

THE JAMMU AND KASHMIR PUBLIC UNIVERSITIES BILL, 2022

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SCHEDULE-I

THE JAMMU AND KASHMIR PUBLIC UNIVERSITIES BILL, 2022

(ACT No. _____ OF 2022)

WHEREAS it is expedient to provide for the establishment and incorporation of Universities in the Jammu and Kashmir, ensuring their autonomy and development, to achieve competitive excellence, greater access, opportunity, equity, and inclusion for imparting higher education in Jammu and Kashmir;

And WHEREAS It is expedient to repeal the existing University Acts and Statutes and provide for a new regulatory structure in their place,

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as follows:

WHEREAS the Legislative Assembly of Union Territory of Jammu and Kashmir is not in existence and Proclamation notified S.O.No. 3937(E) dated 31.10.2019 in terms of section 73 of the Jammu and Kashmir Reorganization Act, 2019 is in force;

WHEREAS in terms of aforesaid Proclamation, the powers of the Legislature of Union Territory of Jammu and Kashmir shall be exercisable by or under the authority of the Parliament.

NOW, THEREFORE, in exercise of powers conferred by aforesaid Proclamation and of all other powers enabling it in that behalf, the Parliament is pleased to enact the following:

CHAPTER -I

TITLE, COMMENCEMENT, AND DEFINITIONS

1. Short title and commencement.— (1) This Act may be called the Jammu and Kashmir Public Universities Act, 2022.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context:

- (a) "**Academic Council**" means the Academic Council of the University referred to in section 38 of the Act;
- (b) "**Act**" means the Jammu and Kashmir Public Universities Act, 2022;

- (c) **"Affiliated College"** means an educational institution having received privileges from the University according to the provisions of this Act and University Statutes relating thereto;
- (d) **"Annual Meeting"** means one of the meetings of the Governing Council to be held every year under this Act and declared by the statutes to be the annual meeting of the Governing Council;
- (e) **"Authorities"** means the authorities of the University referred to in section 30 of the Act;
- (f) **"Autonomous institution"** means any institution declared as such under this Act and includes a College also;
- (g) **"Bodies"** means the bodies of the University formed by the respective authorities;
- (h) **"Chancellor"** means the Chancellor of the University referred to in section 13 of the Act;
- (i) **"College"** means a teaching institution maintained or recognized and controlled by the University including constituent colleges under Statutes relevant thereto;
- (j) "Faculty means faculty of the University; Faculties, "Boards of Studies", "Board of Inspection" and "Boards of Research Studies" mean the "Boards of Studies", "Board of Inspection" and "Boards of Research Studies" of the University;
- (k) **"Fee"** means tuition fees and any other fees, and charges collected from the students, including developmental charges;
- (l) **"Finance and Audit Committee"** means the Finance and Audit Committee of the University referred to in section 33 of the Act;
- (m) **"Government"** means the Government of Jammu and Kashmir;
- (n) **"Governing Council"** means the Governing Council of the University referred to in section 31 of the Act;
- (o) **"Head of Department of College"** means the head of any department of the College;
- (p) **"Head of a University Department"** means the head of any department maintained by the University under conditions prescribed in the Statutes and includes the Director of any institute maintained

by the University for the promotion of research or for imparting instruction to the students of the University;

- (q) **"Hostel"** means a place of residence for students of the University maintained or recognized by the University either as part of or separate from a College, in accordance with the provisions of this Act;
- (r) **"Institution"** means an institution maintained or recognized by the University;
- (s) **"Inter-disciplinary studies" or "Multi-disciplinary studies"** means the combined academic studies and research in different disciplines as prescribed by statutes;
- (t) **"Jammu and Kashmir Eligibility Test"** means an eligibility test for any teaching or equivalent position conducted by the Jammu and Kashmir Public Service Commission;
- (u) **"Jammu and Kashmir Higher Education Council" or "JKHEC"** means the Jammu and Kashmir Higher Education Council as specified in section 11 of the Act;
- (v) **"Jammu and Kashmir Public Service Commission" or "JKPSC"** means the Jammu and Kashmir Public Service Commission;
- (w) **"Jammu and Kashmir Services Selection Board" or "JKSSB"** means the Jammu and Kashmir Services Selection Board;
- (x) **"Officer"** means the Officer of the University as specified in section 12 of the Act;
- (y) **"Officer Cadre"** includes Assistant Registrar or Assistant Director, Deputy Registrar or Deputy Director, Joint Registrar or Joint Director, and any other equivalent position in the same pay scale or any other post in the employment of the University designated as Officer Cadre by the Statutes;
- (z) **"Prescribed"** means prescribed by this Act or by the Statutes, the Ordinances, the Regulations, or the Rules framed thereunder.
- (aa) **"Principal"** means the head of a College;
- (bb) **"Registered graduate"** means a graduate of the University who has received a degree from the University and whose name has been entered in the register of registered graduates maintained under the

provisions of this Act on payment of prescribed registration fee to the University;

- (cc) **"Registrar"** means the Registrar of the University referred to in section 24 of the Act;
- (dd) **"Regulatory Body"** means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India, Pharmacy Council of India, National Assessment and Accreditation Council, Indian Council of Agriculture Research, National Board of Accreditation, Indian Nursing Council, Council of Scientific and Industrial Research, etc. and includes the Government or any such body constituted by Government of India or the Government;
- (ee) **"Schedule"** means the Schedule appended to this Act;
- (ff) **"Statutes, "Ordinances", "Regulations"** and Rules means respectively the Statutes, the Ordinances, the Regulations, and Rules of the University;
- (gg) **"Student"** means an individual who is admitted and registered for an academic program of the University or affiliated, conducted, autonomous colleges and recognized institutions of the University;
- (hh) **"Teacher"** means and includes a full-time University Professor, Associate Professor, Assistant Professor, or any other equivalent position of staff imparting instruction in a department or institute maintained by the University, and also includes those who are not involved in direct teaching-learning and research but declared as part of teaching cadre by the University authorities but does not include the Professors, Associate Professors, or Assistant Professors or equivalent staff in an affiliated college or any other college;
- (ii) **"University Grants Commission" or "UGC"** means the University Grants Commission established under the University Grants Commission Act, 1956 or its successor as the case may be;

- (jj) **"University"** means any of the Public universities established and incorporated under this Act or mentioned in schedule-I (Part-II), as amended from time to time;
- (kk) **"University Fund"** means the fund of the University established under this Act and Statutes; and
- (ll) **"Vice-Chancellor"** means the Vice-Chancellor of the University referred to in section 16 of the Act.

CHAPTER-II

UNIVERSITIES: INCORPORATION, OBJECTS, POWERS, AND FUNCTIONS

3. Establishment, incorporation, and jurisdiction of existing Universities.— (1) The existing public universities in Jammu and Kashmir, included under Schedule-I (Part-II) of this Act shall be deemed to have been established and incorporated under this Act from the date of Notification of this Act in the Official Gazette.

(2) The jurisdiction of the Universities shall be as specified in Schedule -I (Part-II) of this Act.

4. Establishment of a New University.— (1)The Government may, by amendment of the Schedule-I to this Act, followed by Notification in the Official Gazette establish new Universities by such name and for such jurisdiction as may be notified.

(2) The Government may also establish and incorporate, Teaching-intensive Universities, Research-intensive Universities, Multidisciplinary Education and Research Universities (MERUs), or any other University in consonance with the spirit and guidelines of the National Education Policy 2020 and to inter alia give equal access to higher education to all citizens.

(3)The Government may establish new Universities by converting existing Colleges into Universities or by merging one or more existing universities or uniting a cluster of colleges into a Cluster University and notifying them as such after including them under Schedule- I (Part-II) of the Act.

(4) The Government may alter the jurisdiction of any University.

(5) The Government may also change the composition or jurisdiction of Cluster universities by de-notifying/deleting/modifying colleges which are currently

constituent colleges of a Cluster University or notifying or adding new colleges to the composition of such universities.

(6) The Government may also close any existing Public University.

5. Incorporation and Body Corporate.— The public Universities established under this Act shall be corporate bodies known by the names as prescribed by the Government by notification in the Official Gazette, each having perpetual succession and a common seal with power to acquire and hold property, movable and immovable, to transfer the same, to contract and to do all other things necessary for the purpose of its constitution and may sue or be sued by its corporate name as aforesaid.

6. Objects of the University.— The main object of Universities shall be to create, disseminate and preserve knowledge and understanding through teaching, research, skill development and training, extension activities, and effective demonstration and influence of its corporate life on society in general. In particular, the objects of the Universities shall include:

- (1) carrying out its responsibility of creation, preservation, and dissemination of knowledge;
- (2) contributing to the emergence of the knowledge society through innovation and creativity;
- (3) promoting scholarship, discipline, character, and the spirit of intellectual inquiry and dedicating itself as a fearless academic community committed to the sustained pursuit of higher levels of excellence;
- (4) extending the benefits of knowledge and skills for the development of individuals and society by associating the University closely with local, regional, and national problems of development;
- (5) carrying out social responsibility as an informed and objective critic, identifying and cultivating talent, training the right kind of leadership in all walks of life, and helping the younger generation to develop the right attitudes, interests, and values;
- (6) promoting the acquisition of knowledge in a rapidly developing and changing society and continually offering opportunities for upgrading knowledge, training, and skills in the contexts of innovations, research, and discovery in all fields of human endeavor.

- (7) developing a higher education network with the use of modern communication media, ICT, and other emerging and future technologies appropriate for a learning society.
- (8) building up financial self-sufficiency by undertaking academic teaching, training, and allied programs, research, and development activities at a local, regional, national, and global level and providing resource generative services cost-effectively;
- (9) promoting better interaction and coordination among different universities, institutions, and colleges in the given University as well as other universities in Jammu and Kashmir, in the region, in the nation, and at the global level by all such means generally to advance the pursuit of knowledge and specifically to improve the governance of the University and the facility it provides for higher education;
- (10) inculcating in every person associated with the University respect for the Constitution and its ideals including the Fundamental Duties and Directive Principles, the National Flag, and the National Anthem;
- (11) carrying out specific objectives of each University which shall be defined by the Authorities of the concerned University, and
- (12) to do such other things relevant to the fulfillment of the above objects or as prescribed by the Government.

7. Powers and functions of the University.— The University shall have the following powers and functions:

- (1) to provide for undergraduate or postgraduate instructions in different branches of knowledge and other allied areas as the University may deem fit.
- (2) to provide for the conduct of research in different branches of knowledge and its allied disciplines;
- (3) to provide for the dissemination of the findings of research and technical information through training, publications, and extension education programs;
- (4) to institute courses of study and hold examinations and confer degrees, diplomas, certificates, and other academic distinctions on persons who have:-
 - (i) pursued courses of study as prescribed, and

- (ii) carried out research in the University or institution.
- (5) to confer honorary degrees and other distinctions as may be prescribed;
 - (6) to undertake extension activities taking knowledge to socially beneficial programs outside the University.
 - (7) to collaborate in academic, research, training, publication, and extension education programs with other Universities, Institutes, research organizations, the private sector, and industry.
 - (8) to acquire, hold and retain the property, both movable and immovable which may have become vested or have been acquired by it for the purpose of the University;
 - (9) to establish and maintain colleges/faculties, Research Stations/Laboratories, and other units thereof relating to different branches of knowledge and allied sciences;
 - (10) to create teaching, research, training, and extension education posts with the prior approval of the Government and to appoint persons to such posts in such manner as may be prescribed;
 - (11) to create administrative and other posts with the prior approval of the Government and to appoint persons to such posts in such manner as may be prescribed;
 - (12) to institute and award fellowships, scholarships, stipends, and prizes in accordance with the Statutes;
 - (13) to fix, demand, and receive such fees and other charges as may be prescribed;
 - (14) to institute and maintain residential accommodations for students and staff of the University as appropriate;
 - (15) to supervise and control the residence, conduct, and discipline of the students of the University, and to make arrangements for promoting their health and welfare;
 - (16) to determine qualifications for teachers and to recognize persons as qualified to give instructions or to carry out research and extension education in different branches of knowledge and allied sciences in accordance with guidelines, rules, and regulations as prescribed;

- (17) to establish, maintain and manage departments and institutions of research, of specified studies or academic services units;
- (18) to establish, maintain and manage constituent / affiliated colleges, institutions, hostels, health centres, auditoria, and gymnasiums; and
- (19) to do all such acts and things whether incidental to the powers aforesaid or not as may be required to further the objectives of the University.

8. University to be open to all.— The University shall be open to all persons irrespective of sex, creed, class, caste, place of birth, religion, religious beliefs or language, profession, etc:

Provided that, the University may maintain, accredit or recognize any college or institution exclusively for women, or reserved for women:

Provided further that the University may adopt the policy (ies) Government in regard to the welfare of various categories of citizens- especially the weaker sections of the society, women, and persons with disability.

9. Competence of Universities regarding certain matters.— (1)The University shall be competent to generate resources through various academic, research, training, publication, and related activities and to incur expenditure either from the resources so generated or from the funds received from/through:

- (a) various funding agencies with or without any share or contribution from the Government;
- (b) contributions received from individuals, alumni, industries, institutions, organizations, or any person whosoever, to further the objectives of the University;
- (c) contributions or fees for academic or other services offered by the University including aided and self-supporting academic programs; and
- (d) development fund, or any other fund established by the University;

Provided that the incurring of expenditure shall be in consonance with the policies and directives of the Government issued from time to time and the General Financial Rules framed by the Government of India:

Provided further that no university which is not fully independent financially or which receives any financial support from the Government shall without the prior and written approval of the Government:

- i. create any new posts in any category or any class of employees including ad hoc, temporary or contractual positions;
- ii. revise the pay, allowances, or any benefits including post-retirement benefits, of its teachers, officers and officers cadre, or any other class or category of employees;
- iii. grant any special pay, allowance, or other additional remuneration of any description whatsoever, or additional benefits having financial implications, to any of its teachers, officers, officers cadre, or any other category of employees;
- iv. divert any earmarked funds received for any purpose other than that for which it was originally received;
- v. incur expenditure on any development work from the funds received from the Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received;
- vi. take any decision regarding affiliated colleges that has the potential to result in increased financial liability, direct or indirect, for the Government:

Provided also that in case of Universities which generate at least one-half of their budget without any Governmental or Quasi-Governmental support such approval shall ordinarily not be refused so long as the additional expenditure proposed is met out of the University's own resources without any liability to Government.

10. Restriction on Transfer of Immovable Property.— No University shall, without the prior approval of the Government, transfer by sale, lease or mortgage, or any other mechanism any immovable property of the University:

Provided that in the case of Universities which generate at least one-half of their budget without any Governmental or Quasi-governmental support such approval shall ordinarily not be refused so long as the proposed sale or transfer is either for the creation of further immovable assets or in pursuance of the substantial, long term objectives of the University.

CHAPTER-III

JAMMU AND KASHMIR HIGHER EDUCATION COUNCIL

11. The Jammu and Kashmir Higher Education Council.— (1) The Government may constitute Jammu and Kashmir Higher Education Council (JKHEC) which shall act as advisory body for higher education in the Jammu and Kashmir.

(2) The constitution, powers and functions of the Jammu and Kashmir Higher Education Council (JKHEC) shall be such as may be provided by the Government.

CHAPTER- IV

OFFICERS OF THE UNIVERSITY

12. OFFICERS OF THE UNIVERSITY.— The following shall be the officers of the University:-

- (1) The Chancellor,
- (2) The Vice-Chancellor,
- (3) Financial Advisor,
- (4) The Deans of faculties,
- (5) The Registrar,
- (6) The Finance and Accounts Officer,
- (7) The Controller of Examination,
- (8) Such other officers or officers in the service of the University as may be declared officers of the University by the Statutes.

13. The Chancellor.— The Lieutenant Governor of Jammu and Kashmir shall be the Chancellor of the University.

14. Power and Functions of the Chancellor.— (1) The Chancellor, when present, shall preside over the Convocation of the University, Chair the Governing Council of the University and may issue directions to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes, whenever necessary, and the Vice-Chancellor shall submit the minutes of such meeting to the Chancellor for his perusal.

(2) To appoint and remove Vice-Chancellor in accordance with the provisions under section 18 and section 21 of the Act;

(3) To call for any paper or information relating to the affairs of the University;

(4) The Chancellor, shall, on receiving a reference from the Government in any matter; or suo motu may, in any matter, call for a report or an explanation or such information and record relating to such matter or any matter or affairs of the University, and shall, after considering such report or explanation, or information or record, issue such directions thereupon as may be deemed fit in the interest of the University or students or larger interest of the public, and his directions shall be final and shall be complied with by the University forthwith.

(5) The Chancellor may, after taking a report in writing from the Vice-Chancellor, or suo motto, if he deems fit suspend or modify any resolution, order, or proceeding of any authority, body, committee, or officer which, in his opinion, is not in conformity with this Act, Statutes, Ordinances or Regulations made thereunder, or is not in the interest of the University and the University, authority, body, committee, and officer, shall comply with the same:

Provided that, before making any such order, the Chancellor shall call upon the University, authority, body, committee, or, as the case may be, officer to show cause why such an order should not be made, and if any cause is shown, within the time fixed by the Chancellor, he shall consider the same and wherever he deems it necessary, decide the action to be taken in the matter, and his decision shall be final.

(6) Where, in the opinion of the Chancellor, the conduct of any elected or nominated or appointed or co-opted member is detrimental to the smooth functioning of the University or any authority or body or committee, he may, after allowing the such member to offer his explanation in writing and after considering such explanation, if any, and satisfying himself that it is necessary so to do, disqualify such member or suspend him for such period, as he may deem fit.

(7) The Chancellor can if he deems expedient to do so, get a test audit or full audit of the accounts of a University, college, school, or institution carried out by any agency he may deem fit.

(8) Where the Chancellor is satisfied that any officer, member of the officer cadre, teacher, or any employee of any category or any part-time, casual, or temporary employee, including pensioners of the University, has/had acted in a manner prejudicial to the security of the State or the unity and integrity of the

Country and is satisfied that in the interest of the security of the State it is not expedient to hold an inquiry, he may dismiss or remove or reduce in rank any such officer, member of the officer cadre, employee or temporary employee or faculty or take such other action as appropriate without an inquiry

(9) The Chancellor shall exercise such other powers and perform such other duties as may be conferred upon or vested in him by or under this Act.

15. Visitation and Inspection.— (1)The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any constituent units of the University and may cause an inquiry to be made in the like manner of any matter connected with the University.

(2)The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry proposed to be made and the University shall be entitled to appoint a representative who shall have the right to be present and heard at such inspection or inquiry.

(3) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection and inquiry and the Vice-Chancellor shall place the same before the Academic Council or the Finance and Audit Committee, if necessary, with such advice as the Vice-Chancellor may offer upon the action to be taken thereon.

(4) The Vice-Chancellor shall then within such time as the Chancellor may fix, submit to him a report of the action taken or proposed to be taken by the Academic Council or the Finance and Audit Committee.

(5) If the Academic Council or the Finance and Audit Committee, does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation that the Academic Council or the Finance and Audit Committee, may furnish issue such directions as he may think fit, and the Academic Council or the Finance and Audit Committee shall comply with such directions.

(6) Notwithstanding anything contained in the preceding sub-sections of this section, if at any time the Chancellor is of the opinion that in any manner the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act and the statutes and regulations or the special measures desirable to maintain the standard of University

teaching, examination, research or extension education, he may indicate to the University his opinion or call upon the University to offer such explanation within such times as may be specified by him. If the University fails to offer any explanation within the time specified or offers an explanation which in the opinion of the Chancellor is unsatisfactory, the Chancellor may issue such instructions as appear to him to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to these instructions.

(7)The University shall furnish such information relating to the administration of the University as the Chancellor may require.

16. The Vice-Chancellor.— (1)The Vice-Chancellor shall be the principal executive and academic officer of the University, the Chairperson of the Academic Council, and co-chairperson of the Finance and Audit Committee and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall in the absence of the Chancellor preside over the meetings of the Governing Council.

(2)The Vice-Chancellor shall be a whole-time salaried officer of the University and shall be entitled to receive such pay and allowances, and other facilities as may be prescribed.

(3)The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office and shall, on the expiration of his term of office, be eligible for reappointment to that office for a second term:

Provided that no person who has exceeded the age of sixty-five years can continue to hold an appointment as Vice-Chancellor.

17. Qualification of the Vice-Chancellor.— The qualification for the post of Vice-chancellor shall be the same as prescribed by the UGC Regulations and the relevant Regulatory Bodies and approved by the Government.

18. Appointment of the Vice-Chancellor.— (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of at least three names recommended by the Search-cum-selection Committee constituted for the purpose.

(2) The search-cum-selection committee referred to in sub-section (1) shall consist of the following members, namely:-

- (a) a national or international expert or eminent personality belonging to the fields of arts, sciences, culture, and languages or a professional from the industry or the civil service or an

eminent academician or person of scholarly pursuit- to be nominated by the Chancellor;

- (b) One member to be nominated by the Chairman, University Grants Commission; and
- (c) The Director or Head of an industry, an academic institute any organization of national repute to be nominated by Governing Council.

(3) The Chancellor will specify as to which of the members will be the Chairperson of the Committee. In the absence of any such direction, the senior-most member nominated by the Chancellor shall be the Chairperson of the committee.

(4)The members nominated on the committee shall be persons who are not/have not been connected with the University or any college or any recognized institution of the University.

(5)No meeting of the search-cum-selection committee shall be held unless all three members of the committee are present.

(6)The search-cum-selection committee shall recommend a panel of not less than 3 suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names of the persons so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on the suitability of each person included in the panel:

Provided that if the Chancellor does not approve the recommendations of the search committee, he may call for fresh recommendations from the search-cum-selection committee.

(7) Notwithstanding anything contained in the foregoing sub-section, the Chancellor may appoint the first Vice-Chancellor for a period of up to three years to conduct the affairs of the University.

(8)The Vice-Chancellor shall, subject to the provision contained in Section 16 (3), hold office for a term of three years or he attains the age of sixty-five, whichever is earlier:

Provided that a serving Vice-Chancellor shall continue to hold the office as a caretaker or acting Vice-Chancellor even after the expiry of his term till a new Vice-Chancellor joins, for a period shall not exceeding 6 months. The Caretaker or acting Vice-Chancellor shall not take any decision on a policy matter or make any

appointments during this period without the prior and written approval of the Chancellor. In the event of a new Vice Chancellor, not taking charge within 6 months of the expiry of the term of the existing Vice Chancellor, the Chancellor shall assign the charge to any suitable person other than the existing Vice-Chancellor till a permanent appointment is made.

19. Powers and duties of the Vice-Chancellor.— The powers and duties of the Vice-Chancellor shall be as follows:

- (1) the Vice-Chancellor shall be the principal executive and the academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University;
- (2) the Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed by the statutes and the Ordinances;
- (3) the Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies, or committees, as and when he considers it necessary to do so;
- (4) the Vice-Chancellor shall ensure that directions issued by the Chancellor are strictly complied with or, as the case may be, implemented;
- (5) it shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, Statutes, Ordinances, and Regulations are strictly observed and that the decisions of the authorities, bodies, and committees including the Government which are not inconsistent with this Act, Statutes, Ordinances, and Regulations are properly implemented; and
- (6) the Vice-Chancellor shall approve the recommended panel of referees for thesis or dissertations for awarding post-graduate, doctorate, and higher degrees.

20. Resignation of the Vice-Chancellor.— The Vice-Chancellor may, by writing under his signature addressed to the Chancellor, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of

his resignation by the Chancellor or from the date of expiry of the said notice period, whichever is earlier.

21. Removal of the Vice-Chancellor.— The Vice-Chancellor may be removed from his office if the Chancellor, is satisfied that the incumbent:

- (1) has become insane and stands so declared by a competent court; or
- (2) has been convicted by a court for any offense involving moral turpitude; or
- (3) has become an undischarged insolvent and stands so declared by a competent court; or
- (4) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability; or
- (5) has willfully omitted or refused to carry out the provisions of this Act or has committed a breach of any of the terms and conditions of the service or any other conditions, prescribed by the Government, or has abused the powers vested in him, or has acted in a manner prejudicial to the security of the State or the unity and integrity of the country or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University;
- (6) is a member of, or is otherwise associated with, any political party and organization which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity.

Explanation.- For the purposes of this sub-clause, whether any party is a political party, whether any organization takes part in politics, or whether any movement or activity falls within the scope of this sub-clause, the decision of the Chancellor thereon shall be final :

Provided that, the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under sub-clauses (5) and (6) except when power is exercised by the Chancellor under Section 14 (8) of this Act.

- (7) Once an order has been passed by the Chancellor, requiring the Vice-Chancellor to relinquish his office from such date as may be specified in the order, Vice-Chancellor shall be deemed to have relinquished the office and the office of the Vice-Chancellor shall be vacant from the said date.

22. The Financial Advisor.— (1) The Administrative Secretary, Finance Department, Government of Jammu and Kashmir, nominated by the Government of Jammu and Kashmir shall be the ex officio Financial Adviser to the University.

(2) The Financial Adviser shall exercise general supervision over the funds of each University and shall advise it as regards its financial policy.

(3) The Financial Adviser shall be an ex officio member of the Governing Council and the Chairperson of the Finance and Audit Committee of the University.

(4) The Financial Adviser shall:

- (a) present the annual estimates and the statements of accounts to the Finance and Audit Committee the Governing Council; and
- (b) exercise such other powers and perform such other duties as may be prescribed by the Statutes and Regulations.

23. The Deans.— (1) There shall be a Dean of each Faculty who shall be nominated by the Vice-Chancellor by rotation according to seniority in the manner and subject to such conditions as may be prescribed by the Statutes:

Provided that the office of the Dean of a Faculty shall be held by a member of the Faculty who is a University Professor in a subject comprised in the Faculty and case there is no University Professor in any subject comprised in a Faculty, it may be held by a member of the Faculty who is the Principal of a College or Head of an Institution:

Provided further that no person shall hold the office of the Dean for two consecutive terms.

(2) The Dean of Faculty shall be responsible for the due observance of the Statutes and Regulations relating to his Faculty.

(3) Each Faculty shall comprise such subjects of study as may be prescribed by the Regulations.

24. The Registrar.— (1) The Registrar shall be the Chief Administrative Officer of the University.

(2) The Government shall nominate any serving officer of the administrative services or any eligible serving civil servant of appropriate seniority, to act as the Registrar on a deputation basis on such terms and conditions as prescribed.

(3) The remuneration and all other allowances of the Registrar shall be paid by the University.

25. The powers and functions of the Registrar.— The Registrar shall:-

- (1) be the member-secretary of the Academic Council but shall not have the right to vote.
- (2) be the appointing and the disciplinary authority of the employees of the University other than the teachers, non-vacation academic staff, and officers of the rank of Assistant Registrar, and other officers holding posts equivalent thereto or above.
- (3) be the custodian of the records, the common seal, and such other property of the University as the Governing Council may commit to his charge;
- (4) prepare and update the Handbook of the Statutes and Regulations approved by the authorities, bodies, or committees, from time to time, and make them available to all members of the authorities and officers of the University;
- (5) receive complaints and suggestions in regard to the improvement of administration and consider them for appropriate action;
- (6) organize training and orientation of non-teaching employees in the University and affiliated colleges;
- (7) have the power to enter into agreements, sign documents and authenticate records on behalf of the University, subject to the decision of the authorities of the University;
- (8) have the power to seek information in regard to any matter of the University, from the Deans, Finance and Accounts Officer, and any other officer of the University for submission to the Government and other external agencies;
- (9) exercise such other powers and perform such other duties, as prescribed by or under this Act or assigned to him by the Vice-Chancellor from time to time.

26. The Finance Officer.— (1) There shall be a Finance Officer for the University, who shall be appointed by the Government of Jammu and Kashmir on a deputation basis by a notification published in the Official Gazette, and his remuneration and allowances shall be paid by the University.

(2)The Finance Officer shall:

- (a) exercise general supervision over the funds of the University and advise the Vice-Chancellor as regards the finances of the University;
- (b) hold and manage the funds, property, and investments, including trust and endowed property, for furthering the objects of the University, with the approval of the Vice-Chancellor;
- (c) monitor the state of the cash and bank balances and investments;
- (d) ensure effective revenue management by regulating the process and progress of the collection of revenue, and advise the Vice-Chancellor on the methods to be employed in this regard;
- (e) get the accounts of the University audited, regularly;
- (f) ensure that the registers of buildings, land, equipment, machinery, and other assets are maintained up-to-date and that the physical verification and reconciliation of these assets and other consumable materials in all offices, colleges, and other institutions and stores of the University are conducted regularly;
- (g) to ensure that no expenditure, not authorized in the budget, is incurred by the University save by way of investment;
- (h) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or Ordinances;
- (i) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during the audit;
- (j) to ensure that the property and investments of the University are duly preserved and managed;
- (k) maintain the minutes of the meetings of the Finance and Accounts Committee;
- (l) be responsible for the preparation and maintenance of accounts by the double-entry accounting system, on the accrual basis, presenting the annual financial estimates (budget), statement of

accounts, and audit reports, to the Finance and Accounts Committee, and

(m) prepare financial reports as required by the various authorities or bodies of the University, the Government, the Central Government, University Grants Commission, All India Council for Technical Education, or any other funding or regulatory body.

(3)The Finance Officer shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.

(4)Other powers and functions of the Finance Officer shall be such as may be prescribed.

27. The Controller of Examination.— (1)The Controller of Examinations shall be a whole-time officer of the University and his remuneration and allowances shall be paid by the University.

(2)The Controller of Examinations shall be responsible for the due custody of all records pertaining to the conduct of examinations. He shall be the ex-officio Secretary of the Examinations Committee of the University and shall be bound to place before such Committee all such information as may be necessary for the transaction of its business.

(3)He shall also perform such other duties as may be prescribed by the Statutes and Ordinances as required, from time to time, by the Academic Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote.

(4)He may require, from any office or institute of the University, the production of such return or the furnishing of such information as may be necessary for the discharge of his duties.

(5)The Controller of Examinations shall have administrative control over the employees working under him.

(6)Subject to the Superintendence of the Examinations Committee the Controller of Examinations shall conduct the Examinations and make all other arrangements therefore and be responsible for the due execution of all processes connected therewith.

(7) It shall be the duty of the Controller of Examinations of a University to make arrangements connected with the setting and printing of question papers for all the examinations held by the University concerned including their safe custody and all other matters connected therewith.

(8) The Controller of Examinations shall not be offered nor shall he accept any additional remuneration for any work in the University, except in accordance with the orders of the Government.

(9) Subject to directions of the Academic Council, the Controller of Examinations of a University shall arrange all items of the examination work such as dispatch and transit of answer-books and question papers, evaluation of answer scripts, tabulation of results, complaints against question papers set for the examinations, use of unfair means, publication and rechecking of results and other related matters.

28. Selection procedure of the Controller of Examination.— (1) The Controller of Examination shall be appointed by the Chancellor, on the recommendation of a Committee consisting of:

- (a) the Vice-Chancellor
- (b) a nominee of the Governing Council to be nominated by the Chancellor,
- (c) an eminent personality or an academician or civil servant of repute to be nominated by the Chancellor,
- (d) a member of Jammu and Kashmir the Public Service Commission to be nominated by its Chairman, and
- (e) the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education.

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

(3) A transparent and rule-based selection process after giving equal opportunity to all shall be followed. There shall be an adequate and reasonable opportunity for all applicants and no person shall be denied an opportunity on grounds of caste, gender, religion, or region.

(4) The qualifications and eligibility for the post of Controller of Examination shall be decided by the Governing Council.

29. Resignation and removal of the Controller of Examination.— (1) The Controller of Examinations may, by writing under his signature addressed to the

Vice-Chancellor, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of his resignation by the Vice-Chancellor or from the date of expiry of the said notice period, whichever is earlier.

(2) If at any time following a representation made, or on the advice of the Vice Chancellor or otherwise suo motto, and after making such inquiry as may be deemed necessary, the Chancellor is satisfied that the Controller of Examination has willfully omitted or refused to carry out the provisions of this Act or has committed a breach of any of the terms and conditions of the service or any other conditions, prescribed by the Government, or has abused the powers vested in him, or has acted in a manner prejudicial to the security of the State or the unity and integrity of the country or if the continuance of the Controller of Examination in the office is detrimental to the interests of the University, the Chancellor may terminate his services by passing an order:

Provided that before such action is taken the Controller of Examination shall be given an opportunity of being heard:

Provided further that where the Chancellor is satisfied that the Controller of Examination has acted in a manner prejudicial to the security of the State or the Unity and Integrity of the Country and is satisfied that it is not reasonably practicable to hold an inquiry; no further inquiry shall be necessary

(3) If the Controller of Examinations is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Chancellor may appoint any suitable officer from within or outside the University, temporarily for a period not exceeding six months, to exercise the powers and perform the duties of the Controller of Examinations until the new Controller of Examinations assumes duty or the Controller of Examinations resumes duty, as the case may be.

CHAPTER- V

AUTHORITIES OF THE UNIVERSITY

30. Authorities of the University.— The following shall be the authorities of the University namely:

- (1) The Governing Council,
- (2) The Finance and Audit Committee,
- (3) The Management Council
- (4) The Academic Council,

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

31. The Governing Council.— The Governing Council shall consist of the following persons, namely:-

- (a) the Chancellor
- (b) the Chief Secretary, Government of Jammu and Kashmir
- (c) the Vice-Chancellor
- (d) the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education
- (e) the Administrative Secretary of the Department of the Government entrusted with the subject of Finance
- (f) two Deans of the University, to be nominated by the Vice-Chancellor on rotation for three years from the date of nomination;
- (g) three teachers to be nominated by the Vice-Chancellor from amongst the teaching faculty of the University, one each representing the Professor, Associate Professor, and Assistant Professor, based on seniority and rotation in the respective cadres.
- (h) two persons nominated by the Chancellor, out of a panel submitted by the Higher Education Department who are eminent academicians or persons of scholarly pursuit, National or International experts, or eminent personalities belonging to the fields of art, culture, languages, science, and technology including Educational Technology (EdTech) or professionals from the Industry or the Civil Service:

Provided that in the case of Shri Mata Vaishno Devi University, the panel shall be submitted by the Shri Mata Vaishno Devi Shrine Board:

Provided further that in the case of Islamic University of Science and Technology and Baba Ghulam Shah Badshah University the Higher Education Department shall consult the Department of the Government entrusted with the subject of Auqaf before furnishing the panel to the Chancellor.

- (i) in the case of an affiliating or a Cluster University, one Principal of an affiliated/constituent college of the university concerned to be nominated by the Higher Education Department of the Government Provided that the Chancellor may nominate not more than one Administrative Secretary to the Government to the Governing Council if he is of the opinion that the subject area(s) of the Department held by the Administrative Secretary is of critical relevance to the University:

Provided further that in the case of Shri Mata Vaishno Devi University, a suitable member of the Shri Mata Vaishno Devi Shrine Board nominated by the Chairman Shri Mata Vaishno Devi Shrine Board shall be a permanent member of the Governing Council:

Provided further that in the case of the Islamic University of Science and Technology and Baba Ghulam Shah Badshah University the Administrative Secretary of the Department of the Government entrusted with the subject of Auqaf shall be a permanent member of the Governing Council.

(2)The Registrar shall be a member-secretary of the Governing Council. However, he will not have the right to vote.

(3)The term of office of members, other than the ex-officio members shall be for three years:

Provided that any member nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the category from which he has been nominated.

32. Powers and functions of the Governing Council.— The Governing Council of a University shall be the supreme authority of the University shall be responsible for all policy matters pertaining to the affairs of the University, and shall have the following powers, namely:-

- (1) to make Statutes under this Act and to amend and repeal the same in consultation with the Academic Council;
- (2) to make Regulations in consultation with the Academic Council;
- (3) to approve the financial estimates framed by the Finance and Audit Committee of the University;
- (4) to approve plans of development and expansion of the University;

- (5) to consider and pass resolutions on the annual reports;
- (6) save as otherwise provided in this Act to appoint candidates to officer cadre above the status of Joint Registrar/Deputy Librarian/Deputy Director and equivalent and teachers above the status of an Associate Professor and equivalent and to define their duties:

Provided that no appointment to any teaching position or any position in the officer cadre or any position- non-teaching or non-gazetted shall be made until the position has been sanctioned and approved by the Government and a provision has been made for his salary in the approved budget of the University concerned:

Provided further that no appointments shall be made except through the procedure prescribed for the same in the Act and the statutes and further subject to such verifications of character and antecedents as prescribed;

- (7) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes;
- (8) to constitute committees for specific purposes and to assign such duties to them as it deems fit;
- (9) to delegate such of its powers to any officer or authority of the University as it may deem fit;

Provided that such delegation is made by a majority of not less than two-thirds of the members of the Governing Council;

- (10) to exercise such other powers of the University as are not specifically assigned to any other authority and not otherwise provided for in this Act and the Statutes and Regulations made thereunder; and
- (11) Notwithstanding anything contained in this Act or the Statutes made thereunder where the Chancellor is of the opinion that it is in the interest of the University necessary to do so, he may, after consulting the Government, appoint any eminent and qualified scholar as Professor or as Associate Professor in the University on contract basis for a period not exceeding one academic session and on such terms and conditions as he may determine:

Provided that the appointment shall be automatically deemed to have ended on the conclusion of a period of one year from the date

of issue of the order of appointment by the Chancellor and no extension under any circumstances shall be permissible:

Provided further that no individual can be appointed under this clause for more than one session.

33. The Finance and Audit Committee.— (1)The Finance and Audit Committee shall be responsible for financial matters and such other matters as may be entrusted to it by the Governing Council.

(2)The Administrative Secretary of the Department of the Government entrusted with the subject of Finance shall be the Chairperson of the Committee. The Vice-Chancellor of the University shall be the co-chairperson of the Committee.

(3)The Committee shall consist of the following other members, namely:-

- (a) the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education;
- (b) the Registrar;
- (c) The Finance Officer of the University shall be the Member-Secretary of the Committee:

Provided that in the case of Shri Mata Vaishno Devi University, the Chief Executive Officer of the Shri Mata Vaishno Devi Shrine Board or a suitable member nominated by the Chairman of Shri Mata Vaishno Devi Shrine Board shall be a permanent member of the Finance and Audit Committee:

Provided further that in the case of Islamic University of Science and Technology and Baba Ghulam Shah Badshah University the Chief Executive Officer of the Waqf Board constituted under the Waqf Act, 1995 or a suitable nominee shall be a permanent member of the Finance and Audit Committee.

(3)The Finance and Audit Committee shall meet at least, once every quarter.

(4)The Chairperson shall have the power to co-opt any other member(s) to the Finance and Audit Committee but they shall have no voting rights.

34. Powers and Functions of the Finance and Audit Committee.— Subject to the provisions of this Act, the Statutes, and the Regulations, the Finance and Audit Committee of a University shall exercise and perform the following powers and functions:-

- (1) to frame the budget estimates of the University and to submit these to the Governing Council at a time to be prescribed by Statutes;

- (2) to hold, control and administer the funds, property, and other assets of the University provided that no expenditure shall be incurred which has not been included in the approved estimates except with the approval of the Governing Council;
- (3) to invest any money belonging to the University concerned including any portion of such moneys not required immediately for expenditure in any approved securities, or fixed deposits in any scheduled bank, or such other investment instruments as appropriate;
- (4) to demand and receive such fees as may from time to time be prescribed by Statutes and Regulations;
- (5) to recommend to the Governing Council the plans for the development and expansion of the University;
- (6) to accept donations, bequests, or transfer any movable or immovable property on behalf of the University concerned;
- (7) to exercise such other powers and perform such other financial duties as may be conferred upon or assigned to it by this Act or the Statutes ;
- (8) to delegate, whenever necessary, appropriate financial powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Head of the Post-graduate Departments, the Controller of Examinations, or any other officer of the University concerned; and
- (9) to transact such other business or consider any matter as may be prescribed or referred to it by the Governing Council or the Management Council.

35. The Management Council.— The Management Council shall be the principal executive and policy-making authority of the University and shall be responsible for administering the affairs of the University subject to the provisions of this Act.

36. Composition of the Management Council.— (1) Management Council shall consist of the following members, namely:

- (a) the Vice-Chancellor, as the Chairperson of the Management Council;

- (b) the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education;
- (c) the Administrative Secretary of the Department of the Government entrusted with the subject of Finance or his nominee
- (d) three eminent experts from the field of education, culture, science, technology, industry, agriculture, commerce, banking, finance, and other allied fields to be nominated by the Chancellor;
- (e) two Deans to be nominated by the Vice-Chancellor, by rotation;
- (f) one head or Director, nominated by the Vice-Chancellor from amongst the heads or Directors of University Departments or University institutions for a tenure of one year, by rotation:
 Provided that, in rotating the Deans, heads, or Directors amongst Departments or University institutions, the earlier Departments or University institutions, which were given an opportunity of representation shall be ignored;
- (g) in the case of an affiliating or Cluster University, two Principals of affiliated or constituent colleges by rotation to be nominated by the Higher Education Department;
- (h) two members of the Academic Council of the University concerned elected by the Council from amongst its members; one of whom shall be a woman;
- (i) the Registrar; he shall be the Member-Secretary of the Management Council and shall be responsible for the maintenance of records and minutes of the meeting:
 Provided that in the case of Shri Mata Vaishno Devi University, the Chief Executive Officer of the Shri Mata Vaishno Devi Shrine Board or a suitable officer nominated by the Chairman of Shri Mata Vaishno Devi Shrine Board shall be a permanent member of the Management Council:
 Provided further that in the case of Islamic University of Science and Technology and Baba Ghulam Shah Badshah University, the Chief Executive Officer of the Waqf Board constituted under the Waqf Act, 1995 or a suitable nominee shall be a permanent member of the Management Council.

(2)The terms and conditions of the office of members of a Management Council other than ex officio member/s shall be such as may be prescribed by the statutes on this behalf.

(3) The procedure for the conduct of business to be followed at a meeting including the quorum at the meeting and such other matters in relation to meetings as may be necessary shall be such as may be prescribed by the Statutes.

(4)The Finance and Accounts Officer and the Controller of Examination shall be invitees of the Management Council, but they shall have no right to vote.

37. Powers and Functions of the Management Council.— Subject to the provisions of this Act, the Statutes, and the Regulations, the Management Council of a University shall exercise and perform the following powers and functions:-

- (1) to recommend the draft Statutes and Regulations or amendments or revocation thereof and other proposals for consideration by the Governing Council;
- (2) save as otherwise provided in this Act to appoint candidates to officer cadre below the status of Joint Registrar/Deputy Librarian/Deputy Director and equivalent and teachers below the status of an Associate Professor and equivalent and all non-gazetted or equivalent staff and to define their duties:

Provided that no appointment to any teaching position or any position in the officer cadre or any position non-teaching or non-gazetted shall be made until the position has been sanctioned and approved by the Government and a provision has been made for his salary in the approved budget of the University concerned:

Provided further that no appointments shall be made except through the procedure prescribed for the same in the Act and the statutes and further subject to such verifications of character and antecedents as prescribed;

- (3) to recognize teachers of the constituent colleges for purpose of integrated Honors, Postgraduate teaching, and research on the recommendations of the Selection Committee to be constituted by the Management Council for this purpose;

- (4) to admit new colleges to the privileges of affiliated or constituent colleges of the University subject to the provisions of the Act and the conditions laid down in the Statutes;
- (5) to arrange for and direct the periodical and special inspection of the colleges and other institutions and hostels;
- (6) to award scholarships, prizes, fellowships, exhibitions, bursaries, and other such awards in accordance with the procedure prescribed on this behalf;
- (7) to control and manage the Libraries of the University concerned;
- (8) to provide buildings, premises, furniture, apparatus, equipment, and other means and facilities needed for carrying on the work of the University concerned;
- (9) to constitute committees for specific purposes and to assign such duties to them as may be deemed necessary;
- (10) to recommend to the Governing Council the plans for the development and expansion of the University;
- (11) to appoint paper setters and examiners for all the examinations held by the University in accordance with the procedure prescribed in the Statutes;
- (12) to give directions for holding of examinations and compilation and publication of results;
- (13) to give directions for the editing, printing, and publishing of such textbooks for various examinations of the University as may be considered necessary for this purpose;
- (14) to maintain proper standards of teaching and examination in consultation with the Academic Council of the University concerned;
- (15) to enter into, vary, carry out, and cancel contracts on behalf of the University;
- (16) to direct the form, custody, and use of the common seal of the University;
- (17) to exercise such other powers and perform such other duties as may be conferred upon or assigned to it by this Act or the Statutes;
- (18) to delegate, whenever necessary, appropriate administrative powers to the Vice-Chancellor, the Registrar, the Head of the Post-graduate

Departments, the Controller of Examinations, or any other officer of the University concerned;

- (19) any difference or disagreement arising between the Management Council and the Vice-Chancellor with regard to any decision taken by the Management Council may be referred by the Vice-Chancellor to the Chancellor. The Chancellor shall refer back such a decision to the Management Council for reconsideration. In case the Management Council endorses its earlier decision by a two-thirds majority, such decision shall be deemed to be final.

38. The Academic Council.— The Academic Council of a University shall consist of the following persons:

- (a) the Vice-Chancellor as Chairperson
- (b) the Deans of the Faculties of the University concerned;
- (c) the Head of the Department of the University concerned having the status of Professors or Associate Professor;
- (d) In the case of an affiliating or Cluster University, three Principals from the constituent and affiliated colleges of the University concerned by rotation, nominated by the Vice-Chancellor;
- (e) three Professors of repute and outstanding academic standing from Universities/Institutions other than those established under this Act, nominated by the Vice-Chancellor.
- (f) three experts who are nominated by the Chancellor including experts who possess special knowledge of subjects which may not otherwise be adequately represented on the Academic Council.
- (g) Dean Academic Affairs of the University concerned.
- (j) Dean Academic Affairs of any other University established under the provisions of this Act.
- (k) The Registrar.
- (l) The Controller of Examination, and
- (m) The Finance Officer of the University.

39. Powers and Functions of the Academic Council.— (1) The Academic Council of a University shall have the following powers and functions:-

- (a) to control and regulate the standards of teaching and examinations in the University;

- (b) to prescribe the syllabi and the courses of studies for all the examinations held by the University;
- (c) to make proposals to the Governing Council for the institution of Professorships, Associate Professorships, Assistant Professorships, or other teaching posts and in regard to the duties and emoluments thereof in accordance with the provisions of this Act;
- (d) to formulate, modify or revise, subject to the control of the Governing Council schemes for the constitution of faculties and the assignment of subjects to the faculties;
- (e) to nominate teachers or specialists to the faculties;
- (f) to promote research within the University and to require reports of such research from persons engaged therein;
- (g) to advise the Governing Council on academic matters; and
- (h) to make proposals to the higher authorities of the University for supplementing the teaching provided in the constituent and affiliated colleges;
- (i) to recommend the draft Statutes and Regulations or amendments or revocation thereof and other proposals for consideration by the Governing Council;
- (j) to recognize teachers of the constituent colleges for purpose of integrated Honors, Postgraduate teaching, and research on the recommendations of the Selection Committee to be constituted by the Governing Council for this purpose:

Provided that while framing the guidelines for the recognition, a written consultation with the Higher Education Department would be affected;

- (k) to admit new colleges to the privileges of affiliated or constituent colleges of the University subject to the conditions to be laid down in the Statutes:

Provided that no College can be admitted to a University as an affiliated college or a Cluster University as a constituent college or otherwise save with the prior permission of the Government;

- (l) to arrange for and direct the periodical and special inspection of the colleges and other institutions and hostels;

- (m) to award scholarships, prizes, fellowships, exhibitions, bursaries, and other such awards in accordance with the procedure prescribed on this behalf;
- (n) to control and manage the Libraries of the University concerned;
- (o) to demand and receive such fees as may from time to time be prescribed by Statutes and Regulations;
- (p) to give directions for holding of examinations and compilation and publication of results;
- (q) to give directions for the editing, printing, and publishing of such text-books for various examinations of the University as may be considered necessary for this purpose;
- (r) to maintain proper standards of teaching and examination in the University;
- (s) to appoint paper setters and examiners for all the examinations held by the University in accordance with the procedure prescribed in the Statutes; and
- (t) to transact such other business or consider any matter as may be prescribed or referred to it by the Governing Council or Finance and Audit Committee.

(2)The Academic Council shall not take any decision on any academic matter falling within its competence that involves financial and administrative implications, without obtaining the previous approval of the Finance and Audit Committee or the Governing Council, as the case may be.

40. Faculties.—(1)Each public University established under this Act shall have Faculties as may be prescribed by the Statutes of the University from time to time.

(2)The composition of the Faculties shall be prescribed by the Statutes, provided that each Faculty must include suitable representatives from the industry and subject experts of National repute.

(3)The terms and conditions of the office of the members of a Faculty shall be such as may be prescribed by the Statutes on this behalf.

41. Each Faculty of a University shall have the following powers.—

- (1) subject to the control of the Academic Council, to organize the teaching work of the University in the subjects assigned to the Faculty;
- (2) to suggest to the Academic Council the syllabi and courses of studies for the different examinations after consulting the Boards of Studies,
- (3) to recommend to the Academic Council the conditions for the award of degrees, diplomas, and other distinctions;
- (4) to deal with any matter referred to it by the Governing Council or the Academic Council;
- (5) to discharge such other functions as may be prescribed by the Statutes and Regulations;
- (6) to transact such other business as may be approved by the Deans of the Faculties
- (7) to consider any other matter as may be prescribed.

42. Boards of Studies and their functions.— (1) In each University, there shall be a Board of Studies for a subject or subjects comprised in a Faculty as prescribed by the Statute or the Regulations.

(2) The Boards of Studies shall discharge such functions as may be prescribed by the Statutes or the Regulations.

43. Boards of Research Studies.— (1) There shall be Boards of Research Studies, one for each Faculty or field of study as may be specified by the Academic Council of the University concerned. Each Board shall consist of the Vice-Chancellor, the Dean Research Studies, the Registrar, the Dean, and the Heads of the University Departments of the subjects comprised in the faculty with the power to co-opt members or experts.

(2) The Vice-Chancellor shall be ex-officio Chairperson of each Board and in his absence, the Dean Research Studies shall act as Chairperson.

(3) Each Board of Research Studies shall organize research studies under the guidance of the Academic Council and in accordance with the Statutes and Regulations prescribed on this behalf.

(4) The Assistant Registrar of the Dean Research Studies shall act as the member-secretary of the Board of Research Studies.

44. Powers and functions of the Boards of Research Studies.—Each Board of Research Studies shall have the following powers and functions, namely:

- (1) to consider and grant applications for registration for the research degrees in the light of the recommendations made by the Head of the Post-graduate Department concerned ;
- (2) to appoint supervisors for the guidance of research studies ;
- (3) to prescribe the maximum number of research scholars to be guided by an approved supervisor ;
- (4) to submit to the Academic Council suggestions and proposals for organizing or improvement of the research studies in the University; and
- (5) to consider any other matter referred to it by the Governing Council and the Academic Council. to consider any other matter as may be prescribed.

45. Board of Inspection.— (1) There shall be a Board of Inspection in each affiliating/Cluster University consisting of the following members, namely:

- i. the Vice-Chancellor of the University;
- ii. the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education;
- iii. two Deans of Faculties of the University concerned by rotation, nominated by the Vice-Chancellor;
- iv. two Principals from affiliated/constituent colleges nominated by the Vice-Chancellor by rotation;
- v. the Registrar;
- vi. the Director Colleges of the Government;
- vii. Director College Development Council of the University concerned;
- viii. the Assistant Registrar of the College Development Council shall act as the member-secretary.

(2) The terms and conditions of the office of the members of the Board of Inspection shall be such as may be prescribed by the Statutes on this behalf.

46. Functions of the Board of Inspections.— (1) Subject to the provisions of this Act and the Statutes and Regulations made thereunder, the Board of Inspections shall perform the following functions:-

- (a) receive all applications for recognition or affiliation of colleges and other teaching institutions including all applications for recognition in new courses or subjects referred to it by the Academic Council and cause an inspection to be made and lay its report before the Academic Council for decision ;
- (b) appoint inspectors for the inspection of a college once at least within three years after the grant to it of the privileges of an affiliated or constituent college or after the inspection is last held, consider the report of the inspectors and forward it to the Academic Council with its recommendations.

(2) The inspection of colleges and other teaching institutions applying for affiliation or recognition shall be conducted by a committee to be appointed by the Board of inspection as a whole. In the case of a college applying for recognition in new courses or subjects, the Committee of Inspection shall consist of the following members:

- (a) one member of the Board of Inspection nominated by the Vice-Chancellor;
- (b) anyone Principal of an affiliated college to be nominated by the Higher Education Department
- (c) the Heads of the University Departments concerned if there are any in the subjects, and
- (d) the Dean of the Faculty concerned.

47. Other Authorities.—The constitution, powers, and duties of such other authorities as may be decided by the Statutes to be authorities of the University shall be provided for in the manner prescribed by Statutes.

48. Constitution of Committees.—Every authority shall have the power to co-opt experts in an advisory capacity and to appoint Committees which may unless otherwise provided in this Act or Statutes consist of such members of the authority as decided and such experts as may have been co-opted in the authority:

Provided that no member of the Committee who is not a member of the Authority which constituted it shall have any voting rights:

Provided further that the Committees shall only provide advisory assistance and the power of any decision shall only be vested in the Authority concerned.

49. Officers, members of authorities, bodies, and Employees of the University to be public servants.— All salaried officers, members of the authorities, committees or bodies, teachers of the University, and other employees of the University, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

CHAPTER-VI
PROVISIONS REGARDING ELIGIBILITY, MANNER OF APPOINTMENT
ETC. TO POSTS IN THE UNIVERSITY

50. Minimum qualification, eligibility, and manner of selection.— (1) The minimum qualification and eligibility for appointment to any post in the University shall be as provided for by the UGC regulations and regulations of other regulatory bodies governing such appointments.

(2) The manner of selection of persons for appointment shall be such as may be provided by this Act.

51. Reference of posts by Universities to the Jammu and Kashmir Public Service Commission for Screening.— (1) Notwithstanding anything contained in any other law for the time being in force or any contract, customs, or usage to the contrary, all universities established and regulated under the Act shall refer all Open and Direct posts of officer cadre and all teachers and equivalent positions in their universities to the Jammu and Kashmir Public Service Commission (JKPSC) for an all India advertisement and screening.

(2) Every post referred to the Jammu and Kashmir Public Service Commission by the public universities shall be processed on a fast-track basis and the entire process from advertisement to screening shall be completed within three months.

(3) Notwithstanding anything contained in this Act, the promotions under the Career Advancement Scheme (CAS) of teachers, officer cadre, and equivalent positions shall be dealt with by the University.

(4) Notwithstanding anything contained in this Act, appointments to all positions including teaching positions and equivalent positions, positions in the officer or non-teaching cadre and equivalent positions, or any other positions of the Higher Education Department of the Government shall be governed and regulated by the Department of the Government entrusted with the subject of Higher Education.

52. Screening Test.— (1)The Jammu and Kashmir Public Service Commission shall conduct a screening process in the following manner for all applicants/candidates except those applying for the posts of Professor and equivalent positions.

(2)The screening process shall comprise a written test and an evaluation of the Academic Record and Research Performance/ Academic Record, Qualifications, background, and experience of the candidate.

(3)The written test shall comprise a compulsory general studies paper common to all subjects and faculties and a subject-specific paper depending on the position applied for:

Provided that the weightage accorded to the general studies paper shall not be less than 15% of the total weightage accorded to the written examination.

(4)The syllabus of the papers above stated shall be as prescribed by the Jammu and Kashmir Public Service Commission.

(5)The Academic Record and Research Performance/ Academic Record, Qualifications, background, and experience of the candidate shall be evaluated based on a set of transparent criteria to be notified by the Jammu and Kashmir Public Service Commission. The criterion shall be as far as possible based on the advice/guidelines/regulations issued by the UGC and other regulatory bodies from time to time.

(6)Based on the results of the written screening test and the Academic Record and Research Performance/ Academic Record, Qualifications, background, and experience score sheet of the candidate, the Jammu and Kashmir Public Service Commission shall recommend candidates in the ratio of 1:4 for Personal Interview/lecture demonstration and final selection by the concerned University.

(7)The weightage for the respective components in the selection process shall be as under:

(A) For all teaching positions except Professor and equivalent positions in Universities:

- (a) Written Test by Jammu and Kashmir Public Service Commission: 75% ;
- (b) Academic Record and Research Performance as graded by the Jammu and Kashmir Public Service Commission: 10%

(c) Personal Interview by the Selection Committee: 15%

(B) For all positions in the officer cadre and equivalent positions in Universities:

(a) Written Test by the Jammu and Kashmir Public Service Commission: 75%

(b) Academic Record, Qualifications, background, and experience as graded by the Jammu and Kashmir Public Service Commission: 10%

(c) Personal Interview by the Selection Committee: 15%.

53. Appointment to the post of Professor and equivalent positions in Universities.— (1) The eligibility conditions and qualifications for the post of Professor in the University shall be the same as prescribed by the UGC or other regulatory bodies.

(2) All universities established and regulated under the Act shall refer all Open and Direct posts of professors in their Universities to the Jammu and Kashmir Public Service Commission for an all-India advertisement and screening.

(3) The Jammu and Kashmir Public Service Commission JKPSA shall scrutinize and screen the application forms based on the criteria and regulations of the UGC/ other relevant regulatory bodies.

(4) The Jammu and Kashmir Public Service Commission shall forward the merit list of eligible candidates to the Universities for assessment of domain knowledge and personal interviews.

(5) The final selection shall be based on the cumulative score of the following:

- (a) Academic background (assessment based on UGC Regulations) by the Jammu and Kashmir Public Service Commission -25% weightage;
- (b) Assessment of Research performance (based on API score, quality publications, and other criteria as prescribed by UGC Regulations) to be made by the Jammu and Kashmir Public Service Commission - 30% weightage;
- (c) Assessment of Domain Knowledge and Teaching Skills by the Selection Committee to be constituted under section 5 -15% weightage;

(d) Performance in the Interview as assessed by the Selection Committee- 15% weightage.

54. Selection Committees.— (1) No appointment at any level in the University shall be affected unless it has been transparently advertised and reasonable and adequate opportunity given to all Indian citizens irrespective of caste, creed, region, or religion to participate, subject to eligibility criterion and any short listing processes, to participate in the selection process.

(2) There shall be a designated Appointment Committee headed by the Vice Chancellor for the selection to all teaching positions. The composition of the committee shall be the same as may be prescribed by the regulations of the University Grants Commission or the appropriate regulatory body for the relevant category of positions:

Provided that for selection to the post of a Professor/Senior Professor the Selection Committee shall also include the Chairman or a member of the Jammu and Kashmir Public Service Commission to be nominated by the Chairman as a member.

(3) The Selection Committee for all positions in the officer cadre and equivalent positions in the University shall be headed by the Vice Chancellor of the University concerned and shall include the following members:

- i. a member of the Jammu and Kashmir Public Service Commission to be nominated by the Chairman PSC.
- ii. the Administrative Secretary of the Department of the Government entrusted with the subject of Higher Education or his nominee.
- iii. an eminent professional or an expert to be nominated by the Chancellor
- iv. the Registrar of the University shall be the Member Secretary of the Committee
- v. a member representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of the candidates belonging to any of these categories is the applicant, to be nominated by the Chancellor, provided none of the above members of the selection committee belongs to any of these categories

55. Final Merit list/Selection List.— The University shall prepare the final merit cum selection list and issue the appointment based on the cumulative weighted average as mentioned in section 52 and section 53 of this Act:

Provided that no candidate shall be issued an appointment letter by the University or by the Government unless his Character and Antecedents have been verified by the prescribed government agencies as per the procedure extant for other appointments in the Government and found satisfactory.

56. Appointment of other employees.— (1) Notwithstanding anything contained in any other law for the time being in force or any contract, customs, or usage to the contrary, all universities established and regulated under the Act shall refer all direct posts, other than the posts referred to in Section 51 above, to the Jammu and Kashmir Services Selection Board to select suitable candidates to be recommended to the University for appointment to all such posts in the University.

(2) For this purpose, all universities established and regulated under the Act shall periodically, but not fewer than twice a year, refer all non-gazetted or equivalent posts to the Jammu and Kashmir Services Selection Board for advertisement, screening, and selection in the prescribed manner.

(3) The conditions regarding eligibility for selection of persons to the posts so referred shall be such as may be prescribed by the selection agency after consultation with the Universities:

Provided that the universities shall be empowered to suggest technical and other skills and qualifications for the posts referred by them to the Jammu and Kashmir Services Selection Board:

Provided further the eligibility conditions shall be the same for similar categories of posts for all Universities established and regulated under this Act

Provided further that the posts referred to in this Section shall be open only to the domiciles of Jammu and Kashmir.

(4) Every post referred to the Jammu and Kashmir Services Selection Board by the public universities shall be processed on a fast-track basis and the entire process from advertisement, screening, and appointment shall be completed within three months.

(5) Selections to all posts upto and including posts carrying a pay scale equivalent to pay level 6 in the Government shall be made solely on the basis of a written test and no oral test/interview shall be conducted:

Provided that for the posts where some special skills, demonstration skills, physical standards, etc are required, Universities may specify such skills or physical standards to the Jammu and Kashmir Services Selection Board and the Jammu and Kashmir Service Selection Board shall be free to prescribe and conduct such skill test, demonstration, or physical test with such weightage as may be necessary for ascertaining the suitability of an applicant for the position:

Provided further that the eligibility conditions shall be the same for similar categories of posts for all Universities established and regulated under this Act.

(6)The Jammu and Kashmir Services Selection Board shall forward the list of qualified candidates to the concerned University for issuance of a final appointment letter.

(7)There shall be a separate panel of selected candidates for each category of post for each public university:

Provided that no University or Department shall issue an appointment letter to any candidate unless his Character and Antecedents have been verified by the prescribed government agencies as per the procedure extant for other appointments in the Government and found satisfactory.

(8) Selection to all non-gazetted posts under the Higher Education Department shall continue to be made by the Jammu and Kashmir Services Selection Board on the basis of eligibility conditions prescribed by the Department and on the basis of a written test

CHAPTER-VII

JAMMU AND KASHMIR ELIGIBILITY TEST FOR ASSISTANT PROFESSORSHIP, LIBRARIANSHIP, ETC

57. Jammu and Kashmir Eligibility Test.— (1)Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, or in any contract, customs, or usages to the contrary, it shall be the duty of the Jammu and Kashmir Public Service Commission to hold and conduct an Eligibility test at the Jammu and Kashmir level in such subject or subjects as may be prescribed.

(2) The manner and procedure of such Eligibility test as well as the necessary qualifications for participating in the same shall be provided for by the Jammu and Kashmir Public Service Commission by regulations. The standard of such eligibility test shall be at par with the standard of Eligibility test at the National level held by the UGC, CSIR, or any National Testing Agency.

(3) The successful completion of the Jammu and Kashmir Eligibility Test shall be deemed to be equivalent to the qualification of the National Eligibility Test as prescribed by the University Grants Commission or other regulatory bodies as applicable.

CHAPTER-VIII

ANNUAL REPORT AND INDEPENDENT REVIEW

58. Annual Report and Independent Review.—(1) Every University established and regulated under this Act shall at the close of every financial year, present an Annual Report to be placed before and considered by the Governing Council.

(2) The Annual report would, besides an Annual Financial Report and a report of activities of the University, also include specific references to the strategic plan of the University including performance parameters such as accreditation, National and international ranking, quality deliverables, and financial self-sufficiency expected to be achieved by the University, and the time frame in which the same would be achieved.

(3) The Governing Council may accept the Report, with or without modifications.

(4) The Annual Report shall then be a public document:

Provided that every Annual Report must necessarily be placed in the public domain within 90 days after the close of the financial year.

(5) Every University will get conducted an external review of its overall performance, at least once every two years through an independent group of external experts or a committee to be approved by the Governing Council.

(6) The report of the Committee shall be sent to the Government. The Government shall submit the report of the evaluation review to the Chancellor with its observations and an action taken report thereon:

Provided that the external review report must necessarily be placed in the public domain within 6 months after the close of the financial year in which the report is due.

(7)The report of the Committee, after it has been seen by the Chancellor shall be a public document for access by the general public.

CHAPTER- IX

STATUTES, REGULATIONS, AND ORDINANCES

59. Statutes.— Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

- (1) the holding of Convocation by a University to confer degrees;
- (2) the conferment of Honorary Degrees;
- (3) the institution of Fellowships, Scholarships, Exhibitions, Bursaries, Medals, and prizes;
- (4) the conditions of service of the Vice-Chancellor and other officers of the University;
- (5) the designation and powers of the officers of the University;
- (6) the constitution, powers, and duties, of the authorities of the University;
- (7) the conditions for recognition and affiliation of colleges and other institutions of the University;
- (8) the classification of teachers employed by the University;
- (9) the constitution of a pension or general provident fund or contributory provident fund for the benefit of the officers' cadre, teachers, and other servants employed by the University;
- (10) the conditions under which students shall be admitted, the examinations conducted by the University, and eligibility for degrees, diplomas, or certificates;
- (11) the fees to be charged for admission to the examinations and the Departments of the University;
- (12) the conditions and mode of employment and the duties of examiners and paper-setters;
- (13) the conduct of examinations;
- (14) the admission of students to constituent and affiliated colleges;

(15) the number, qualifications, and emoluments of teachers employed by the University; and

(16) all matters which by this Act are to be or may be prescribed by the Statutes.

60. Statutes how made.— (1) the Statutes may be amended or repealed or added to by Statutes made by the Governing Council in the manner hereinafter appearing.

(2) The Governing Council may of its motion take into consideration the draft of any Statutes submitted to it by one of its members. Provided that in any such case, before a Statute is passed, the opinion of the Academic Council or if the draft of such a Statute affects the powers, duties, or emolument of any officer, teacher, authority, or board, a report from the person or body concerned together with the opinion of the Finance and Audit Committee shall be taken into consideration by the Governing Council.

(3) The Academic Council of a University may propose to the Governing Council the draft of any Statute to be passed by the Governing Council. Such a draft shall be considered by the Governing Council at its next meeting. The Governing Council may approve such draft and pass the Statute, or may reject it, or may return it to the Academic for reconsideration either in whole or in part, together with any amendments which the Governing Council may suggest. After any draft so returned has been further considered by the Academic Council together with any amendments suggested by the Governing Council, it shall again be presented to the Governing Council with the report of the Academic Council and the Governing Council may then deal with the draft in such manner as it may think proper.

(4) (a) When the Governing Council has passed a Statute, it shall be submitted to the Chancellor who may assent to it or may withhold his assent or may refer it back to the Governing Council for further consideration.

(b). A Statute passed by the Governing Council shall not become valid until assent thereto of Chancellor has been notified.

(5) The Academic Council shall not propose the draft of any Statute or any amendment of a Statute—

(a) affecting the status, powers, or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed

shall be in writing and shall be considered by the Governing Council and shall be submitted to the Chancellor; and

- (b) affecting the conditions of recognition and affiliation of constituent and affiliated colleges to the University concerned except after consultation with the Academic Council concerned.

61. Regulations.—The authorities and the bodies of the University may recommend to the Governing Council, Regulations consistent with this Act and the Statutes providing for all or any of the following matters:-

- (1) the procedure to be observed at their meetings and the number of members required to form a quorum;
- (2) the notice to be given of the meetings and of business to be considered thereat, the keeping of records of their proceedings and similar matters;
- (3) all matters which by this Act or the Statutes are to be prescribed by the Regulations;
- (4) the conditions of residence of students;
- (5) the discipline of students;
- (6) the classification or inclusion of subjects of study in various Faculties;
- (7) the constitution, powers, and duties of the various Boards of the University;
- (8) the periodical inspection of constituent or affiliated colleges and other institutions; and
- (9) all other matters which, by or under this Act or the Statutes, are to be, or maybe, provided by Regulations;

62. Ordinance and their subject matter.— Subject to the conditions prescribed by or under this Act, the Governing Council may make Ordinance to provide for all or any of the following matters, namely:-

- (1) the conditions under which students shall be admitted to courses of study for a degree, diplomas, certificates, and other academic distinctions;
- (2) the fees to be charged as per Fee Committee Resolution for enrolment of students for attending such courses in the University and colleges (including the tuition fees and hostel charges), which shall, as far as possible, be uniform for the colleges situated in the same local area, for admission to the examination leading to degrees, diplomas, certificates, and other academic distinctions, and for registration of graduates;

- (3) the conditions of residence, conduct, and discipline of the students of the University, and the action to be taken against them for breach of discipline or misconduct, including the following:-
 - (a) use of unfair means in an examination, or abetment thereof;
 - (b) refusal to appear or give evidence in any authorized inquiry by an officer in charge of an examination, or by any officer or authority of the University; or
 - (c) disorderly or otherwise objectionable conduct, whether within or outside the University;
- (4) the qualifications and classification of teachers in University departments, colleges, and recognized institutions;
- (5) the conditions governing the appointment and duties of examiners;
- (6) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
- (7) any matter which is to be prescribed or which is necessary to give effect to the provisions of this Act;
- (8) the recognition of teachers of the University and conditions subject to which persons may be recognized as qualified to give instruction in the University departments, colleges, and recognized institutions;
- (9) the inspection of colleges, recognized institutions, halls, and hostels;
- (10) the mode of execution of contract or agreements for, or on behalf of the University;
- (11) the rules to be observed and enforced by colleges and recognized institutions regarding the transfer of students;
- (12) the regulation of and functions and responsibilities of any organizations or associations in the University or affiliated/constituent colleges;
- (13) all other matters which, by or under this Act or the Statutes, are to be, or maybe, provided by Ordinances; and
- (14) generally, all matters for which provision is, in the opinion of the Governing Council, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Governing Council by or under this Act, or the Statutes.

63. Ordinances and their making.— The Governing Council may make, or repeal the Ordinance in the manner hereinafter provided:-

- (1) the Board of Deans shall draft Ordinances for the clauses mentioned in section 62 and/or any other aspect linked with academic administration and operation of the University;
- (2) the Ordinances shall be placed before the Governing Council for its approval or amendment as the case may be;
- (3) all Ordinances made by the Governing Council 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 Governing Council, within four weeks of the receipt of the Ordinance, to suspend its operation, and shall, as soon as possible, inform the Governing Council of any objection to it. He/she may, after receiving the comments of the Governing Council, either withdraw the order suspending the Ordinance, or uphold his objection to the Ordinance, and his/her decision shall be final.

CHAPTER- X

UNIVERSITY FUND, AUDIT, AND ACCOUNTS

64. University funds.— (1) The University shall establish the following funds, namely:-

- (a) general fund
 - (b) salary fund,
 - (c) trust fund;
 - (d) development and programme fund;
 - (e) contingency fund;
 - (f) any other fund which, in the opinion of the University, is deemed necessary to establish.
- (2) The following shall form part of, or be paid into, the general fund:
- (a) non-salary contribution or grant received from the Government or Central Government or University Grants Commission;
 - (b) all incomes of the University from any source whatsoever, including income from fees, other fees, and charges;

(c) any sums borrowed from the banks or any other agency, with the permission of the Government;

(d) sums received from any other source or agency.

(3) The salary fund shall consist of all amounts received from the Government, Central Government, or University Grants Commission or any other endowment or contribution received towards full or part payment of the salary and allowances. No amount from this fund shall be utilized for a purpose other than payment of salary and allowances.

(4) All income or moneys from trusts, bequests, donations, endowments, subventions, and similar grants shall form part of the trust fund.

(5) (a) The development and programme fund of the University shall consist of all infrastructure development grants received from the Government, all contributions made by the University Grants Commission for development and research grants received from other funding agencies of the Central Government, multilateral or bilateral agencies, other international agencies, industry, banks, and financial institutions or any person or institution;

(b) no amount from this fund shall be appropriated to any other fund of the University or expended for any other purpose ;

(c) the development and programme fund shall be utilized in a manner consistent with the object of the programme and as per guidelines of the funding agency on expenditure and audit, to be granted and approved by the Finance and Audit Committee.

(6) The University shall have and maintain a contingency fund under a separate head of the University accounts which shall be used only to meet any unforeseen expenditure.

(7) Surplus money at the credit of these funds, including accruals thereto, which cannot immediately or at an early date be applied for the purposes prescribed shall, from time to time, be deposited/invested prudently with due regard to the security of the invested amount and after approval of the Finance and Audit Committee.

65. Audit of Accounts.— The Accounts of the University shall, once in every year and at the intervals of not more than fifteen months be audited by auditors appointed by the Government or Auditor General as the case may be, and a

copy of the accounts together with the Auditors' report, shall be published in the Government Gazette.

CHAPTER- XI

MISCELLANEOUS

66. Disputes as to Constitution of the University Authorities or Bodies.—

If any question arises whether any person has been duly elected, appointed, or co-opted as, or is entitled to be, a member of any authority or other body of the University, or whether any decision of the University or of any of its bodies, authorities or committees is in conformity with the Act, the Statutes or the Regulations, the matter shall be referred to the Chancellor whose decision thereon shall be final.

67. Filling of Casual Vacancies.— (1) All casual vacancies among the members (other than ex-officio members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the persons or body who appointed, elected, or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted, to a casual vacancy, shall be a member of such authority or body for the residue of the term for which the person whose place he fills, would have been a member.

(2) A person who is a member of an Authority of the University as a representative of another body whether of the University or outside, shall retain his seat on the University Authority, so long as he continues to be a member of the body by which he was appointed or elected and thereafter till his successor is duly appointed.

68. Proceedings of the University Authorities and Bodies not invalidated by Vacancies.— No act or proceedings of any authority or other body or committee of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members so long that the vacant positions do not constitute the majority of the membership of that body or committee.

69. Power to make rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

70. Character and Antecedents.— Notwithstanding anything contained in any other law for the time being in force or any contract, customs, or usage to the contrary, no candidate shall be appointed to any office in the University or any position, permanent, contractual, or temporary unless his Character and Antecedents

have been verified by the prescribed government agencies as per the procedure extant for other appointments in the Government and found satisfactory.

71. Inter-University Transfers.—The Chancellor may, where he feels that in the interest of academic excellence or administrative exigency necessary to do so and after such consultations with the Vice-Chancellors of the public Universities concerned as he may deem necessary, transfer any employee from one University to another University constituted under this Act.

CHAPTER- XII

TRANSITORY PROVISIONS

72. Continuance of existing officers and employees of the University.—Save as otherwise provided by or under this Act, every person holding office either as an officer or the employee, whether teaching or other employee, of any University on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date, and shall exercise such powers and perform such duties as are conferred on them by or under this Act.

73. Provisions relating to continuance and constitution of authorities.—
(1) Every authority of an existing University shall, as soon as practicable, but no later than six months from the date of commencement of this Act, be reconstituted in accordance with the provisions of this Act. Every such authority shall be deemed to be reconstituted with effect from such date as the Vice-Chancellor may, from time to time, specify by notification.

(2) Every person holding office as a member of any authority immediately before the commencement of this Act shall, on the date of such commencement, continue to hold the said office and the authority with such members shall exercise the powers and perform the duties conferred on it by or under this Act, until the date on which the authority is deemed to be re-constituted or a period of six months from the date of commencement of this Act expires, whichever is earlier.

(3) On the date on which any authority is deemed to be re-constituted or on which a period of six months expires, whichever is earlier, every member of the authority of an existing University who is continued in office under this section shall be deemed to have vacated his office.

(4) If on the date of commencement of this Act, any authority or body cannot be constituted in accordance with the provisions of this Act, the Vice-

Chancellor may, after approval of the Chancellor take such measures for the interim constitution of such authority or body.

(5)The term of such authority or body constituted under sub-section (4) shall be for a period of six months from its constitution or till such authority or body is duly constituted under this Act, whichever is earlier.

(6)For the removal of doubt, it is hereby declared that on expiry of a period of six months of the interim constitution of such authority or body, such authority or body shall cease to function.

74. Repeal and Savings.— (1)On and from the date of commencement of this Act, all existing university Acts mentioned in the schedule-I (Part-I) shall stand repealed.

(2) Notwithstanding the repeal of the said Act,-

- (a) any person holding office immediately before the commencement of this Act as Vice-Chancellor of the University shall, on such commencement, continue to hold the said office till his term of office as Vice-Chancellor of that University would have expired had he continued to be as such (unless he ceases to be the Vice-Chancellor by reason of death, resignation or is otherwise removed in the exercise of powers under Section 21 of this Act before the expiry of his term of office as aforesaid)and shall exercise all the powers and perform all the duties conferred and imposed on the Vice-Chancellor of the respective University by or under this Act;
- (b) all colleges which stood affiliated to the University immediately before the commencement of this Act shall be deemed to be affiliated to that University under this Act till their affiliation is withdrawn by that University under this Act;
- (c) all other educational institutions which were entitled to any privileges of the University shall be entitled to similar privileges of that University;
- (d) all property, movable or immovable, and all rights, interests of whatsoever kind, powers and privileges of the University shall stand transferred to and shall, without further assurance, vest in, that University and be applied to the objects and purposes for which that University is constituted;

- (e) all benefactions accepted or received by the University and held by it immediately before the commencement of this Act, shall be deemed to have been accepted or received or held by that University under this Act, and all the conditions on which such benefactions were accepted or received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act;
- (f) all debts, liabilities, and obligations incurred before the commencement of this Act, and lawfully subsisting against the University, shall be discharged and satisfied by that University;
- (g) any will, deed or other document made before the commencement of this Act, which contains any bequest, gift, term, or trust in favor of the University shall be deemed to have been made thereunder and for the purposes of this Act in favor of that University;
- (h) all references in any enactment or other instruments issued under any enactment to the University before the commencement of this Act shall be deemed to have been construed under and for the purposes of this Act;
- (i) the appointment of examiners validly made under the said Act and subsisting immediately before the commencement of this Act, shall be deemed to have been made under and for the purposes of this Act for the respective University, and such examiners shall continue to hold office and to act until fresh appointments are made under this Act;
- (j) the teachers, who were recognized teachers of the University under the said Act immediately before the commencement of this Act, shall be deemed to be recognized teachers of that University under and for the purposes of this Act and shall continue to be such recognized teachers until fresh recognitions are granted under this Act;
- (k) the registered graduates, whose names were entered in the register of graduates maintained by the University immediately before the commencement of this Act, shall be deemed to be the registered graduates of that University under and for the purposes of this Act and the register so maintained and the registered graduates whose names are so entered therein, shall continue to be the register maintained by that

University, and the registered graduates to be the registered graduates of that University;

- (l) all Statutes and Ordinances made under the said Act in respect of the University shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made under this Act in respect of that University until they are superseded or modified by the Statutes or Ordinances, as the case may be, made under this Act;
- (m) all Regulations made under the said Act in respect of the University shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made under this Act by that University until they are superseded or modified by the Regulations, made under this Act;
- (n) a standard code, if any, prescribed under the said Acts shall be deemed to have been prescribed under this Act and shall, save as otherwise provided by or under this Act, continue to remain in force until it is superseded in accordance with the provisions of this Act;
- (o) all notices and orders made or issued by any authority under the said Act or by the Government shall in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made or issued by that authority or by the Government until they are superseded or modified under this Act:

Provided that, no Statutes, Ordinances, Regulations, Notices, or orders made or issued under the said Act, repealed by this section and in force immediately before the commencement of this Act, shall be deemed to be inconsistent with the provisions of this Act by reason only that the power to make or issue such Statute, Ordinance, Regulation, Notice or Order under this Act vests in a different authority or body or officer, or that the subject matter thereof is permissible only under a different form of subordinate legislation or instrument to be made, under this Act.

75. Removal of difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as the occasion arises, by order published in the Official Gazette, do anything, not inconsistent with the provisions

of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) No order made under subsection (1) shall be questioned in any Court of law on the ground that no difficulty, as is referred to in the said sub-section, existed, to be removed.

(3) Every Order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the Jammu and Kashmir Legislature.

76. Power to make rules.— (1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of the Act.

(2) Any rule made under this Act shall as soon as may be after it is made, laid before the Jammu and Kashmir Legislature.

SCHEDULE-I

PART I

1. The Kashmir and Jammu Universities Act, 1969 (Act No. XXIV of 1969);
2. The Srinagar and Jammu Cluster Universities Act, 2016(Act No. III of 2016);
3. Sher-I-Kashmir Universities of Agricultural Sciences and Technology Act, 1982;(Act No. VII of 1982)
4. The Jammu and Kashmir Shri Mata Vaishno Devi University Act, 1999. (Act No. XII of 1999);
5. The Islamic University of Science and Technology Kashmir Act, 2005 (Act No. XVIII of 2005)
6. The Jammu and Kashmir Baba Ghulam Shah Badshah University Act, 2002 (Act No. XVI of 2002)\

PART II

Public Universities in Jammu and Kashmir:

7. Teaching and Affiliating Universities: Universities created under the Kashmir and Jammu Universities Act, 1969 (Act No. XXIV of 1969)
 - a) University of Jammu having territorial jurisdiction over all districts of the Jammu Division, namely, Jammu, Doda, Kathua, Ramban, Reasi, Kistwar, Poonch, Rajouri, Udhampur, and Samba.
 - b) University of Kashmir having territorial jurisdiction over all districts of the Kashmir Division, namely, Srinagar, Anantnag, Kulgam, Pulwama, Budgam, Shopian, Baramulla, Ganderbal, Bandipore, and Kupwara.
8. "Cluster Universities": the Universities created under the Srinagar and Jammu Cluster Universities Act, 2016[Act No. III of 2016] and by pooling the resources of existing constituent colleges
 - a) The Cluster University of Srinagar, and
 - b) The Cluster University of Jammu

9. Sher-e-Kashmir University of Agriculture Sciences and Technology of Kashmir (SKUAST-Kashmir) and Sher-e-Kashmir University of Agriculture Sciences and Technology, (SKUAST- Jammu), The Sher-E-Kashmir University of Agricultural Sciences and Technology Act, 1982 as amended from time to time
 10. Universities sponsored by Trusts:
 - a) Shri Mata Vaishno Devi University created under The Jammu and Kashmir Shri Mata Vaishno Devi University Act, 1999. [ACT No. XII of 1999.
 - b) Islamic University of Science and Technology created under the Islamic University of Science and Technology Act, 2005
 - c) Baba Ghulam Shah Badshah University created under Jammu & Kashmir Baba Ghulam Shah Badshah University Act, 2002 [No. XVI of 2002]
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