

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(Group-II)**

NOTIFICATION

Jaipur, June 7, 2003

No. F. 2(12)Vidhi-2/2003.-In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Kota Vishwavidhyalaya Adhiniyam, 2003 (Adhiniyam Sankhyank 14 of 2003):-

(Authorised English Translation)

THE UNIVERSITY OF KOTA ACT, 2003

(Act No. 14 of 2003)

[Received the assent of the Governor on the 30th day of May, 2003]

An

Act

to establish and incorporate a University at Kota in the State of Rajasthan.

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

1. Short title, extent and commencement.- (1) This Act may be called the University of Kota Act, 2003.

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

(3) It shall come into force at once.

2. Definitions. - In this Act, unless the subject or context requires otherwise.-

- (a) "Academic Council" means the Academic Council of the University as constituted under section 21;
- (b) "affiliated college" means an educational institution admitted to the privileges of the University;
- (c) "autonomous college" means an educational institution declared as such under the provisions of this Act;
- (d) "Board" means the Board of Management of the University constituted under section 19;
- (e) "constituent college" means a college maintained by the University;
- (f) "Faculty" means a Faculty of the University;
- (g) "prescribed" means prescribed by the Statutes ;
- (h) "Principal" means the Chief Executive Officer of a college or any person duly appointed to act as such;
- (i) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (j) "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;
- (k) "teacher" means a person appointed or recognized by the University for the purpose of imparting instruction or conducting and guiding research and includes a person who may be declared by the Statutes to be a teacher;

(l) "University" means the University of Kota;

(m) "University Department" means a Department maintained by the University.

3. Incorporation of the University .- (1) The Chancellor, the first Vice-Chancellor, the first members of the Board of Management and the Academic Council of the University and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership shall constitute a body corporate by the name of "The University of Kota " and shall have perpetual succession and a common seal and may by that name sue and be sued.

(2) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act:

Provided that no such lease, sale or transfer of such property shall be made without the prior approval of the State Government.

(3) The Headquarters of the University shall be at Kota which shall be the headquarters of the Vice- Chancellor.

4. Jurisdiction .- (1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of the University of Rajasthan Act, 1946, the Rajasthan Agriculture University Bikaner Act, 1987 (Act No. 39 of 1987), the Rajasthan Sanskrit University Act, 1998 (Act No. 10 of 1998), the Maharana Pratap University of Agriculture and Technology Udaipur Act, 2000 (Act No. 8 of 2000) and the Rajasthan Ayurved University Act, 2002 (Act No. 15 of 2002) the jurisdiction of the University shall extend to all the constituent, affiliated or autonomous colleges, institutes, institutions and departments within the Kota Division of the State of Rajasthan as notified by the State Government under the provisions of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) and also to such other constituent, affiliated or autonomous colleges, institutes, institutions and departments within the State of Rajasthan as may

41 (34) राजस्थान राज-पत्र. जून 7, 2003 भाग 4 (क)
be specified by notification in the Official Gazette by the State
Government .

(2) The State Government may, by order in writing -

- (a) require any institute, institution or college within the territorial limits of the University to terminate, with effect from such date as may be specified in the order, its association with, or its admission to the privileges of any other University incorporated by law to such extent as may be considered necessary and proper, or
- (b) exclude, to such extent as may be considered necessary and proper, from association with, or from admission to the privileges of the University constituted by this Act any institute, institution or college specified in the order which, in the opinion of the State Government, is required to be self governing or to be associated with or admitted to the privileges of, any other University or body.

(3) The State Government may, in consultation with the University, by notification published in the Official Gazette, enumerate any Government college situated in the jurisdiction of the University to be a constituent College of the University . The land, buildings, laboratories, equipments, books and any other properties of such college shall then vest in the University and the officers, teachers and employees of such college, after being found suitable through screening and on fulfilling such terms and conditions as may be laid down in the notification, shall be deemed to be the officers, teachers or, as the case may be, employees of the University .

5. Objects of the University.-The University shall be deemed to have been established and incorporated for the purpose, among others, of-

- (i) making provision for imparting education in different branches of learning ; and
- (ii) furthering the prosecution of research in all branches of learning.

6. University Admission.-The University shall, subject to the provisions of this Act and the Statutes, Ordinances and Regulations be open to all persons but nothing in this section shall be deemed to require the University to admit to any course of study students larger in number than, or with academic or other qualifications lower than, those prescribed.

7. Powers of the University.-The University shall have the following powers, namely:-

- (a) to provide for instruction in various branches of learning as the University may deem fit;
- (b) to make provision for (1) research, and (2) advancement of knowledge and dissemination of the findings of research and knowledge;
- (c) to institute and confer degrees, diplomas and other academic distinctions ;
- (d) to confer honorary degrees or other distinctions ;
- (e) to admit colleges, institutions and institutes not maintained by the University, to the privileges of the University, and to withdraw all or any of these privileges;
- (f) to confer autonomous status on a college, institution or department, as the case may be, subject to such conditions as may be laid down in this Act or as may be prescribed by the Statutes and to withdraw the autonomy;
- (g) to co-operate with other University and authorities in such manner and for such purpose as the University may determine;
- (h) to institute teaching, research and other posts required by the University and to make appointment thereto;
- (i) to create administrative, ministerial and other necessary posts and make appointments thereto;

- (j) to institute and award fellowships (including travelling fellowships), scholarships and prizes :
- (k) to institute and maintain residential accommodation for the students of the University:
- (l) to demand and receive such fees and other charges as may be prescribed;
- (m) to supervise and control the residential accommodation for students and to regulate the discipline of the students of the University and to make arrangements for promoting their health and welfare; and
- (n) 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.

8. Visitation.- (1) The State Government may cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, laboratories and equipments, and of any institution maintained by the University and to cause an enquiry to be made in like manner in respect of any other matter connected with the administration and finances of the University.

(2) The State Government shall, in every case, give to the University notice of its intention to inspect or make an enquiry and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.

(3) The State Government may address the Board with reference to the result of such inspection and enquiry and tender such advice as the State Government may offer regarding the action to be taken by the University.

(4) The Board shall communicate to the State Government such action as it proposes to take or has taken as a result of such inspection or enquiry.

(5) If the Board does not, within a reasonable time, take action to the satisfaction of the State Government, it may, after

considering any explanation furnished or representation made by the Board, issue with approval of the Chancellor such directions as it may deem fit and the Board shall be bound to comply with such directions.

(6) The report of the inspection and of the directions issued by the State Government as a result of such inspection shall be laid on the table of the house of the State Legislature.

9. Officers and Authorities of the University.- The following shall be the officers and authorities of the University, namely:-

(a) Officers of the University :-

- (i) the Chancellor.
- (ii) the Vice-Chancellor.
- (iii) the Registrar.
- (iv) the Comptroller
- (v) the Estate Officer.
- (vi) the Dean of Student Welfare.
- (vii) the Deans of Faculties, and
- (viii) such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

(b) Authorities of the University :-

- (i) The Board of Management,
- (ii) the Academic Council.
- (iii) the Faculties,
- (iv) the Board of Studies, and
- (v) such other authorities as may be declared by the Statutes to be the authorities of the University.

10. Chancellor.- (1) The Governor of the State of Rajasthan shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and shall, when present, preside at the convocations thereof.

(2) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes made thereunder.

11. Vice-Chancellor :- (1) The Vice-Chancellor shall be a whole time paid officer of the University and shall be appointed by the Chancellor on the advice of the State Government upon recommendation of a Selection Committee consisting of -

- (i) one person nominated by the Board not connected with the University or any college thereof;
- (ii) one person nominated by the Chairman, University Grants Commission;
- (iii) one educationist nominated by the Chancellor;
- (iv) two persons 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 enters upon his office or until he attains the age of sixty-two years, which ever 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, he 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 death, resignation, removal or the expiry of his term of office, it shall be filled by the Chancellor in accordance with sub-section (1) and for so long as it is not so filled, stop-gap arrangement shall be made by him under and in accordance with sub-section(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-section (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 functions of the office of the Vice-Chancellor.

(6) , Notwithstanding anything contained in sub-section (1) to sub-section (5), the first Vice-Chancellor of the University shall be appointed by the Chancellor on the advice of the State Government for a period not exceeding three years on such terms and conditions as the State Government may determine.

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

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

12. Powers and duties of the Vice-Chancellor.- (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at the convocations of the University.

(2) The Vice-Chancellor shall be ex-officio Chairman of the Board and Academic Council.

(3) The Vice-Chancellor shall be responsible for presenting to the Board for its deliberations and consideration matters of concern to the University. He shall have power to convene the meetings of the Board and the Academic Council.

(4) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the due maintenance of discipline in the University.

(5) The Vice-Chancellor shall ensure the faithful observance of the provisions of this Act and the Statutes and the Ordinances and shall possess all such powers as may be necessary for the purpose.

(6) In an emergency, which in the opinion of the Vice-Chancellor requires immediate action to be taken he shall take such action as he deems necessary and shall at the earliest opportunity report the action taken to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

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

(8) Subject as aforesaid, the Vice-Chancellor shall give effect to the orders of the Board regarding the appointment, suspension and dismissal of officers, teachers and other employees of the University.

(9) The Vice-Chancellor shall be responsible for close coordination and integration of teaching, research and other work and shall exercise such other powers as may be prescribed.

13. Registrar.- (1) The Registrar shall be the Chief Administrative Officer of the University. He shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the Registrar shall be appointed by the State Government on deputation from amongst the officers in the services of the State of Rajasthan.

(3) The Registrar shall be responsible for the custody of the records and the common seal of the University. He shall be ex-officio secretary of the Board of Management and Academic Council. He shall place before it all such information as may be necessary for the transaction of its business. He shall receive applications for entrance to the University and shall keep a permanent record of all syllabi, curricula and such other informations as may be deemed necessary.

(4) The Registrar shall perform such other duties as may be prescribed or required of him from time to time by the Vice-Chancellor.

14. Comptroller.- (1) The Comptroller shall be the principal finance, accounts and audit officer of the University. He shall work directly under the control of the Vice-Chancellor.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the Comptroller shall be appointed by the State Government on deputation from amongst the officers of the Rajasthan Accounts Service.

(3) The Comptroller shall -

- (i) advise in regard to the financial policy of the University and be responsible for the preparation of its budget and for the presentation thereof to the Board through the Vice-Chancellor;
- (ii) manage the properties, movable and immovable, and investments of the University;
- (iii) keep all moneys belonging to the University in a scheduled bank or in the Rajasthan State Co-operative Bank Ltd., or Central Co-operative Bank except the amounts needed as imprest cash (to be prescribed by the Vice-Chancellor) in transacting business of the University;
- (iv) ensure that no expenditure not authorized in the budget is incurred by the University otherwise than by way of investment;
- (v) disallow any expenditure which may contravene the terms of any statute or for which provision is required to be made by a statute but has not been made; and
- (vi) ensure the compliance of the provisions of section 34.

15. Estate Officer and Dean of Student Welfare.- (1) The Board may appoint any one or more of the following officers, namely:-

- (i) the Estate Officer, and
- (ii) the Dean of Students Welfare.

(2) The Estate Officer shall be incharge of all the buildings, lawns, gardens and other immovable property of the University.

(3) The Dean of Student Welfare shall have the following duties:-

- (a) to make arrangements of the housing of students.
- (b) to direct a programme of students counselling.

-) to arrange for employment of students in accordance with plans approved by the Vice-Chancellor.
- l) to supervise the extra-curricular activities of the students.
- (e) to assist in the placement of the graduates of the University, and
- (f) to organize and maintain contact with the alumni of the University.

16. Deans of faculties and their functions.- (1) There shall be a Dean of each Faculty.

(2) The Deans of Faculties shall be appointed by the Vice-Chancellor in a manner as may be prescribed.

(3) The Deans shall perform such functions as may be prescribed by the Statutes .

17. Other officers and employees.- The mode of appointment and the functions of other officers mentioned in clause (a) of section 9 and of the employees of the University shall be as provided in this Act or as prescribed by Statutes . Ordinances and Regulations.

18. Remuneration of officers and employees.- No officer or employee of the University shall be offered nor shall he accept any remuneration for any work in the University save as may be provided for in the Statutes.

19. Constitution and composition of the Board of Management.- (1) The Board of Management shall be the highest executive body of the University and shall consist of the following members, namely:-

- (I) The Vice-Chancellor of the University- Chairman.
- (II) **Ex-officio Members :-**
 - (i) the Secretary to the Government of Rajasthan, Finance Department;
 - (ii) the Secretary to the Government of Rajasthan, Higher Education Department;

- (iii) the Director of College Education, Rajasthan; and
- (iv) the Registrar of the University, Member-Secretary.

Explanation.- Ex-officio members mentioned at (i) to (ii) shall include their respective nominees who shall not be below the rank of Deputy Secretary to the Government of Rajasthan.

(III) Nominated Members :-

- (i) two persons nominated by the Vice-Chancellor from amongst the Deans for one year;
- (ii) two University Professors nominated by the Vice-Chancellor for one year;
- (iii) two eminent educationists to be nominated by the Chancellor for three years;
- (iv) two Principals of affiliated colleges, one from the Government colleges and another from Private Colleges, to be nominated by the State Government for one year;
- (v) two members of State Legislature to be nominated by the State Government for three years; and
- (vi) two eminent educationists to be nominated by the State Government for three years.

(IV) Elected Members:-

Two teachers of the University or its constituent colleges who have put in not less than seven years teaching experience in any institution of higher education in Rajasthan on 1st January immediately preceding the year in which elections are held, other than University Professors, Deans, Directors of the Colleges of the University to be elected by the teachers of, the University and its constituent colleges from amongst themselves for three years.

(2) One third members present at a meeting of the Board shall constitute the quorum for meeting .

(3) The Chairman of the Board shall perform such functions and exercise such powers as are provided in this Act or as may be prescribed.

(4) The members shall serve without any additional pay but shall be entitled to daily allowance and travelling expenses as may be prescribed.

(5) The minutes of meeting of the Board shall be recorded and maintained by the Member Secretary of the Board.

20. Duties and Functions of the Board.- The duties and functions of the Board shall be as follows:-

- (a) to approve and sanction the budget of the University;
- (b) to acquire, to dispose of, to hold and to control the property and funds of the University and issue any general or special direction on behalf of the University;
- (c) to accept the transfer of any movable or immovable property on behalf of the University;
- (d) to administer any funds placed at the disposal of the University for the specific purposes;
- (e) to invest money belonging to the University;
- (f) to appoint the members of the academic, administrative and other staff of the University in such manner as may be prescribed;
- (g) to direct the form and use of the common seal of the University ;
- (h) to appoint such committees, either standing or temporary as it deems necessary for its proper functioning;
- (i) to borrow money for capital improvements and make suitable arrangements for its repayment;

- (j) to meet at such times and as often as it deems necessary, provided however, that the regular meeting of the Board shall be held at least once in every three months ;
- (k) to make Statutes, Ordinances and Regulations in the manner prescribed in this Act for smooth functioning of the University; and
- (l) to regulate and determine all matters concerning the University in accordance with this Act and the Statutes and to exercise such powers and to discharge such duties as may be conferred or imposed on it by this Act and the Statutes.

21. Academic council.- (1) There shall be an Academic Council of the University, consisting of the following as members, namely:-

- (a) the Vice-Chancellor-ex officio Chairman;
- (b) Deans of Faculties;
- (c) one Professor from each faculty to be nominated by the Vice-Chancellor;
- (d) one Principal/Director of a Constituent College to be nominated by the Vice-Chancellor;
- (e) Secretary to the State Government in the Higher Education Department or his nominee not below the rank of a Deputy Secretary;
- (f) Director of College Education, Rajasthan;
- (g) Chairmen, Boards of Studies ;
- (h) two Principals of affiliated Colleges, one from Government Colleges and another from Private Colleges, to be nominated by the State Government;
- (i) two persons having special attainment in the field of studies not being employees of the University, one to be nominated by the Chancellor and the other by the State Government;
- (j) one teacher other than the Professors, from a Constituent College/University Department having a minimum ten years experience in teaching degree

or post-graduate classes to be nominated by the Vice-Chancellor;

- (k) one teacher other than the Principals, from an affiliated college having a minimum ten years experience in teaching degree or post-graduate classes to be nominated by the State Government and
- (l) the Registrar of the University, Member Secretary.
- (2) The term of office of nominated members shall be two years.

22. Functions of the academic council.- (1) The Academic Council shall be in-charge of the academic affairs of the University and shall, subject to the provisions of this Act and the Statutes and Ordinances made thereunder have control over, and be responsible for the maintenance of standards of instructions, education and examinations and for the requirements for the award of degrees and diplomas.

(2) The Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes and shall advise the Vice-Chancellor on all academic matters.

23. Composition and function of faculties.- (1) There shall be such faculties in the University as may be prescribed by the Statutes.

- (2) Each faculty shall consist of the following:-
 - (a) Dean of the Faculty - Chairman ;
 - (b) University Professors of the subjects assigned to the Faculty ;
 - (c) Chairmen of the Boards of Studies in the faculty ;
 - (d) One Post - graduate College Principal and one Post-graduate Department Head in each subject of the faculty from affiliated colleges , nominated by the State Government ;
 - (e) Two external experts nominated by the Academic Council.

(3) Faculty shall perform such functions as may be prescribed by the Statutes .

24. Board of studies.- (1) There shall be such number of Boards of Studies as may be determined by the Statute.

(2) A Board of Studies shall be constituted in the manner. consist of such members. exercise such powers and perform such functions as may be prescribed.

25. Teaching of the University.- (1) All teaching recognized by the University shall be conducted in the University departments or in colleges, institutes and institutions.

(2) The authorities responsible for organizing such teaching shall be such as may be prescribed.

(3) The courses of study and curricula shall be such as may be prescribed by Ordinances and, subject thereto, by the Regulations.

26. Conferment of autonomous status.- (1) An affiliated college or a recognized institution or a University Department may be conferred the autonomous status by the University in the matter of admission of students, prescribing the courses of studies, imparting instructions and training, holding of examinations and the powers to make necessary rules for the purpose.

(2) The Board shall for the purpose of satisfying itself about the standards of education in such a college, institution or department may direct an enquiry to be made in the prescribed manner by a standing committee consisting of such persons as are deemed fit.

(3) On receipt of the report of the said committee and the recommendations of the Academic Council thereon, the Board on being satisfied, shall refer the matter to the University Grants Commission and the State Government to obtain their concurrence.

(4) On receipt of such concurrence, the University shall confer the autonomous status on the College, the institution or the department, as the case may be.

(5) The status of autonomy may be granted initially for a period of five years subject to review by an expert committee to be constituted for this purpose. The committee shall comprise the following, namely:-

- (a) one nominee of the University;
- (b) one nominee of the State Government;
- (c) one nominee of the University Grants Commission;
- (d) one Principal of an autonomous college to be nominated by the Vice-Chancellor; and
- (e) an officer of the University to be nominated by the Vice-Chancellor.

(6) The Committee shall submit its report to the Board for further action.

(7) The University shall continue to exercise general supervision over such college, institution or department and to confer degree on the students of such college, institution or department.

(8) The autonomous college, institution or department shall appoint such committees as may be prescribed for the proper management relating to academic, financial and administrative affairs.

(9) Every autonomous college, institution or department shall furnish such reports, returns and other information as the Board may require from time to time.

(10) The Board shall cause every autonomous college, institution or department to be inspected from time to time.

27. Withdrawal of autonomous status.- (1) The conferment of autonomous status may be withdrawn by the University if the college, institution or department has failed to observe any of the conditions of its conferment or the efficiency thereof has so deteriorated that in the interest of education it is necessary to do so .

(2) Before an order under sub-section (1) is made, the Board shall, by one month's notice in writing, call upon the college, institution or department to show cause why such an order should not be made.

(3) On receipt of the explanation, if any, made by the college, institution or department in reply to the notice, the Board shall, after consulting the Academic Council and the University Grants Commission report the matter to the State Government.

(4) The State Government shall, after such further enquiry, if any, as may be deemed fit, record its opinion in the matter and convey its decision to the University and the University shall thereupon make such order as it deems fit.

(5) Where in the case of an autonomous college, institution or department, the autonomous status conferred under section 27 is withdrawn by an order made under sub-section (4), such college, institution or department, as the case may be, shall cease to have an autonomous status from the date specified in the order.

28. Supplementary provisions relating to membership.-

(1) All casual vacancies among the members (other than ex-officio members) of any authority or body of the University shall be filled as soon as possible by appointment, nomination or election according as the member whose place became vacant was appointed, nominated or elected and the person appointed, nominated or elected to a casual vacancy shall be a member of such authority or body for the residuary period of the term for which the person whose place he fills would have continued but for the vacancy.

(2) A person who holds any office in the University by virtue of his holding any other office of the University or otherwise shall hold such office as long as he holds the other office and there after till his successor is duly nominated, appointed or elected.

(3) The Board may remove any person not being an officer of the University from membership of any authority or body or any employee of the University on the grounds that such person or employee has been convicted of an offence involving moral turpitude or for taking part in subversive activities or for indulging in any act or acts unbecoming the prestige of the University :

Provided that no such person or employee shall be removed under this sub-section unless he has been afforded a reasonable opportunity of showing cause why he should not be so removed and such cause has been considered by the Board .

Provided further that prior approval of the State Government will be necessary for taking such action against a member of any authority or body of the University, nominated by the State Government.

(4) If any question arises regarding any person who has been appointed, nominated or elected, as or is entitled to be, a member of any authority of the University subordinate to the Board or regarding any decision of the Board under this Act and the Statutes, the matter shall be referred to the Chancellor for his decision, and the decision of the Chancellor shall be final.

29. Proceedings of University authorities and bodies not to be invalidated by reason of any vacancy.- No act or proceeding of any authority or body of the University shall be invalidated by reason of the existence of a vacancy among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

30. Age of retirement.- Subject to any provision in the Statutes to the contrary or any directions or policy of the State Government in this regard all the employees of the University shall ordinarily retire from service upon attaining the age of sixty years.

31 . Pension or provident fund.- (1) For the benefit of its officers, teachers, clerical staff and other employees, the University shall constitute, in such manner and subject to such conditions as may be prescribed, such pension, gratuity, insurance and provident fund as it may deem fit.

(2) Provision shall be made in Statutes to ensure that staff members transferred from employment in the service of the State shall have their accrued service benefits protected upon such transfer.

32. Teachers and Officers of the University.- (1) The appointment of teachers and officers of the University shall be made in accordance with provisions of the Rajasthan Universities' Teachers and Officers (Selection for Appointment) Act, 1974 (Act No. 18 of 1974).

(2) Except in cases provided for by the Statutes, teachers and officers of the University shall be appointed under a written contract. The contract shall be lodged with the Vice-Chancellor and a copy thereof shall be furnished to the teacher or officer concerned. The contract shall not be inconsistent with the provisions of this Act and the Statutes for the time being in force in relation to the conditions of service.

33. University fund.- (1) University shall establish, maintain and administer a fund to be called the University Fund.

(2) The following moneys shall form part of, and be paid into, the University fund, namely:-

- (a) any contribution or grant by the State Government;
- (b) income arising to the University from all sources including income from fees and charges;
- (c) trusts, bequests, donations, endowments and other grants, if any;
- (d) such other moneys as may be prescribed by the Statutes.

(3) The matters to which the fund may be applied and appropriated shall be those prescribed by this Act or the Statutes.

(4) All expenses incurred under and in pursuance of any provision contained in this Act shall be met out of the University fund.

(5) The University shall have power to borrow, on the security of the University properties and with the concurrence of the State Government, money for the purposes of the University.

34. 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;

- 41 (52) राजस्थान राज-पत्र, जून 7, 2003 भाग 4 (क)
- (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;
 - (g) take any decision regarding affiliated colleges 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 long term likely to cause financial implications to the State Government.

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

36. Statutes.- Subject to the provisions of this Act, the Statutes may provide for any matter and shall, in particular, provide for the following:-

- (a) the constitution, powers and duties of the authorities of the University;
- (b) the appointment, nomination or election and continuance in office of the members of the authorities of the University and all other matters relating to these authorities for which it may be necessary or desirable to provide;

- (c) the designation, manner of appointment, powers, duties and service conditions of the officers of the University ;
- (d) the classification and manner of appointment of teachers and their service conditions and qualifications;
- (e) the constitution of pension, gratuity, insurance and provident funds for the benefit of officers, teachers and other employees of the University;
- (f) the conferment of honorary degrees;
- (g) the establishment, amalgamation, sub-division and abolition of departments;
- (h) the establishment and abolition, of hostels maintained by the University;
- (i) the moneys to form part of and to be paid into the University fund and the matters to which the fund may be applied and appropriated;
- (j) the number and emoluments of teachers of the University and the preparation and maintenance of a record of their services and activities;
- (k) the remuneration and allowances, including travelling and daily allowances to be paid to persons employed in the business of the University; and
- (l) all other matters which by this Act are required to be or may be provided for or prescribed otherwise than by the Regulations.

37. Statutes how made.- (1) The Statutes may be made, amended or repealed by the Board of Management in the manner hereinafter provided.

(2) The Board of Management may take into consideration the draft of a Statute either at its own motion or on a proposal by any authority of the University.

(3) The Board of Management, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute, which is before it for consideration.

(4) Every Statute passed by the Board of Management shall be submitted to the Chancellor who may give or withhold his assent thereto or send it back to the Board of Management for reconsideration.

(5) No Statute passed by the Board of Management shall be valid or shall come into force until assented to by the Chancellor.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor, either *suo motu* or on the advice of the State Government, may, direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

38. Ordinances.-Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :-

- (a) the courses of study, admission or enrolment of students, fee, qualifications or conditions requisite for any degree, diploma, certificate or fellowship;
- (b) the conduct of examinations including the appointments of examiners and their terms and conditions;
- (c) the conditions for residing in any hostel or other place of residence run or maintained by the University, the levying of charges therefor and other related matters;
- (d) the recognition and supervision of hostels not run or maintained by the University;
- (e) any other matter required by this Act or the Statutes to be dealt by or under the Ordinances of the University.

39. Ordinances how made.- (1) The Board of Management may make, amend or repeal Ordinances in the manner hereinafter provided.

(2) No Ordinances concerning the academic matters shall be made by the Board of Management unless a draft thereof has been proposed by the Academic Council.

(3) The Board of Management shall not have the power to amend any draft proposed by the Academic Council under subsection (2), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Board of Management may suggest.

(4) All Ordinances made by the Board of Management shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within two weeks. The Chancellor shall have the power to direct the Board of Management, within four weeks of the receipt of the Ordinance to suspend its operation, and he shall, as soon as possible, inform the Board of Management of his objection to it. He may, after receiving the comments of the Board of Management, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

40. Regulations.- (1) Every authority of the University may make Regulations consistent with this Act and the Statutes and Ordinances -

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (b) providing for all matters which by this Act and the Statutes or Ordinances are to be provided for by that authority by the Regulations; and
- (c) providing for any other matter solely concerning such authority and not provided for by this Act and the Statutes or Ordinances .

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be transacted thereat and for the keeping of a record of the proceeding of meetings.

(3) The Board may direct the amendment, in such manner as it may specify, of any Regulations made under this section or the annulment thereof by any authority of the University.

41. Residence of students.- The students shall reside in accommodation provided by the University or approved by the Vice-Chancellor subject to the conditions prescribed.

42 . Delegation of powers.- The Board may by Statutes delegate to any officer or authority any of the powers conferred upon it by this Act , to be exercised subject to such restrictions and conditions as may be prescribed.

43. Annual report.- The annual report of the University shall be prepared under the direction of the Vice-Chancellor and circulated among the members of the Board one month before the annual meeting of the Board at which it is to be considered. The annual report, as approved by the Board, shall be sent to the Government for being laid on the table of the House of the State Legislature.

44. 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 amounts disbursed or paid shall be entered in the accounts.

(2) Such accounts shall be audited in the proscribed manner by such auditors as the State Government may direct and the cost of such audit shall be a charge on the University fund.

(3) 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.

45. Temporary arrangements.- (1) At any time after the passing of this Act and until such time as the authorities of the University are duly constituted any officer of the University may be appointed by the Vice-Chancellor with the prior approval of the Chancellor to carry on the duties of any such authority.

(2) The Vice-Chancellor may make temporary appointments, subject to the approval of the Board at its next meeting, following the making of such appointments.

46. Reference to government officers to be construed in case of change of designation as reference to corresponding offices.- Where any provision of this Act or of the Statutes, Ordinances or Regulations refer to an officer of the State Government by designation, then, if that designation is altered or that office ceases to exist the reference shall be construed as a reference to the altered designation, or as the case may be, to such corresponding officer as the State Government may direct.

47. Transfer of properties and manpower.- Notwithstanding anything contained in any law for the time being in force, the Chancellor may, in order to give effect to the provisions of this Act, on the advice of the State Government, make such orders as are deemed necessary for the transfer of -

- (a) any officer, teacher, employee or servant,
- (b) any movable or immovable property situated in the jurisdictional area of this University or any rights or interest therein,
- (c) any fund, grant, contribution, donation, aid or benefaction received, accrued or promised,

from the Maharshi Dayanand Saraswati University, Ajmer or any other University to this University on such terms and conditions as may be specified in the orders.

48. Transitory provisions.- (1) All Statutes, Ordinances and Regulations made under the Maharshi Dayanand Saraswati University Act, 1987 (Act No. 38 of 1987) shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under this Act and shall continue to be in force until they are superseded or modified by the Statutes, Ordinances or Regulations made under this Act.

(2) All notices and orders, made or issued by any authority under Maharshi Dayanand Saraswati University Act, 1987 (Act No. 38 of 1987) shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or issued by the corresponding authority under this Act and shall continue to be in force until they are superseded or modified under this Act.

49. Residuary provisions.- The Board shall have the authority to deal with any matter pertaining to the University and not specifically dealt within this Act. The decision of the Board on

all such matters shall, subject to revision by the Chancellor, be final and shall not be liable to be challenged in any court or tribunal.

50. Removal of difficulties.- (1) The State Government may for the purpose of removing any difficulties, in the area and in matters covered by this Act, by order published in the Official Gazette-

- (a) direct that this Act shall during such period as may be specified in the order take effect subject to such adaptations whether by way of modification, addition or omission consistent with this Act, as it may deem fit to be necessary or expedient, or
- (b) give such directions as appear to it to be necessary for the removal of such difficulties that may arise in giving effect to the provisions of this Act,
- (c) make such other temporary provisions for the purpose of removing any such difficulties as it may deem fit to be necessary or expedient:

Provided that no such order shall be made after twelve months from the date of the commencement of this Act.

(2) All orders made under sub-section (1) shall be laid before the House of the State Legislature for fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such orders or resolves that any such order should not be made, such order 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 thereunder.

(3) If any question arises regarding the interpretation of any provisions of this Act or any Statutes or Ordinances or Regulations made under this Act, or as to whether any person has been duly appointed as or is entitled to be a member of any authority or other body of the University, the matter may be

referred to the Chancellor and shall be so referred if the Vice-Chancellor and any ten members of the Board so require. The Chancellor shall after taking such advice from the State Government as he deems necessary, decide the question and his decision shall be final.

जी. एस. होग

Secretary to the Government.

Government Central Press, Jaipur.