



The Capital University Act, 2022

Act No. 10 of 2022

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

CHAPTER I
PRELIMINARY

- Short title, extent and commencement.** 1. (1) This Act may be called the Capital University Act, 2022.
(2) It shall extend to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- Definitions.** 2. In this Act, unless the context otherwise requires:
- (a) "Academic Council" means the Academic Council of the University as specified in Section 24 of the Act;
 - (b) "Annual Report" means the Annual report of the University as referred to in Section 39 of the Act;
 - (c) "Board of Management" means the Board of Management of the University as constituted under Section 23 of the Act;
 - (d) "Campus" means the area of the University in which it is established;
 - (e) "Chancellor" means the Chancellor of the University appointed under Section 12 of the Act;
 - (f) "The Chief Finance and Accounts Officer" means the Chief Finance and Accounts Officer of the University appointed under Section 18 of the Act;
 - (g) "Controller of Examinations" means the Controller of Examinations of the University appointed under Section 19 of the Act;
 - (h) "Constituent College" means a college or an institution maintained by the University;
 - (i) "Employee" means employee appointed by the University; and includes teachers and others staff of the University or of a constituent college;
 - (j) "Endowment fund" means the endowment fund of the University established under Section 37 of the Act;
 - (k) "Faculty" means group of academic departments of similar disciplines;
 - (l) "Fee" means collection made by the University from the students for the purpose of any course of study and incidental thereto, in the University;
 - (m) "General Fund" means the General fund of the University established under Section 38 of the Act;
 - (n) "Governing Body" means the Governing Body of the University constituted under Section 22 of the Act;

- (o) "National Assessment and Accreditation Council" means National Assessment and Accreditation Council, Bengaluru, an autonomous institution of the University Grants Commission;
- (p) "Prescribed" means prescribed by the Statutes and the rules made under this Act;
- (q) "Pro Vice-Chancellor" means the Pro Vice-Chancellor of the University appointed under Section 15 of the Act;
- (r) "Registrar" means the Registrar of the University appointed under Section 17 of the Act;
- (s) "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 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 Nursing Council, Indian Council of Agricultural Research, Council of Scientific and Industrial Research, etc. and includes the Government or any such body constituted by the Government of India or the State Government;
- (t) "Rules" means the rule of the University made under this Act;
- (u) "Schedule" means schedule appended to this Act;
- (v) "Sponsoring Body" in relation to the Capital University means (i) a society registered under Societies Registration Act, 1860, or (ii) a public trust registered under Indian Trust Act, 1882, or (iii) a company registered under Section 8 under Act, 2013 of Ministry of Corporate Affairs, Government of India;
- (w) "State Government" means the State Government of Sikkim;
- (x) "Statutes", "Ordinances", and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (y) "Student of the University" means a person enrolled in the University for taking a course of study for a degree, diploma, or other academic distinction duly instituted by the University, including a research degree;
- (z) "Teacher" means a Professor, Associate Professor, Assistant Professor or such of the other person as may be appointed for imparting instruction or conducting research in the University or in a Constituent College or Institution and includes the Principal of a Constituent College or institution, in conformity with the norms prescribed by the University Grants Commission;
- (aa) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;

- (bb) "University" means Capital University, Sikkim established under this Act;
- (cc) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under Section 13 of the Act;
- (dd) "Visitor" means the Visitor of the University referred to in Section 10 of the Act.

CHAPTER II

ESTABLISHMENT OF THE UNIVERSITY

Establishment of the University.

3. (1) There shall be established a University by the name 'CapitalUniversity'.
- (2) The headquarters of the University shall be within the State of Sikkim and shall be situated at West Sikkim.
- (3) The University shall start operation only after the State Government issues the letter of authorization.
- (4) The University shall meet the conditions mentioned in the Schedule A of the Act within the stipulated time.
- (5) The Governing Body, the Board of Management, the Academic Council, the Chancellor, the Vice-Chancellor, the Pro Vice-Chancellor, the Registrar, the Teachers, the Chief Finance and Accounts Officer and such other officers or members or authorities so long as they continue to hold such office or membership of the University hereby constitute a body corporate by the name of the University.
- (6) The University shall function as non-affiliating University and they shall not affiliate any other college or institute for the conferment of degree, diploma and for grant of certificate to the students admitted therein.
- (7) The constituent colleges and institutions of the Sponsoring Body affiliated to and enjoying the privileges of any University immediately before the commencement of this Act shall cease to be affiliated from that University and shall be deemed to be withdrawn from such privileges from the date of commencement of this Act and shall be deemed to be admitted to the privileges of Capital University. University of the Sponsoring Body and all such colleges and institutions shall be the constituent colleges and institutions of Capital University.
- (8) The University shall be a body corporate by the name 'Capital University' and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.
- (9) The University shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government:

Provided that, the State Government or the Central Government may provide financial support, including through grants or otherwise: -

- (a) for research, development and other activities for which other State Government organizations are provided financial assistance, or
- (b) for any specific research or programme-based activity.

Properties of the University and its application.

4. (1) On the establishment of the University the land and other movable and immovable properties acquired, created, arranged, or built by the University for the purpose of the University in the State of Sikkim shall vest in the University.
- (2) The land, building and other properties acquired for the University shall not be used for any purpose other than that for which the same is acquired.
- (3) The properties, movable or immovable, of the University shall be administered by the Governing Body in such manner as may be provided for by the regulations.
- (4) The properties in the name of the University under sub-section (1) shall be applied for meeting the liabilities of the University in the event of dissolution or winding up of the University in such manner as may be prescribed in the rules.

Restrictions and obligations of the University.

5. (1) The tuition fees for professional courses such as Engineering & Technology, Medicine, Management, Law in the University shall be determined by the University under the supervision of the Regulatory Body notified by the State Government from time to time.
- (2) Admission in the University shall be strictly on the basis of merit. Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by the University or an association of the Universities conducting similar courses or by any agency of the State Government:

Provided that the admission in professional educational colleges or institutions of the University shall be governed under the provisions of the Regulatory Bodies.

- (3) The University shall allow merit scholarship to at least 5(five) percent of the total strength, to the students belonging to poor and economically backward classes. The relevant criteria for determining the poor and economically backward classes shall be such as may be determined by the State Government from time to time.

- (4) The University shall compulsorily make provisions for reservation of seats for the students domiciled in the State of Sikkim to the extent of at least 25 (twenty-five) percent of the total students in the University. The reservation of seats shall be regulated by the prevalent laws and orders of the State Government from time to time.
- (5) The University shall make provisions for reservation of non-teaching posts in the University for the persons domiciled in the State of Sikkim to the extent of at least 50 (fifty) percent of the total number of non-teaching posts of the University. The reservation of seats shall be regulated by the laws and orders of the State Government from time to time.
- (6) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than prescribed by the relevant Regulatory Bodies.
- (7) The University shall compulsorily place in the public domain every information in relation to the University which would be of interest to the students and other stakeholders *inter alia*, including the courses offered, number of seats under different categories, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information.
- (8) The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.
- (9) The University shall obtain accreditation from the National Assessment and Accreditation Council (NAAC) within 7 (seven) years of its establishment and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.
- (10) Notwithstanding anything contained in this Act, the University shall be bound to comply the conditions mentioned in Schedule A of this Act, and all the rules, regulations, norms, etc., of the regulating bodies of Government of India and State Government and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Objects of the University.

6. The objects of the University shall be to disseminate and advance knowledge and skill by providing instructional, research and extension of facilities and in such branches of learning as it may deem fit and the University shall endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of:

- (a) innovations in education leading to restructuring of courses, new methods of teaching, training and learning including online learning, blended learning, continuing education and such other modes and integrated and wholesome development of personality;
- (b) studies in various disciplines;
- (c) inter-disciplinary studies;
- (d) national integration, secularism and social equity and international understanding and ethics.

University open to all irrespective of sex, religion, class, colour, creed or opinion.

7. No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any course of study leading to a degree, diploma or other academic distinction on the grounds of sex, race, creed, class, caste, place of birth and religious belief or political or other opinion.

The University shall have the following power and functions.

8. (a) To administer and manage the University, establish, administer and manage its constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance learning and e-learning at its campus within the State of Sikkim;
- (b) to provide for research, higher education, professional education, teaching training, extension and outreach including continuing education, distance learning and e-learning in the fields of Science, Technology, Humanities, Social Sciences, Education, Management, Commerce, Law, Pharmacy, Healthcare and any other fields;
- (c) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;
- (d) to prescribe courses, curricula and methodologies including electronic and distance learning and provide for flexibility in the delivery of education;
- (e) to hold examination and confer degree, diploma or grant certificate and other academic distinctions or title on persons subject to such condition as the University may determine and to withdraw or cancel any such degree, diploma or certificates and other academic distinction or titles in the manner prescribed by the Regulations;
- (f) to institute and award fellowships, scholarships, medals and prizes;
- (g) to confer honorary degrees or other distinction on the manner prescribed by the Statutes;

- (h) to establish schools, centres, institutes, colleges and conduct the programme and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;
- (i) to declare as a constituent college any college, centre, institution imparting education as are in the opinion on the University necessary for the furtherance of its objects or to establish a new constituent college, centre, institution for the purpose;
- (j) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;
- (k) to establish knowledge resource centre;
- (l) to sponsor and undertake research and educational programmes in the fields of Science, Technology, Humanities, Social Sciences, Education, Management, Commerce, Law, Pharmacy, Healthcare and any other allied areas;
- (m) to collaborate or associate with any educational institution with like or similar objects;
- (n) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;
- (o) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;
- (p) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;
- (q) to render services of research, training, consultancy and such other services as required for the purposes of the University;
- (r) to develop and maintain relationships with faculty, researchers, administrators and domain experts in Science, Technology, Humanities, Social Sciences, Education, Management, Law, Commerce, Pharmacy, Healthcare and allied area for achieving the objects of the University;
- (s) to make special arrangement in respect to women and other disadvantaged students as the University may consider desirable;
- (t) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- (u) to receive funds, movable and immovable properties, equipment, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University;

- (v) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;
- (w) to construct, manage and maintain centres, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;
- (x) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;
- (y) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;
- (z) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (aa) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (bb) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- (cc) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;
- (dd) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay all expenses out of the funds of the University.

- Bar to affiliation.** 9. (1) The University shall not admit any college or institution to the privilege of affiliation.
- (2) The University may open any off-campus, off-shore campus, and study centre, examination centre in or out of the State of Sikkim only after the prior approval of University Grants Commission or such regulatory body established by the Government of State or Central Government, as the case may be.
- (3) Courses under distance mode can be started only after the prior approval of University Grants Commission or such regulatory body established by the Government.

- The Visitor.** 10. (1) The Governor of Sikkim shall be the Visitor of the University.

- (2) The Visitor shall, when present, preside at the convocation of the University for conferring degrees, diplomas, charters, designation and certificates.
- (3) The Visitor shall have the right to visit the University or any institution maintained by the University to ensure the standard of education, discipline, decorum and proper functioning of the University.

Officers of the University.

11. The following shall be the officers of the University:

- (a) the Chancellor,
- (b) the Vice-Chancellor,
- (c) the Pro Vice-Chancellor,
- (d) the Director/Principal,
- (e) the Registrar,
- (f) the Chief Finance and Accounts Officer,
- (g) the Controller of Examinations,
- (h) the Dean of Students Welfare,
- (i) the Dean of Faculty,
- (j) the Proctor, and
- (k) such other officers as may be declared by the Statute to the officers of the University.

The Chancellor.

- 12.** (1) The Chancellor shall be appointed by the Sponsoring Body for a period of 5 (five) years with the approval of the Visitor by following such procedures and on such terms and conditions as may be prescribed. On the expiry of the term, the Chancellor may be re-appointed by the Sponsoring Body in consultation with the Visitor.
- (2) The Chancellor by virtue of his office shall be the head of the University.
 - (3) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside over the convocation of the University for conferring degrees, diplomas or other academic distinctions.
 - (4) The Chancellor may in writing under his hand addressed to the head of the Sponsoring Body resign his office.
 - (5) The Chancellor shall have the following powers, namely:
 - i) to call for any information or record;
 - ii) to appoint the Vice-Chancellor;
 - iii) to remove the Vice-Chancellor in accordance with the provisions of this Act; and

- iv) such other powers as may be conferred on him by this Act or Statutes made thereunder.

The Vice-Chancellor.

13. (1) The Vice-Chancellor shall be appointed by the Chancellor as per the qualifications prescribed by the University Grants Commission and shall hold office for a period of 5 (five) years:

Provided that a person appointed as Vice-Chancellor shall retire from office during tenure of his office or extension thereof, if any, when he completes the age of 70 (seventy) years:

Provided further that after the expiry of the term of 5 (five) years, the Vice-Chancellor shall be eligible for re-appointment for another term of 5 (five) years.

- (2) The Vice-Chancellor shall be the Principal Executive and 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.
- (3) In the absence of both the Visitor and the Chancellor, the Vice-Chancellor shall preside over the convocation of the University.
- (4) 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 convey to such authority the action taken by him on such matters:

Provided that if the authority of the University or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section may prefer an appeal to the Chancellor within 1 (one) month from the date of communication of such decision. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

- (5) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

Removal of the Vice-Chancellor.

14. (1) If at any time and after such inquiry 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) is incapable of managing the affairs of the University, then 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 reason therefore, 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.
- The Pro Vice-Chancellor.** 15. (1) The Pro Vice-Chancellor shall be appointed by the Chancellor in such manner and shall exercise such powers and perform such functions as may be prescribed.
- (2) The Pro Vice-Chancellor appointed under sub-section (1) shall discharge his duties in addition to his duties as a Professor.
- (3) The Pro Vice-Chancellor shall assist the Vice-Chancellor in discharging his duties as and when required by the Vice-Chancellor.
- (4) The Pro Vice-Chancellor shall get honorarium of such amount as may be determined by the Sponsoring Body.
- Director(s)/ Principal(s).** 16. The Director/Principal shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.
- The Registrar.** 17. (1) Registrar shall be appointed by the Chairperson of the Sponsoring Body in such manner, as may be specified in the Statutes. The Registrar shall possess the qualifications prescribed by the University Grants Commission.
- (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 other power and perform such other functions as may be prescribed.
- (3) The Registrar shall be the ex-officio Member Secretary of the Executive Council and the Academic Council but shall not have a right to vote.
- The Chief Finance and Accounts Officer.** 18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chairperson of the Sponsoring Body in such manner as may be specified by the Statutes.
- (2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified by the Statutes.
- The Controller of Examinations.** 19. (1) The Controller of Examinations shall be whole time officer of the University and shall be appointed by the Chancellor in accordance with the Statutes.
- (2) It shall be the duty of the Controller of Examinations:
- (a) to conduct examinations in a disciplined and efficient manner;

- (b) to arrange for the setting of question papers with strict regards to secrecy;
- (c) to arrange for the evaluation of answer sheets in accordance with the planned time schedule for results;
- (d) to constantly review the system of examinations in order to enhance the level of impartiality and objectivity with a view to make it better instrument for assessing the attainments of students;
- (e) to deal with any other matter connected with examinations which may, from time to time be assigned to him by the Vice-Chancellor.

Other officers. 20. Manner of appointment and power and duties of the other officers of the University including the Dean of Students Welfare, Dean of Faculty and Chief Proctor shall be such as may be prescribed.

Authorities of the University. 21. The following shall be the authorities of the University:

- (a) the Governing Body;
- (b) the Board of Management;
- (c) the Academic Council;
- (d) the Finance Committee;
- (e) the Planning Board; and
- (f) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Governing Body. 22. (1) The Governing Body shall have the following members, namely:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Secretary to the Government, Department of Higher and Technical Education, Government of Sikkim or his nominee;
- (d) five persons nominated by the Sponsoring Body, out of which two shall be eminent educationists;
- (e) one expert of management or technology from outside the University, nominated by the Chancellor; and
- (f) one expert of finance, nominated by the Chancellor.

(2) The Governing Body shall be the supreme authority and principal governing body of the University. It shall have the following powers, namely:

- (a) to provide general superintendence and directions and to control the functioning of the University by using all such powers as are provided by this Act, Statutes, Ordinances, Regulations or Rules;

- (b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act, Statutes, Ordinances, Regulations or Rules;
 - (c) to approve the budget and annual report of the University;
 - (d) to lay down the extensive policies to be followed by the University;
 - (e) to recommend to the Sponsoring Body for the dissolution of the University if a situation arises when there is no smooth functioning of the University in spite of best efforts; and
 - (f) such other powers as may be specified by the Statutes.
- (3) The Governing Body shall meet at least 3 (three) times in a calendar year.
- (4) The quorum of the meeting shall be 4 (four):

Provided that the Secretary to the Government, Department of Higher and Technical Education, Sikkim, or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies/ instructions are to be taken.

The Board of Management.

23. (1) The Board of Management shall consist of the following members, namely:
- (a) the Vice-Chancellor;
 - (b) the Secretary to the Government, Department of Higher and Technical Education, Sikkim or his nominee;
 - (c) two members of the Governing Body, nominated by the Sponsoring Body;
 - (d) three persons, who are not the members of the Governing Body, nominated by the Sponsoring Body;
 - (e) three persons, from amongst the teachers, nominated by the Sponsoring Body; and
 - (f) two teachers, nominated by the Vice-Chancellor.
- (2) The Vice-Chancellor shall be the Chairperson of the Board of Management.
- (3) The powers and functions of the Board of Management shall be such as may be specified by the Statutes.
- (4) The quorum for the meeting of the Board of Management shall be 5 (five):

Provided that the Secretary to the Government, Department of Higher and Technical Education, Sikkim, or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies/ instructions are to be taken.

- The Academic Council.**
24. (1) The Academic Council shall consist of the Vice-Chancellor and such members as may be specified by the Statutes.
- (2) The Vice-Chancellor shall be the Chairperson of the Academic Council.
- (3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, Statutes, Ordinances, Regulations or Rules, coordinate and exercise general supervision over the academic policies of the University.
- (4) The quorum for meetings of the Academic Council shall be such as may be specified by the Statutes.
- The Finance Committee.**
25. (1) The Finance Committee shall be the principal financial body of the University to take care of the financial matters.
- (2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.
- The Planning Board.**
26. (1) The Planning Board shall be the principal planning body of the University and shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective Councils.
- (2) The constitution of the Planning Board, term of office of its members and its power and functions shall be such as may be prescribed.
- Other authorities.**
27. The constitution, powers and functions of other authorities of the University, shall be such as may be prescribed.
- Disqualification for membership of an authority or body.**
28. A person shall be disqualified from being a member of any of the authorities or bodies of the University, if he/she:
- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent;
- (c) has been convicted of any offence involving moral turpitude; or
- (d) has been punished for indulging or in promoting unfair practice in the conduct of any examination, in any form, anywhere.
- Vacancies not to invalidate the constitution of or the proceedings of any authority or body of the University.**
29. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Constitution of committees.

30. The authorities of the University may constitute such committee with such terms of reference as may be necessary for specific tasks to be performed shall be such as may be prescribed by the Statutes.

CHAPTER III

STATUTES, ORDINANCES AND REGULATIONS

First Statute.

31. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statute may provide for all or any of the following matters, namely:
- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the Chancellor, the Vice-Chancellor and their powers and functions;
 - (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
 - (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
 - (e) the terms and conditions of service of employees of the University;
 - (f) the procedure for arbitration in cases of disputes between employees or students and the University;
 - (g) the conferment of honorary degrees;
 - (h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;
 - (i) framing of policy for admission, including regulation of reservation of seats; and
 - (j) fees to be charged from students.
- (2) The First Statute of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.
- (3) The State Government shall consider the First Statute, submitted by the University and shall approve it within 60 (sixty) days from the date of its receipt, with or without modifications as it may deem necessary.
- (4) The University shall communicate its agreement to the First Statute as approved by the State Government, and if it desires not to give effect to any or all the modifications made by the State Government under sub-section (3), it may give reasons therefore and after considering such reason, the State

Government may or may not accept the suggestions made by the University.

- (5) The State Government shall publish the First Statute, as finally approved by it, in the Official Gazette, and thereafter it shall come into force from the date of such publication.

Subsequent statutes.

- 32. (1)** Subject to the provisions of this Act and the rules made thereafter, the subsequent statutes of the University may provide for all or any of the following matters, namely:-
- (a) creation of new authorities of the University;
 - (b) accounting policy and financial procedure;
 - (c) representation of teachers in the authorities of the University;
 - (d) creation of new departments and abolition or restructuring of existing departments;
 - (e) institution of medals and prizes;
 - (f) procedure for creation and abolition of posts;
 - (g) revision of fees;
 - (h) alteration of the number of seats in different disciplines; and
 - (i) all other matters which by or under the provision of this Act required to be prescribed by the Statutes.
- (2) The Statutes of the University other than the First Statute shall be made by the Board of Management with the approval of the Governing Body.
- (3) The Statutes made under sub-section (2) shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modification as far as possible within 2 (two) months from the date of receipt of the Statutes.
- (4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.
- (5) The State Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Official Gazette, and shall come into force from the date of such publication.

First Ordinance.

- 33. (1)** Subject to the provisions of this Act, the rules and the Statutes made thereunder, the First Ordinance may provide for all or any of the following matter, namely:-
- (a) the admission of students to the University and their enrolment as such;

- (b) the courses of study to be laid down for degrees, diplomas and certificates of the University;
 - (c) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
 - (d) the conditions for award of fellowships, scholarships, stipends, medals and prizes;
 - (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
 - (f) fees to be charged for the various courses examinations, degrees or diplomas of the University;
 - (g) the conditions of residence of the students of the University;
 - (h) provision regarding disciplinary action against the students;
 - (i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
 - (j) the manner of co-operation and collaboration with other Universities and institutions of higher education;
 - (k) such other matters which are required to be provided by the Ordinances by or under this Act.
- (2) The First Ordinance of the University shall be made by the Chancellor which after being approved by the Board of Management, shall be submitted to the State Government for its approval.
 - (3) The State Government shall consider the First Ordinance submitted by the Chancellor under sub-section (2) within 60 (sixty) days from the date of its receipt and may approve it or give suggestions for modifications therein.
 - (4) The Chancellor shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinance along with such reasons, if any, to the State Government and on receipt of the same, it shall consider the comments of the Chancellor and may approve the First Ordinance of the University with or without such modifications and it shall be published by the State Government in the Official Gazette, and it shall come into force from the date of such publication.

Subsequent ordinances.

34. (1) All Ordinances other than the First Ordinance shall be made by the Academic Council which after being approved by the Governing Body shall be submitted to the State Government for its approval.

- (2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) as far as possible within 2 (two) months from the date of its receipt and may approve it or give suggestions for modifications therein.
- (3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances along with reason, if any, to the State Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall be published by it in the Official Gazette, and shall come into force from the date of such publication.

Regulations.

35. The authorities of the University may, subject to the prior approval of the Governing Body make Regulation, consistent with this Act, the Statutes and the Ordinances made thereunder, for the conduct of business of each such authority and committee constituted by each such authority.

Powers of State Government to give directions.

36. (1) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.
- (2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.
- (3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

CHAPTER IV

FUNDS OF THE UNIVERSITY

- Endowment Fund.** 37. (1) The Sponsoring Body shall establish an Endowment Fund for the University.
- (2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per the provisions of this Act, the Statutes and the Ordinances. The State Government shall have the power to forfeit, a part or whole of the Endowment Fund in case the University or the Sponsoring Body contravenes the

provisions of this Act, Statutes, the Ordinances, the Regulations or the Rules made thereunder.

- (3) The University may utilize the income from the Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University.
- (4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and keep invested until the dissolution of the University.
- (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest-bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

General Fund.

- 38.** (1) The University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:
- (a) fees and other charges received by the University;
 - (b) any contribution made by the Sponsoring Body;
 - (c) any income received from consultancy and other work undertaken by the University in pursuance of its objective;
 - (d) trusts, bequests, donations, endowments and any other grants; and
 - (e) all other sums received by the University.
- (2) The General Fund shall be utilized for the following objects, namely:
- (a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations, and the Rules made thereunder with the prior approval of the Governing Body;
 - (b) to upkeep the assets of the University;
 - (c) for the payment of the fee for audit of the funds created under Sections 37 and 38;
 - (d) to meet with the expenses of any suit or proceedings by or against the University;
 - (e) for the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching and research staff;
 - (f) for the payment of travelling and other allowances of the members of the Governing Body, the Executive Council, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the Sponsoring Body or the Chancellor;

- (g) for the payment of fellowships, freeships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, in any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (h) for the payment of any expenses incurred by the University in carrying out the provisions of this Act, the Statutes, the Ordinances, the Regulations or the Rules;
- (i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefore;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act, the Statutes, the Ordinances, the Regulations or the Rules;
- (k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the Sponsoring Body, as approved by the Governing Body to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Governing Body, without prior approval of the Governing Body.

CHAPTER V

ACCOUNTS, AUDIT AND ANNUAL REPORT

- Annual Report.** 39. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the State Government.
- Audit and Annual Accounts.** 40. (1) The Annual Accounts including balance sheet of the University shall be prepared by the University and the Annual Accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.
- (2) A copy of the Annual Accounts together with the Audit Report shall be submitted to the State Government.

CHAPTER VI

WINDING UP OF THE UNIVERSITY

- Winding up of the University.** 41. (1) If the Sponsoring Body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation; it shall give at least 2 (two) years' prior notice to the State Government.
- (2) The State Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the Sponsoring Body till the completion of syllabus by the last batch of students admitted to the University and may also cause the functioning of the University to continue by appointing an administrator in place of the Sponsoring Body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body, as prescribed under this Act.
- Dissolution of the University.** 42. (1) The Sponsoring Body who intends to dissolve the University shall give a notice to that effect in the prescribed manner to the State Government. The State Government, after due consideration, may dissolve the University in the manner as may be prescribed:
- Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or, as the case may be, awards.
- (2) On the dissolution of the University all the assets and liabilities of the University shall vest in the Sponsoring Body in the manner as may be prescribed.
- (3) Where the State Government decides under sub-section (1) to dissolve the University, it may vest the powers of the Governing Body in the prescribed manner to other societies having similar objects till the dissolution of the University takes effect under the proviso to sub-section (1).
- Special powers of the State Government under certain circumstances.** 43. (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the direction issued by it under this Act or a situation of financial mismanagement or mal-administration has arisen in the University, it shall issue the notice requiring the University to show cause within 45 (forty-five) days as to why an administrator should not be appointed.
- (2) On receipt of reply of the University on the notice issued under sub-section (1), if the State Government is satisfied that there is a *prima facie* case of contravention of any of the provision of this Act, the Rules, the Statutes or the Ordinances made thereunder or violation of directions issued by it under this Act or there is

financial mismanagement or mal-administration, it shall make an order of such inquiry as it may consider necessary.

- (3) The State Government may by Notification, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.
- (4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
 - (c) requisitioning any public record from any court or office.
- (5) On receipt of the inquiry report from the officer or officers appointed under sub-section (3), if the State Government is satisfied that the University has contravened all or any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and mal-administration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.
- (6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.
- (7) After having been awarded the degrees, diplomas or, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government.
- (8) On receipt of the report under sub-section (7), the State Government may by Notification dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest in the Sponsoring Body.

CHAPTER VII
MISCELLANEOUS

Power of the State Government to make rules.

44. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) All rules made under this section shall be laid for not less than 30 (thirty) days before the State Legislature, as soon as may be, after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

Completion of courses of students.

45. Notwithstanding anything contained in this Act or the regulations, any student of the constituent colleges or institutions of the University specified in the Schedule and affiliated to any University who immediately before the commencement of this Act was studying or was eligible for any examination of that University shall be permitted to complete his course in preparation therefore, and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the respective University in such manner and for such period as may be prescribed.

Power to remove difficulties.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, take steps not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no notification order under sub-section (1) shall be made after the expiration of a period of 3 (three) years from the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE A

- (1) Acquire not less than 7 (seven) acres of land for its main campus, within 3 (three) years after starting the functioning of the University. An integrated campus may have certain facilities in common such as auditorium, cafeteria, hostels, etc., and hence the land requirement may vary accordingly.
- (2) Construct administrative building of at least 1,000 sq. mtrs., academic building including library, lecture theatres, laboratories of at least 10,000 sq. mtrs., adequate residential accommodations for teachers, guest houses, hostels which shall gradually be increased to accommodate at least 25% of the total student strength in each course within 3 (three) years of its coming into existence. In case the University is conducting professional programmes of study, prevailing norms and standards of respective statutory body shall be applicable. Existing institutes must undertake expansion/renovation/restructuring to meet the prescribed norms of the State Government.

**Suraj Chettri (SSJS),
L.R.-cum-Secretary,
Law & P.A. Department,
Government of Sikkim.
F. No. 11(656)/L&PAD/2021**