

Jharkhand State Agricultural University Act, 2000

8 of 1988

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Jharkhand State Agricultural University Act, 2000

8 of 1988

PREAMBLE

Be it enacted by the legislature of the state of Bihar in the Thirty Eighth year of republic of India as fallows:-

An Act to make suitable provisions for enforcing uniform standards of teaching research and extension education in the ²[two] Agriculture Universities of ²[Bihar], Namely, ²[The Rajendra Agricultural University and] the Birsa Agricultural University as Also , for having Uniformity in Financial management and in service Condition of the Employees in the said Universities

1. ED- This Act enacted by the state of Bihar has been Adopted by the state of Jharkhand by Notification No. 153 dated 27.01.2001. (text published above)

2. ED- In View of Adopted of this act by the state of Jharkhand these do not appear to be relevant for Jharkhand.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the ¹[Jharkhand] Agricultural University Act, 1987.

(2) It shall extend to the whole of the State of 1[Jharkhand].

(3) It shall come into force at once.

1. Substitution for Bihar by notification no. 2000/86 dated 19.12.2000

2. Definitions :-

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

(i) "Academic Council" means the Academic Council of a University;

(ii) "Agriculture" means the basic and applied sciences of soil and water management, crop production including production of all the garden crops, animal husbandry including veterinary and dairy sciences, fisheries, forestry including farm forestry, home science, agricultural engineering and technology, marketing and processing of agricultural and animal produce, co-operation, and use and management and the economic and social uplift of the rural people;

(ii) "Allied Science" means and includes, lac cultivation, social sciences and subjects pertaining to agricultural technology;

(iv) "Associate Dean" means Principal or Head of the College;

(v) "Authority" means any authority of a University as specified in Section 8 of this Act;

(vi) "Board" means Board of Management of a University as specified in Section 9 of this Act;

(vii) "Chairman" means the Chairman of a Post-graduate Department of a University;

(viii) "Chancellor" means the Chancellor of a University;

(ix) "College" means a constituent college of a University;

(x) "Comptroller" means the Comptroller of a University;

(xi) "Dean" means Dean of a Faculty;

(xii) "Department" means department of a Faculty;

(xiii) "Director" means and includes Director of Research, Director of Extension Education and Director of Resident Instruction;

(xiv) "Existing University" means ¹[xxx] the Birsa Agricultural University;

(xv) "Extension Education" means the educational activities concerned with the training of farmers and home makers and other groups serving agriculture and other allied sciences in improved agricultural practices and the training of workers required for the conduct of these educational activities or for scientific technology related to agriculture and allied Sciences and includes endeavour to work through meetings, demonstrations and other method for teaching in improved agricultural practices;

(xvi) "Faculty" means faculty of a University;

(xvii) "Head" means the head of College department;

(xviii) "Officer" means an officer of the University as specified in Section 19 of this Act or any other person in the employment of the University designated as an officer by the Statutes;

(xix) "Prescribed" means prescribed by the Act or Statutes or Regulations of a University;

(xx) "Principal" means the head of a College;

(xxi) "Region" means the jurisdiction of a University as provided under sub-section (1) of Section 3;

(xxii) "Registrar" means the Registrar of a University;

(xxiii) "Scheduled Castes" means the Scheduled Castes specified in Part III to the Schedule to the Constitution (Scheduled Castes) Order, 1950;

(xxiv) "Scheduled Tribes" means the Scheduled Tribes specified in Part III to the Schedule to the Constitution (Scheduled Tribes) Order, 1950;

(xxv) "Senate" means the Senate constituted under section 11;

(xxvi) "Statutes, Regulations and Rules" means respectively the Statutes, Regulations and Rules of a University for the time being in force;

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

(xxviii) "Teacher" means a person appointed or recognised by a

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

(xxix) "Unit" means and includes the service units of a University, such as Library, Documentation, Press and Publication, Communication, Workshop, Farm Operation, Health Services and other utility services;

(xxx) "University" means the ²[Rajendra Agricultural University and/or the] Birsa Agricultural University;

(xxxi) "Vice-Chancellor" means Vice-Chancellor of a University

1. Deleted by Notification No. 2000/86 dated 19.12.2000.

2. Ed.- In view of adaptation of this Act by the State of Jharkhand these do not appear to be relevant for Jharkhand.

CHAPTER 2 THE UNIVERSITIES

3. Establishment and incorporation of the university :-

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

(i) ¹[xxx]

(ii) The Birsa Agricultural University with its Headquarters at Ranchi having its jurisdiction over the areas comprising of the divisions of North and South Chotanagpur and Santhal Parganas.

(2) The Chancellor, Vice-Chancellor, members of the Board of Management and of the Academic Council, other authorities and officers of a University as set forth in this Act or as provided in the Statutes of a University and all persons who may hereinafter become such officers or members of authorities so long as they

continue to hold such office or membership, shall constitute a body corporate by the name of a University as specified in sub-section (1).

(3) A University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

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

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

(5) In all suits and other legal proceedings by or against a University, the pleading shall be signed and verified by the Registrar or by the Law Officer appointed from time to time by the University and all processes in such suits and proceedings shall be issued to and served on the Registrar.

1. Deleted by Notification No. 2000/86 dated 19.12.2000.

4. Regional Jurisdiction :-

(1) With respect to teaching, research and extension education of a University in the field of agriculture, the regional jurisdiction and the responsibility of a University shall extend to the area as mentioned in sub-section (1) of Section 3;

(2) A University may assume responsibility for the maintenance of training centres for agriculture and such other research and

experimental stations, for the programme of training of field extension workers therein, and for the establishment, development and operation of agriculture polytechnics as may be required within its jurisdiction;

(3) All Colleges, research and experimental stations or other institutions relating to agriculture falling under the jurisdiction and authority of a University shall come in as constituent units of that University under the full management and control of the University authorities and officers and no unit shall be recognised as an affiliated unit;

(4) Notwithstanding anything contained in any other law for the time being in force, no educational institution situated within the Region of a University and run by the State Government imparting instruction in Agriculture, for bachelor degree and above shall be associated in any way with or be admitted to any privilege of any other University incorporated by law in India and such privilege granted by any such other University to any educational institution within that region prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act;

(5) A University shall have exclusive authority throughout its jurisdiction to provide for instruction, teaching, research and training in Agriculture in the State.

(6) No University other than those to which this Act relates shall be competent to award any degree in agriculture in the State except in the discipline of Home Science.

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

5. Object of the University :-

A University shall be established and incorporated for the following purposes, namely:-

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

(2) Furthering the advancement of learning and prosecution of research in agriculture;

(3) Undertaking the extension of such sciences, specially to the rural people of the State; and

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

6. Admission to the University :-

A University shall, subject to the provisions of this Act and the Statutes, be open to all persons:

Provided that nothing in this section shall-

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

(b) be deemed to require a University to admit to any course of study a larger number of students than can be accommodated in the available faculties of that University or in a particular college or department as determined by the Academic Council.

Explanation.--The number of students to be admitted as decided by the Board will be in accordance with the requirement of the State Government from time to time.

7. Powers and functions of the University :-

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

(1) to provide for instruction in Agriculture and other allied branches of learning 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;

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

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

(i) pursued a course of study as prescribed, and

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

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

- (7) to provide lectures and instructions for field workers, farmers and other persons not enrolled as regular students of the University and to grant certificates to them as may be prescribed;
- (8) to operate with other Universities and authorities in such manner and for such purposes as the University may determine, subject to the limitations set forth in Section 4;
- (9) to take over and maintain colleges and hostels relating to Agriculture and other allied Sciences;
- (10) to maintain laboratories, libraries, research stations, institutions and museums for teaching, research and extension education;
- (11) to institute teaching, research and extension education posts and to appoint persons to such posts;
- (12) to determine qualifications for teachers and to recognise persons as qualified to give instruction or to carry out research and extension education in Agriculture and allied Sciences;
- (13) to create posts and to appoint persons to such posts;
- (14) to institute and award fellowships, scholarships and prizes in accordance with the Statutes;
- (15) to institute and maintain residential accommodation for the students and staff of the University;
- (16) to fix demand and receive such fees and other charges as may be prescribed;
- (17) to supervise and control the residence, conduct and discipline

of the students of the University and to make arrangements for promoting their health and welfare; and

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

CHAPTER 3 Chapter III

8. Authority of a University :-

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

(1) Board of Management,

(2) Senate,

(3) The Academic Council,

(4) The Board of Studies of different faculties, and

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

9. Board of Management :-

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

(i) Vice-Chancellor,

(ii) Agricultural Production Commissioner/Agricultural Secretary,

(iii) ¹[Director of Agriculture, Bihar, Patna for the Rajendra Agricultural University]/Director of Agriculture, Ranchi for the Birsa Agricultural University,

(iv) Director of Animal Husbandry,

(v) One Dean of the faculty and one Director of the University to be selected by rotation in the manner prescribed for a period of two years,

(vi) One Head of the University Department to be selected by rotation in the manner prescribed for a period of two years,

(vii) A woman specialist in Home Science to be nominated by the State Government for a period of two years,

(viii) A representative of the Indian Council of Agricultural Research,

(ix) Two progressive farmers from the jurisdiction of a University to be nominated by the State Government for a period of two years,

(x) One eminent Agricultural Scientist from the country to be nominated by the Chancellor for a period of two years,

(xi) Four members of the ²[Jharkhand] Legislature nominated by the State Government for a period of two years. Out of them, three shall be from the ²[Jharkhand] Legislative Assembly and one from the Legislative council

Explanation.- The persons shall be nominated from amongst the members of the Legislature whose constituency fall within the jurisdiction of the respective Universities.

(xii) Chief Conservator of Forests will be a member of the Board of Management in that University where there is teaching of Forestry at least at degree level,

(xiii) The Director of Fisheries shall be a member of Board of Management in that University in which separate teaching of Fisheries Science at degree level is established.

(2) The Vice-Chancellor shall be ex-officio Chairman of the Board of Management and the Registrar shall be its ex-officio Secretary.

(3) The term of Non-Official members of the Board of Management can be extended for a period not exceeding six months by the Chancellor:

Provided that a member elected or appointed as representative of any body shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or appointed him.

(4) The members of the Board other than the officers of a University and ex-officio member shall be entitled to daily allowance and T.A. as prescribed in the statutes.

(5) The Board of Management shall, on a date to be fixed by the Vice-Chancellor, meet at least once in every quarter of the year.

(6) One-third members of the Board of Management shall form the quorum of an ordinary meeting:

Provided that there shall be no quorum for an adjourned meeting.

1. Ed.- In view of adoption of this Act by the State of Jharkhand these do not appear to be relevant for Jharkhand.

2. Subs. for "Bihar" by Notification No. 2000/86 dated 19.12.2000.

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

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

(a) Frame, amend and repeal the statute/Regulations in the manner prescribed under this Act;

(b) Review and consider the financial requirements and estimates for a University and approve its budget;

(c) Approve the recommendation for appointment of officers, teachers and other staff of a University in the manner prescribed;

(d) Provide for the administration of any fund placed at the disposal of a University for the purpose intended;

(e) Arrange for the investment and withdrawal of funds of a University;

(f) Borrow money for capital improvements with the approval of the State Government and make suitable arrangement for its repayment;

(g) Provide for accepting, acquiring, holding and disposal of property on behalf of the University;

(h) Issue direction for the form and use of the common seal of the University;

(i) Appoint such committees, either standing or temporary as the Board of Management may consider necessary and specify the terms of reference thereof within the limitations of the Act or

Statutes;

(j) Determine and regulate all policies relating to a University in accordance with the Act or the Statutes;

(k) Make financial provisions for instruction, teaching and training in such branches of learning and courses of studies as determined by the Academic Council within the provisions of this Act and for research and advancement and dissemination of knowledge;

(l) Provide for the establishment and maintenance of Colleges, hostels, laboratories, experimental farms and other facilities necessary for carrying out the purposes of this Act;

(m) Provide for institution, maintenance and award of scholarships, fellowships, studentships, medals, prizes etc.,

(n) Accept on behalf of a University trusts, bequests and donations;

(o) Make provision for instituting and conferring degrees, diplomas and other academic distinctions;

(p) Meet at such time and at such place which it considers necessary; (q) Exercise such other powers and perform such other duties not inconsistent with the provisions of the Act or Statute as may be necessary for carrying out the purposes of the Act; (r) Frame, amend, repeal the rules consistent with the provisions of this Act, Statutes and the regulations.

11. The Senate :-

(1) The Senate shall consist of the following persons, namely:-

Ex-Officio members

(1) Chancellor/Chairman;

(2) Vice-Chancellor; The Vice-Chancellor, in the absence of the Chancellor, shall preside the Senate;

(3) Agriculture Production Commissioner or the Agriculture Secretary in his absence;

(4) Food Commissioner;

(5) Special or Additional or Joint-Secretary of the Department of Agriculture, Government of 1[Jharkhand];

(6) Special or Additional or Joint Secretary of the Department of Animal Husbandry, Government of 1[Jharkhand];

(7) Chief Conservator of Forest, ¹[Jharkhand];

(8) ²[Director of Agriculture, Bihar, Patna for the Rajendra Agricultural University]/Director of Agriculture, Ranchi, or the Joint Director in his absence for the Birsa Agricultural University;

(9) Director of Animal Husbandry, ¹[Jharkhand];

(10) Director of Fisheries, ¹[Jharkhand];

(11) Joint Director of Agriculture, Education, ¹[Jharkhand], Ranchi;

(12) Director, Research, ²[Rajendra Agricultural University]/Birsa Agricultural University, Ranchi:

(13) Director, Extension Education of the University;

(14) All Deans of Faculties;

(15) All Principals of Constituent Colleges and all Directors of Research Institutes;

Representative Members

(16) Seven persons to be elected by and from amongst the members of ¹[Jharkhand] Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;

(17) Two persons to be elected by and from amongst the members of the ¹[Jharkhand] Legislative Council in such manner as may be prescribed by the Chairman of the Council;

(18) Six teachers, other than Principals and Deans of faculties having at least five years teaching experience to be nominated in the manner prescribed by Statutes so as to give representation to all the constituent colleges of the University;

(19) Five persons, one each to be nominated by the ¹[Jharkhand] State Agro-Industries Development Corporation, the ¹[Jharkhand] State Agricultural Marketing Board, the

¹[Jharkhand] Rajya Beej Nigam, the

¹[Jharkhand] Fruit Vegetable Development Corporation and

¹[Jharkhand] State Dairy Development Corporation;

(20) One representative of the employees of the University (other than teacher) to be elected in the manner prescribed;

(21) Two farmers to be nominated by the Chancellor;

(22) Two eminent Agricultural Scientists to be nominated by the Chancellor;

(23) Two eminent Scientists (other than Agricultural Scientist) to be nominated by the Chancellor;

(24) One meritorious student to be nominated by the Vice-Chancellor in the manner prescribed by the Statutes;

(25) One student who has distinguished himself in sports and extracurricular activities to be nominated by the Vice-Chancellor in the manner prescribed by the Statutes.

(2) The term of office of members of the Senate, other than the ex-officio members shall be for a period of three years with effect from the dates of their respective elections or nominations, as the case may be, and shall include any further period which may elapse between the expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up a casual vacancy:

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

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

(4) The Vice-Chancellor may whenever he thinks fit and shall upon

a requisition in writing signed by not less than one-third of the total number of members of the Senate convene a special meeting of the Senate.

1. Substituted for "Bihar" by Notification No. 2000/86 dated 19.12.2000.

2. Ed.- In view of adoption of this Act by the State of Jharkhand these do not appear to be relevant for Jharkhand.

12. The powers and duties of the Senate :-

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

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

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

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

13. Appointment of committees :-

Authorities of a University shall have power to appoint Committees which may, unless otherwise provided in this Act or Statutes, consist of members of the authority concerned and such other persons as it may deem fit.

14. The Academic Council :-

(1) The Academic Council shall be incharge of the academic affairs of the University and shall, subject to the provisions of this Act and the Statutes, superintend, direct and control and be responsible for

t h e maintenance of standard of instructions, education, examination and other matters connected with conferment of degrees (including honorary degrees) or award of diplomas and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes, and shall advise the Vice-Chancellor on all academic matters.

(2) The Academic Council of a University shall consist of the following members, namely:-

(i) The Vice-Chancellor, who shall be the ex-officio Chairman;

(ii) The Deans;

(iii) The Directors;

(iv) Principals of the Colleges;

(v) All Chairman of the Post-graduate Department;

(vi) Three teachers of colleges on terms and conditions prescribed by the Statutes;

(vii) One Associate Professor and one Assistant Professor to be nominated by Vice-Chancellor by rotation for terms prescribed in the Statutes;

(viii) Director of Resident Instruction of the other Agricultural University of the State;

(ix) Two other members, who may be nominated by the Board of Management, after the approval of the Chancellor;

(x) The Registrar, who shall be the ex-officio Member Secretary.

(x) The Registrar, who shall be the ex-officio Member Secretary.

(3) The Academic Council of a University shall have power to co-opt as members two persons, having 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 all the rights of the members of the Council with regard to the transaction of the business in relation to which they may be co-opted except the right to vote.

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

(5) One-half of the number of members of the Academic Council shall form a quorum. However, no quorum is required for an adjourned meeting

.

15. Power and functions Academic Council :-

(1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the power to regulate and prescribe all courses of study and determine curricula, and shall have general control on teaching and other educational programme within a University, and shall be responsible for the maintenance of standards thereof.

(2) The Academic Council shall have power to make Regulations consistent with this Act and the Statutes relating to all academic matters falling within its purview and to amend or repeal such Regulations.

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

- (i) to advise the Board of Management in all academic matters including the control and management of libraries;
- (ii) to make recommendations for the institutions of professorships, associate professorships, assistant professorships and other teaching posts including posts in research and extension education and duties thereof;
- (iii) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching, research and extension education;
- (iv) to make regulations regarding the admission of students to a University and determine the number to be admitted;
- (v) to make regulations relating to the course of study leading to degrees, diplomas and certificates;
- (vi) to make regulations relating to the conduct of examinations and to maintain and promote standards;
- (vii) to make recommendations regarding post-graduate teaching, research and extension education;
- (viii) to make recommendations regarding the qualifications to be prescribed for teachers in a University,
- (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.

16. The Faculties :-

- (1) A University shall have such faculties as may be prescribed.

(2) Each faculty shall comprise of such department of study as may be prescribed by the Statutes.

(3) Each faculty shall consist of such members and shall have such powers and perform such duties as may be prescribed by the Statutes.

(4) There shall be a Board of Studies of each faculty, the constitution and power of which shall be prescribed by the Statutes.

(5) Each post-graduate department of a University shall have a Chairman and each college department shall have a Head whose appointment, powers and duties shall be as prescribed by the Statutes and who shall be responsible to the Dean or the Principal of the College as the case may be for the proper organisation and working of the department and shall be responsible to the Directors of Research and Extension Education respectively, for the co-ordination of Research and Extension Education work entrusted to his department.

17. Provision 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 other body of a 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 appointment, election or co-option, as the case may be and the person so appointed, elected or co-opted shall fill such vacancy for the unexpired portion of the term for which the member in whose place such person is appointed, elected or co-opted would otherwise have continued in office.

(2) The Board of Management may remove any person from membership of any other authority or body of a University on the

ground that such person has been convicted of an offence involving moral turpitude:

Provided that no order for removal shall be passed against any person without giving him an opportunity of being heard.

(3) Any 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 body by which he was appointed or elected.

(4) Whenever any person becomes a member of any authority or body of a University by virtue of the office held by him he shall forthwith 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.

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

18. Validity to protection of certain act :-

(1) No act or proceedings of any authority or other body of a University shall be invalid by reason of 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 not been entitled to do so.

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

(3) No suit, prosecution or other proceedings shall lie against any officer or other employee of a University for any act done or purported to have been done under this Act or the Statutes without previous sanction of the Board of Management.

(4) No officer or other employee of the University shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties or in discharge of the function imposed by or under this Act.

CHAPTER 4 OFFICERS

19. Officers of the University :-

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

(1) The Chancellor;

(2) The Vice-Chancellor;

(3) The Registrar;

(4) The Comptroller;

(5) The Deans;

(6) The Directors; and

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

20. Chancellor :-

(1) The ¹[Governor of the State of Jharkhand] shall be the Chancellor of a University.

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

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor may-

(i) Call for any paper for information relating to the affairs of a University;

(ii) For reasons to be recorded, refer any matter except a matter falling under section 43 for reconsideration to any officer or authority of the University that has previously considered such matter.

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

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 annulled and if any cause is shown within the time specified by him in this behalf, he shall consider the same.

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

(7) The Chancellor shall have the right to cause an inspection to be

made by such person or persons, as he may direct, of a University including its buildings, Laboratories, Libraries, museums, workshops and equipments and any institution, college or hostel maintained or administered by the University of the teaching and other work conducted by the University or in its auspices; and or the conduct of any other functionary of a University; and to cause any enquiry to be made in respect of any matter connected with administration and finances of a University.

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

1. Substituted by Notification No. 2000/86 dated 19.12.2000.

21. Vice-Chancellor :-

(1) (a) The Vice-Chancellor shall be a wholetime officer of a University who shall be appointed by the Chancellor out of a panel of names recommended by Selection Committee consisting of the nominee of the Chancellor, the Director-General of Indian Council of Agricultural Research, the Chairman, U.G.C. or his nominee, and the Agricultural Production Commissioner as the representative of the State Government.

(b) The nominee of the Chancellor shall be the Convenor and Chairman of the Selection Committee.

(2) The Selection Committee mentioned in sub-section (1) above may establish its own procedure for assembling names of possible candidates for consideration and preparing a panel for selection.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the first and subsequent Vice-Chancellor shall be appointed by the Chancellor on terms and conditions as he may determine.

(4) The Vice-Chancellor shall normally hold office for a term of three years and shall be eligible for one more term not exceeding three years:

Provided that the Chancellor may allow him to continue in office until his successor is appointed but this period shall not exceed six months:

Provided further that the maximum age upto which a Vice-Chancellor may hold office, shall not exceed 65 years.

(5) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor which shall be delivered to the Chancellor ordinarily sixty days prior to the date on which the Vice-Chancellor wishes to be relieved from his office, but the Chancellor may relieve him earlier and the resignation shall take effect from the date of relief.

(6) In the event of a temporary vacancy in the post of Vice-Chancellor or in his absence on leave or for any other reason, the Chancellor may appoint one of the Deans/Directors of the University to perform the routine duties of the Vice-Chancellor for a period not exceeding six months.

(7) If, in the opinion of the Chancellor, the Vice-Chancellor willfully omits or disregards or refuses to carry out the provisions of this Act or abuses the power vested in him and if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may institute an enquiry to be conducted by a sitting or retired Supreme Court/High Court Judge and on the basis of the results of the enquiry he, in consultation with the State Government, by order remove the Vice-Chancellor after giving him an opportunity of showing cause against the action proposed to be taken in regard to him.

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

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

(2) The Vice-Chancellor shall exercise general control over the affairs of a University

and shall be responsible for the due maintenances of discipline in a University.

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

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

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

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

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

has been served with a notice of the action taken.

(8) Subject to the provisions of sub-section (7), the Vice-Chancellor shall give effect to the orders of the Board of Management regarding the appointment, promotions, suspension and dismissal of officers and teachers of a University.

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

(10) The Vice-Chancellor may appoint, under intimation to the Board of Management, any suitable person temporarily for a period not exceeding six months in a vacancy of an officer of a University referred to in clauses (3) to (7) of Section 19.

(11) The Vice-Chancellor shall exercise such other power as may be prescribed for carrying out the purposes and provisions of this Act.

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

(i) subject to the approval of the Chancellor, to make the first Statutes under this Act to provide functioning of a University: Provided, the Vice-Chancellor may adopt mutatis mutandis the statute existing before the commencement of this Act in a University;

(ii) with the previous approval of the Chancellor, to constitute provisional authorities and bodies and on their recommendation make rules for the conduct of the work of a University;

(iii) subject to the Control of the Chancellor, to make such financial arrangement and incur such expenditure as may be necessary to

enable this Act or any part thereof to be brought into operation;

(iv) with the previous approval of the Chancellor, to make such appointments as may be necessary to enable this Act or any part thereof to be brought into operation;

(v) with the previous approval of the Chancellor, to appoint Committees that he may think fit to discharge such of the functions as he may direct; and

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

(13) Any order passed by the Vice-Chancellor in exercise of the powers conferred on him by clauses (ii) to (v) of sub-section (12) shall continue to have effect after the expiry of the period specified under sub-section (12) until it is modified or set aside by the authority or body competent to deal with it in accordance with the provisions of this Act

.

23. Other Officers of a University-General terms and conditions :-

(1) Any officer of a University referred to in clauses (3) to (7) of Section 19 shall be a wholetime officer of a University and shall be appointed by the Vice-Chancellor with the approval of the Board of Management.

(2) The salary and allowances and other conditions of service of such an officer shall be as prescribed by the Statutes.

24. Other Officers of a University-Duties :-

(1) Registrar.--

(i) The Registrar shall be ex-officio Secretary of the Board of Management and of the Academic Council. He shall place before them such information as may be necessary for the transaction of business.

(ii) The Registrar shall be responsible for the due custody of the common seal of a University.

(iii) The Registrar shall keep a permanent record of all courses, curricula and other information as deemed necessary;

(iv) The Registrar shall be responsible for maintaining a permanent record of the academic performance of students of a University including the courses taken, credits obtained, degrees awarded, prizes or other items pertaining to the academic performance of the students.

(v) Registrar shall perform such other duties as may be prescribed or required from time to time or which may be assigned by the Board of Management or Vice-Chancellor.

(2) Comptroller.-

The Comptroller shall be responsible to the Vice-Chancellor for preparation of the budget, and statement of accounts of a University. He shall manage the funds and investments of a University and shall advise the Vice-Chancellor with regard to the financial policy of a University. He shall be responsible to the Vice-Chancellor for ensuring that expenditure is made as authorised in the budget.

(3) Dean.-

The Dean shall be the Chairman of the Faculty and its Board of

Studies and shall be responsible to the Vice-Chancellor for the organisation and implementation of the teaching programme of the Faculty.

(4) Director.-

(i) The Director of Research shall be responsible for the direction and coordination of research programme as laid down in Section 26 and efficient working of the Research stations.

(ii) The Director of Resident Instruction shall be responsible for inter-faculty and inter-departmental co-ordination of undergraduate and post-graduate resident instruction.

(iii) The Director of Extension Education shall be responsible for direction and co-ordination of agricultural extension education programme as laid down in Section 27.

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

(5) Subject to the provisions of this Act, an officer of a University referred to in clauses (3) to (7) of Section 19 shall perform such other duties as may be prescribed or as may be assigned to him from time to time by the Board of Management or the Vice-Chancellor.

CHAPTER 5 SERVICE CONDITION OF TEACHERS AND

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

(i) Subject to the provision of the Act, the procedure for appointment, promotion, selection, fixation of pay and allowances, and other service conditions of teachers and members of the staff of a University shall be as prescribed in the statutes.

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

CHAPTER 6 RESEARCH AND EXTENSION

26. Research :-

(1) Agricultural Research Programme shall be developed in a University from time to time and subject to the provisions of this Act and the Statutes, a University shall carry on research directed to problems of agriculture and allied sciences for the purpose of aiding the development of the area of its jurisdiction in the State.

(2) A University through its research organisation shall be the principal agency of control over agriculture research activities for the area of its jurisdiction in the State.

(3) The existing research organisations of the Departments of Agriculture, Animal Husbandry, Dairy, Forestry and Fisheries of the State Government falling under the region of a University shall be transferred to that University with effect from such date as the State Government may, by notification, in the Official Gazette, specify.

(4) Research facilities, personnel and budget provisions assigned to the Directorates of Agriculture, Animal Husbandry, Dairy, Forestry and Fisheries of the State Government shall be transferred to the University concerned, on the date specified under sub-section (3).

27. Extension :-

An Agricultural Extension Education Programme shall be established in every University and shall, subject to the provisions of this Act

and the Statutes, make useful information, based upon the findings of research, available to the farmers and others including extension agencies of the State Government and Voluntary Organisations to help and solve their problems. It shall conduct demonstrations and training programmes for the benefit of students and farmers. Extension Education shall be co-ordinated with the other functions of a University and other appropriate agencies of the State.

28. Training :-

A University shall aid and assist State Government Officers, extension officers and farmers of the region to provide training in improved practices in agriculture.

CHAPTER 7 FUNDS AND ACCOUNTS

29. University Funds and Grants :-

(1) A University shall have a General Fund to which the following shall be credited:-

- (i) its income from fees, emoluments and grants;
- (ii) contributions or grants made by the State/Central Government and other agencies from time to time;
- (iii) grants, donations and benefactions; and (iv) other receipts.

(2) A University shall form a fund called the Foundation Fund from contributions

and grants made by the Central Government and the State Government and other agencies for being credited to the said fund.

(3) The money (amount) in the Foundation Fund shall be invested in the Securities mentioned or referred to in clauses (a) to (d) of Section 20 of the Indian Trusts Act, 1882 (2 of 1882) or in the State Bank of India or in other nationalised banks in suitable time

deposits.

(4) A University shall furnish such statements, accounts, reports and other particulars as the State Government may require relating to any grant made by that Government and shall take such action and furnish such statements, accounts, reports and other particulars relating to the utilisation of any grant within such time and in such manner as the State Government may direct.

(5) It shall be competent for a University in furtherance of its objectives to accept grants from the Government of ¹[Jharkhand] or any other State Government or the Central Government or Statutory bodies or endowments or donations under such conditions as may be agreed upon between the University and the Government or donor.

(6) A University may have such other funds, as may be prescribed by the Statutes.

1. Substituted for "Bihar" by Notification No. 2000/86 dated 19.12.2000.

30. Pension, Insurance and Provident Fund :-

(1) A University may constitute for the benefit of its officers, teachers, clerical staff and other employees in such a manner and subject to such conditions as may be prescribed, such as pension, insurance and provident funds as it may deem fit;

(2) For such pension, insurance and provident funds so constituted by a University, the State Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925) shall apply to such funds as if it were a Government Provident Fund:

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

(3) Persons in State Government services transferred to a University shall be governed by such terms and conditions as may be agreed to between the University, the State Government and the incumbent

.

31. Management of Funds :-

The General Fund, Foundation Fund and other funds

32. Grants :-

(1) The State Government shall, every year, make the following lump sum grants to a University, namely:-

(i) A grant not less than the net expenditure incurred by the State of ¹[Jharkhand] on such of the activities of the institution of the agriculture, animal husbandry and other Government departments as are transferred to the University;

(ii) A grant not less than the estimated net expenditure on pay and allowances of the staff, contingencies, supplies and services of a University other than in respect of the activities in various organisations referred to above in clause (i); and

(iii) A grant to meet such additional items of expenditure, recurring and nonrecurring as the State Government deem necessary for the proper functioning of the University.

(2) The State Government shall also make non-lapsable lump sum grant to a University in respect of the schemes in the Five-Year Plan and transfer an amount equal to the net outlay in the annual plan for implementation by the University. Adjustment may be made by the State Government for the anticipated assistance from the Central Government and other agencies sponsoring such schemes provided such assistance may come to a University directly, rather than through the State Government.

1. Substituted for "Bihar" by Notification No. 2000/86 dated 19.12.2000.

33. Finance Committee :-

(1) The Board of Management shall constitute a Finance Committee consisting of the following:-

(i) Vice-Chancellor-Chairman.

(ii) An Officer of the Finance Department of the State Government not below the rank of a Joint Secretary-Member.

(iii) One Representative of the State Government in the Department of Agriculture not below the rank of a Joint Secretary-Member. (iv) A Dean or a Director by rotation as prescribed by the Statutes- Member.

(v) One Chairman of a University Department by rotation as prescribed by Statutes-Member.

(vi) One Nominee of the Board of Management who should be a non-official member of the Board-Member, (vii) Comptroller-Secretary.

(2) The Finance Committee shall have the following powers, namely:-

(i) To examine the annual accounts of the University and to advise the Board of Management thereon;

(ii) To examine the annual budget estimates and to advise the Board of Management thereon;

(iii) To review the financial position of a University from time to time;

(iv) To make recommendations to a University on all matters relating to the finances of that University; and

(v) To make recommendations to the Board of Management on all proposals involving expenditure in excess of the amount provided in the Budget.

34. Accounts and Audit :-

(1) The annual accounts of University shall be prepared by the Comptroller under the direction of the Vice-Chancellor and all the money accruing to or received by a University from whatever source and all amount disbursed and paid by a University shall be entered in the accounts.

(2) (i) The accounts of a University shall once at least in every year and at intervals of not more than fifteen months to be audited by the Comptroller and Auditor-General of India or by a Chartered Accountant appointed by the State Government in this behalf in case the Comptroller and Auditor-General of India fails to audit the account in time.

(ii) The accounts when audited shall be printed and copies thereof together with the audit report shall be presented by the Vice-Chancellor to the Board of Management and to the Chancellor.

(3) The Board of Management shall submit a copy of the accounts and the report to the State Government alongwith the statement of the action taken by a University on the audit report and the State Government shall cause the same to be laid before both the Houses of the Legislature.

CHAPTER 8 STATUTES AND REGULATIONS

35. Statutes :-

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

- (1) constitution, powers and duties of the authorities;
- (2) powers, functions, duties, manner of appointment and conditions of services of the officers other than the Chancellor;
- (3) designation, manner of appointment, power and duties of officers;
- (4) classification, qualification and manner of appointment of teachers and other non-teaching staff;
- (5) conferment and withdrawal of honorary degrees and academic distinctions;
- (6) establishment, amalgamation, sub-division and abolition of faculties;
- (7) establishment of department of teaching in the faculties;
- (8) procedure of appointment, emoluments and conditions of service of the Vice-Chancellor and his powers;
- (9) the manner of appointment and selection of officers other than Vice-Chancellor, and their powers, terms and conditions of service;
- (10) establishment of pension, provident funds, insurance and other welfare schemes for the benefit of officers, teachers and other employees of a University, and the rules, terms and conditions of

such funds or schemes;

(11) procedure at meetings of the authorities including the quorum for the transaction of business by them;

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

(13) establishment and abolition of hostels maintained by a University.

(14) institution of fellowships, scholarships, studentships, bursaries, medals and prizes and the conditions of award thereof;

(15) allowances payable to members of the Board of Management;

(16) entrance or admission of the students to a University and their enrolment and continuance as such and the conditions and procedure for dropping students from enrolment;

(17) fees which may be charged by a University;

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

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

(20) conditions for conferment of degrees and other academic distinctions;

(21) maintenance of discipline among the students of a University;

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

(23) conditions of residence of students of a University and the levy of fees for residence in hostels maintained by a University;

(24) recognition and managements of hostels not maintained by a University;

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

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

(27) conduct of examinations;

(28) conditions of registration of graduates and maintenance of register thereof;

(29) management of colleges and other institutions founded or maintained by a University;

(30) constitution of a Selection Committee for appointment of teachers;

(31) duties of teachers of a University;

(32) fixation of date on or before which the annual report shall be submitted to the Board of Management;

(33) mode of execution of contracts or agreements by or on behalf of a University; and

(34) all other matters which by this Act are to be or may be provided for by the Statutes.

36. Statutes how made :-

(1) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided in this section:

Provided that the Board of Management shall not make any Statute or any amendment to a Statute affecting the status, powers or constitution of any existing authority until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Board of Management:

Provided further that no Statute shall be made by the Board of Management affecting the discipline of instruction, education and examination except after consultation with the Academic Council.

(2) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit the same to the Board of Management for reconsideration.

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

(4) All Statutes made under this Act shall be published in the official Gazette.

37. Regulations how made :-

(1) The authorities of a University may, by notification in the official Gazette, make regulations consistent with this Act and the Statutes-

(i) laying down the procedure to be observed at their meetings and the number required to form the quorum; and

(ii) providing for matters which by this Act or the Statutes have to be regulated by Regulations.

(2) Every such authority of a University shall make Regulation for giving notice to the members of such authority of the date of the meetings and the business to be considered at meetings and for keeping of record of the proceedings of the meetings.

(3) The Academic Council, may, subject to the provisions of the Statutes, make Regulations providing for courses of study, system of examinations and degrees, certificates, diplomas of a University after receiving drafts of the same from the Board of Studies concerned.

(4) The Academic Council may not alter a draft received from the Board of Studies, but may reject the draft or may return it to the Board of Studies for further consideration together with the suggestions of the Council, and the Academic Council shall be the final authority for approval of such proposals.

(5) The Board of Management may direct for the amendment, in such manner as it may specify, of any Regulations made under this section or for the annulment of any regulation made under sub-section (2) by any authority of the University.

CHAPTER 9 MISCELLANEOUS

38. Provisions regarding existing Colleges and Institutions

:-

(1) The Colleges and the Research Institutes existing at the time of commencement of this Act and falling within the respective territorial jurisdictions shall continue to be maintained, controlled and managed by the University.

(2) The control and management of all research and educational institutions of the Departments referred to in Section 26 shall, from the date specified under sub-section (3) of the said section, stand transferred to ¹[Rajendra Agricultural University and] Birsa Agricultural University as specified by the notification and thereupon all the properties, assets, liabilities and obligations of the State Government in relation to such institutions shall stand transferred to and vest in or devolve upon a University.

1. Ed.- In view of adoption of this Act by the State of Jharkhand these do not appear to be relevant for Jharkhand.

39. Provisions regarding employees of the University :-

(1) (a) All permanent employees of colleges, Research Institutes and other offices and institutions of the Department of Agriculture, Animal Husbandry, Dairy, Fisheries and Forest of the State Government whose services have been transferred by the State Government to a University or such other permanent employees whose services are transferred by the State Government to a University will be deemed to be transferred employees of the Government. These employees shall retain their lien on the permanent posts that they held in Government service on a substantive basis and their service conditions will be subject to the provisions of the ¹[Jharkhand] Service Code and other Government Rules, Regulations and Orders in force or that may be framed or issued by the State Government from time to time.

(b) All such Government employees of any College, Research Institute or any other Institution of the Agriculture, Animal Husbandry and Forest Department who did not on the eve of

transfer to the University held any permanent post on a substantive basis under Government or such other temporary employees whose services are transferred to a University by the State Government from time to time, shall be deemed to have been appointed by a University and they shall cease to be Government servant provided that-

(i) they shall give a written notice to the State Government within two years from the date of publication of the statutes of a University in the ¹[Jharkhand] Gazette that they may be permitted to revert to the Government service and thereupon they shall be permitted to revert to the service of Government to the extent of suitable vacancies available failing which their services may be liable to be dispensed with;

(ii) the services rendered by them in the regular establishment under the State Government shall be taken into account in calculating their pension and gratuity in case they are appointed to the pensionable establishment of a University; (iii) Every such individual who has been employed by a University shall be subject to the provisions of this Act and the statutes made thereunder;

(c) A University shall not make permanent appointment against any post in which another Government servant holds lien, or would hold lien, had his lien not been suspended without prior approval of the State Government.

(2) ²[xxx]

(3) A University shall be bound to arrange for payment of the substantive pay and allowances and other pay and allowances to which a transferred Government servant may be entitled on account of service rendered by him, under the Rules applicable to his service under the State Government.

(4) (a) The transferred employees of the State Government shall remain in their respective cadres of their Department in the State

Government on posts held by them in substantive capacity until their death, retirement, resignation or promotion to higher post.

(b) Whenever a transferred Government employee is promoted by a University to a post corresponding to a cadre post of the State Government under the control of a University he will be granted a corresponding promotion by the Government provided that a vacancy exists in such cadre posts. If the promotion by a University is to a post equivalent to a Class I cadre post, but not corresponding to Class I cadre post under the Government, or if such promotion is to a post higher than Class I, such promotion by the University shall not imply any promotion in the cadre of the service of the State Government and will not affect the calculations for the purpose of pension and leave salary.

(c) No transferred employee shall be relieved by a University for appointment elsewhere without the consent of the State Government. Except in case of State Scholars, the applications of transferred employee for posts elsewhere may be forwarded by a University direct under intimation to the State Government. The application of officers who had been State Scholars, for posts elsewhere, shall be forwarded by a University after obtaining prior approval of the State Government.

(d) If a transferred Government servant accepts appointment on loan basis under any Foreign employer, he will have to revert to Government who will determine the terms for foreign employment.

(5) When a transferred employee has to be confirmed on a post against a cadre post under the Government, a University shall not put into effect any order of such confirmation without obtaining the approval of the Government regarding the confirmation, in accordance with the prescribed procedure for the confirmation of Government employees of that category.

(6) The standards for the crossing of efficiency bar will be laid down by a University. A University will consider and examine the case of every transferred employee regarding crossing of efficiency bar on

the basis of that standard and will formulate its proposal in that connection. A University will communicate its proposal alongwith the records to the Government, who will issue formal orders, regarding the crossing of efficiency bar on the proposals of a University.

(7) A transferred employee, if appointed to officiate on a post in Government service on which he holds a lien or would hold a lien had his lien not been suspended, and that the post in which he officiates his pay under a University will not be taken in account in fixing his pay.

(8) The transferred Government employees may not accept pension or gratuity from a University unless they have been permanently absorbed in the service of a University with the concurrence of the State Government.

(9) The transferred employees will be granted leave by a University but their leave rules will be the rules of the State Government in force from time to time.

(10) A transferred employee reverting to Government service will revert on the date on which he takes charge of his post in Government service, provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the State Government may decide.

(11) (a) A University will not be required to pay to Government any contribution on account of pension of transferred employees. Pension of such transferred employees will continue to be the liability of the State Government and will be paid only from treasuries as in the case of other classes of Government employees of State Government.

(b) Orders sanctioning pension and gratuity and all orders relating to these matters will continue to be passed by appropriate

authorities of the State Government hitherto in respect of the transferred Government employees both gazetted and non-gazetted.

(12) (a) A University will not be required to pay to Government any contribution on account of leave salary of the transferred employee.

(b) In the case of gazetted officers the report of eligibility for leave will have to be obtained before hand by a University from the Accountant-General, ³[Jharkhand] or the appropriate authorities of the Government and after the leave certified is sanctioned by Government authority, the leave salary to be paid will be that authorised by the Accountant-General, ³[Jharkhand] with reference to the pay admissible to the officers on the Government scales of pay applicable in each case. Appropriate Government authority will notify the grant of leave as in case of other gazetted officers of the ³[Jharkhand] Government.

(c) In the case of grant of leave to non-gazetted transferred Government employees, a University will maintain their leave account and sanction the leave on that basis. A copy of the order sanctioning the leave will, however, be sent to Government for information.

(d) The leave salaries of both gazetted officers and non-gazetted officers will be paid by the respective University out of its funds.

(13) The transferred Government employees shall draw pay and allowances from a University from the date their services are lent to a University. It will not be necessary for Government to be consulted in respect of the payment of any additional emoluments by Universities to the transferred Government employees provided that such additional emoluments are not unduly excessive. Promotion to higher posts under a University will also be made by that University.

(14) If a University decides to alter the scales of pay and

allowances, such alterations will not have the effect of reducing the scales of pay and allowances of the transferred Government employees or increase the liability of the State Government regarding the transferred employees.

(15) Transit pay and allowances to transferred employees at the time of joining University service or reverting to Government service shall be borne by the University.

(16) (a) In the case of transferred employees employed by a University in University Departments in subjects in which there were corresponding Departments in the Government colleges at the time of establishment of a University, the seniority and emoluments of such employees vis-a-vis those of the rest shall be determined in consultation with the Government.

(b) A University will take steps to create such post of University teachers as considered necessary for the various departments and will consider the cases of transferred eligible members of 3[Jharkhand] Agriculture and other State services at the time of making appointments thereto. The employees of the 3[Jharkhand] Agriculture and other State services appointed to those posts will not have a status or scale lower as compared to the status or scale of pay held by them under the Government at the time of the establishment of a University.

(c) So far as appointment to any post in the post-graduate department corresponding to a Class I cadre post under the Government is concerned, the record of eligible transferred officers shall be given due consideration.

(17) Such Government servants who choose to resign Government service and enter the service to the University shall be considered for compensation, proportionate pension, provided that no such compensation, proportionate pension shall be allowed to any employee, who resigns in spite of being required by Government to serve on some other post under the Government carrying emoluments not less than his pay at the time of such resignation.

(18) A transferred employee shall retire from Government service on such day as applies to other Government servants. He shall not be given extension of service without the concurrence of the State Government. In the matter of reemployment by the University up to the age of 60 years, the transferred Government employees shall be treated on the same footing as the employees of the University in other colleges and shall be subject to the same terms and conditions as will be applicable to others, with the concurrence of the State Government. If a University decides to re-employ such retired employees, such re-employment will be like any other fresh employment in the University service and will not effect the pension and leave account of the employees with the Government. Such an employee on re-employment shall draw the initial pay of the post in which he is re-employed unless the concerned University sanctions advance increments, provided always that the total of the pay plus pension and pension equivalent to D.C.R. Gratuity does not exceed the pay last drawn at the time of retirement. In special cases in which a Government servant is reemployed in post involving the assumption of duties and responsibilities of greater importance than those attached to the post which he was holding on the date of retirement, the pay on re-employment plus pension may be allowed to exceed his last pay only with prior concurrence of the State Government.

(19) A transferred employee will be allowed by a University to request the Government for recall to the Government service to any specific post or vacancy available for being filled up. In the event of no vacancy, the Government employee concerned will be liable to be discharged on payment of compensation pension.

(20) Notwithstanding the loan of the service of the Government employee under the relevant section of the Act, it will be open to the State Government to recall any such employee to Government service without assigning any reason thereof.

(21) The facilities for medical treatment available to Government employees shall continue to be enjoyed by the Government employees transferred to the University and they shall continue to

be governed by rules made by the Government for Government employees of the corresponding classes from time to time in this behalf.

(22) Any transferred Government employee may at any time after the transfer of his service, request Government through a University for permission to resign from Government service in order to join University service on any terms as may be fixed between him and the University:

Provided that Government may not grant such permission if they wish to recall such employee to give service or if the services of such employees are required in public interest.

(23) Government reserves the right to alter any of these terms or introduce any new terms if such alteration or introduction of new terms becomes necessary in public interest. Every time that such a change takes place the consent of the transferred Government employees affected to continue to be on loan to a University under the changed terms, will be taken.

1. Substituted for "Bihar" [Bihar Service Code having been adapted by Govt. of Jharkhand vide Notification No. 191 dated 19.10.2001 (Jharkhand Gazette, Ex.-Ord. dated 22.10.2001).

2. Deleted by Notification No. 2000/86 dated 19.12.2000.

3. Substituted for "Bihar" by Notification No, 2000/86 dt. 19.12.2000.

40. Removal of Difficulties :-

(1) If any difficulty arises in giving effect to the provision of this Act, the State Government may, by order published in the official Gazette, make such provisions not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two

years from the commencement of this Act.

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

41. Delegation of Powers :-

The Board of Management may by statutes delegate to any officer or authority of the University any of the powers conferred on it by this Act, or by the Statutes to be exercised subject to such restrictions and conditions as may be prescribed and report action taken to the Board for its consideration and rectification.

42. Constitution of Ad-hoc Committees :-

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

43. Dispute as to institution of University Authorities and Bodies :-

If any question arises as to whether any person has been duly elected or appointed or is entitled to be a member of any authority and 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 or persons affected thereby reasonable opportunity of being heard.

44. Repeal and Saving :-

(1) The Rajendra Agricultural University Act, 1971 (Bihar Act VII of 1971) and the Birsa Agricultural University Act, 1981 (Bihar Act 6

of 1982) and the Bihar Agricultural University Second Ordinance, 1987 (Bihar Ordinance No. 19, 1987) are hereby repealed.

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

(3) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the power conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.