

**ARNI
UNIVERSITY
ACT
[BILL, 2009]**

AUTHORITATIVE ENGLISH TEXT

Bill No. 14 of 2009

**(THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION)
BILL, 2009**

(As INTRODUCTION IN THE LEGISLATIVE ASSEMBLY)

THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION ACT , 2009)

ARRANGEMENT OF SECTIONS

Section:-

1. Short title and commencement
2. Definitions.
3. The Objects of the University.
4. Incorporation.
5. Power and Functions
6. University to be self- financed.
7. No power of Affiliation
8. Endowment Power
9. General Fund
10. Application of General Fund.
11. Officers of the University.
12. The Chancellor.
13. The Vice- Chancellor.
14. The Registrar.
15. The Chief Finance and Accounts Officer.
16. Other Officers.
17. Authorities of University.
18. The Governing Body.
19. The Board of Management.
20. The Academic Council.
21. Other authorities.
22. Disqualifications.
23. Vacancies not be invalidate the proceedings of any authority or body of the University.
24. Filling of casual Vacancies.

25. Committees.
26. The First Statutes.
27. The subsequent statutes.
28. The First Ordinances.
29. The Subsequent Ordinances.
30. Regulations.
31. Admissions.
32. Fee Structure.
33. Examinations.
34. Declaration of results.
35. Convocation.
36. Accreditation of the University.
37. University to follow rules, regulations norms etc, of the regulations bodies
38. Annual report.
39. Annual accounts and audit.
40. Powers of the Government to inspect the University.
41. Dissolution of the University by the sponsoring body.
42. Special powers of the Government in certain circumstances.
43. Power to make rules.
44. Power to remove difficulties.
45. Repeal and savings.

AUTHORITATIVE ENGLISH TEXT

Act No. 17 of 2012

THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION) AMENDMENT
ACT, 2012

(As Assented to by the GOVERNOR ON 3rd May, 2012)

AN

ACT

Further to amend the Arni University (Establishment and Regulation) Act , 2009 (Act No. 23 of 2009).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty – third year of the Republic of India as follows:-

1. **Short titles** - This Act may be called the Arni University (Establishment and Regulation) Amendment Act, 2012.
2. **Amendment of section 2.** -- In section 2 of the Arni University (Establishment and Regulation) Act , 2009 (hereinafter referred to as the principal Act”)-

(a) In clause (n) after the words “Scientific and Industrial Research “, the words and sign “, the Himachal Pradesh Private Educational Institutions Regulatory Commission “ shall be inserted ; and

(b) After clause (v) , the following new clause (w) shall be inserted, namely:-

“ (W) “ Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commissions) Act , 2010 (Act No. 15 of 2011).”

THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION) ACT, 2009

AN

ACT

To provide for establishment, in incorporation and regulation of Arni University in the state for Higher education and to regulate its functioning and for matters connected there with or incidental there o

Be it enacted by the legislative Assembly of Himachal Pradesh in the fifty- ninth year of the Republic of India as follows :-

1. (I) The Act may be called the Arni University (Establishment and Regulation) Act, 2009.

(II) Be shall be deemed to have come into force on day of 200.

(2) In this Act, unless the context otherwise requires :-

(a) Board of Management means the Board of Management constituted under section 19 of this Act:-

(b) “Campus means the area of University within which it is established :-

(c) “distance education means education imparted by combination of any two or more means of communication, viz. broadcasting telecasting correspondence courses seminars, contact programmers’ and any other such methodology.

Act No. 12 of 2011

THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION)

AMENDMENT Act, 2010

(AS ASSENTED TO BY THE GOVERNOR ON 22ND JANUARY, 2011)

AN

ACT

To amend the Arni University (Establishment and Regulation) Act, 2009 (Act No. 23 of 2009)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty – first Year of the Republic of India as follows:-

1. Short title :- This Act may be called the Arni University (Establishment and Regulation) Amendment Act . 2010.

2. Amendment of section 2. - In section 2 of the Arni University (Establishment and Regulation) Act, 2009 (hereinafter referred to as the “principle Act”) for clause (p), the following clause shall be substituted namely:-

“(p) Sponsoring body” means K. D. Educational Trust, New Delhi registered under the India Trust Act, 1882 and includes its subsidiary branch to be registered in Himachal Pradesh within a period of six months from the date of commencement of the Arni University (Establishment and Regulation) Amendment Act, 2010”.

(d) “employee” means any person appointed by the University and includes teachers and other staff of the University;

(e) “Fee” means monetary collection made by the University or its colleges, institutions or study centers as the case may be from the students by whatever name it may be called, which is not refundable:

(f) “Government or “State Government” means the Government of Himachal Pradesh.

(g) “Governing Body” means the Governing Body constituted under section 18 of this Act:

- (h) “Higher education” means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level:
- (i) “hostel” means a place of residence for the students of the University or its colleges, institutions and study centres, established or recognized to be as such by the University:
- (j) “notification” means a notification published in the Official Gazette;
- (k) “ 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;
- (l) “Official Gazette,” means the Rajpatra, Himachal Pradesh:
- (m) “ Prescribed” means prescribed by rules made order this Act:
- (n) “ 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 of 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 Indian Research etc, and includes the Government:
- (o) Section means a section of this Act;
- (p) “sponsoring body” means the K.D. Education Trust, New Delhi registered under the Indian Trust Act, 1882.

- (q) “State” means state of Himachal Pradesh;
- (r) “statutes” , ordinances” and “ regulations” means respectively, the statutes, ordinance and regulations of the University made under this Act.
- (s) “student” means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction instituted by the University including a research degree;
- (t) “study centre” means a centre established and maintained a recognized by the University for the purpose of advising counseling or for reordering any other assistance required by the students in the context of distance education;

“teacher” means a professor, Reader, lecturer or any other person required to impart education or to guide research or to render guidance in any form to the Students for pursuing a course of study of the University ; and

3. Amendment of section 3. - In section 3 of the principle Act, after clause (h) the following new clauses (i) and (j) shall be inserted, namely :-

“(I) to engage in areas of specialization with proven ability to make distinctive contribution to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degree in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(u) “ University” means ARNI University, Himachal Pradesh, Kangra.

3. The objects of the University shall include , -

- (a) To provide instructions, teaching and training in higher education with a view to create higher levels of intellectual abilities:
- (b) To establish facilities for education and training:
- (c) To carry out teaching, research and offer continuing education programmes:
- (d) To create centres of excellence for research and development relevant to the needs of the State and for sharing knowledge and its applications;
- (e) to establish campus in the states;
- (f) To establish examination centres;
- (g) To institute degrees, diplomas, certificates and other academic distinctions on the basis of examination or any such other method; while doing so, the university shall ensure that the standards of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by regulating bodies and
- (h) To set up off campus centres, subject to applicable rules or regulations.

4. (I) The first Chancellor and the first Vice Chancellor of the University and the first members of the Governing body . Board of Management and the academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership , are hereby constituted a

3. Amendment of section 5. In section 5 of the principle Act –

- (a) Clause (vii) shall be committed;
- (b) After clause (xi) the following clause shall be inserted namely :-
 - “ (xi-a) the sponsoring body/ University shall appoint full time regular employees for the university and the salary of the employees shall be deposited in the bank account of the employees every month;”
- (c) for clause (xviii) the following clause shall be substituted namely :-
 - “(Xviii) to set up colleges , institutions, off campus centres , off- shore campus study centres or to start distance education after fulfilling the norms and regulations of the central Government Regulatory Bodies and Central Government issued from time to time, and after obtaining the specific approval of the State Government ; “ and
- (d) in clause (xix) after the words and grants the words “except from parents and students” shall be inserted.

Body corporate by the name of ARNI University Himachal Pradesh , Kangra.

- (2) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- (3) The University shall situate and have its head quarter at Kathgarh, (Indora). Distt. Kangra Himachal Pradesh.

Powers and functions (5) The University shall have the following powers and functions namely; -

- (i) To make provisions and adopt all measures (including adoption and updating of the curricula) in respect of study, teaching and research , relating to the courses through traditional as well as new innovative modes including on line education mode;
- (ii) To institute and confer degrees, diplomas, certificates. Awards, grades credits and academic distinctions:
- (iii) To conduct and hold examinations:
- (iv) To provide for the degrees, diplomas, certificates, equivalent or corresponding to the degrees, diplomas, certificates of other recognized Universities, Boards or Councils;
- (v) To take all necessary measures for setting up campuses;.
- (vi) To set up central library, department libraries, museums and allied matters;
- (vii) To institute and confer honorary degrees asd may be prescribed;
- (viii) To institute and award fellowships, scholarships studentships as may be specified;
- (ix) to take special measures for spreading educational facilities among the educationally backward strata of the society;
- (x) To encourage and promote sports and material arts;.
- (xi) To create technical, administrative, ministerial and other necessary posts and to make appointment thereof;
- (xii) To undertake research projects on mutually acceptable terms and conditions in respect of agriculture, industry and business.

- (xiii) To provide consultancy services;
- (xiv) To frame statutes ordinances and regulations for carrying out the objects of the University in accordance with the provisions of the Act;
- (xv) To encourage and promote co-curricular activities for personality development of the teachers, students and employees of the University;
- (xvi) To provide for dual degrees diplomas or certificates vis-à-vis other universities on reciprocal basis within and outside the country as per instructions of the state Government, Government of India and University Grant Commission:
- (xvii) To make such provisions for integrated courses in different discipline in the educational programmes of the university;
- (xviii) To set up colleges, institutions, off- campus centres off shore campus and study centres, as per the instructions issued by the state Government, Central Government and University Grant Commission from time to time;
- (xix) To receive donations, gifts and grants and to acquire hold manage and dispose of any property, movable or immovable, including trust or endowed property within or outside Himachal Pradesh for the purpose and objects of the University and to invest funds in such manner as the University thinks fit;
- (xx) To prescribe the fee structure for various courses from time to time as per provisions of this Act;
- (xxi) To demand and receive payments of such fees and other charges as may be specified from time to time;
- (xxii) To seek collaboration with other institutions on mutually acceptable terms and conditions;

- (xxiii) To determine salaries, remunerations honoraria to teachers and employees of the University in accordance with the norms, specified by the University Grants Commission and the other regulatory bodies;
- (xxiv) To organize and to undertake extra mural teaching and extension services;
- (xxv) To establish and maintain Halls and Hostels;
- (xxvi) To recognize, supervise and control Halls and Hostels not maintained by the University and other accommodation for the residence of the students and to withdraw any such recognition;
- (xxvii) To regulate and enforce discipline among students and employees of the University and to take such disciplinary measures as may be deemed necessary;
- (xxviii) To make arrangements for promoting health and general welfare of the students and the employees of the University.
- (xxix) To co – operate with any other university in and outside the country authority or any public or private body having in view the promotion of purposes and objects simila to those of the University for such purposes as may be agreed upon, on such terms and conditions as may, from time to time be specified;
- (xxx) To provide for the printing reproduction and publication of research and other work, including text books which may be issued by the university and;
- (xxxi) To do all such things as may be necessary including or conducive to the attainment of all or any of the objects of the University.

University to be self financed

- (6)** The University shall be self financed and it shall not be entitled to receive any grant or other financial assistance from the Government.

No power of affiliation

- (7)** The University shall have no power to affiliate or otherwise admit to its privileges any other institution.

- (8). (i) The sponsoring body shall establish an Endowment Fund for the University with an amount of three crores rupees which shall be pledged to the Government.
- (2) The Endowment Fund shall be kept as security deposit to ensure strict compliance of the provisions of this Act rules regulations statutes or ordinances made thereunder.
- (3) The Government shall have the powers to forfeit in the prescribed manner, a part or whole of the Endowment Fund in case the University or the Sponsoring body contravenes any of the provisions of this Act, rules statutes ordinaries or regulations made thereunder.
- (4) Income from Endowment Fund shall be utilised for the development of infrastructure of the University but shall not be utilized to meet out the recurring expenditure of the University.
- (5) The amount of Endowment Fund shall be kept invested until the dissolution of the University, by way of Fixed Deposit Account in any scheduled Bank subject to the condition that this Fund shall not be withdrawn without the permission of the Government.
- (9) . University shall establish a fund, which shall be called the General Fund to which following shall be credited namely ;-
- (a) fees and other charges received by the University:-

4 . **Amendment of section 9** – in section 9 of the principle Act, in clause (d) after the word and sign donation.” The words and sign except from parents and students’ shall be inserted.

4 . Amendment of section 10 - in section 10 of the principle Act, after second provision the following third provision shall be inserted namely:-

“provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.’

- (b) Any contribution made by the sponsoring body;-
- (c) Any income received from consultancy and other works undertaken by the University;.
- (d) Bequests, donations, endowments and any other grants; and
- (e) All other sums received by the University.

Application of general fund **10** The General Fund shall be utilized for the following purposes namely;

- (a) for the payment of salaries and allowances of the 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 such officers and employees;-
- (b) for the expenses to be uncured by the University for services availed including services like electricity telephone etc;

- (c) for the payments of taxes of local levies wherever applicable;
- (d) for up keeping of the assets of the University;
- (e) for the payment of debts including interest charges therefore incurred by the University
- (f) For the payment of travelling and other allowances to the members of the Governing Body the Board of Management the Academic Council etc;
- (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 statues ordinances, regulations or rules made under this Act;
- (h) for the payment of the cost of audit of the funds created under sections 8 and 9 of this Act;
- (i) for the meeting of expenses of any suit or proceedings to which University is a party
- (j) for the purpose of movable and Immovable asserts;-
- (k) For the payment of any expenses incurred by the University in carrying out the provisions of this Act or the statutes ordinances regulations or rules made thereunder; and
- (l) For the payment of any other expenses as approval by the Board of Management to be an expenses for the purposes of the University;

Provided that no expenditure shall be incurred by the university in excess of the limit for total recurring expenditure and total non- recurring expenditure for the years as may be fixed by the board of Management without its prior approval;

Provide further that the General Fund shall for the purpose specified under sub clauses (e) be applied with the prior approval of the Governing Body.

11. The following shall be the officers of the University namely: - Office of the University

- (i) the chancellor;
- (ii) the Vice- Chancellor;
- (iii) the Registrar;
- (iv) the chief Finance and Accounts Officers and
- (v) such other persons in the service of the University as may be declared by the statutes to be the officers of the University.

The chancellor

12. (i) The Chancellor shall be appointed by the sponsoring body for a body of three years, with the approval of the Government in such manner and on such terms and conditions as may be specified by the statutes.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside over at the meetings of the Governing Body and 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 13 of this Act and

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

- 13.** (1) The Vice Chancellor shall be appointment by the Chancellor, on such terms and conditions as may be specified by statutes from a panel of three persons recommended by the Governing Body and shall subject to the provisions contained in sub section (7) hold officer for a term of three years;

Providing that after the expiry of the terms of three years a person shall be eligible for re appointment for another terms of three years.

Providing further that Vice Chancellor shall continue to hold office even after 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 principle executive and academic officer of the University and shall have the general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

- (3) The Vice Chancellor shall preside over at the convocation of the University in the absence of the Chancellor.

- (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 deems 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 manner:

Providing 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.

(5) If, in the opinion of the Vice Chancellor, any decision of any authority of the University is outside the powers conferred by this Act or statutes, ordinances, regulations or rules made there under or is likely to be prejudicial to the interests of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of decision 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 be an order in writing.

Starting 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 in opportunity of being heard.

The Registrar

14. (1) The Registrar shall be appointed by the Chancellor in such manner and on such terms and conditions of service as may be specified by the statutes.

(2) The Registrar shall have power to enter into agreement, contract sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be specified by the statutes.

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

The chief Finance and Accounts officers

15. (1) The Chief Finance and Accounts Officers shall be appointed by the Vice Chancellor in such Terms and conditions of service 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.

Other officers . **16. (1)** The University may appoint such order 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.

17. The following shall be the authorities of the University namely;-

- ii. The Governing Body;
- iii. The Board of Management;

5. Amendment of Section 18. – In section 18 of the principle Act, in clause © for the word five the word three shall be substituted.

(iii) The Academic Council; and such other authorities as may be declared by the statutes

(iv) To be the authorities of the University

18. (I) the Governing Body of the University shall consist of the following namely:

The Governing Body

- (a) The Chancellor;
- (b) The Vice Chancellor;
- (c) Three persons, nominated by the sponsoring body out of which two shall be eminent educationists;
- (d) One expert of management or information technology from outside the University, nominated by the Chancellor;
- (e) Two persons, nominated by the Government; and

- (f) Two members of the state Legislative Assembly, to be elected by the State Legislature.
- (2) The Governing Body shall be the supreme authority of the University
- (3) The Governing Body shall have the following Powers, namely:-
 - (a) to provide general superintendence and directions and to control functioning of the University by using all such power as are provided by this Act or the statutes ordinances regulations or rules made thereunder;
 - (b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the statutes, ordinances regulations or rules made there under;

6. Amendment of Section 19. - In section 19 of the Principal Act,

- (a) In Sub section (1) for clauses (b) to (d) the following clauses shall be substituted namely:-
 - (b) Deans of faculties not exceeding two (by rotation based on seniority);
 - c. Two persons nominated by the sponsoring body from amongst eminent educationists or from management field;
 - d. Two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;
- (b) after clause (c) as so substituted the following new clauses (e) and (f) shall be inserted namely:-
 - (e) two persons from amongst the teachers (from professors, Associate Professors), by rotation based on seniority and
 - (f) the Registrar shall be the Member secretary . ; and
- (c) after sub section (5) the following new sub-section (6) shall be inserted namely:-

- (6) The Body of Management of the University shall be independent of the sponsoring body with full autonomy to perform its academic and administrative functions.”
- (C) to approve the budget and annual report of the University;
- (d) to lay down the policies to be followed by the University;
- (e) to recommend to the sponsoring body about the voluntary liquidation of the University if a situation arises when smooth functioning of the University does not remain possible in spite of all efforts; and
- (f) such other powers as may be prescribed by the statutes.
- (4) The Governing Body shall meet at least thrice in a calendar year.
- (5) The quorum for meetings of the Governing Body shall be five.

The body of Management **19. (1)** The Board of Management shall consist of the following members namely:-

- (a) The Vice Chancellor;
- (b) Two members of the Governing Body; nominated by the sponsoring body;-
- (c) Three persons, who are not the members of the Governing Body, nominated by the sponsoring body; and
- (d) Three persons from amongst the teachers nominated by the sponsoring body.
- (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 at least once in every two months.

(5) The quorum for meeting of the Board Management shall be five.

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

The academic council

(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 and the rules, statutes and ordinances made there under, 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.

21. The composition, constitution, powers and functions of other authorities of the University shall be such as may be specified by the statutes.

Other authorities

22. A person shall be disqualified for being a member of any of the authorities or bodies of the University, if he

Disqualifications

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

(b) Is an undischarged insolvent; or

- (c) Has been convicted of any offence involving moral turpitude; or
- (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.

Vacancies notice invalidate
the processing of any authority
or body of the University

23. 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

filling of casual vacancies

24. In case of there occurs any casual vacancy in any authority or body of the University, due to death, resignation or removal of a member, the same shall be filled as early as possible by the person or body who appoints or nominates the member whose place became vacant and person appointed or nominated to a casual vacancy shall be a member of such authority or body for the residue of the terms for which the person whose place he fills would have been member.

Committees

25. (1) the authority or officers of the University may constitute committees with such terms of reference as may be necessary for specific tasks to be performed by such committees.
(2) The Constitution of such committees and their duties shall be such as may be specified by the statutes.

The first studies

26. (1) Subject to the provisions of this act and the rules made there under, the first statutes of the University may provide for all or any of the following matters namely;-

(a) The constitutions 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;-

5. Amendment of section 26. In section 26 of the principle Act, in sub section (1) clause (g) shall be committed.

(c) the manner of appointment and terms and conditions of service of the Registrar and chief Finance and Accounts Officers and their powers and functions;

(d) the manner of appointment and terms and conditions or service of the employees 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 employees students and the University;

(g) the conferment of honorary degrees;

- (h) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and followings;
- (i) provisions regarding the policy of admissions including regulation of reservation of seats;
- (j) Provisions regarding fees to be charged from the students ;
and
- (k) Provisions regarding number of seats in different courses.

(2) The first statutes shall be made by the Government and published in the Official Gazette and a copy thereof shall be laid before the State Legislative Assembly.

27. (1) Subject to the provisions of this Act and the rules made there under 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 existing department;

- (e) Institution of medals and prizes;
- (f) Creation of posts and procedures for abolition of posts;
- (g) Revision of fees;
- (h) Alteration of the number of seats in different syllabus 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 statutes shall be made by the Board of Management with the approval of the Governing Body.

3. The Board of Management may from time to time make new or additional statutes or may amend or repeal the statutes so made in the manner herein after provided in this section:

Provided that Board of Management shall not make any statutes or any amendment of the statutes affecting the statutes powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal and any opinion so expressed shall be in writing and shall be considered by the Governing Body.

4. Every such statutes or addition to the statutes or any amendment or repeal of the statutes shall be subject to the approval of the Government:

Providing that no statute shall be made by the Board of Management affecting the discipline of students and standards of instruction, education and examination except in consultation with the Academic Council.

28. (1) Subject to the Provisions of this Act or the rules or statutes made thereunder the Board of Management may make such first Ordinances with the approval of the Governing Body as it deems appropriate for the furtherance of the Objects of the University and such ordinances 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 awarding of fellowships scholarships stipends medals and prizes;
- (e) The conduct of exam nations including the terms 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 in the hostels of the University;
- (h) Provision 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 matter of co-operation and collaboration with other Universities and institutions of higher education; and
- (k) All other matters which by this Act or statutes made there under are required to be provided by the ordinances.

2. The Board of Management shall either modify the ordinances incorporating the suggestion of the Governing Body or give reasons for not incorporating any of the suggestions made by the Governing Body and shall return the ordinances along with such reasons, if any to the Governing Body and on receipt of the same the Governing Body shall consider the comments of the Board of Management and shall approve the ordinances of the University with or without such modifications and then the ordinances as approved by the Governing Body shall come into force.

The subsequent
ordinances

29. (1) All ordinances other than the first ordinances shall be made by the

Academic Council which after being approved by the Board of Management shall be submitted to the Governing Body for its approval.

(2). The Academic council shall either modify the ordinances incorporating the suggestions of the Board of Management and the Governing Body or give reasons for not incorporating the suggestions, and shall return the ordinances along with such reasons, if any the Board of Management and the Governing Body shall consider the comments of the Academic Council and shall approve the ordinances of the University with or without such modification and then the ordinances as approval by the Governing Body shall come into force.

Regulations.

30. The authorities of the University may, subject to the prior approval of the Board of Management make regulations consistent with this Act, the rules statutes and the ordinances made

(7). Amendment of section 31. In section 31 of the principle Act, in sub section (5) for he words “State Government”; the words “Regulatory commission shall be substituted.

(8). Amendment of section 32. In section 32 of the principal Act, in sub section (1) after the words for its approval the words and figures “before 31 December of every preceding academic year along with the approval of courses granted by the Regulatory Commission shall be inserted and the first provision appearing below sub section (1) shall be omitted.

There under for the conduct of their own business and of the committees appointed by them.

31. (1) Admission in the University Shall be made strictly on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination for admission and achievements in co-curriculum and extra curricular activities or on the basis of marks or grade obtained in the entrance test conducted at 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 entrance test.

3. Seats for admission in the University for the students belonging to scheduled Castes, Scheduled Tribes and Other Backward Classes and Handicapped students, shall be reserved as per the policy of the state Government.

4. At least 25% seats for admission to each course shall be reserved for students who are bonafide Himachalis.

32. (1) The University may from time to time prepare and revise its fees structures and sent it to the Government for its approval and the Government shall convey the approval within one month from the receipt of the proposal;

Provided that if the approval of the Government is not conveyed within one month it shall be deemed to have been approval by the Government;

Provided further that the fee structure for each course shall be decided before the issue of prospectus and shall be reflected in the prospectus;

Provided further that the fee structure shall not be revised or modified during the academic year.

6. Amendment of section 31- In section 31 of the principle Act, after sub section (4) the following new sub section shall be inserted namely:-

“5. The University shall seek prior approval of the State Government for admitting new students in subsequent years in the existing courses or for starting new courses which shall be subject to recommendations of the inspections committee set up for the purpose. This shall be application till the first batch of final year students are admitted.”

7. Amendment of section 32. In section 32 of the principle Act, for the words “one Month” wherever these occur the words three months.” Shall be substituted.

(9). Amendment of Section 33. In section 33 of the Principle Act, in the provision for the word Government wherever it occur the words Regulatory Commission shall be substituted.

(2) . The fee structure prepared by the University shall be considered by a committee to be constituted by the state Government in the manner as may be prescribed, which shall submit its recommendations to the Government after taking into consideration whether the proposed fee is , -

(a) Sufficient for generating –(1) Resources for meeting the recurring expenditure of the University and (ii) the savings required for the further development of the University and

(b) Not unreasonably excessive.

(3) After receipt of the recommendations under sub section (2), if the Government is satisfied, it may approve the fee structure.

(4) The fee structure approved by the Government under sub section (3) shall remain valid until next revision.

Examinations .

33. At the beginning of each academic session and in any case not later than 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 such 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 what so ever ; University is unable to follow this Schedule, it shall as soon as practicable, submit a report to the Government giving the detailed reasons for making a department from the Published schedule of Examination. The Government may, thereon, issue such directions as if may deem fit for better compliance in future.

(10) . Amendment of section 34. In section 34 of the principle Act, in sub-section (1) in the provision for the word “Government “ wherever it occur, the words “Regulatory Commission” shall be substituted.

(11). Substitution of section 36 - For section 36 of the Principle Act, the following section shall be substituted namely:-

“36 Accreditation of the University:- The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) , Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time 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 and the University shall get renewed such accreditation after such period as may be prescribed.”

(12). Amendment of Section 38 :- In section 38 of the principle Act, in sub section (2) after the words “presented to” the words the Regulatory Commission and “ shall be inserted.

34. (1). The University shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for a particular course and shall in any case declare the results latest within 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 period of forty five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon issue such directions as it may deem fit for better compliance in future.

(2). No examination or the results of an examination shall be held invalid only for the reason that the University has not followed the schedule of Examination as stipulated in section 33 and in this section.

35. 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.

Convocation

36. The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAA C) 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 and the University shall get renewed such accreditation at an interval of every five years thereafter.

Accreditation of the University

37. 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.

University to follow rules
Regulations norms etc
of the regulating bodies

38. (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

Annual report

- (13). Amendment of section 39.** In section 39 of the principle Act, -
- (a) In sub- section (4) after the words presented to the “ the words “Regulatory Commission and the “shall be inserted ; and
 - (b) In sub – section (5) for the word “Government” wherever it occurs, the words” Regulatory Commission and the Government” shall be substituted.
- 14. Amendment of section 40.** In section 40 of the principle Act, -
- (a) In sub-section (1) after the words “the Government, the words “or the Regulatory Commission” shall be inserted; and
 - (b) In sub-sections (2) and (3) after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

Of its objects and shall be approved by the Governing Body and 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 Government.

39. (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 alongwith 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 Government.
- (5) The advice of the Government, if any arising out of the accounts and audit report of the University shall be placed before the Governing Body and the Governing Body shall issue such directions as it may deem fit and compliance thereof shall be reported to the Government.

Power of the Government to
Inspect the University

40. (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 prescribed , 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 and the University shall take such corrective measures as are necessary so as to ensure the compliance of the recommendations.

8. Amendment of section 40. – in section 40 of the principal Act, in sub-section (1) , the words and signs “after consultation with the Vice-Chancellor,” shall be omitted.

9. Amendment of section 41. In section 41 of the principle Act, in sub-section (2) in the provision for the words fifteen years “, the words twenty five years” shall be substituted.

(3) if the University fails to comply with the recommendations made under sub-section (2) within a reasonable time the Government may give such directions as it may deem fit which shall be binding on the University.

41. (1) The sponsoring body may dissolve the University by giving a notice to this effect to the Government the employees and the students of the University at least one year in advance:

dissolution of the University
by the sponsoring body

Provided that dissolution of the University shall have effect only after the last batches of students of the regulatory courses have completed their courses and they have been awarded degrees, diplomas or awards as the case may be;

(2) On the dissolution of the University all the asserts and liabilities of the University shall vest in the sponsoring body;

Provided that in case the sponsoring body dissolves the University before fifteen years of its establishment all the assets of the University shall visit in the Government free from all encumbrances.

42. (1) If it appears to the Government that the University has contravened any of the provisions of this Act or the rules, statutes or ordinances made thereunder or has contravened any of the directions issued by it under this Act or has ceased to carry out any of the undertakings given under sub-section (1) of section 5 of the Himachal Pradesh Private Universities (Establishment and Regulation) Act, 2006 or a situation of financial mis-management or mal-administration has arisen in the University it shall issue notice requiring the

University to show cause within forty days as to why an order of its liquidation should not be made.

Special power of the Government in certain circumstances

(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 or the rules, statutes or ordinances made thereunder or of contravening directions issued by it under this Act or of ceasing to carry out the Undertaking given under sub-section (1) of section 5 of the Himachal Pradesh Universities (Establishment and Regulation) Act, 2006 or of financial mis-management or mal-administration , it shall make an order of such enquiry as it may consider necessary.

(3) The Government shall, for the purpose of any enquiry under sub-section (2) appoint an inquiry officer or officers to inquire into any of the allegations and to make 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 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 enquiry officer or officers, inquiring under this Act, shall be deemed to be a civil court for the purposes of section 195 and chapter 26 of the Code of Criminal Procedure, 1973.
- (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 or the rules, statutes, or ordinances made thereunder or has violated any of the directions issued by it under this Act or has ceased to carry out the undertaking given by it under sub-section (1) of section 5 of the Himachal Pradesh Private Universities (Establishment and Regulation) Act, 2006 or a situation of financial mis-management and mal- administration has arisen in the University which threatens the academic standard of the University, it shall issue orders for the liquidation of the University and appoint an administration.
- (7) The administration appointed under sub-section (6) shall have all the powers and 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 they have been awarded degrees, diplomas or awards as the case may be.
- (8). After having awarded the degrees, diplomas or awards as the case may be, to the last batches 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 notification in the Official Gazette, issue an order dissolving the University

and from the date of publication of such notification, the University shall stand dissolved and all the assets and liabilities of the University shall vest in the sponsoring body from such date.

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

Power to make rules

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

(a) Matter to be prescribed under clause (d) of sub-section (4) of section 42; and

a. Other matters which are required to be, or may be prescribed by rules under this Act.

(3) All the rules made under this Act shall be laid, as soon as may be after they are so made, before the state Legislative Assembly, while it is in session for a period of not less than ten 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 State Legislature makes any modification in any of such rules or agrees that any such rules should not be made, such rules 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 there under.

Power to
remove difficulties of the Act,
the government may by order
published in the Official Gazette,

44. (1) If any difficulty arises in giving effect to the provisions of this Act, the government may by order make such 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 State Legislative Assembly.

STATEMENT OF OBJECTS AND REASONS

Education is the basic factor which plays a very important role in the all round development of human beings. The socio economic conditions of the State and the Country require more attention to education . With a view to accelerate the pace of development, it is imperative to open more educational institutions with modern and sophisticated facilities, with each passing day, the need for opening new Colleges, Universities, Professional Colleges/ Institutions etc, is gaining momentum in the state.

Like other States in the Country societies in the Private sectors have been approaching the Government for establishing Universities. Many State Government have allowed the setting up of private Universities. The State Universities has been receiving may applications from such parties to establish private Universities in the State. The K.D. Educational Trust New Delhi which is a Trust registered under the Indian Trust Act, 1882 had also submitted a proposal to establish a private University namely, “ **Arni University**, Himachal Pradesh, Kangra” and after detailed examination the Government had issued “letter of intent “ on 21st May2009.

In the light of the provisions of University Grant Commission (Establishment and Maintenance of standards of Private Universities) Regulations 2003, each private University must be established by a separate State Act and shall conform to the provisions of University Grant Commission Act, 1956. Not only that a private University must be a unitary University having adequate facilities for teaching research examination and extension activities. Thus, in

order to fulfill the requirement of University Grant Commission Act and the norms, it has been decided to bring a legislation which may provide for establishment, incorporation and regulation of Arni University in the state for higher education.

This Bill seeks to achieve the aforesaid objectives.

ISHWAR DASS DHIMAN

Minister-in-charge.

SHIMLA

The, 2009

FINANCIAL MEMORANDUM

The Bill seeks to provide for the establishment of Arni University in the state solely in the private sector. The Provisions of this Bill, if enacted, shall not involve any financial expenditure on the state Exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 26 and 43 of the Bill seeks to empower the State Government to make first statutes of the University and to make rules for carrying out purposes of this Act respectively. Further clauses 27 and 28 of the bill seek to empower Board of Management of the University to make subsequent statutes and first ordinances of the University respectively. The proposed delegations of powers are essential and normal in character.

THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION)
BILL, 2009

A

BILL

To provide for establishment incorporation and regulation of Arni University in the state for higher education and to regulate its functioning and for matters connected therewith or incidental thereof.

ISHWAR DASS DHIMAN
Minister-in- Charge.

A.C. DOGRA
Secretary (Law)

SHIMLA

The, 2009.