

Mohan Lal Sukhadia University (Amendment) Act, 2013

09 of 2013

[23 March 2013]

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PREAMBLE

An Act further to amend the Mohan Lal Sukhadia University Act, 1962.

Be it enacted by the Rajasthan State Legislature in the Sixty-fourth Year of the Republic of India, as follows:-

1. Short title and commencement :-

(1) This Act may be called the Mohan Lal Sukhadia University (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on and from 16th January, 2013.

2. Amendment of Sec. 8, Rajasthan Act No. 18 of 1962 :-

For the existing Sec. 8 of the Mohan Lal Sukhadia University Act, 1962 (Act No. 18 of 1962), hereinafter referred to as the principal Act, the following shall be substituted, namely:-

"8. Visitation.-

(1) The Chancellor shall have the right to cause an inspection, to be made by such person or persons, as he or she may direct-

(a) of the University, its buildings, laboratories, libraries, museums, workshops and equipments; or

(b) of any institute, institution or hostel maintained by the University; or

(c) of the teaching and other work conducted or done by the University; or

(d) of the conduct of any examination held by the University.

(2) The Chancellor shall also have the right to cause an inquiry to be made by such person or persons as he or she may direct in respect of any matter connected with the University.

(3) The Chancellor shall, in every case, give notice to the University of his or her intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented at such inspection or inquiry.

(4) The Chancellor shall communicate to the University his or her views with reference to the result of such inspection or inquiry and may, after ascertaining the opinion of the University thereon, advise the University upon the action to be taken and fix a time limit for taking such action.

(5) The University shall, within the time limit so fixed, report to the Chancellor the action taken or proposed to be taken on the advice

tendered by the Chancellor.

(6) If the University does not take action within the time limit fixed, or if the action taken by the University is, in the opinion of the Chancellor, not satisfactory, the Chancellor may, after considering any explanation offered or representation made by the University, issue such direction as he or she may deem fit and the University shall comply with such direction.

(7) If the University does not comply with such direction issued as per sub-sec. (6) within such time as may be fixed in that behalf by the Chancellor, the Chancellor shall at his or her discretion have power to appoint any person or body to implement such direction and make such order as may be necessary for the expenses thereof."

3. Amendment of Sec. 11, Rajasthan Act No. 18 of 1962 :-

For the existing Sec. 11 of the principal Act, the following shall be substituted, namely:-

"11. Vice-Chancellor.-

(1) The Vice-Chancellor shall be a whole-time paid officer of the University and shall be appointed by the Chancellor in consultation with the State Government upon the recommendation of a Selection Committee consisting of-

(a) one person nominated by the Board not connected with the University or any college thereof;

(b) one person nominated by the Chairman, University Grants Commission;

(c) one person nominated by the Chancellor; and

(d) one person nominated by the State Government, and the Chancellor shall appoint one of these persons to be the Chairman of the Committee.

(2) The term of the office of the Vice-Chancellor shall be three years from the date on which he or she enters upon his or her office-or until he or she attains the age of seventy years, whichever is earlier:

Provided that the same person shall be eligible for reappointment for a second term.

(3) The Vice-Chancellor shall receive such pay and allowances as may be determined by the State Government. In addition to it, he or she shall be entitled to free furnished residence maintained by the University and such other perquisites as may be prescribed.

(4) When a permanent vacancy in the office of the Vice-Chancellor occurs by reason of his or her death, resignation, removal or the expiry of his or her term of office, it shall be filled by the Chancellor in accordance with sub-sec. (1), and for so long as it is not so filled, stop-gap arrangement shall be made by him or her under and in accordance with sub-sec. (5).

(5) When a temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, suspension or otherwise or when a stop-gap arrangement is necessary under sub-sec. (4), the Registrar shall forthwith report the matter to the Chancellor who shall make, on the advice of the State Government, arrangement for the carrying on of the function of the office of the Vice-Chancellor.

(6) The Vice-Chancellor may at any time relinquish office by submitting, not less than sixty days in advance of the date on which he or she wishes to be relieved, his or her resignation to the Chancellor.

(7) Such resignation shall take effect from the date determined by the Chancellor and conveyed to the Vice-Chancellor.

(8) Where a person appointed as the Vice-Chancellor was in employment before such appointment in any other college, institution or University, he or she may continue to contribute to the provident fund of which he or she was a member in such employment and the University shall contribute to the account of such person in that provident fund.

(9) Where the Vice-Chancellor had been in his or her previous employment, a member of any insurance or pension scheme, the University shall make a necessary contribution to such scheme.

(10) The Vice-Chancellor shall be entitled to travelling and daily allowance at such rates as may be fixed by the Board.

(11) The Vice-Chancellor shall be entitled to leave as under:-

(a) leave on full pay at the rate of one day for every eleven days of active service; and

(b) leave on half pay at the rate of twenty days for each completed year of service:

Provided that leave on half pay may be commuted as leave on full pay on production of medical certificate."

4. Amendment of Sec. 40, Rajasthan Act. No. 18 of 1962 :-

For the existing Sec. 40 of the principal Act, the following shall be substituted, namely:-

"40. Accounts and audit.-

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

(2) The Comptroller shall, before such date as may be prescribed by the Statutes, prepare the budget for the ensuing year.

(3) The annual accounts and the budget prepared by the Comptroller shall be placed before the Board for approval and the Board may pass resolution with reference thereto and communicate the same to the Comptroller who shall take action in accordance therewith.

(4) The annual accounts shall be audited in the prescribed manner by such auditors as the State Government may direct and the cost of such audit shall be a charge on the University fund.

(5) The accounts when audited shall be printed and copies thereof, together with the audit report, shall be submitted by the Vice-Chancellor to the Board which shall forward them to the State Government with such comments as may be deemed necessary.

(6) The University shall settle objections raised in the audit and carry out such instructions as may be issued by the State Government on the audit report."

5. Insertion of new sections, Rajasthan Act. No. 18 of 1962

:-

After the existing Sec. 40 and before the existing Sec. 41 of the principal Act, the following new sections shall be inserted, namely:-

"40-A. Control of the State Government.-

Where the State Government funds are involved, the University shall abide by the terms and conditions attached to the sanction of such funds which may inter alia include prior permission of the State Government in respect of the following, namely:-

(a) creation of the new posts of teachers, officers or other employees;

(b) revision of the pay, allowances, post-retirement benefits and other benefits to its teachers, officers and other employees;

(c) grant of any additional/special pay, allowance or other extra remuneration of any description whatsoever, including ex-gratia payment or other benefits having financial implications, to any of its teachers, officers or other employees;

(d) diversion of any earmarked funds other than the purpose for which it was received;

(e) transfer by sale, lease, mortgage or otherwise of immovable property;

(f) incur expenditure on any development work from the funds received from the State Government for any purposes other than for which the funds are received; and

(g) take any decision resulting in increased financial liability, direct or indirect, for the State Government.

Explanation.-The above conditions shall also apply in respect of the posts created from any other fund, which may, in the long term, be

likely to cause financial implications to the State Government.

40-B. Assumption of financial control by the State Government as emergency measure.-

(1) The State Government shall have the right to cause an inquiry to be made, by such person or persons as it may direct, and to issue directions to the University, in respect of any matter connected with the finances of the University, where State Government funds are concerned.

(2) If the State Government is satisfied that owing to mal-administration or financial mismanagement in the University a situation has arisen whereby financial stability of the University has become insecure, it may, by a notification, declare that the finances of the University shall be subject to the control of the State Government and shall issue such other directions as it may deem fit for the purpose and the same shall be binding on the University."

6. Repeal and savings :-

(1) The Mohan Lal Sukhadia University (Amendment) Ordinance, 2013 (Ordinance No. 1 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the aforesaid Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.