

Haryana Private Universities Act, 2006

32 of 2006

[02 November 2006]

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SCHEDULE 1 :- SCHEDULE I

Haryana Private Universities Act, 2006

32 of 2006

[02 November 2006]

AN ACT to provide for establishment and incorporation of private universities in the State of Haryana for imparting higher education and to regulate their functions and for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Fifty-seventh Year of the Republic of India as follows: - 1 For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 2006, dated 14.09.2006, page -2743.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Haryana Private Universities Act, 2006.
- (2) It extends to the whole of the State of Haryana.
- (3) It shall come into force at once.

2. Definitions :-

In this Act and in all the Statutes, Ordinances and Regulations made hereunder, unless the context otherwise requires, -

- (a) "All India Council for Technical Education" means All India

Council for Technical Education established under the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);

(b) "Council of Scientific and Industrial Research" means the Council of Scientific and Industrial Research, New Delhi, an agency of the Central Government;

(c) "Department of Science and Technology" means the Department of Science and Technology of the Central Government;

(d) "Distance education" means education imparted by a combination of any two or more means of communication, viz. broadcasting, telecasting, correspondence courses, seminars, contact programmes and any other such methodology;

(e) "Distance Education Council" means the Distance Education Council constituted under statute 28 arising from section 25 of the Indira Gandhi National Open University Act, 1985 (Central Act 50 of 1985);

(f) "employee" means a person appointed by the university to work in the university, or its study centres and includes a teacher, officer (other than the visitor) and any other employee of the university;

(g) "fee" means collection made by the university from the students by whatever name it may be called, which is not refundable;

(h) "Government" means the Government of the State of Haryana;

(i) "higher education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;

(j) "hostel" means a place of residence for the students of the university or of its centres;

(k) "Indian Council of Agriculture Research" means the Indian Council of Agriculture Research, a society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860);

(l) "Medical Council of India" means Medical Council of India, Delhi;

(m) "National Council of Assessment and Accreditation" means the National Council of Assessment and Accreditation, Bangalore, an autonomous institution of the University Grants Commission;

(n) "National Council of Teacher Education" means the National Council of Teacher Education, Delhi;

(o) "off campus centre" means a centre of the university established by it outside the main campus, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;

(p) "off-shore campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities,

faculty and staff;

(q) "Pharmaceutical Council of India" means Pharmaceutical Council of India, Delhi;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "regulating body" means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Medical Council of India, Pharmaceutical Council of India, National Council of Assessment and Accreditation, Indian Council of Agriculture Research, Distance Education Council, Council of Scientific and Industrial Research etc. and includes the State Government;

(t) "Rules" means the Rules made by the university under this Act;

(u) "Schedule" means Schedule appended to this Act;

(v) "sponsoring body" in relation to a university means-

i a society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860); or

ii any public trust; or

iii a company registered under section 25 of the Companies Act, 1956 (Central Act 1 of 1956);

(w) "Statutes", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the university made under this Act;

(x) "student of the university" means a person enrolled in the university for taking a course of study for a degree, diploma or other academic distinction duly instituted by the university, including a research degree;

(y) "study centre" means a centre established and maintained or recognized by the university for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education;

(z) "teacher" means a Professor, Reader, Lecturer or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study of the university;

(za) "university" means a university incorporated by law in India; and

(zb) "University Grants Commission" means the University Grants Commission, established under the University Grants Commission Act, 1956 (Central Act 3 of 1956).

3. Objects Of University :-

Following shall be the objects of the university, namely: -

- 1) to provide instructions, teaching and training in higher education and make provisions for research, advancement and dissemination of knowledge;
- 2) to create higher levels of intellectual abilities;
- 3) to establish state of the art facilities for education and training;
- 4) to carry out teaching and research and offer continuing education programmes;
- 5) to create centres of excellence for research and development and for sharing knowledge and its application;
- 6) to establish a campus in the State of Haryana and to have study centres at different places within its jurisdiction;
- 7) to establish examination centres;
- 8) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any such other method;
- 9) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by All India Council for Technical Education, National Council of Teacher Education, University Grants Commission, Medical Council of India, Pharmaceutical Council of India, and other similar agency/agencies established by the Central Government for regulation of education;
- 10) to open study centres within its jurisdiction;
- 11) to set up off - campus centre and/or the study centre within and out of the State, with the prior approval of the University Grants Commission and that of the concerned State Government;
- 12) to open any off-shore campus in foreign countries after obtaining due permission from University Grants Commission, the Government, the Government of India and also that of the Government of the host country; and
- 13) to pursue any other objective as may be approved by the Government.

4. Submission Of Proposal For Establishment Of University And Its Evaluation :-

(1) An application containing the proposal and the project report to establish an university in private sector shall be made by the sponsoring body to the Government along with such fee as may be prescribed At body to the Government, along with such fee as may

be prescribed. At the time of submission of application the sponsoring body shall be in the ownership of the minimum quantum of land as per provision laid down in section 9.

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

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

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

(c) the name, location and headquarters of the proposed university;

(d) the objectives of the university;

(e) the availability of land and details of buildings and infrastructure facilities, if already existing;

(f) availability of academic facilities including teaching and non teaching staff, if any, at the disposal of sponsoring body;

(g) the details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment etc. to be undertaken before the university starts functioning and phased programme for first five years;

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

(i) the nature and the type of programmes of study and research proposed to be undertaken by the university and their relevance to the development goals and employment needs of the State and phasing of such programmes over the first five years with course-wise enrolment targets;

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

(k) the nature of facilities, courses of study and research proposed to be started;

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

(m) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;

(n) the scheme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the university and other anticipated incomes;

(o) the proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in

- fee or free-ships and scholarships to the poor students from economically poor or socially backward families including Scheduled Castes, Other Backward Classes and handicapped students;
- (p) the system proposed to be followed for selection of students for admission to the courses of study at the university;
- (q) the system proposed to be followed for appointment of teachers and other employees in the university;
- (r) whether the university is desirous of taking up distance education programme. If so, details of study centres proposed to be started;
- (s) whether the university proposes to undertake some programmes related to local needs. If so, the nature of specialized teaching, training or research activities to be undertaken by the university so as to fulfil this objective;
- (t) whether the university proposes to start some programmes for the benefit of farmers, women and industries. If so, details thereof may be given;
- (u) details of play grounds and other facilities available or proposed to be created for games and sports and extra-curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides etc;
- (v) the arrangements proposed to be made for academic auditing;
- (w) justification regarding the necessity of establishment of the proposed university;
- (x) commitment to follow the norms of the regulating bodies;
- (y) such other details as the sponsoring body may like to give; and
- (z) such other details as may be prescribed.

(3) The Government, on receipt of the proposal and the project report for establishment of a university, shall constitute a committee consisting of such members as may be specified by it, out of whom at least one shall be an expert, to examine the proposal and the project report.

EXPLANATION.- In this sub-section the expression "expert" means an academician of prominence in the respective field of higher education.

(4) The committee shall consider the proposal and the project report on the following grounds, namely: -

- (a) financial soundness and assets of the sponsoring body and its ability to set up the infrastructure of the proposed university;
- (b) back ground of the sponsoring body, that is to say, its expertise and experience in the field of education, its general reputation etc. and its commitment to follow the norms of the regulating bodies;

(c) potentiality of the courses proposed to be offered, that is to say whether the courses are able to develop the human resources as per the requirements of contemporary demands, and whether the courses have new features and include emerging branches of learning.

(5) The committee, while considering the proposal and the project report under sub-section (4), may call for such other information from the sponsoring body as it thinks proper for the purpose.

(6) The committee shall submit its report to the Government within a period of one month from the date of its constitution:

Provided that while computing the period of one month, the period commencing from the date on which requisition for any information under sub-section (5) is issued and ending on the date on which requisite information is submitted to the committee shall be excluded.

5. Issuance Of Letter Of Intent And Compliance Report :-

1) After the receipt of the report of the committee constituted under sub-section (3) of section 4, if the Government is satisfied that it is advisable to establish the university, it may issue a letter of intent and ask the sponsoring body to-

i establish an endowment fund in accordance with the provisions of section 11;

ii construct a minimum of 10,000 square meters of covered area for administrative and academic purposes;

iii provide all the relevant information relating to the first degree and post-graduate degree/diploma programme including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students to the committee headed by Financial Commissioner and Principal Secretary to Government, Haryana, Education Department, Chandigarh in which Director, Higher Education, Haryana, Dean, Academic Affairs, Kurukshetra University, Kurukshetra and Dean, Academic Affairs, Maharshi Dayanand University, Rohtak shall be the members. On detailed examination of the information made available the committee shall inform the sponsoring body about any short comings in respect of conformity to relevant regulations for rectification. The university shall offer the programme only after necessary rectification and approval from the committee;

iv purchase books and journals of at least ten lac rupees or as per

the norms of regulating bodies, whichever is higher, and give an undertaking to invest, within the first three years, not less than fifty lac rupees or as per the norms of regulating bodies, whichever is higher, on books, journals, computers, library networking and other facilities so as to make the library facilities adequate for contemporary teaching and research;

v purchase equipments, computers, furniture, other moveable and immoveable assets and infrastructure facilities (other than buildings, referred to in clause (ii) above) worth twenty lac rupees or as per the norms of regulating bodies, whichever is higher, and give an undertaking to procure within the first five years equipments, computers, furniture, other moveable and immoveable assets and infrastructure facilities (other than buildings, referred to in clause (ii) above) worth not less than one crore rupees or as per the norms of regulating bodies, whichever is higher;

vi give undertaking to appoint at least one Professor, two Readers and adequate number of Lecturers along with necessary supporting staff in each department or discipline to be started by the university;

vii give undertaking to take up co-curricular activities like seminars, debates, quiz programmes and extra-curricular activities like games, sports, National Service Scheme, National Cadet Corps etc. for the benefit of students as per the norms laid down by the regulating bodies;

viii give undertaking for establishment of provident fund and to take up welfare programmes for the employees of the university; and

ix fulfill such other conditions and provide such other information as may be prescribed by University Grants Commission, All India Council for Technical Education or any other statutory body established by Central or State Government.

(2) The sponsoring body shall fulfill the requirements and conditions specified in sub-section (1) and shall report the compliance to the Government within a period of one year from the date of issue of the letter of intent. On receiving the compliance report, the Government shall appoint a committee consisting of such members, including the representative of the regulating bodies, as may be specified, to verify the compliance report. The committee shall submit its report to the Government within a period of one month from the date of its constitution specifying whether the sponsoring body has fulfilled the requirements and conditions as laid down in sub-section (1).

(3) If the sponsoring body has failed to comply with the provisions of sub-section (2), its proposal submitted under section 4 shall stand rejected and the letter of intent issued under sub-section (1) of section 5 shall be deemed to have been withdrawn.

6. Establishment Of University :-

The Government, if satisfied, after considering the report submitted under sub-section (2) of section 5 that the sponsoring body has complied with the provisions of sub-section (1) of section 5, may, by an Act of the State Legislature, establish a private university with such name, location, jurisdiction and with such infrastructure as may be specified in the Schedule.

7. Incorporation Of University :-

Every university established by an Act of the State Legislature under section 6, shall be a body corporate by the name, as specified in the Act, and shall have perpetual succession and a common seal. It shall have the power to acquire and hold property both moveable and immovable and to make contract, and shall sue, and be sued by the said name.

8. University To Be Self-Financed :-

The university shall be self-financed and shall not be entitled to receive any grant or other financial assistance from the Government or any Board or Corporation owned or controlled by the Government.

9. Requirement Of Land :-

No university shall be established unless the sponsoring body is in possession of -

i a minimum of twenty acres of land outside the municipal limits;

or

ii a minimum of ten acres of land within the municipal limits.

10. No Power To Affiliate Any College Or Institution :-

The university shall not admit any college or institution to the privilege of affiliation.

11. Endowment Fund :-

(1) The sponsoring body shall establish an endowment fund for the university with a minimum amount of three crore rupees.

(2) The endowment fund shall be used as a security deposit to ensure that the university complies with the provisions of this Act, Statutes and Ordinances. The Government shall have the powers to forfeit in the prescribed manner, the whole or part of the endowment fund in case the university or the sponsoring body contravenes any of the provisions of this Act, Statutes, Ordinances, Regulations or Rules.

(3) Income from endowment fund may be utilized for the development of infrastructure of the university but shall not be utilized to meet out the recurring expenditure of the university.

(4) The amount of endowment fund shall be invested and kept invested until the dissolution of the university, in long-term securities issued or guaranteed by the Government or deposited and kept deposited in an interest bearing personal deposit account in Government treasury.

(5) In case of investment in a long term security, the certificates of the security shall be kept in the safe custody of the Government and in case of deposit in the interest bearing personal deposit account in the Government treasury, the deposit shall be made with the condition that the amount shall not be withdrawn without the prior permission of the Government.

12. General Fund :-

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

- (a) fees and other charges received by the university;
- (b) any contributions made by the sponsoring body;
- (c) any income received from consultancy and other work undertaken by the university in pursuance of its objectives;
- (d) trusts, bequests, donations, endowments and any other grants; and
- (e) all other sums received by the university.

13. Application Of General Fund :-

The general fund shall be utilized for the following objects, namely:-

- a. for the repayment of debts including interest charges thereto incurred by the university for the purposes of this Act, the Statutes, Ordinances, Regulations and Rules;

- b. for upkeep of the assets of the university;
- c. for the payment of the cost of audit of the funds established under sections 11 and 12;
- d. for meeting the expenses of any suit or proceedings to which the university is a party;
- e. for the payment of salaries and allowances of the officers and employees of the university and members of the teaching and research staff, and for payment of any provident fund contributions, gratuity and other benefits to any such officers and employees, and members of the teaching and research staff;
- f. for the payment of traveling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council and other authorities so declared under the Statutes of the university and of the members of any committee appointed by any of the authorities or by the Chairperson of the sponsoring body or the Vice-Chancellor, as the case may be, of the university in pursuance of any provision of this Act, Statutes, Ordinances, Regulations or Rules;
- g. for the payment of fellowships, freships, scholarships, assistantships and other awards to students belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student otherwise eligible for such awards under the Statutes, Ordinances, Regulations or Rules;
- h. for the payment of any expenses incurred by the university in carrying out the provisions of this Act, Statutes, Ordinances, Regulations or Rules;
- i. for the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the sponsoring body for setting up the university and the investments made therefor;
- j. for the payment of charges and expenditure relating to the consultancy work undertaken by the university in pursuance of the provisions of this Act, Statutes, Ordinances, Regulations or Rules; and
- k. for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the university, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the university:

Provided that no expenditure shall be incurred by the university in excess of the limits for total recurring expenditure and total non-

recurring expenditure for the year, as may be fixed by the Board of Management, without the prior approval of the Board of Management:

Provided further that the general fund shall, for the objects specified under clause (a), be applied with the prior approval of the Governing Body of the university.

14. Officers :-

The following shall be the officers of the university, namely: -

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

15. Powers Of Visitors :-

- (1) The Governor of Haryana shall be the Visitor of the university.
- (2) The Visitor shall have the following powers, namely: -
 - (a) when present, he shall preside over the convocation of the university for conferring degrees and diplomas;
 - (b) to call for any paper or information relating to the affairs of the university; and
 - (c) on the basis of the information received under clause(b), if he is satisfied that any order, proceeding, or decision taken by any authority of the university is not in conformity with the provisions of this Act, Statutes, Ordinances, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the university and the directions so issued shall be complied with by the university.

16. Appointment, Functions And Powers Of Chancellor :-

- (1) The Chancellor shall be appointed by the sponsoring body for a period of three years with the approval of the Visitor by following such procedure and on such terms and conditions as may be prescribed.
- (2) The Chancellor shall be the head of the university.
- (3) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside over the

convocation of the university for conferring degrees, diplomas or other academic distinctions.

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

a) to call for any information or record;

b) to appoint the Vice-Chancellor;

c) to remove the Vice-Chancellor in accordance with the provisions of sub-section (7) of section 17; and

d) such other powers as may be specified by the Statutes.

17. Appointment, Functions And Powers Of Vice-Chancellor

:-

(1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Governing Body and shall, subject to the provisions contained in sub-section (7), hold office for a term of three years:

Provided that after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years:

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

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

(3) In the absence of both the Visitor and the Chancellor, the Vice-Chancellor shall preside over the convocation of the university.

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

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

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and the Board of Management may

confirm or modify or reverse the action taken by the Vice-Chancellor.

(5) If, in the opinion of the Vice-Chancellor, any decision of any authority of the university is beyond the scope of the powers conferred by this Act, Statutes, Ordinances, Regulations or Rules or is likely to be prejudicial to the interests of the university, he shall direct the concerned authority to revise its decision within fifteen days from the date of such direction and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

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

(7) If, at any time upon representation made or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the university, the Chancellor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking an action under this sub-section, the Vice chancellor shall be given an opportunity of being heard.

18. Appointment, Functions And Powers Of Registrar :-

(1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner, as may be specified by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the university.

(3) The Registrar shall be the Member-Secretary of the Governing Body, Board of Management and Academic Council but shall not have a right to vote.

(4) The Registrar shall exercise such other powers and perform such other duties as may be specified by the Statutes.

19. Appointment, Powers And Duties Of Chief Finance And Accounts Officer :-

(1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be specified by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such

powers and perform such duties as may be specified by the Statutes.

20. Appointment, Functions And Powers Of Other Officers :-

(1) The university may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the university and their powers and functions shall be such as may be specified by the Statutes.

21. Authorities :-

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

(1) the Governing Body;

(2) the Board of Management;

(3) the Academic Council; and

(4) such other authorities as may be declared by the Statutes to be the authorities of the university.

22. Constitution And Powers Of Governing Body :-

(1) The Governing Body of the university shall consist of the following members, namely: -

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Secretary to Government, Haryana, Education Department, or in his absence, Director, Higher Education, Haryana;

(d) five persons nominated by the sponsoring body out of whom two shall be eminent educationists;

(e) one expert of management or technology from outside the university, nominated by the Chancellor; and

(f) one expert of finance, nominated by the Chancellor.

(2) The Governing Body shall be the supreme authority of the university. All the movable and immovable property of the university shall vest in the Governing Body. It shall have the following powers, namely: -

(a) to provide general superintendence and directions and to control the functioning of the university by using all such powers as are provided by this Act, Statutes, Ordinances, Regulations or Rules;

(b) to review the decisions of other authorities of the university in case they are not in conformity with the provisions of this Act,

Statutes, Ordinances, Regulations or Rules;

(c) to approve the budget and annual report of the university;

(d) to lay down the extensive policies to be followed by the university;

(e) to recommend to the sponsoring body for the dissolution of the university if a situation arises when there is no smooth functioning of the university in spite of best efforts; and

(f) such other powers as may be specified by the Statutes:

Provided that the Secretary to Government, Haryana, Education Department or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies/ instructions are to be taken.

(3) The Governing Body shall meet at least three times in a calendar year.

(4) The quorum for meetings of the Governing Body shall be four.

23. Constitution, Functions And Powers And Board Of Management :-

(1) The Board of Management shall consist of the following members, namely: -

(a) the Vice-Chancellor;

(b) the Secretary to Government, Haryana, Education Department, or in his absence, Director, Higher Education, Haryana;

(c) two members of the Governing Body, nominated by the sponsoring body;

(d) three persons, who are not the members of the Governing Body, nominated by the sponsoring body;

(e) three persons from amongst the teachers, nominated by the sponsoring body; and

(f) two teachers, nominated by the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be specified by the Statutes.

(4) The Board of Management shall meet once in every two months.

(5) The quorum for the meetings of the Board of Management shall be five:

Provided that the Secretary to Government, Haryana, Education Department, or in his absence, Director, Higher Education, Haryana, shall be present in each meeting in which decisions on

issues involving Government policies/instructions are to be taken.

24. Constitution And Functions Of Academic Council :-

(1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be specified by the Statutes.

(2) The Vice-Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the university and shall, subject to the provisions of this Act, Statutes, Ordinances, Regulations or Rules, co-ordinate and exercise general supervision over the academic policies of the university.

(4) The quorum for meetings of the Academic Council shall be such as may be specified by the Statutes.

25. Composition, Constitution, Powers And Functions Of Other Authorities :-

The composition, constitution, powers and functions of other authorities of the university shall be such as may be specified by the Statutes.

26. Disqualification For Membership Of An Authority Or Body :-

A person shall be disqualified for being a member of any of the authorities or bodies of the university, if he-

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) has been convicted of any offence involving moral turpitude;

(d) is conducting or engaging himself in private coaching classes; or

(e) has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

27. Vacancies Not To Invalidate Proceedings Of Any Authority Or Body Of A University :-

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

28. Filling Up Of Emergent Vacancy :-

Any vacancy which may occur in the membership of the authorities or bodies of the university due to death, resignation or removal of a member or due to change of capacity in which he was appointed or nominated, shall be filled up as early as possible by the person or the body who had appointed or nominated such a member:

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

29. Committees :-

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

30. First Statute :-

(1) Subject to the provisions of this Act and the Rules, the First Statute of the university may provide for all or any of the following matters, namely: -

(a) the constitution, powers and functions of the authorities and other bodies of the university, as may be constituted from time to time;

(b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;

(c) the manner, terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer and their powers and functions;

(d) the manner, terms and conditions of appointment of other officers and teachers and their powers and functions;

(e) the terms and conditions of service of employees of the university;

(f) the procedure for arbitration in case of disputes between officers, teachers, employees and students;

(g) the conferment of honorary degrees or distinction which shall be subject to the prior approval of the Visitor;

(h) the provisions regarding exemption of students from payment of tuition fee and for awarding them scholarships and fellowships;

- (i) provisions regarding the policy of admissions, including regulation of reservation of seats;
 - (j) provisions regarding fees to be charged from students; and
 - (k) provisions regarding number of seats in different courses.
- (2) The First Statute of the university shall be made by the Governing Body and shall be submitted to the Government for its approval.
- (3) The Government shall consider the First Statute, submitted by the university and shall give its approval thereon within a period of two months from the date of its receipt and with such modifications, if any, as it may deem necessary.
- (4) The university shall communicate its agreement to the First Statute as approved by the Government, and if it desires not to give effect to any or all of the modifications made by the Government under sub-section (3), it may give reasons thereof and after considering such reasons, the Government may or may not accept the suggestions made by the university.
- (5) The Government shall publish the First Statute, as finally approved by it, in the Official Gazette.

31. Subsequent Statutes :-

- (1) Subject to the provisions of this Act and the Rules, the subsequent Statutes of the university may provide for all or any of the following matters, namely: -
- a) creation of new authorities of the university;
 - b) accounting policy and financial procedure;
 - c) representation of teachers in the authorities of the university;
 - d) creation of new departments and abolition or restructuring of an existing department;
 - e) institution of medals and prizes;
 - f) creation of posts and procedure for abolition of posts;
 - g) revision of fees;
 - h) alteration of the number of seats in different syllabi; and
 - i) all other matters which under the provisions of this Act are to be specified by the Statutes.
- (2) The Statutes of the university other than the First Statute, shall be made by the Board of Management with the approval of the Governing Body.
- (3) The Statutes made under sub-section (2) shall be sent to the Government and the Government may approve them as such or, if it considers necessary, give suggestions for modifications in them

within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications as suggested and return the Statutes to the Government with changes made therein or with its comments on the suggestions made by the Government.

(5) The Government shall consider the changes or the comments of the Governing Body and shall approve the Statutes with or without modifications and then the Statutes as finally approved by the Government shall be published by Government in the Official Gazette.

32. First Ordinance :-

(1) Subject to the provisions of this Act, the Statutes, the Regulations or the Rules, the First Ordinance may provide for all or any of the following matters, namely: -

(a) the admission of students to the university and their enrolment as such;

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

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

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

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

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

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

(h) provisions regarding disciplinary action against the students;

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

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

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

(2) The First Ordinance of the university shall be made by the Vice-Chancellor which after being approved by the Board of

Management, shall be submitted to the Government for its approval.

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

(4) The Vice-Chancellor shall either modify the Ordinance incorporating the suggestions of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the First Ordinance along with such reasons, if any, to the Government and on receipt of the same, the Government shall consider the comments of the Vice-Chancellor and shall approve the First Ordinance of the university with or without such modifications, and then the First Ordinance, as approved by the Government shall be published by the Government in the Official Gazette.

33. Subsequent Ordinances :-

(1) All Ordinances other than the First Ordinance shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the Government for its approval.

(2) The Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) within a period of two months from the date of their receipt and shall approve them or give suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestions of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the Ordinances along with such reasons, if any, to the Government and on receipt of the same, the Government shall consider the comments of the Academic Council and shall approve the Ordinances with or without modifications and then the Ordinances, as approved by the Government, shall be published by the Government in the Official Gazette.

34. Regulations :-

The authorities of the university may, subject to the prior approval of the Board of Management, make regulations, consistent with this Act, Statutes, Ordinances and Rules for the conduct of their business and that of the committees appointed by them.

35. Admissions :-

(1) Admission in the university shall be made strictly on the basis of merit:

Provided that for the purpose of filling minority quota in the university established and administered by a minority community, the zone of consideration for determination of merit shall be limited only to the students belonging to that minority community.

(2) Merit for admission in the university may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at the state level either by an association of the universities conducting similar courses or by any agency of the State:

Provided that admission in professional and technical courses shall be made only through an entrance test.

(3) A minimum of 25% seats for admissions in the university shall be reserved for students of the State of Haryana, out of which 10% seats shall be reserved for students belonging to Scheduled Castes of the State of Haryana.

36. Fee Structure :-

(1) The university may, from time to time, prepare fee structure and shall send it for information to the Government, at least 30 days before the commencement of the academic session.

(2) The fee structure for the 25% of the students who are domicile of Haryana shall be based on merit-cum-means and be as follows: -

(i) 5% out of the 25 shall be granted full fee exemption.

(ii) 10% out of the 25% shall be granted 50% fee concession.

(iii) The balance 10% of the 25% shall be granted 25% fee concession.

(3) The university shall not charge any fee, by whatever name called, other than that prescribed as per clause (1) and (2) above.

37. Examinations :-

At the beginning of each academic session and in any case not later than the 30th of August of every calendar year, the university shall prepare and publish a semester wise or annual, as the case may be, Schedule of examinations for each and every course conducted by it and shall strictly adhere to the Schedule.

Explanation. - "Schedule of Examination" means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations:

Provided that if, for any reason whatsoever, the university has been unable to follow the Schedule, it shall, as soon as may be practicable, submit a report to the Government incorporating the detailed reasons for making a departure from the published Schedule. The Government may, on considering the report shall issue such directions to the university as it may deem fit.

38. Declaration Of Results :-

(1) The university shall strive to declare the results of every examination conducted by it within a period of thirty days from the last date of the examination for that particular course and shall in any case declare the results latest within a period of forty-five days from such date:

Provided that if, for any reason whatsoever, the university is unable to finally declare the results of any examination within the aforesaid period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, on considering the report shall issue such directions to the university as it may deem fit.

(2) No examination or the results of an examination shall be held invalid only for the reasons that the university has not followed the Schedule as stipulated in section 37 or, as the case may be, in this section.

39. Convocation :-

The convocation of the university shall be held in every academic year in the manner as may be specified by the Statutes for conferring degrees, diplomas or for any other purpose.

40. Accreditation Of University :-

The university shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore within three years of its establishment and inform the Government and such other regulating bodies which are connected with the courses taken up by the university about the grade provided by NAAC to the university. The university shall get renewed such accreditation at

an interval of every five years thereafter.

41. University To Follow Rules, Regulations, Norms Etc. Of Regulating Bodies :-

Notwithstanding anything contained in this Act, the university shall be bound to comply with all the rules, regulations, norms etc. of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

42. Annual Report :-

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

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

43. Annual Accounts And Audit :-

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

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

(3) A copy of the annual accounts and audit report along with the observations of the Governing Body shall be submitted to the sponsoring body.

(4) Copies of annual accounts and balance sheet prepared under sub-section (1) shall also be presented to the Visitor and the Government. The advice of the Government or the Visitor, if any, arising out of the accounts and audit report of the university shall be placed before the Governing Body. The Governing Body shall issue such directions, as it may deem fit, and compliance shall be reported to the Visitor or the Government, as the case may be.

44. Powers Of Government To Inspect University :-

(1) For the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the

university, the Government may after consultation with the Vice-Chancellor, cause an assessment to be made in such manner as may be specified, by such person or persons as it may deem fit.

(2) The Government shall communicate to the university its recommendations in regard to the result of such assessment for corrective action. The university shall adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) If the university has failed to comply with the recommendations made under sub-section (2) within a period of thirty days, the Government may give such directions as it may deem fit for such compliance.

45. Dissolution Of University On Recommendations Of Sponsoring Body :-

(1) The sponsoring body may recommend to the Government to dissolve the university by giving a notice to this effect in the manner as may be prescribed to the employees and the students of the university at least one year in advance:

Provided that dissolution of the university shall have effect only after the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case may be:

Provided further that such dissolution of the university shall not have any adverse effect on the validity of degrees, diplomas or awards conferred on the students.

(2) On the dissolution of the university, all the assets and liabilities of the university shall vest in the sponsoring body.

46. Special Powers Of Government In Certain Circumstances :-

(1) If it appears to the Government that the university has contravened any of the provisions of this Act, Statutes, Ordinances, or Rules or has violated any of the directions issued by it under this Act or has ceased to carry out any of the requirements and conditions as laid down under sub-section (1) of section 5 or is involved in financial mismanagement or mal-administration, it shall issue a notice requiring the university to show cause within a period of forty-five days as to why the university should not be dissolved by an Act of State Legislature.

(2) If the Government, on receipt of reply of the university on the

notice issued under sub-section (1), is satisfied that there is a prima facie case of contravening all or any of the provisions of this Act, Statutes, Ordinances or Rules or of violating directions issued by it under this Act or of ceasing to carry out the requirements and conditions as laid down under sub-section (1) of section 5 or is involved in financial mismanagement or maladministration, it shall make an order of such enquiry as it may consider necessary.

(3) The Government shall, for the purposes of any enquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), while trying a suit in respect of the following matters, namely:-

- a) summoning and enforcing the attendance of any person and examining him on oath;
- b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- c) requisitioning any public record from any court or office; and
- d) any other matter which may be prescribed.

(5) The inquiry officer or officers inquiring under this Act shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Act 2 of 1974).

(6) On receipt of the enquiry report from the officer or officers appointed under sub-section (3), if the Government is satisfied that the university has contravened all or any of the provisions of this Act, Statutes, Ordinances or Rules or has violated any of the directions issued by it under this Act or has ceased to carry out the requirements and conditions under sub-section (1) of section 5 or a situation of financial mismanagement and maladministration has arisen in the university which threatens the academic standard of the university, it shall dissolve the authorities of the university and appoint an administrator.

(7) The administrator appointed under sub-section (6) shall have all the powers and shall be subject to all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the university until the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case may be.

(8) After having been awarded the degrees, diplomas or awards, as

the case may be, to the last batch of the students of the regular courses, the administrator shall make a report to this effect to the Government.

(9) On receipt of the report under sub-section (8), the Government shall by an Act of the State Legislature repeal the Act by which the concerned university was established and from the date of such repeal, all the assets and liabilities of the university shall vest in the sponsoring body:

Provided that the degrees, diplomas or awards awarded under sub-section (8) shall not be invalid merely on the ground that the university has been dissolved.

47. Power To Make Rules :-

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

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

a) the manner of making proposal to establish a university and the fee payable under sub-section (1) of section 4;

b) other particulars to be contained in the project report under sub-section (2) of section 4;

c) the manner of forfeiting the endowment fund in case of contravention of the provisions of this Act, Statutes, Ordinances, Regulations or Rules under sub-section (2) of section 11;

d) the manner, terms and conditions of appointment of the Chancellor under sub-section (1) of section 16;

e) the manner for making recommendation for dissolution of university under sub-section (1) of section 45;

f) matter to be prescribed under clause (d) of sub-section (4) of section 46; and

g) any other matter which is required to be or may be prescribed by rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, if the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

48. Power To Remove Difficulties :-

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the House of the State Legislature.

49. Act To Have Overriding Effect :-

The provisions of this Act and the Statutes, Ordinances, Regulations and the Rules shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force, made by the State Legislature relating to the universities.

SCHEDULE 1

SCHEDULE I

(see section 6)