



The Aryabhata Knowledge University Act, 2008

Act No. 24 of 2008

Amendments appended: 09 of 2013, 18 of 2021

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[Bihar Act 24, 2008]

The Aryabhata Knowledge University Act, 2008

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ACT

To establish and incorporate a University to conduct and facilitate affiliation of institutions set up by the Government and/or the Trust or Society in the conventional as well as new frontiers of professional education, for example, Engineering & Technology including Information Technology, Nanotechnology and Biotechnology, Management, Medicine, Health, Technology, Public Health, Pharmacy, Optometry, Nursing, Education, Law, etc., and also to achieve excellence in teaching, research and extension work in these areas and other matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Bihar in the Fifty-Ninth year of the Republic of India as follows-

1. Short title, Extent and commencement-

- (1) This Act may be called the Aryabhata Knowledge University Act, 2008.
- (2) It shall extend to whole of the 'State of Bihar'.
- (3) 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 the context otherwise requires

- (1) 'Academic Council' means the Academic Council of the University;
- (2) 'Academic Staff' means such categories of staff as are designated by the Statutes to be the academic staff of the University;
- (3) 'Affiliation' means affiliation granted by the University in accordance with the Statutes and Regulations made for the purpose;
- (4) 'All India Council for Technical Education' means Council constituted under All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
- (5) 'Affiliated Institution' means an institution of higher learning affiliated by the University;
- (6) 'Autonomous College or Institutes' means such college or institute which has been declared autonomous by the University under the provisions prescribed in the relevant statutes;
- (7) 'Chancellor' and 'Vice-Chancellor' means, respectively, the Chancellor and the Vice-Chancellor of the University;
- (8) 'College' means an institution maintained or controlled by the University or maintained by the State Government;
- (9) 'Council of Architecture' means the Council constituted under section 3 of the Architects Act, 1972 (Act 20 of 1972);
- (10) 'Court' means the Court of the University;
- (11) 'CSIR', means Council of Scientific and Industrial Research, New Delhi, an agency of the Central Government;

- (12) 'Dental Council of India' means Dental Council constituted under section- 3 of the Dentist Act – 1948 (Act 16 of 1948) and its amendment Act 1993;
- (13) 'Department' means a department of Teaching, Learning and Research of the University;
- (14) 'Director' means the Head of an institution;
- (15) 'Employee' means any person appointed by the University, College or Institution as the case may be;
- (16) 'Engineering & Technology' means courses approved by All India Council for Technical Education;
- (17) 'Executive Council' means the Executive Council of the University;
- (18) 'Governing Body', in relation to a college or an institution, means the governing body or any other body, by whatever name called, charged with the management of the affairs of such college or institution, as the case may be, and recognized as such by the University;
- (19) 'Government' means the Government of Bihar;
- (20) 'Hall' means a unit of residence or of corporate life for the students of the University, a college or an institution provided, maintained or recognized by the University;
- (21) 'Institution' means an academic institution or a college, maintained by, or admitted to the privileges of the university;
- (22) 'Medical Council of India' means Medical Council of India constituted by Indian Medical Council Act-1956 (Act 102 of 1956) and its amendment Act 1993;
- (23) 'Misconduct' means a misconduct prescribed by the Statutes;
- (24) 'Notification' means a notification published in the official Gazette;
- (25) 'Pharmacy Council of India' means the Central Council constituted under Section-3 of the Pharmacy Act-1948;
- (26) 'Principal' means the head of a college and includes, where there is no principal, the person who is for the time being duly appointed to act as the Principal, and, in the absence of the Principal or the acting Principal, as the case may be, a Vice-Principal duly appointed as such;
- (27) 'Professional Education' means education connected with a job that needs special training or skill, and includes Engineering & Technology including Management, Information Technology, Medical, Dental, Pharmacy, Physiotherapy, Occupational Therapy, Law, Teaching, etc.;
- (28) 'Recognised Teachers' means such persons as are approved by the University for the purpose of imparting instruction in a college or an institution admitted to the privileges of the University;
- (29) 'School' means a school of studies of the University;
- (30) 'School of Studies' means the School of Studies of the University;
- (31) 'Self-Financing Institution' means those institutions which are set-up by a Trust or a Society and are Self Financing;
- (32) 'Statutes', 'Ordinances' and 'Regulations' mean respectively the Statutes, Ordinances and Regulations of the University for the time being in force;
- (33) 'Technical staff' means employees working in the technical cadre of the university;
- (34) 'University' means the Aryabhatta Knowledge University as incorporated under this Act;
- (35) 'University Grants Commission' means the Commission established under Section- 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956)

- (36) 'University teachers' means professors, readers/ associate professors, lecturers/assistant professors and such other persons as may be appointed for imparting instruction or conducting research in the University, or in any college or institution maintained by the University and are designated as teachers by the Statutes.

3. Incorporation-

- (1) With effect from such date as the Government may, by notification in the official Gazette, appoint, there shall be established a university by the name of 'Aryabhata Knowledge University' comprising the Chancellor and the Vice-Chancellor, the first members of the Court, the Executive Council and the Academic Council of the University and all such persons as may hereafter be appointed to such office or as members so long as they continue to hold such office or membership.
- (2) The University shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by the said name sue or be sued.
- (3) The headquarters of the University shall be at Patna, Bihar.

4. Jurisdiction-

- (1) The jurisdiction of the University shall extend to the whole of the State of Bihar.
- (2) All colleges and institutions established by the Government and constituent to the existing Universities of the State or to be established in future imparting Professional Education shall be eligible for affiliation with the University from such date as the Government may, by notification in the official Gazette appoint, and in the manner prescribed by the Statutes or Ordinances or Regulations made in this regard.
- (3) Notwithstanding anything contained in any other State laws for the time being in force, the college or institutions as may be specified by the State Government, by notification in the Official Gazette, imparting Professional education and affiliated by any other University established by law of the State Legislature shall cease to be affiliated from the University to which such colleges or institutions have been affiliated and such colleges or institutions shall be deemed to be affiliated to the University from such date as specified in the said notification.
- (4) The University may impose such terms and conditions upon the colleges or institutions as it may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University and then grant affiliation.
- (5) Existing college or institution set up by a Trust or a Society as a self-financing institution imparting Professional Education will be at liberty to get affiliated with the University. The University may consider and grant conditional affiliation subject to fulfilment of conditions laid down under Statutes, Ordinances and Regulations made in this regard.

5. Objectives of the University-

The University shall have the following objectives:

- (1) To develop professional education in response to the changing demands of the modern world and society;
- (2) To facilitate and encourage teaching, research and extension in the matters connected with professional education including sciences, applied sciences, arts and social sciences;
- (3) To facilitate and ensure qualitative improvement in the teaching and learning processes and methodologies;

- (4) To facilitate and ensure quality research in the contemporary and frontier areas of knowledge in the field;
- (5) To facilitate the needs for and organize the process thereof for lifelong learning;
- (6) To disseminate knowledge and research findings emerging from the University, its institutions or otherwise across the world;
- (7) To establish partnerships with industries and other entities in all sectors like agriculture, manufacturing and services and develop relationships for achieving its objectives;
- (8) To facilitate creation and promote knowledge centres in various areas of specialization and disseminate need based relevant information electronically to the client;
- (9) To serve as an agency of quality improvement for teachers in their respective and interdisciplinary fields and also using modern technology.

6. Powers and Functions of the University-

The University shall have the following powers and functions, namely:

- (1) To make provision for providing, upgrading and promoting professional and technical education, training and research for advancement and dissemination of knowledge;
- (2) To create teaching, technical and administrative posts;
- (3) To grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluations or any other method of testing and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (4) To confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (5) To institute prizes, medals, research studentships, exhibitions and fellowships;
- (6) To institute Chairs, Principalships, Professorships, Readerships and Lectureships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Principalships, Readerships and Lectureships and other teaching and academic positions;
- (7) To recognize persons as professors, readers/associate professor, or lecturers/assistant professors and others as teachers of the University;
- (8) To appoint, on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;
- (9) To make appointments to the positions for administrative and support services;
- (10) To lay down conditions of services of all categories of staff, including their code of conduct;
- (11) To admit to its privileges, colleges or institutions situated within the territorial jurisdiction of the University as its affiliate, and to withdraw all or any of those privileges including the complete affiliation in accordance with such conditions as may be prescribed by the Statutes or Ordinances or Regulations;
- (12) To cooperate or collaborate or associate with any other University or authority or institutions of higher learning in India or abroad or research bodies in such manner as may be prescribed and for such purpose as the University may determine;
- (13) To regulate fees and other charges to be levied on the students of self-financing colleges and institutions affiliated to the University;
- (14) To determine standards of admissions, including examination, evaluation or any other method of testing, to the University or to the institutions admitted to the privileges of the University;

- (15) To establish and recognize hostels, halls and residence of the students of the University, make arrangements for promoting their health and general welfare and guide the affiliate colleges and institutions admitted to the privileges of the University;
- (16) To institute and award fellowships, scholarships, studentships, medals and prizes;
- (17) To formulate code of conduct for management of affiliated colleges or institutions;
- (18) To regulate and enforce discipline among students and employees, and to take such disciplinary measures in this regard as may be deemed necessary by the University;
- (19) To receive benefactions, donations and gifts and to acquire, hold, manage and dispose off any property, movable or immovable, including trust and endowment properties, for the purpose of the University;

Provided that no immovable property shall be disposed off except with the prior approval of the State Government;

- (20) To lend and borrow, with the approval of the Executive Council, and in the matters related to borrowing money for the purpose of the University on the security of the property of the University prior approval of the State Government shall be obtained;
- (21) To assess the needs in terms of disciplines or subjects of studies, fields of specialization, levels of education, skills and training of technical manpower in the State, both on short term and long term basis, and to initiate necessary programmes to meet these needs;
- (22) To evolve a mechanism for securing accountability of the teachers and other employees working for the University, and for the affiliated colleges or institutions;
- (23) To do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University;
- (24) To institute prizes, medals, research studentships, exhibitions and fellowships;
- (25) To promote research, design and development activities which have a relevance to social needs and the developed programmes of the State;
- (26) To initiate measures to enlist the co-operation of industries and Government to provide complementary facilities;
- (27) To facilitate continuous experimentation in imparting knowledge, training and preparation of textbooks and instructional materials;
- (28) To arrange for progressive introduction of continuous evaluation and reorientation of the subjects in educational measures;
- (29) To further entrepreneurial ability among its teachers and students;
- (30) To educate the public with regard to the requirement of, opportunities in the profession of Science, Engineering & Technology and its responsibilities and services to the society.

7. University open to all persons irrespective of gender, class or creed-

The University shall be open to all persons of either sex of whatever caste, creed, race or class and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed to hold any office therein or be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof;

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with physical disabilities or persons belonging to socially and educationally backward classes of the society or for the Scheduled Castes or the Scheduled Tribes.

8. The Chancellor-

- (1) The Governor of Bihar, by virtue of his office, shall be the Chancellor of the University.

- (2) 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, a college or an institution affiliated by the University, their buildings, laboratories and equipment, and also of the examination, teaching and other work conducted or done by the University, college or institution, as the case may be, and to cause an inquiry or to be made in the like manner in respect of any matter connected with the administration or finances of the University, college or institution, as the case may be;
- (3) The Chancellor shall, in every case, give notice to the University or to the Governing Body of the colleges or institutions of his intention to cause an inspection or inquiry to be made and the University or the Governing Body, as the case may be, shall, on receipt of such notice, have the right to make such representation to the Chancellor, as it may consider necessary, within such period as specified in the notice.
- (4) After considering the representation, if any, made by the University or the Governing Body, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).
- (5) Where an inspection or inquiry has been caused to be made by the Chancellor, the University or the Governing Body shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.
- (6) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry as is referred to in sub-section (2) and the Vice-Chancellor shall communicate to the Executive Council or Governing Body the views of the Chancellor with such advice as the Chancellor may be pleased to offer upon the action to be taken thereon.
- (7) The Chancellor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the Governing Body concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.
- (8) The Executive Council or the Governing Body, as the case may be, shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it upon the result of such inspection or inquiry.
- (9) Where, the Executive Council or the Governing Body, as the case may be, does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council or the Governing Body, issue such directions as he may think fit and the Executive Council or the Governing Body, as the case may be, shall comply with such directions.
- (10) Without prejudice to the foregoing provisions of this section, the Chancellor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances;

Provided that before making any such order, the Chancellor shall call upon the Registrar to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

- (11) The Chancellor shall have such other powers as may be prescribed by the Statutes.

9. Officers of the University-

The following shall be officers of the University:

- (1) the Vice-Chancellor;
- (2) the Deans;

- (3) the Registrar;
- (4) the Finance Officer;
- (5) the Examination Controller;
- (6) the Librarian;
- (7) such other officers as may be declared by the Statutes to be officers of the University.

10. Vice-Chancellor-

- (1) The Vice-Chancellor shall be an academic and scholar of eminence having experience of managing institutions of higher education.
- (2) The Vice Chancellor shall be appointed by the Chancellor from out of a panel of not less than three persons recommended (the names being arranged in the alphabetical order) by a committee constituted under sub-section (3);

Provided that if the Chancellor does not approve of any of the persons so recommended he may call for the fresh recommendations;

- (3) The Committee referred to in sub-section (2) shall consist of three members of whom one shall be nominated by the Executive Council, one by the Chancellor and one by the Government, and the member nominated by the Government shall be convenor of the committee;

Provided that none of the members of the Committee shall be an employee of the University;

Provided further that the panel shall be prepared from out of candidates who submit their curriculum vitae or is sponsored by some reputed persons or institutions in the field of Science, Medical/Dental Science, Technology, Management or any other relevant fields.

- (4) The first Vice Chancellor shall be appointed by the Government till the sub-section (3) becomes operational.
- (5) The Vice Chancellor shall hold office for a term of three years from the date on which he enters upon his office and he shall be eligible for re-appointment for further terms;

Provided that the Chancellor may require the Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year as may be specified by him;

- (6) The emoluments and other conditions of service of the Vice Chancellor shall be as prescribed by Statutes;
- (7) If the office of the Vice Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate any eminent person to perform the functions of the Vice Chancellor until the new Vice Chancellor assumes his office or until the existing Vice Chancellor attends to the duties of his office, as the case may be.

11. Powers, duties and functions of the Vice-Chancellor-

- (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.
- (2) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter;

Provided that such exercise of power shall be made only in emergent situations and in no case in respect of creation, and up gradation of posts and appointments thereto;

Provided further that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final;

Provided also that if any person in the service of the University who is aggrieved by the actions taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Chancellor within three months from the date on which decision on such action is communicated to him and there upon the Chancellor may confirm, modify or reverse the action taken by the Vice-Chancellor.

- (3) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes, the Ordinances or that, any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final.
- (4) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.
- (5) The Vice-Chancellor shall be the chairman of the Executive Council, Finance Committee, Academic Council and the Planning Board of the University.

12. Removal of the Vice-Chancellor-

- (1) If at any time and after such enquiry as may be considered necessary, it appears, to the Chancellor that the Vice-Chancellor-
 - (a) has failed to discharge any duty imposed upon him, by, or under this Act, the Statutes, the Ordinances, or
 - (b) has acted in a manner prejudicial to the interests of the University, or
 - (c) has been incapable of managing the affairs of the University, the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor, by an order in writing stating the reasons thereof, and after consulting the State Government, to resign his post from the date as may be specified in the order.
- (2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.
- (3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and office of the Vice-Chancellor shall be deemed vacant.

13. The Dean-

Every Dean shall be appointed in such manner, and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

14. The Registrar-

- (1) The Registrar shall be appointed in such manner, on such terms and other conditions of service as may be prescribed by the Statutes.
- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. The Finance Officer-

The Finance Officer shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

16. Other Officers-

The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

17. Authorities of the University-

The following shall be the authorities of the University:

- (a) the Court;
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Board of Studies;
- (e) the Board of Planning;
- (f) the Board of Affiliation;
- (g) the Schools of Studies;
- (h) the Finance Committee; and
- (i) such other authorities as may be declared by the Statutes to be authorities of the University.

18. The Court-

- (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.
- (2) The Court shall necessarily meet every year in the month of August/September for such number of days as the "Executive Council consider necessary.
- (3) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:
 - (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
 - (b) to consider and pass resolutions on the annual report and annual accounts of the University and the report of its auditors on such accounts;
 - (c) to advise the Chancellor in respect of any matter which may be referred to it for advice; and
 - (d) to perform such other functions as may be prescribed by the Statutes.

19. The Executive Council-

- (1) The Executive Council shall be the principal executive body of the University.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

20. The Academic Council-

- (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.
- (2) The constitution of the Academic Council, the term of office of its members and its functions shall be prescribed by the Statutes.

21. The Board of Studies-

The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.

22. The Board of Planning-

- (1) The Board of Planning shall be the principal body for preparing plans for the growth and development of the University to achieve its objectives.
- (2) The constitution of the Board of Planning, the term of office of its members and its functions shall be prescribed by the Statutes.

23. The Board of Affiliation-

- (1) The Board of Affiliation shall be responsible for admitting colleges and institutions to the privileges of the University.
- (2) The constitution of the Board of Affiliation, the term of office of its members and its functions shall be prescribed by the Statutes.

24. The Schools of Studies-

- (1) There shall be such number of Schools of Studies as the University may determine from time to time.
- (2) The constitution, powers and functions of the Schools of Studies shall be prescribed by the Statutes.

25. The Finance Committee-

The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

26. Other Authorities-

The constitution, powers and functions of the other authorities as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

27. Powers to make Statutes-

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

- (1) the constitution, powers and functions of the authorities and other bodies of the University, as may be found necessary to be constituted from time to time;
- (2) the appointment and continuance in office of the members of the said authorities and bodies of the University, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- (3) the appointment, powers and duties of the officers of the University, and terms and conditions of their service;
- (4) the manner of appointment of the teachers of the University, other academic staff or other employees and their emoluments;
- (5) the manner of appointment of teachers and other academic staff working in any other university for a specified period for undertaking a joint project, their terms and conditions of service and emoluments;
- (6) the constitution of the pension or the provident fund and the establishment of an insurance scheme for the benefit of the employees of the University and those of colleges and institutions;
- (7) the Principles governing the seniority of employees of the University, colleges and institutions;
- (8) the procedure for arbitration in cases of dispute between employees or students and the University;
- (9) the procedure for appeal to the Executive Council by an employee or student against the action of any officer or authority of the University;
- (10) the conditions under which colleges and institutions may be admitted to the privileges of the University and the conditions under which such privileges may be withdrawn;

- (11) the constitution of governing bodies of colleges and institutions admitted to the privileges of the University and the supervision and inspection of such colleges and institutions;
- (12) the extent of the autonomy which a college or an institution declared as an autonomous college or institution may be exercised;
- (13) the conferment of honorary degrees;
- (14) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (15) the institution of fellowships, scholarships, studentship, medals and prizes and other incentives;
- (16) the maintenance of discipline among the employees and students of the University, and of colleges and institutions;
- (17) the establishment of chairs, schools of studies, departments, colleges and institutions;
- (18) the delegation of powers vested in the authorities or the officers of the University;
- (19) all other matters which, by or under this Act, are to be, or may be, provided for by the Statutes.

28. Statutes, how made-

- (1) The First Statutes shall be made by the Government on the recommendation of the Court.
- (2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion in writing on the proposed change, and any opinion so expressed shall be considered by the Executive Council.

- (3) Every new Statute or addition to the Statutes or any amendment or repeal thereof a Statute shall require the assent of the Chancellor, who may assert thereto or withhold his assent or remit it to the Executive Council for reconsideration.
- (4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented by the Chancellor;

Provided that if the Chancellor does not convey his decision within ninety days of the reference received by him, the Chancellor shall be deemed to have given his assent to the Statute.

29. Powers to make Ordinances-

- (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:
 - (a) the admission and enrolment of students to the University and institutions maintained by or admitted to the privileges of the University;
 - (b) the courses of study to be laid down for all degrees, diplomas and certificates;
 - (c) the medium of instructions and examinations;
 - (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining the same;
 - (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
 - (f) the institutions of, and conditions for award of fellowships, scholarships, studentships, medals and prizes;

- (g) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
 - (h) the conditions of residence of students and their general discipline;
 - (i) the management of colleges and institutions maintained by the University;
 - (j) the establishment of Centres, University Institutes, Board of Studies, Specialized Laboratories and Committees;
 - (k) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
 - (l) the manner of cooperation and collaboration with other Universities, Institutions and other Agencies including learned bodies or associations;
 - (m) the setting up of a machinery of redressal of grievances of employees;
 - (n) the categories of misconduct for which action may be taken under this Act or the Statutes or the Ordinances; and
 - (o) All other matters which, by or under this Act or the Statutes, are to be or may be, provided for by the Ordinances.
- (2) The first Ordinances shall be made by the Vice-Chancellor with the prior approval of the Government and the Ordinances so made may be amended, repealed or added to at any time by the Government in such manner as prescribed by the Statutes.

30. Regulations-

The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances, in the manner prescribed by the Statutes for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances and for such matters as may be prescribed by the Statutes or the Ordinances.

31. Nominations and appointments by the Chancellor-

All nominations and panels for appointments to be made by the Chancellor shall be forwarded by the Government.

32. Annual Report-

- (1) The annual report of the University shall be prepared under the directions of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider in its annual meeting to be held compulsory every year in the month of August/September.
- (2) The Court shall submit the Annual Report to the Chancellor along with its comments, if any.
- (3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Government which shall, as soon as may be, cause the same to be laid before both Houses of the Legislature.

33. Funds-

- (1) The University shall have a general fund to which the following shall be credited:
 - (a) its income from fees, grants, donations and gifts, if any;
 - (b) any contribution or grant made by national/international agencies, the Central Government, University Grants Commission, All India Council for Technical Education or like authority, any local authorities or any corporation owned or controlled by the Government and;
 - (c) Endowments and other receipts.
- (2) The University may have such other funds as may be prescribed by the Statutes.

- (3) The funds and all moneys of the University shall be managed in such a manner as may be prescribed by the Statutes.
- (4) The Government may, every year, provide grant-in-aid to facilitate and promote studies and research.

34. Accounts and Audit-

- (1) The annual accounts and the balance sheet of the University shall be prepared under the direction of the Executive Council and shall once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor General of India or by such person or such persons as he may authorize on his behalf.
- (2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Chancellor through the Government, along with the observations, if any, of the Executive Council.
- (3) Any observation made by the Chancellor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Chancellor through the Government.
- (4) A copy of the annual accounts together with the audit report, as submitted to the Chancellor, shall also be submitted to the Government, which shall, as soon as may be, cause the same to be laid before both the Houses of the Legislature.

35. Furnishing of Returns etc-

The University shall furnish to the Government such returns or other information with respect to its property or activities as the Government may, from time to time, require.

36. Conditions of service of employees-

- (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of the same shall be furnished to the employee concerned.
- (2) Any dispute arising out of a contract between the University and the employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire to be nominated by the Chancellor.
- (3) The decision of the Tribunal shall be final and no suit shall lie in any court in respect of matters decided by the Tribunal.
- (4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.
- (5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statute.

37. Right to appeal-

Every employee or student of the University, Colleges or of an Institution admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Chancellor against the decision of any officer or authority of the University, and thereupon the Chancellor may confirm, modify or reverse the decision appealed against.

38. Provident and pension funds-

The University shall constitute for the benefit of its employee such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

39. Disputes as to constitution of University authorities and bodies-

If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

40. Filling of casual vacancies-

All the 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 may be, by the person or body who appoints; elects or co-opts the members whose place has become vacant and any 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.

41. Proceedings of the University authorities or bodies not invalidated by vacancies-

No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

42. Protection of action taken in good faith-

No suit or other legal proceeding shall lie against any officer or other employee or against any authority of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes, Regulation or the Ordinances.

43. Mode of proof of University record-

Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceedings or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar so designated shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein, where the original thereof would, if produced, have been admissible in evidence.

44. Power to remove difficulties-

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

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act;

Provided further that every order made under this section shall be laid, as soon as it is made, before each House of Legislature.

45. Transitional Provisions-

Notwithstanding anything contained in this Act and the Statutes;

- (1) the first Vice-Chancellor, the first Registrar and the first Finance Officer shall be appointed by the Government and each of the said officers shall hold office for a term of four Years;
- (2) the first Court and the first Executive Council shall consist of not more than eleven members who shall be nominated by the Government and shall hold office for a term of four Years; and

Provided that if, any vacancy occurs in the above-mentioned offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the

Government, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office if such vacancy had not occurred.

46. Statutes and ordinances to be published in the official Gazette and to be laid before the Legislature-

- (1) Every Statute, Regulation or Ordinance made under this Act shall be published in the official Gazette.
- (2) Every Statute, Regulation or Ordinance made under this Act shall be laid, as soon as it is made, before the Houses of the Legislature, while it is in session, for a total period of fourteen days which may comprise in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be no effect as the case may be; so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under that Statute, ordinance or Regulation.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

7 ज्येष्ठ 1935 (श10)
(सं0 पटना 426) पटना, मंगलवार, 28 मई 2013

विधि विभाग

अधिसूचनाएं

28 मई 2013

संख्या-एल0जी0-1-6/2013/लेज: 90—बिहार विधान मंडल द्वारा यथापारित निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 25 मई, 2013 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
विनोद कुमार सिन्हा,
सरकार के सचिव।

आर्यभट्ट ज्ञान विश्वविद्यालय (संशोधन) अधिनियम, 2013

[बिहार अधिनियम 9, 2013]

आर्यभट्ट ज्ञान विश्वविद्यालय अधिनियम, 2008 (बिहार अधिनियम 24, 2008) का संशोधन करने के लिए अधिनियम।

प्रस्तावना :- आर्यभट्ट ज्ञान विश्वविद्यालय के प्रशासनिक सुदृढीकरण के लिए आर्यभट्ट ज्ञान विश्वविद्यालय अधिनियम, 2008 में कतिपय उपबंधों का संशोधन तथा कतिपय प्रावधानों का जोड़ना आवश्यक है।

भारत गणराज्य के चौसठवें वर्ष में बिहार राज्य विधान मंडल द्वारा यह निम्नलिखित रूप में अधिनियमित हो:-

1. **संक्षिप्त नाम, विस्तार एवं प्रारम्भ ।-** (1) यह अधिनियम आर्यभट्ट ज्ञान विश्वविद्यालय (संशोधन) अधिनियम, 2013 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।

(3) यह राजपत्र में इसकी अधिसूचना के प्रकाशन की तिथि से प्रवृत्त होगा।

2. **बिहार अधिनियम 24, 2008 की धारा-9 का प्रतिस्थापन ।** - बिहार अधिनियम 24, 2008 की धारा-9 निम्नलिखित द्वारा प्रतिस्थापित की जायगी :-

"9- विश्वविद्यालय के पदाधिकारी ।- विश्वविद्यालय के निम्नलिखित पदाधिकारी होंगे:-

(1) कुलपति

(2) प्रतिकुलपति

(3) डीन

(4) रजिस्ट्रार

(5) वित्तीय सलाहकार

(6) वित्त पदाधिकारी

(7) परीक्षा नियंत्रक

(8) पुस्तकालयाध्यक्ष।

(9) ऐसे अन्य पदाधिकारी जिन्हें परिणियम द्वारा विश्वविद्यालय का पदाधिकारी घोषित किया जाए।"

3. **बिहार अधिनियम 24, 2008 की धारा-12 के बाद नई धारा-12क, 12ख और 12ग का अंतःस्थापन ।-** "उक्त अधिनियम की धारा-12 के बाद निम्नलिखित नई धाराएँ अंतःस्थापित की जायगी :-

"12क" (1) प्रतिकुलपति :- प्रतिकुलपति ख्याति प्राप्त विद्वान होंगे।

(2) प्रतिकुलपति की नियुक्ति राज्य सरकार द्वारा की जाएगी।

(3) प्रतिकुलपति अपना पद धारण करने की तिथि से तीन वर्षों की पदावधि के लिए पद धारण करेगा और अगली एक पदावधि के लिए पुनर्नियुक्ति का पात्र होगा। पदावधि की समाप्ति के पश्चात् राज्य सरकार प्रतिकुलपति से यथाविनिर्दिष्ट अवधि, जो कुल एक वर्ष से अधिक नहीं होगी, तक पद पर बने रहने की अपेक्षा कर सकेगी।

(4) प्रतिकुलपति की परिलब्धियाँ एवं अन्य सेवा शर्तें वही होंगी जो जो राज्य सरकार द्वारा विहित की जाय।

12 ख - प्रतिकुलपति की शक्तियाँ, कर्तव्य एवं कृत्य :- प्रतिकुलपति कुलपति के नियंत्रणाधीन विश्वविद्यालय के अकादमिक एवं प्रशासनिक कार्यकलापों के कुशल संचालन एवं पर्यवेक्षण का उत्तरदायी होगा।

12 ग - प्रतिकुलपति को पद से हटाया जाना । - यदि किसी समय तथा यथावश्यक जाँच पड़ताल के पश्चात् राज्य सरकार को यह प्रतीत हो कि प्रतिकुलपति -

(क) इस अधिनियम, परिणियमो या अध्यादेशों के अधीन उसे अधिरोपित किसी कर्तव्य के निर्वहन करने में विफल हो गया है, अथवा

(ख) इस रीति से कार्य किया है जो विश्वविद्यालय के हितों के प्रतिकूल है, अथवा

(ग) विश्वविद्यालय के कार्यकलापों के प्रबंधन में असमर्थ रहा है, तो राज्य सरकार, इस तथ्य के होते हुए भी कि प्रतिकुलपति की पदावधि समाप्त नहीं हुई है, लिखित आदेश द्वारा, तथा उसमें कारणों का उल्लेख करते हुए आदेश में यथाविनिर्दिष्ट तिथि से, प्रतिकुलपति के पद से मुक्त कर सकेगी।

(घ) उपर्युक्त कंडिका-(ग) के अधीन तबतक कोई आदेश पारित नहीं किया जाएगा जबतक कि प्रस्तावित उल्लिखित आधारों, जिसपर कार्रवाई प्रस्तावित हो, को अधिकथित करते हुए, सूचना तामिल न कर दी गयी हो और प्रस्तावित आदेश के विरुद्ध कारण दर्शाने हेतु युक्तियुक्त अवसर प्रतिकुलपति को न दिया गया हो।"

4. **बिहार अधिनियम 24, 2008 की धारा-14 के बाद नई धारा-14क का अंतःस्थापन ।-** उक्त अधिनियम की धारा-14 के बाद निम्नलिखित नई धारा अंतःस्थापित की जाएगी :-

"14 क - वित्तीय सलाहकार। -(1) वित्तीय सलाहकार विश्वविद्यालय के पूर्णकालिक पदाधिकारी होंगे।

(2) वित्त सलाहकार की नियुक्ति राज्य सरकार द्वारा की जाएगी, जिस पर नियुक्ति/प्रतिनियुक्ति के माध्यम से भारतीय लेखापरीक्षा एवं लेखा सेवा के पदाधिकारी या किसी अन्य लेखा सेवा के पदाधिकारी अथवा चार्टर्ड एकाउंटेंट (सी०ए०) की नियुक्ति की जा सकेगी।

- (3) वित्तीय सलाहकार की नियुक्ति उसकी नियुक्ति की तारीख से तीन वर्षों के लिए होगी, परन्तु राज्य सरकार, इस तथ्य के होते हुए भी कि वित्तीय सलाहकार की पदावधि समाप्त नहीं हुई है, वित्तीय कदाचार अथवा कर्तव्यों के निर्वहन में विफलता अथवा अक्षमता के आधार पर कारणों का उल्लेख करते हुए लिखित आदेश द्वारा आदेश में यथाविनिर्दिष्ट तिथि से वित्तीय सलाहकार को सेवामुक्त कर सकेगी।
- (4) उप-धारा (3) के अधीन तब तक कोई आदेश पारित नहीं किया जाएगा जब तक कि प्रस्तावित उल्लिखित आधारों, जिस पर कार्रवाई प्रस्तावित हो, को अधिकथित करते हुए, सूचना तामिल न की गई हो और प्रस्तावित आदेश के विरुद्ध कारण दर्शाते हेतु युक्तियुक्त अवसर वित्तीय सलाहकार को न दिया गया हो।
- (5) वित्तीय सलाहकार की परिलब्धियाँ एवं सेवाशर्तें विश्वविद्यालय द्वारा राज्य सरकार के अनुमोदन से विहित की जाएगी।
- (6) वित्तीय सलाहकार विश्वविद्यालय के कुलपति के नियंत्रणाधीन विश्वविद्यालय के वित्तीय अनुशासन एवं पर्यवेक्षण का उत्तरदायी होगा।”

बिहार-राज्यपाल के आदेश से,
विनोद कुमार सिन्हा,
सरकार के सचिव।

28 मई 2013

सं० एल०जी०-1-6/2013/91/लेजः।—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 25 मई, 2013 को अनुमत आर्यभट्ट ज्ञान विश्वविद्यालय(संशोधन)अधिनियम,2013 का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड(3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समक्षा जायेगा ।

बिहार-राज्यपाल के आदेश से,
विनोद कुमार सिन्हा,
सरकार के सचिव।

The Aryabhatta Knowledge University (Amendment) Act, 2013

[Bihar Act 9, 2013]

AN

ACT

To amend the Aryabhatta Knowledge University Act, 2008 (Bihar Act 24, 2008)

Preamble:—For administrative consolidation of Aryabhatta Knowledge University, it is expedient to amend certain provisions and to add certain new provisions in The Aryabhatta Knowledge University Act, 2008.

Be it enacted by the Legislature of the State of Bihar in the sixty-fourth year of the Republic of India as follows:

1. **Short title, Extent and commencement.**—(1) This Act may be called the Aryabhatta Knowledge University (Amendment) Act, 2013.

(2) It shall extend to whole of the State of Bihar

(3) It shall come into force from the date of its publication, by notification in the official gazette.

2. **Substitution of Section-9 of Bihar Act 24 of 2008.**—Section-9 of the Bihar Act 24 of 2008, shall be substituted by the following:-

“9-Officers of the University-

The following shall be the officers of the University:—

- (1) the Vice-Chancellor;
- (2) the Pro-Vice Chancellor;
- (3) the Deans;
- (4) the Registrar;

- (5) the Financial Advisor;
- (6) the Finance Officer;
- (7) the Examination Controller;
- (8) the Librarian;
- (9) such other officers as may be declared by the Statutes to be officers of the University."

3. Insertion of new Section 12A, 12B and 12C after Section 12 of Bihar Act 24 of 2008- After section-12 of the said Act, the following new sections shall be inserted :-

"**12A-**(1) The Pro-Vice Chancellor shall be scholar of eminence;

(2) The Pro-Vice Chancellor shall be appointed by the State Government;

(3) The Pro-Vice Chancellor shall hold his office for a term of three years from the date on which he enters upon his office and he shall be eligible for re-appointment for next one term. The State Government may require the Pro-Vice Chancellor to continue in the office for such period which will not exceed the total period of one year and as may be specified by the Government after expiry of the term;

(4) The emoluments and other conditions of service of the Pro-Vice Chancellor shall be as may be prescribed by the State Government.

12B- Powers, Duties and Functions of the Pro-Vice Chancellor :- The Pro-Vice Chancellor shall be responsible for skillful conduct of the academic & administrative affairs and supervision of the university under the control of the Vice-chancellor.

12C - Removal of the Pro-Vice Chancellor:- If at any time and after such enquiry as may be considered necessary, it appears, to the State Government that the Pro-Vice Chancellor-

(a) has failed to discharge any duty imposed upon him, by or under this Act, the Statutes, the Ordinances, or

(b) has acted in a manner prejudicial to the interests of the University, or

(c) has been incapable of managing the affairs of the University,

The State Government, may, notwithstanding the fact that the term of office of the Pro-Vice Chancellor has not expired, terminate the appointment of the Pro-Vice Chancellor, by an order in writing stating the reasons thereof, from the date as may be specified in the order.

(d) No order shall be passed under sub section (c) above till the proposed mentioned grounds, on which action has been proposed, shall be served and adequate opportunities to show cause has been given to the Pro-Vice Chancellor."

4. Insertion of new section 14A after section 14 of Bihar Act 24 of 2008.- After section-14 of the said Act, the following new section shall be inserted :—

"**14A- The Financial Adviser.-** (1) The Financial Advisor shall be whole time officer of the University;

(2) The Financial Advisor shall be appointed by the State Government, officers of Indian Audit & Accounts Service or officers of any other Accounts Service or Chartered Accountant may be appointed through appointment/deputation;

(3) The appointment of the Financial Advisor shall be for three years from the date of appointment, but the State Government, notwithstanding the fact that the term of office of the Financial Advisor has not expired, may terminate the service of the Financial Advisor by an order in writing stating the reasons thereof from the date as may be specified in the order on the ground of financial misbehavior or failure to discharge his duty or incompetence;

(4) No order shall be passed under Sub-section-(3) till the proposed mentioned grounds, on which action has been proposed, shall be served and adequate opportunities to show cause has been given to the Financial Advisor;

(5) The emoluments and other conditions of service of the Financial Advisor shall be as prescribed by the University with the approval of State Government;

(6) The Financial Advisor shall be responsible for Financial discipline and supervision of the university controlled by the Vice-Chancellor."

By order of the Governor of Bihar,
VINOD KUMAR SINHA,
Secretary to Government.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

18 श्रावण 1943 (श10)
(सं0 पटना 675) पटना, सोमवार, 9 अगस्त 2021

fof/k foHk

अधिसूचना

9 अगस्त 2021

सं० एल०जी० 01-14/2021-4284/लेज।—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 06 अगस्त 2021 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

fcglj&jH; iky dsvkškl‡
पी०सी०चौधरी,
ljdj dsl fpoA

[fcglj vf/lfu; e 18] 2021]

आर्यभट्ट ज्ञान विश्वविद्यालय (संशोधन) अधिनियम, 2021

आर्यभट्ट ज्ञान विश्वविद्यालय अधिनियम 2008 (बिहार अधिनियम 24, 2008) का संशोधन करने के लिए अधिनियम।

आर्यभट्ट ज्ञान विश्वविद्यालय, पटना को वर्तमान परिप्रेक्ष्य सम्यक् संचालन हेतु आर्यभट्ट ज्ञान विश्वविद्यालय अधिनियम, 2008 के कतिपय विद्यमान प्रावधानों में संशोधन एवं कतिपय नये प्रावधानों का समावेशन किया जाना आवश्यक है।

भारत-गणराज्य के बहतरवे वर्ष में बिहार राज्य विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1- l fhr ule] foLrlj , oaijHHA&

- (1) यह अधिनियम आर्यभट्ट ज्ञान विश्वविद्यालय (संशोधन) अधिनियम, 2021 कहा जा सकेगा।
- (2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।
- (3) यह राजपत्र में अधिसूचना के प्रकाशन की तिथि से प्रवृत्त होगा।

2- fcglj vf/lfu; e 24] 2008 dh iZrlouk ea l alku A& बिहार अधिनियम 24, 2008 की प्रस्तावना निम्नलिखित द्वारा प्रतिस्थापित की जाएगी :-

राज्य में व्यवसायिक शिक्षा की प्रचलित एवं नवीन विधाओं में शिक्षण की उत्कृष्टता, शोध की सम्प्राप्ति एवं अभिवर्द्धन तथा राज्य सरकार अथवा ट्रस्ट अथवा सोसायटी के द्वारा नैनो टेक्नोलॉजी, खगोल विज्ञान, पर्यावरण विज्ञान एवं जलवायु परिवर्तन, नदी अध्ययन, अर्थशास्त्र, पत्रकारिता एवं जनसंचार, भौगोलिक अध्ययन, गैर-पारंपरिक ऊर्जा, कला एवं संस्कृति, दर्शन, स्टेम सेल टेक्नोलॉजी, पुरातत्व एवं संरक्षकीय अध्ययन एवं अन्य विधाओं के क्षेत्र में स्थापित संस्थानों के संचालन एवं मान्यता प्रदान करने के निमित्त एक विश्वविद्यालय की स्थापना एवं समावेशन करने के लिए ;

भारत गणराज्य के उनसठवे वर्ष में बिहार राज्य विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो।

3- fcglj vf/lfu; e 24] 2008 dh/ljk 2 eal alku ।- बिहार अधिनियम 24, 2008 की धारा 2 की उपधारा 27, 28 एवं 36 को प्रतिस्थापित किया जायेगा तथा नई उपधारा 37 निम्नवत् जोड़ा जायेगा :-

- (27) "व्यावसायिक शिक्षा" से अभिप्रेत है, ऐसे कार्य से संबंधित शिक्षा जो नौकरी पाने से जुड़ी हो जिसमें नैनो टेक्नोलॉजी, खगोल विज्ञान, पर्यावरण विज्ञान एवं जलवायु परिवर्तन, नदी अध्ययन, अर्थशास्त्र, पत्रकारिता एवं जनसंचार, भौगोलिक अध्ययन, गैर-पारंपरिक ऊर्जा, कला एवं संस्कृति, दर्शन, स्टेम सेल टेक्नोलॉजी, पुरातत्व एवं संरक्षकीय अध्ययन एवं अन्य विधाओं में विशेष प्रशिक्षण अथवा कौशल की आवश्यकता हो,
- (28) "मान्यता प्राप्त शिक्षक" से अभिप्रेत है, ऐसे व्यक्ति, जो विश्वविद्यालय में अनुदेश देने के प्रयोजनार्थ विश्वविद्यालय द्वारा अनुमोदित किए गये हैं,
- (36) "विश्वविद्यालय शिक्षक" से अभिप्रेत है, प्राध्यापक, सह-प्राध्यापक एवं सहायक प्राध्यापक,
- (37). "विभागाध्यक्ष" से अभिप्रेत है, किसी विभाग का प्रमुख।

4- fcglj vf/lfu; e 24] 2008 dh/ljk 4 eal alku ।- बिहार अधिनियम 24, 2008 की धारा 4 में एक नई उप धारा (6) निम्नरूपेण जोड़ा जाएगा :-

(6) बिहार सरकार द्वारा किसी विशेष पेशेवर क्षेत्र के लिए नये विश्वविद्यालय की स्थापना के पश्चात राज्य सरकार अथवा ट्रस्ट अथवा सोसाईटी द्वारा स्थापित एवं वर्तमान में अस्तित्व में संस्थाएँ नये विश्वविद्यालय से संबद्ध हो जाएगी तथा नये अधिनियम के प्रावधानों से शासित होंगी।

5- fcglj vf/lfu; e 24] 2008 dh/ljk 10 eal alku ।- बिहार अधिनियम 24, 2008 की धारा 10 की उप धारा (1) को निम्नवत् प्रतिस्थापित किया जाएगा एवं उप धारा (3) के द्वितीय परन्तुक को विलोपित किया जाएगा :-

- (1) कुलपति उच्चतम स्तर की क्षमता, निष्ठा, नैतिकता एवं संस्थागत प्रतिबद्धता रखने वाले व्यक्ति होंगे। इस अधिनियम की धारा-2 की उपधारा (27) के विषयों के अनुरूप वे ख्याति प्राप्त विद्वान होंगे जिन्हें विश्वविद्यालय प्रोफेसर के रूप में न्यूनतम 10 वर्षों का अनुभव प्राप्त हों अथवा परिभाषा के अनुरूप जिनके पास किसी प्रतिष्ठित शोध या अकादमिक प्रशासकीय संगठन में न्यूनतम 10 वर्षों का अकादमिक नेतृत्व प्रदर्शन का प्रमाण हो।
- (2) उप धारा (3) का दूसरा परन्तुक विलोपित।

6- fcglj vf/lfu; e 24] 2008 dh/ljk 18 eal alku ।- बिहार अधिनियम 24, 2008 की धारा 18 की उपधारा (2) को निम्नरूपेण प्रतिस्थापित किया जाएगा :-

- (2) सभा की बैठक प्रत्येक वर्ष कम से कम एक बार आवश्यक रूप से होगी। कार्यकारिणी परिषद द्वारा अध्यक्ष के परामर्श पर सभा की बैठक की तिथि एवं समय निर्धारित की जाएगी।

7- fcglj vf/lfu; e 24] 2008 dh/ljk 28 eal alku A& बिहार अधिनियम 24, 2008 की धारा 28 की उप धारा (3) को प्रतिस्थापित किया जाएगा, उपधारा (4) को विलोपित किया जाएगा एवं इसमें एक नयी उपधारा (5) निम्नवत् जोड़ा जाएगा :-

- (3) कोई नया परिनियम या परिनियम में खण्ड जोड़ा जाना अथवा उसमें कोई संशोधन या निरसन में राज्य सरकार के अनुमोदन के उपरांत कुलाधिपति की सहमति अपेक्षित होगी, जो उस पर सहमति दे सकेंगे या सहमति रोक सकेंगे या उसपर पुनर्विचार के लिए कार्यकारिणी परिषद् को वापस कर सकेंगे;

परन्तु राज्य सरकार उसे कार्यकारिणी परिषद् को पुनर्विचार हेतु वापस कर सकेगा।

- (4) विलोपित

- (5) राज्य सरकार वर्तमान परिनियम में कोई निरसन अथवा संशोधन अथवा उसमें जोड़े जाने के लिए एवं नये परिनियम के गठन के लिए कार्यकारिणी परिषद् को प्रस्ताव कर सकेगी।

8 fclj vf/fu; e 24 2008 dh/ljk 31 eal alku A& बिहार अधिनियम 24, 2008 की धारा 31 के वर्तमान प्रावधान को उपधारा (1) के रूप में संख्यांकित करते हुए इस धारा में एक नई उपधारा (2) निम्नवत् जोड़ा जाएगा :-

- (2) (क) विश्वविद्यालय के अन्तर्गत शैक्षणिक अथवा गैर शैक्षणिक पद राज्य सरकार की सहमति से सृजित किया जाएगा।

- (ख) इस अधिनियम अथवा इसके अधीन निर्मित परिनियम, नियम और विनियम के प्रावधानों के विपरीत की गई नियुक्ति अथवा प्रोन्नति अमान्य होगी एवं उसको किसी भी समय निरस्त किया जाएगा। इस प्रकार की अनियमित नियुक्ति अथवा प्रोन्नति में विश्वविद्यालय द्वारा किए गए व्यय को इस प्रकार के अनियमित नियुक्ति अथवा प्रोन्नति करने वाले पदाधिकारी से पब्लिक डिमांड रिकवरी एक्ट, 1914 के प्रावधानों के अधीन वसूली की जाएगी।

9 Q lfr A& इस अधिनियम के प्रभावी होने के पश्चात् बिहार अधिनियम 24, 2008 की प्रस्तावना, धारा 2, धारा 4, धारा 10, धारा 18, धारा 28 एवं धारा 31 में किए गए संशोधनों तथा धारा 10 की उपधारा (3) के दूसरे परन्तुक एवं धारा 28 की उपधारा (4) के विलोपन के बावजूद पूर्व में की गई कोई भी कार्रवाई इस अधिनियम के प्रावधानों के अधीन किया गया कार्रवाई समझा जाएगा, मानो यह अधिनियम उस तिथि एवं उस कार्रवाई को करने के समय प्रवृत्त था।

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9 अगस्त 2021

सं० एल०जी०-01-14/2021&4285@yt—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 06 अगस्त 2021 को अनुमत **आर्यभट्ट ज्ञान विश्वविद्यालय (संशोधन) अधिनियम, 2021 fclj vf/fu; e 18 2021** का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

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[Bihar Act 18, 2021]

ARYABHATTA KNOWLEDGE UNIVERSITY (AMENDMENT) ACT, 2021

AN

ACT

To Amend the Aryabhatta Knowledge University Act, 2008 (Bihar Act 24, 2008)

For proper functioning of Aryabhatta Knowledge University in the current perspective, it is expedient to amend certain provisions and to add certain new provisions in the Aryabhatta Knowledge University Act, 2008.

Be it enacted by the Legislature of the State of Bihar in the seventy-second year of the Republic of India as follows:

1. Short title, Extent and commencement.—

- (1) This Act may be called the Aryabhatta Knowledge University (Amendment) Act, 2021.
- (2) It shall extend to the whole State of Bihar.
- (3) It shall come into force from the date of publication of the notification in the official gazette.

2. Amendment in Preamble of Bihar Act 24, 2008.— *Preamble of Bihar Act, 24, 2008, shall be substituted by the following.*—To establish and incorporate a University to achieve excellence in teaching, to promote and augment research in Professional Education and new frontiers of learning and knowledge and to conduct and facilitate affiliation of institutions set up by the State Government or Trust or Society in the fields of Nanotechnology, Astronomy, Environmental Science and Climate Change, River Studies, Economics, Journalism and mass Communication, Geographical Studies, Non Conventional Energy, Art and Culture, Philosophy, Stem Cell Technology, Archaeology and Curatorial Studies and others.

Be it enacted by the Legislature in the State of Bihar in the Fifty-Ninth year of the Republic of India as follows:

3. Amendment in Section 2 of Bihar Act 24, 2008.—While substituting Sub Section 27, 28 and 36 of Section 2 of the Bihar Act 24, 2008 by the following, one new Section 37 shall be inserted in the following manner:-

- (27) '*Professional Education*' means education connected with a job that needs special training or skill in the fields of Nanotechnology, Astronomy, Environmental Science and Climate Change, River Studies, Economics, Journalism and mass Communication, Geographical Studies, Non Conventional Energy, Art and Culture, Philosophy, Stem Cell Technology, Archaeology and Curatorial Studies and others ;
- (28) '*Recognized Teachers*' means such persons as are approved by the University for the purpose of imparting instruction in the University;
- (36) '*University Teachers*' means Assistant Professor, Associate Professor and Professor;
- (37) '*Head of Department*' means Head of a Department;

4. Amendment in Section 4 of Bihar Act 24, 2008.—A new Sub Section (6) in Section 4 of the Bihar Act 24, 2008 shall be inserted which is as follows:-

- (6) After establishment of any new university in the State of Bihar for a particular professional field, all existing institutions set up by the Government or Trust or Society affiliated with the university will be governed by the provisions of the new Act.

5. Amendment in Section 10 of Bihar Act 24, 2008.— Sub Section (1) of Section 10 of the Bihar Act 24, 2008 shall be substituted by the following and second Proviso of Sub Section (3) shall be deleted:-

- (1) The Vice Chancellor shall be a person possessing the highest level of competence, integrity, morals and institutional commitment. He should be a distinguished academician with a minimum of ten years experience as Professor in a University or ten years of experience in a reputed research or Academic Administrative organisation with proof of having Demonstrated Academic leadership, in the fields as defined in Section 2(27) of this Act.
- (3) Second Proviso to sub section (3) deleted.

6. Amendment in Section 18 of Bihar Act 24, 2008.—Sub Section (2) of Section 18 of the Bihar Act 24, 2008 shall be substituted by the following:-(2) The Court shall necessarily meet at least once every year. The Executive Council shall fix the date and time for the meeting on the advice of the Chairman of the Court.

7. Amendment in Section 28 of Bihar Act 24, 2008.—Sub Section (3) of Section 28 of Bihar Act 24, 2008, shall be substituted, Sub Section (4) shall be deleted and one Sub Section (5) shall be inserted in the following manner:-

- (3) Every new statute or addition of sections to the statutes or any amendment or repeal thereof, shall be sent to the Chancellor for his assent after the consent of the state Government, who may assent thereto or withhold his assent or remit it to the Executive Council for reconsideration.

Provided that the State Government may remit it to the Executive Council for reconsideration

- (4) deleted
 (5) The State Government may propose to repeal, amend or add to existing statutes and to frame new statutes to the Executive Council.

8. Amendment in Section 31 of Bihar Act 24, 2008.—Insertion of following new Sub Section (2) in Section 31 of Bihar Act 24, 2008 after numbering the existing provision as Sub Section (1):-

- (2) (a) Teaching or non-teaching posts in the university shall be created with the consent of the State Government.
 (b) Any appointment or promotion made contrary to the provision of this Act, or Statutes, Rules or Regulations made there under shall be invalid and shall be terminated at any time. The expenditure incurred by the university against such irregular appointment or promotion shall be realized from the officer making such irregular appointment or promotion as a Public Demand under the provisions of the Public Demand Recovery Act, 1914.

9. Saving.—After this Act comes into force, any action taken in exercise of power conferred by or under this Act, shall be deemed to have done in exercise of power conferred by or under this Act, as if this Act, were in force on the day on which such action was done, notwithstanding amendments in the Preamble, Section 2, Section 4, Section 10, Section 18, Section 28, Section 31 and deletion of second proviso to the Sub Section (3) of Section 10 and Sub Section (4) of Section 28 of Bihar Act 24, 2008.

P.C.CHOUDHARY,
Secretary to the Government.

अधीक्षक, सचिवालय मुद्रणालय,
 बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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