.
2. Clause (f) substituted by Act XVII of 1985, Section 4.
3. Clause (n) added by Act XVII of 1985, Section 4.

#### **14. Academic Council :-**

1[Each University shall have] an Academic Council which shall consist of the following members, namely: -

- (i) The Vice-chancellor, Ex-officio Chairman;
- (ii) Director Resident Instruction;
- (iii) Director Research;
- (iv) Director Extension Education;
- (v) Deans of the Faculties;
- ( v i ) Heads of Divisions/Regional Research Stations/Colleges/Institutes;
- (vii) One teacher from each Faculty to be nominated by the Vice-Chancellor;
- (viii) One Professor having special knowledge or practical experience in respect of the subjects basic to Agriculture, Veterinary Science and other allied Sciences from each of the Universities of the State;
- (ix) University Librarian;
- (x) Registrar, ex-officio Secretary;

2[(xi) Project Planning and Monitoring officer;

(xii) One Post-graduate student (Ph.D) on the basis of academic merit to be nominated by the Vice-Chancellor on rotation.]

(2) The Academic Council shall have the power to co-opt as members not more than two persons who have special knowledge or practical experience in respect of subject matter of any particular business which may come before the Council for consideration and the members so co-opted shall have the right to participate in the proceedings of the Council but shall have no right to vote.

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

(4) One-half 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 every four months on such dates as may be fixed by the Vice-Chancellor.

However, special meeting of the Academic Council can be called by the Vice-Chancellor.

1. Substituted by Act VIII of 1998 (W.e.f. 20.9.1999).
2. Clauses (xi) and (xii) added by Act XVII of 1985, Section 4.

### **15. Power And Functions Of The Academic Council :-**

(1) The Academic Council shall, subject to the provisions of this Act and Statutes, have general control on teaching and other programmes of Resident Instructions within the University and shall be responsible for the maintenance and standard thereof.

1[(2) The Academic Council shall have the power to make regulations consistent with this Act and Statutes relating to all academic matters. Regulations made, amended or repealed shall be referred to the Chancellor, through Board of Management, as soon as they are passed and Chancellor may within a period not exceeding four weeks, annul any of these regulations after giving due notice and opportunity for any explanation. The decision of the Chancellor shall be final.]

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

(i) to advise the Board on all academic matters including the control and management of libraries;

(ii) to make recommendations for the institution of Professorship, Associated Professorship, Assistant Professorship and other teaching posts including posts in research and extension education and in regard to the duties thereof;

(iii) to make recommendations regarding the constitution or reconstruction of divisions/departments/faculties of teaching, research and extension education;

(iv) to make regulations on Resident Instruction regarding admission of the students to the University, Courses of the study leading to degrees, diploma and certificates, conduct of examination and award of degree, diplomas, award of scholarship/stipend, fellowship to the students and rules for library, hostel and discipline;

(v) to make recommendations to the Board regarding qualifications to be prescribed for teachers in the University;

(vi) to advise the Vice-Chancellor on all matters relating to the control and management of Libraries;

(vii) to recommend to the Board the conferment of honorary degrees;

(viii) to make provisions regarding the post-graduate teaching, research and extension education;

(ix) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under the provisions of this Act and the Statutes.

1. Sub-section (2) substituted by Act XVII of 1985, Section 4.

### **16. Research Council And Its Functions :-**

(1) 1[Each University shall have Research Council consisting of the following members, namely:-

- (i) The Vice-Chancellor, Ex-officio Chairman;
- (ii) The Director Agriculture;
- (iii) The Director Horticulture;
- (iv) The Director Sheep Husbandry;
- (v) The Director Animal Husbandry;
- (vi) The Chief Conservator of Forests;
- (vii) The Director of Fisheries;
- (viii) All the Directors of the University (Director Research will act as Member-Secretary);
- (ix) All Deans of the Faculties;
- (x) All Heads of the Divisions/Regional Research Stations/College;
- (xi) Two Scientists of eminence from outside to be nominated for particular meetings by the Vice-Chancellor for their specialized knowledge of subject or subjects on the agenda of the meeting;

2[(xii) Project Planning and Monitoring Officer.]

3[Explanation. - For purpose of the clauses (ii) to (viii), reference to the members shall be deemed as reference to member having jurisdiction in the concerned Division.]

(2) The Research Council shall consider and make recommendations in respect of-

- (a) research programmes and projects undertaken or to be undertaken by the various University units in the State in the field of Agriculture, Veterinary Science and Animal Husbandry and other allied Sciences with a view to promoting effective co-ordination;
- (b) physical, fiscal and administrative facilities required for implementing research project;
- (c) orienting research to meet farmers needs;
- (d) integration of research extension education and teaching and participation of research workers in teaching and extension education programme;
- (e) any other matter pertaining to research programmes which may

be referred to by the Vice-Chancellor or the Board or any other authority of the University.

1. Substituted by Act VIII of 1995(w.e.f. 20.9.1999).

2. Substituted by Act XVII of 1985.

3. Inserted by Act VIII of 1998, w.e.f. 20.9.1999.

### **17. The Extension Education Council And Its Functions :-**

(1) 1[Each University shall have] an Extension Education Council consisting of the following members:-

- (i) Vice-Chancellor, Ex-officio Chairman;
- (ii) Agriculture Production Commissioner;
- (iii) Director of Agriculture;
- (iv) Director Horticulture;
- (v) Director Animal Husbandry;
- (vi) Chief Conservator of Forests;
- (vii) Director Sheep Husbandry;
- (viii) Director Fisheries;
- (ix) All Directors of University (Director Extension Education will act as a Member-Secretary)
- (x) All Deans of the Faculties;
- (xi) All Heads of the Divisions/Regional Research Stations/College;
- (xii) Two eminent persons in the field of Extension Education from outside nominated by the Vice-Chancellor for any particular meeting in accordance with the requirement of the agenda;
- (xiii) Three farmers having specialization in general Agriculture, Animal Husbandry and other allied branches to be nominated by the Vice-Chancellor for their specialized knowledge and experience;
- (xiv) One representative each of the undermentioned organization as per request of the Vice-Chancellor:-
  - (a) Community/Rural Development Department;
  - (b) Co-operative Department;
  - (c) State Agro-Industries Development Corporation;
  - (d) Irrigation Department;
  - (e) Fertilizer Corporation of India;
  - (f) National Seeds Corporation;
  - (g) any other Agro-Industries or Agro-Service Organization.

2[Explanation. - For purpose of the clauses (iii) to (viii), reference to the members shall be deemed as reference to a member having jurisdiction in the concerned Division.]

(2) The Extension Education Council shall consider and make recommendations in respect of-



- (a) Extension Education Programme and Projects of the University;
  - (b) Co-ordination of extension education activities for improvement of Agriculture and Animal Husbandry and allied branches and for the development of Rural Communities;
  - (c) Development of farmers Education and Training and Advisory Service, identification and resolution of field problems in transmission of informations;
  - (d) Methodology of Extension Education;
  - (e) Integration of Extension Education with teaching and research in the University and participation of teachers and research workers in Extension Education Programmes;
  - (f) Any other matter referred to it by the Vice-Chancellor, Board or any other authority of the University.
1. Substituted by Act VIII of 1998, w.e.f. 20.9.1999.
  2. Inserted by Act VIII of 1998 (Section 11) (w.e.f. 20.9.1999).

### **18. Faculties :-**

- (1) 1[Each University] shall have initially the Faculties of Agriculture, Veterinary Science and Animal Husbandry and Post-graduate Studies and as soon as may be, it shall also have the faculties of Forestry, Basic Science and Humanities and such other faculties as may be prescribed.
  - (2) These faculties shall comprise such division/department of studies as may be prescribed.
  - (3) Each faculty shall consist of such members and shall have such powers and perform such duties as may be prescribed.
  - (4) There shall be a Board of Studies of each Faculty, the constitution and powers of which shall be prescribed by the Statues.
1. Substituted by Act VIII of 1998 w.e.f. 20.9.1999.

### **19. Constitution Of Committees :-**

Every authority shall have the power to appoint Committees which may unless otherwise provided in this Act or Statutes consist of the members of the authority and such other persons as it may think fit.

### **20. 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 un-expired 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.

1(2) The Board may remove any person from membership of any authority or body of the University except the University Council 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:

Provided that he may continue to hold his office till his successor is appointed or nominated, as the case may be.

(4) Whether any person becomes a member of any authority or body of the University by virtue of the office held by him, he shall forth with cease to be a member of such authority or body if he 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 or any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor and such resignation shall take effect from the date on which the same is accepted by the authority competent to fill the vacancy or on the expiry of three months from the date of the receipt by the Vice-Chancellor, whichever is earlier.

1. Substituted by Act XVII of 1985, Section 2.

## **21. Validity And Protection Of Act :-**

(1) No act or proceeding of any authority or other body of the 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.

(2) 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.

(3) No suit or other legal proceedings 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 UNIVERSITIES**

### **22. Officers :-**

1[OFFICERS OF THE UNIVERSITIES]

1[Each University shall have the following officers namely:-]

(i) The Chancellor;

(ii) The Pro-Chancellor;

(iii) The Vice-Chancellor;

2[(iv) Omitted];

(v) The Directors;

(vi) The Deans;

(vii) The Registrar;

(viii) The Comptroller;

(ix) The University Librarian;

(x) The Students Welfare, Office;

(xi) Such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

1. Substituted by Act VIII of 1998 (w.e.f. 20.9.1999).

2. Clause (iv) Omitted by Act XVII of 1985.

### **23. The Chancellor :-**

(1) The Governor of the State of Jammu and Kashmir shall by virtue of his office be the Chancellor of 1[each University.]

(2) The Chancellor shall be the Head of the University and shall,

when present, preside at the convocation of 2[each University.]

(3) 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 and Statutes:

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.

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

(5) The Chancellor shall preside over the meetings of the University Council.

1. Substituted by Act VIII of 1998 (w.e.f. 20.9.1999).

2. Substituted by Act VIII of 1998 (Section 11) (w.e.f. 20.9.1999).

#### **24. Pro-Chancellor :-**

(1) The Chief Minister of the State of Jammu and Kashmir by virtue of his office shall be the Pro-Chancellor of 1[both the universities.]

(2) The Pro-Chancellor shall, when present, in the absence of the Chancellor, preside at the meetings of the University Council and at the convocations of 1[both the Universities.]

(3) The Pro-Chancellor shall exercise such other powers and perform such other duties as are conferred on him by this Act or the Statues.

1. Substituted by Act XVII of 1985, Section 10.

#### **25. The Vice-Chancellor :-**

1(1) The Vice-Chancellor shall be a whole time officer of the University and he shall be appointed by the Chancellor from the penal of eminent agricultural/veterinary scientists drawn by the Selection Committee. The Selection Committee shall consist of the following persons:-

(i) Director General, ICAR;

(ii) Chairman, UGC or his nominee;

(iii) Chief Secretary/Additional Chief Secretary, Jammu and Kashmir Government (nominee of the Jammu and Kashmir Government);

(iv) One nominee of the Chancellor:

Provided that one of the members shall be nominated by the Chancellor to act as Convenor:

Provided further that the project Director-cum-Vice-Chancellor (designate) appointed by the Government shall be the first Vice-

Chancellor of the University.]

(2) The Vice-Chancellor shall hold office for a term of five years or until he attains the age of 65 years whichever is earlier. He shall be eligible for re-appointment for a second term of five years or until he attains the age of 65 years whichever is earlier. The emoluments and other conditions of the service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment.

(3) 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 at least 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.

(4) 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 of the University, with the approval of the Chancellor, may perform the routine duties of the Vice-Chancellor but this period shall not exceed six months.

(5) The Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed in consultation with the Government on the ground of mis-behavior 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 who is or has been a Judge of the High Court to be nominated by the Chancellor in consultation with the Government, in which the Vice-Chancellor, shall have an opportunity of making his representation.

1. Substituted by Act XVII of 1985, Section 10.

## **26. Powers And Duties Of The Vice-Chancellor :-**

(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and ex-officio Chairman of the Board and of the Academic Council and he shall, in the absence of the Chancellor and Pro-Chancellor preside at the convocation of the University and confer degrees on persons entitled to receive them.

(2) The Vice-Chancellor shall exercise general 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, the Academic Council, Research Council and Extension Education Council.

- (4) The Vice-Chancellor shall ensure the faithful observance of the provisions of this Act and the Statutes and the Regulations.
- 1[(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 authority which will ordinarily have dealt with the matter. If the authority disagrees with action of the Vice-Chancellor the matter shall be referred to the Chancellor whose decision shall be final.
- (7) 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.
- (8) Where any action taken by the Vice-Chancellor under sub-section (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 with a notice of the action taken.
- (9) Subject to the provisions of the preceding sub-sections the Vice-Chancellor shall give effect to the decisions of the University Council and Board regarding the appointments, promotions, suspension 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 coordination and integration of teaching, research and extension education.
- (11) The Vice-Chancellor shall exercise such other power and perform such other duties as are conferred or imposed upon him under provisions of this Act and the Statutes.
1. Sub-section (5) substituted by Act XVII of 1985 and given effect from 1. 8.1982 vide Act VII of 1988.

## **27. Other Officers Of The University - General Terms And Conditions :-**

- (1) The officers of the University referred to in clauses (v) to (xi) of section 22 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:
- Provided that the Vice-Chancellor may make appointments of such

officers as a temporary measure for a period of six months under intimation to the concerned authority of the University.

## **28. Directors, Dean, Registrar, Comptroller Etc :-**

(1) Director of Resident Instruction. - There shall be a Director of Resident Instruction who shall be responsible for direction and co-ordination of inter-faculty and intercampus resident instructional programmes and for maintenance of standard of teaching at all levels of undergraduate and post-graduate studies. He will be concerned with the policy matter and system regarding resident instruction in the University. He shall also act as Dean, Faculty of Post-graduate Studies.

(2) Director of Research. - There shall be a Director of Research who shall be responsible for the direction and co-ordination of research programmes in the University as laid down in section 30 and efficient working of research stations.

(3) Director of Extension Education. - There shall be a Director of Extension Education who shall be responsible for the Agriculture Extension Education Programmes as laid down in section 31.

(4) Dean. - (a) He shall be the Chairman of the Faculty and the Board of Studies of the concerned faculty and shall be responsible to the Vice-Chancellor for the organisation and implementation of the teaching programme of the faculty.

(b) The Dean, Faculty of Post-graduate studies shall co-ordinate Post-graduate studies in all Divisions/Departments/Colleges and the units of the University.

(5) Registrar. - (a) The Registrar shall be ex-officio non-member Secretary of the University Council and the Board of Management and ex-officio Member-Secretary of the Academic Council.

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

(c) The Registrar shall be responsible for maintaining permanent records of the Academic Council, performance of the students of the University including the courses taken, credits obtained, degrees, prizes or other distinction and other times pertaining to the Academic performance and the discipline of the students.

(d) The Registrar shall invite and receive applications for admission into the University.

(6) Comptroller, - (a) The Comptroller shall be responsible for preparation of the budget and the statement of accounts of the University. He shall manage the funds and investments of the

University. He shall be responsible for ensuring that expenditure is made as authorised.

(b) The Comptroller shall arrange periodical internal inspections of the accounts maintained in the various units of the University.

(c) The Comptroller 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.

(d) The Comptroller shall see that the Registers of Buildings/Furniture/Equipment and other items are maintained up to date and that the stock checking is conducted of all items in all offices and units of the University.

(7) University Librarian, - He shall be responsible for the maintenance and management of the University Library, to guide and co-ordinate the working in the libraries of the various constituent units of the University, to prepare the annual estimate of operational and developmental requirements of all the various libraries of the University for incorporation in the budget estimates.

(8) Students Welfare Officer. - He shall have the following duties:-

(a) to make arrangements and supervise management of students hostel, cafeteria and mess;

(b) to plan and organise students extra curricular activities such as sports, cultural and other recreational activities, national cadet corps and other allied activities of the University;

(c) to plan and direct the programme of students advisement and counseling and/to enlist the co-operation of prospective employers and employment agencies to assist in the placement of graduates of the University, to promote discipline amongst the students of the University;

(d) to supervise and control medical and health services and other welfare measures in the University;

(e) to make arrangements for scholarships, stipends, part-time employments and travel facilities for the study tour of the students.

(9) Financial Advisor. - Secretary/Commissioner to the Government, Finance Department shall be the Financial Advisor. He shall be member of the Finance Committee and the Board and advise the Vice-Chancellor and the authorities of the University as regards the financial policy of the University.

(10) Subject to the provisions of this Act officers of the University referred to in clauses (iv) to (xi) of section 22 shall perform such other duties as may be prescribed or as may be assigned to them, from time to time by the Board or the Vice-Chancellor.



## **CHAPTER 5      RESIDENT      INSTRUCTION, RESEARCH      AND EXTENSION EDUCATION**

### **29. Resident Instruction :-**

(1) Subject to the provisions of this Act, Resident Instruction in the University, shall include Bachelors , Masters and Doctoral Degree Programmes and short term diploma courses in the disciplines of Agriculture, Veterinary Science and Animal Husbandry, Home Science and other allied sciences which may be prescribed.

(2) Resident Instructional Programmes may be based on modern system of Agricultural Education with the objective of producing competent and practical oriented graduates and post-graduates to handle production, research, extension education and teaching work in the field of Agriculture, Animal Husbandry and allied branches.

(3) The existing colleges and teaching units along with the facilities and the budget in the field of Agriculture, Animal Husbandry and allied branches in the Government Department shall be transferred to the University with effect from such date as the Government may notify.

### **30. Research :-**

1[(1) Subject to the provisions of the Act and the Statutes, the University shall carry on Research Programmes (fundamental as well as applied) on the problems of Agriculture, Animal Husbandry and allied science for the purpose of aiding the development of Agriculture and for the benefit of rural population.!

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

(3) The existing research organizations and experimental stations along with facilities and budget in the field of Agriculture, Animal Husbandry and allied branches in the Government Departments shall be transferred to the University with effect from such date as the Government may notify.

(4) The University may establish Regional Research Stations and Sub-Stations in the different Agro-Climatic zones of the State for the conduct of research including necessary operational research.

1. Substituted by Act VIII of 1998 (s. 18) (w.e.f. 20.9.1999).

2. Deleted by Act VIII of 1998 ( Section 18) (w.e.f. 20.9.1999).

### **31. Extension Education :-**

(1) Extension Education Programme shall be established in the University and shall be subject to the provisions of this Act and the Statutes, make useful informations based upon findings of research available to farmers and others to help and solve their problems. It shall conduct demonstration and training programmes for the benefit of students, extension workers, farmers and home makers. Extension Education shall be co-ordinated with the other functions of the University and other appropriate agencies of the State.

(2) The University shall be responsible for the Agricultural Extension Educational Activities in the State necessary to inform and demonstrate to the farmers the findings of research on improved practices essential to improve rural living and to increase Agricultural Production with special emphasis on food production and utilization. In order that the University may conduct such activities, the State shall transfer to the University the necessary personal, facilities and funds in accordance with a plan to be developed and mutually agreed upon by the Board and the Government.

### **32. Co-Ordination Of Teaching, Research And Extension Education, Integration Of Functions And Curricula And Of Services :-**

1[(1) The Vice-Chancellor shall be responsible for taking such steps as may be necessary for the full coordination of teaching, research and extension activities of the University in consultation with the concerned officers of the University.

(2) The Vice-Chancellor shall be responsible for seeing that conditions are established whereby there is the maximum feasible progress in the development of new information and technology in natural, physical and social sciences related to agriculture and its transfer to the teaching curricula and to the educational programmes leading to their understanding and adoption where applicable in practice.]

(3) The Vice-Chancellor shall be responsible, working through the appropriate officers and staff of the University, to see that there is an appropriate inter-relation of the different curricula and courses offered in the different Faculties of the University so as to avoid Unnecessary duplication of functions between faculties of the university and provide the students with the best course offerings

and faculty contacts feasible within Universitys resources and talents.

(4) The University shall develop its programme of research and extension education keeping in view the needs of the State and provide the appropriate technical support and consultative advice to the Government departments engaged in the development work in Agricultural, Animal Husbandry and other allied branches.

1. Substituted by Act VIII of 1998 ( Section 18) (w.e.f. 20.9.1999).

## **CHAPTER 6 FUNDS AND ACCOUNTS**

### **33. The University Funds :-**

(1) 1[Each University! shall have a General Fund to which shall be credited-

(i) its income from fees, endowments and grants and income from properties of 1[each University] including hostel, experimental stations and farm;

(ii) contributions and grants made by the Government on such conditions as are consistent with the provisions of this Act; (iii) other contributions, grants, donations, benefication and loans and other receipts.

(2) 1[Each University] shall form a fund called the Foundation Fund from contributions and grants made by the Central Government and the State Government 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 amounts as may be specified from the Foundation Fund to the General Fund, in the manner prescribed.

(3) 1[Each University] shall furnish such statements, accounts, reports and other particulars as the Government may require relating to any grant made by the Government and shall take such action, furnish such statements, accounts, reports and other particulars relating to the utilization of any grant within such time and in such manner as the Government may direct.

(4) It shall be competent for 1[Each University] in furtherance of its objectives to accept the grants from the Government of Jammu and Kashmir 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 1[each University] and the grantor or donor.

1 . Substituted by Act VIII of 1998 ( Section 19) (w.e.f. 20.9.1999).

#### **34. Management Of Funds :-**

The General Fund, Foundation Fund and other funds of the University shall be managed according to the provisions laid down by the Statutes.

#### **35. Accounts And Audit :-**

Annual Statement of accounts of the University shall be prepared by the Comptroller and certified by an authority to be nominated or authorised by the Government. 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 not later than six months after the close of the financial year to which these pertain.

#### **36. Provident Fund, Pension And Insurances :-**

(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 pension, insurance and provident fund as it may deem fit.

(2) For such pension, insurance and provident fund so constituted by the University, the Government may declare that the provisions of the Jammu and Kashmir Provident Funds Act, Samvat 1998 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 the provident fund amount in such manner as it may determine.

#### **37. Government Grants :-**

The Government shall every year make the following lump sum grants to 1[each University], namely:-

(i) A grant not less than the expenditure incurred in the State of Jammu and Kashmir on such of the activities of the institutions of Agriculture, Animal Husbandry and other Government Departments as are transferred to 1[each University].

(ii) A grant not less than the estimated net expenditure of pay and allowances of the Staff, contingencies, supplies and services of 1[each University] other than in respect of the activities in various organizations, referred to above in clause (i).

(iii) A grant to meet such additional items of expenditure recurring and non-recurring as the Government deem necessary for the functioning of 2[each University].

1. Substituted by Act VIII of 1998 (w.e.f. 20.9.1999).

2. Substituted by Act VIII of 1998 (Section 2) (w.e.f. 20.9.1999).

### **38. Finance Committee :-**

(1) The Board shall constitute a Finance Committee, consisting of-

(i) The Vice-Chancellor (ex-officio Chairman);

(ii) Financial Advisor;

(iii) Two Secretaries to Government to be nominated by the Government;

( i v ) Director Research/Director Extension Education/Director Resident Instruction (one Director by rotation every year to be nominated by the Vice-Chancellor);

(v) One nominee of the Board who should be the non-official member of the Board;

(vi) Comptroller shall be the ex-officio Secretary of the Committee.

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

(i) to examine the annual accounts and budget estimates of the University and to advise the University Council and Board thereon;

(ii) to review the financial position of the University from time to time;

(iii) to make recommendations to the University on all matter relating to the finances of the University.

## **CHAPTER 7 STATUTES AND REGULATIONS**

### **39. Statutes :-**

Subject to the provisions of this Act, the Statutes of 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 other bodies or committees, necessary or desirable for improving the academic life of the University;

(3) designation, powers, functions, duties, manner of appointment and selection and terms and conditions of service of the officers other than Chancellor and Pro-Chancellor;

(4) classification, qualification and manner of appointment, terms

and conditions of services and duties of teachers, and other non-teaching staff of the University;

(5) conferment and withdrawal of honorary degrees and academic distinctions;

(6) establishment, amalgamation, sub-division and abolition of Faculties, Divisions/Department/Research station 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 the rules, terms and conditions of such schemes;

(8) holding of convocations to confer degrees and diplomas;

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

(10) institution of fellowships, scholarships, teaching/research assistantship, stipends, fee concessions, medals and prizes and the conditions of their award;

(11) allowances payable to members of the Board and other authorities of the University;

(12) admission of the students to the University and their enrolment and continuance as such;

(13) fees which may be charged by the University;

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

(15) condition under which students shall be admitted to the degrees, diplomas or other courses and the manner in which examinations are to be held and their eligibility for the award of the degrees and diplomas;

(16) conditions for conferring of degrees and other academic distinction;

(17) maintenance of discipline among the students of the University;

(18) special arrangements, if any, which may be made for residence, discipline and teaching of women students and presenting for them, special courses of study;

(19) recognition and management of hostels not maintained by the University;

(20) conditions of service, remunerations and allowances including travelling and daily allowances to be paid to officers, teachers and other persons employed under the University;

(21) conditions and mode of appointment and the duties of examining bodies and examiners;

(22) management of Division/Department and other institutions

founded or maintained by the University;

(23) constitution of a Selection Committee for appointment of teachers and other staff;

(24) all other matters which by this Act are to be provided by the Statutes.

#### **40. Statutes How Made :-**

The Statutes under this Act shall be proposed by the Board and submitted to the University Council for approval. The Statutes, if approved, shall be submitted to the Chancellor for his assent and shall be valid only after the assent is received and notified by the Vice-Chancellor.

#### **41. Regulations :-**

(1) The authorities of the University may make regulations consistent with this Act and the Statutes for-

(i) laying down the procedure for their meetings and the 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) An Academic Council may subject to the provisions of the Statutes make regulations providing for courses of studies, system of examination, academic calendar and award of degrees and diplomas of the University.

(3) The regulation made by any authority of the University except the University Council shall be subject to such direction as the Board may, from time to time, give in this behalf.

### **CHAPTER 8 MISCELLANEOUS**

#### **42. Residence Of Students :-**

The students shall reside in the accommodation maintained by the University or approved by the Vice-Chancellor subject to the conditions as may be prescribed. However, the Vice-Chancellor or an authorized officer of the University may in individual cases permit the students to reside with their parents or in private accommodation when no such accommodation is available with the University.

#### **43. Annual Report :-**

Annual report of the University shall be prepared by the Registrar under the direction of the Vice-Chancellor not later than six months from the close of the financial year and circulated to the members of the Board at least one month 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 University Council.

#### **44. Delegation Of Powers :-**

The University Council and the Board may, by order delegate the powers exercisable by them under this Act or the Statutes made thereunder, to any authority, officer, heads of divisions, departments, institution or units subject to such conditions and restrictions as they may deem proper.

#### **45. Constitution Of Adhoc Committees :-**

Notwithstanding anything in this Act and until such time-as the Authorities are duly constituted, the Vice-Chancellor may subject to the prior approval of the Chancellor or 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.

#### **46. Disputes As To Constitution Of Authorities Or 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 the 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.

#### **47. Legal Proceedings :-**

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

#### **48. Appointment To Posts In Connection With The Affairs Of**



## **The University :-**

(1) Subject to the provisions of this Act and the Statutes made thereunder appointments 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:

Provided that such approval shall not be necessary in respect of appointments to posts carrying scales of pay, the maximum of which does not exceed the maximum of the scale of an Assistant Professor.

(2) Notwithstanding anything 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 Pro-Chancellor and the Chancellor.

### **49. Extraordinary Powers Of The First Vice-Chancellor :-**

The first Vice-Chancellor shall, for a period of one year or until such time as the Board is constituted whichever is earlier, exercise all or any of the powers conferred on the Board by this Act or the Statutes.

### **50. Transitional Provisions :-**

(1) Notwithstanding anything contained in this Act or in the Kashmir and Jammu Universities Act, 1969 or in the Statutes or regulation 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 the University for degree, diploma or certificate of the Kashmir and Jammu Universities, in accordance with the regulations of the University be permitted-

(a) to complete his course in accordance with the curriculum of studies of Kashmir University or Jammu 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; and

(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 Kashmir University and Jammu University, as the case may be, and in subsequent years the examination shall be conducted by the University.

(3) Notwithstanding anything contained in the Kashmir and Jammu Universities Act, 1969 or in Statutes or Regulations made thereunder, Government Agriculture College, Wadura shall after the commencement of this Act, be dis-affiliated from Kashmir University and shall be maintained by the University as constituent College.

(4) All employees of the College, Research Institutes and other offices and institutions of the Government Department whose services have been transferred to the University shall be deemed to be transferred employees of the Government. Such transferred employee shall be governed in accordance with the terms and conditions of the Government applicable to them while those who have been employed by the University shall be subject to the provisions of this Act and the Statutes made thereunder. The transferred Government employees may opt for the University service on such terms and conditions as may be determined by the Board in consultation with the Government.

**50A.** Removal Of Difficulties :-

1[If any difficulty arises as to the first constitution of any authority of a University after the commencement of this Act, or otherwise in giving effect to the provisions of this Act, the Government may by order do anything which appears to them, necessary for the purpose of removing the difficulty.

1. Sections 50-A, 50-B, 50-C, 50-D, 50-E and 50-F inserted by Act VIII of 1998, w.e.f. 20-9-1999.

**50B.** Continuance Of The Existing Statutes And Regulations :-

All the Statutes and Regulations made under the Sher-i-Kashmir University of Agricultural Sciences and Technology Act, 1982 and in force immediately before the commencement of the Sher-i-Kashmir University of Agricultural Sciences and Technology (Amendment) Act, 1998 shall so far as may be consistent with the provisions of this Act, continue to be in force in each University after such commencement.

**50C.** Continuance Of Service Of The Existing Employees And Their

Allocation :-

Notwithstanding anything contained in this Act or any Statute or Regulation made thereunder or in any other law for the time being in force,-

(a) all employees of the Sher-i-Kashmir University of Agricultural Science and Technology constituted under the Sher-i-Kashmir University of Agricultural Sciences and Technology Act, 1982 (other than those serving on contract or on deputation in the University) who immediately before the commencement of the Sher-i-Kashmir University of Agricultural Sciences and Technology (Amendment) Act, 1998, were holding or discharging the duties of any post or office in connection with the affairs of the said University, shall, subject to the provisions of sub-section (2), continue in service on the same terms and conditions as regulated in their service before such commencement;

(b) the Chancellor may, in consultation with the Pro-Chancellor, by order allocate the employees of Sher-i-Kashmir University of Agricultural Sciences and Technology (other than those serving on contract or deputation in the University) between the Sher-i-Kashmir University of Agriculture Sciences and Technology of Kashmir and the Sher-i-Kashmir University of Agricultural Sciences and Technology of Jammu constituted under this Act, in such manner as he may consider necessary and every such allocation shall be deemed to be an appointment, transfer or promotion, as the case may be, to the post or office by the competent authority under this Act:

Provided that in making such allocation the conditions of service of employment- of such employees shall not be varied to their disadvantage.

**50D.** Inter-University Transfers :-

The Chancellor or the Pro-Chancellor may, after consulting the Vice-Chancellors of the two Universities, transfer any employees from one University to another University if such transfer is considered by him necessary in the interest of administration of the University constituted under this Act.

**50E.** Assets And Liabilities :-

The assets and liabilities of the Jammu Division and the Kashmir Division of the Sher-i-Kashmir University of Agricultural Sciences

and Technology existing immediately before the commencement of the Sher-i-Kashmir University of Agricultural Sciences and Technology (Amendment) Act, 1998, shall form the assets and liabilities of the Sher-i-Kashmir University of Agricultural Sciences and Technology of Jammu and the Sher-i-Kashmir University of Agricultural Sciences and Technology of Kashmir respectively.

**50F.** Legal Proceedings :-

Where immediately before the commencement of the Sher-i-Kashmir University of Agricultural Sciences and Technology (Amendment) Act, 1998, the Sher-i-Kashmir University of Agricultural Sciences and Technology was a party to any legal proceedings with respect to any property, rights or liabilities, the University of concerned Division which succeeds to acquire a share in that property or those rights or liabilities by virtue of this Act shall be deemed to be substituted as a party to those proceedings and the proceedings may continue accordingly.

**51.** 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.

**52.** Repeal :-

The Sadiq University of Agriculture Act, 1974 (Act No. X of 1974) is hereby repealed.