

**THE SARDAR PATEL UNIVERSITY MANDI, HIMACHAL  
PRADESH (ESTABLISHMENT AND REGULATION) ACT, 2021**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title and commencement.
2. Definitions.
3. Establishment and incorporation of the University.
4. University open to all classes, castes and creeds.
5. Objects.
6. Powers.
7. Jurisdiction of the University.
8. Transfer of assets and liabilities and of employees of the Sardar Valbhbhai Patel Cluster University.
9. Transfer of assets, liabilities and of employees of certain institutions of the Himachal Pradesh University.
10. Visitation.
11. Power of the Chancellor to annual proceedings or decisions of the University and its bodies.
12. Power of State Government to enquire.
13. Officers of the University.
14. The Chancellor.
15. Appointment of the Vice-Chancellor.
16. Emoluments and other terms and conditions of service of the Vice -Chancellor.
17. Arrangement of work during vacancy in the office of the Vice-Chancellor.
18. Powers and duties of the Vice-Chancellor.
19. Pro-Vice-Chancellor.
20. Powers and duties of the Pro-Vice-Chancellor.
21. Dean of Faculty.
22. Registrar.
23. Controller of Examination.
24. Finance Officer.
25. Powers and duties of other officers.

26. Authorities of the University.
27. The Court.
28. Powers and functions of the Court.
29. Executive Council.
30. Academic Council.
31. Faculties.
32. Finance Committee.
33. Annual Accounts.
34. Distance Education or Correspondence Courses.
35. Autonomous College.
36. Conditions for affiliation.
37. Examination and admission.
38. Selection Committee.
39. Contract of appointment.
40. Pension, insurance and provident fund.
41. Annual report.
42. Statutes.
43. Making of Statutes.
44. Ordinances.
45. Regulations.
46. Casual vacancies.
47. Proceedings of the University authorities and bodies not invalidated by vacancies.
48. Removal from membership and withdrawal of degrees and diplomas etc.
49. Disputes.
50. Transitional powers.
51. Transitory provision.
52. Removal of difficulties.
53. Miscellaneous.
54. Action not to be invalid merely in view of a defect in constitution and functioning of any body of the University.
55. Repeal and savings.

**THE SARDAR PATEL UNIVERSITY MANDI, HIMACHAL  
PRADESH (ESTABLISHMENT AND REGULATION) ACT, 2021**  
**(ACT NO. 3 OF 2022)<sup>1</sup>**

(Received the assent of the Governor on the 5<sup>th</sup> February, 2022 and published both in Hindi and English in the Rajpatra, Himachal Pradesh (e-Gazette), dated 10<sup>th</sup> February, 2022, pp. 7754-7797).

**AN ACT to establish and incorporate a University in the State of Himachal Pradesh to be known as “The Sardar Patel University Mandi, Himachal Pradesh” for the purpose of affiliating, teaching and ensuring proper and systematic instructions, training and research in the Higher Education system.**

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-second year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Sardar Patel University Mandi, Himachal Pradesh (Establishment and Regulation) Act, 2021.

(2) It shall come into force on such date<sup>2</sup> as the State Government may by notification in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

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

- (a) “Academic Council” means the Academic Council of the University constituted under section 30;
- (b) “Autonomous College” means the college, department or units, as the case may be, declared as an Autonomous College by the University in accordance with the provisions of section 35;
- (c) “college” means an institution maintained or admitted to its privileges by the University;
- (d) “Court” means the Court of the University;
- (e) “Executive Council” means the Executive Council of the University;
- (f) “Faculty” means a Faculty consisting of an allied group of subjects constituted by the Executive Council;
- (g) “hall or hostel” means a unit of residence for the students of the University, provided, maintained or recognized by it;

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1. Passed in Hindi and English by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (E-Gazette), dated 14<sup>th</sup> December, 2021, pp. 6008 and 6028.

2. Act came into force from 1<sup>st</sup> April, 2022 vide Notification No. EDN-A-Ka(1)-17/2021, dated 28<sup>th</sup> February, 2022, published in the Rajpatra, Himachal Pradesh (e-Gazette), dated 3<sup>rd</sup> March, 2022, p. 8560.

- (h) “Management” means the Managing Committee or the Managing Board by whatever name it may be called managing a privately run college affiliated to the University;
- (i) "notification" means a notification published in the Rajpatra (e-Gazette), Himachal Pradesh;
- (j) “prescribed” means prescribed by the Statutes, Ordinances or Regulations made under this Act;
- (k) “Principal” means the head of a college and includes, when there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal or the acting Principal, a Vice-Principal appointed as such;
- (l) “Registered Graduates” means graduates registered under the provisions of the Statutes;
- (m) “State Government” or "Government" means the Government of Himachal Pradesh;
- (n) “Statutes”, “Ordinances” and “Regulations” means the Statutes, Ordinances and Regulations respectively of the University made under this Act and for the time being in force;
- (o) “teacher” means teacher of the University who has been appointed or recognized by the Academic Council as Professor, Associate Professor or Assistant Professor and shall include Professor, Associate Professor, Assistant Professor or an officer appointed to man research and extension education; and
- (p) “University” means the Sardar Patel University Mandi, Himachal Pradesh constituted under sub section (1) of section 3.

**3. Establishment and in corporation of the University.-** (1) There shall be constituted in the State of Himachal Pradesh, a University by the name of “The Sardar Patel University Mandi, Himachal Pradesh”.

(2) The first Chancellor, the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of “Sardar Patel University Mandi, Himachal Pradesh” with headquarters at Mandi, Himachal Pradesh.

(3) The University shall have perpetual succession and a common seal and shall by the said name sue or be sued.

**4. University open to all classes, castes and creeds.-** The University shall be open to all persons of either sex and of whatever race, creed, caste 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 admitted thereto, as a teacher or a student, or to hold any office therein, or to graduate there at, or to enjoy or exercise any privilege thereof except in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instructions being given in the manner prescribed in the Ordinances to those who have consented to receive it.

**5. Objects.-** The objects of the University shall be to disseminate and advance knowledge, wisdom and understanding by teaching and research and by the example and influence of its corporate life and towards this end the University shall,-

- (a) advance learning and knowledge by teaching and research and by extension programmes so as to enable a student to obtain advantages of University education;
- (b) provide the right kind of leadership in all walks of life;
- (c) promote in the students and teachers an awareness and understanding of the social needs of the country and prepare them for fulfilling such needs;
- (d) take appropriate measures for promoting inter-disciplinary studies in the University;
- (e) foster the composite culture of India and establish such departments or institutions as may be required for the study and development of the languages, arts and culture of India; and
- (f) make such provision for integrated courses in Humanities, Science and Technology in the educational programmes of the University.

**6. Powers.-** The University shall have the following powers, namely:-

- (a) to provide for instructions including the method of correspondence courses in such branches of learning as the University may, from time to time, determine, and to make provision for research and for the advancement and dissemination of knowledge and for extension education;
- (b) to organise and to undertake extra-mural teaching and extension services;
- (c) to admit to the privileges of the University, colleges situated within the area of jurisdiction of the University and to withdraw any such privilege and to prescribe conditions therefore;

- (d) to hold examinations and grant diplomas and certificates to and confer degrees and other academic distinctions on, persons and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (e) to confer honorary degrees or other academic distinctions;
- (f) to create such teaching, administrative and other posts as the University may deem necessary, from time to time, and to make appointments thereto;
- (g) to institute and award Fellowships, Scholarships, Studentships, Exhibitions and Prizes;
- (h) to establish and maintain colleges, halls and hostels, to recognise, guide, supervise and control halls and hostels not maintained by the University and other accommodations for the residence of the students, and to withdraw any such recognition;
- (i) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures as may be deemed necessary;
- (j) to make arrangements for promoting health and general welfare of the students and the employees of the University and of the colleges;
- (k) to determine and provide for examinations for admission in the University;
- (l) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;
- (m) to co-operate with any other University, authority or association or any public or private body having in view the promotion of purposes and objects similar to those of the University for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;
- (n) to enter into any agreement for the incorporation in the University of any institution and for taking over its rights, properties and liabilities and for any other purpose not repugnant to this Act;
- (o) to demand and receive payment of such fees and other charges as may be prescribed from time to time;
- (p) to receive donations and grants and to acquire, hold, manage and dispose of any property, movable or immovable,

including trust or endowed property within or outside Himachal Pradesh for the purposes and objects of the University, and to invest funds in such manner as the University thinks fit;

- (q) to make provisions for research and advisory services and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;
- (r) to provide for the printing, reproduction and publication of research and other work, including text books, which may be issued by the University;
- (s) to borrow, with the approval of the State Government, on the security of the University property, money for the purposes of the University;
- (t) to accord recognition to institutions and examinations for admission into the University; and
- (u) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

**7. Jurisdiction of the University.-** (1) Save as otherwise provided by or under this Act, the powers conferred on the University shall be exercisable in the areas as notified by the State Government.

(2) Notwithstanding anything contained in any other law for the time being in force, no educational institution situated within the territorial limits of the University shall be admitted to any privilege of any other University, incorporated by law in India, and any such privilege granted by any such other University to any such educational institution prior to the commencement of this Act, shall unless otherwise directed by the State Government be deemed to be withdrawn on the commencement of this Act, and any such institution shall be deemed to be admitted to the privileges of the University.

(3) Where any institution or body established outside Himachal Pradesh seeks recognition from the University, then the powers and jurisdiction of the University shall extend to such institution or body subject to the laws in force in the State within which, and the rules and regulations of the University within whose jurisdiction, the said institution or body is situated.

**8. Transfer of assets, liabilities and of employees of the Sardar Vallabhbhai Patel Cluster University.-** On the commencement of this Act, the assets and liabilities of the Sardar Vallabhbhai Patel Cluster University, Mandi, Himachal Pradesh shall stand transferred to and shall vest in the University. All officers and other employees of the Sardar Vallabhbhai Patel Cluster University holding office as such immediately before the commencement of this Act, shall, on such commencement become the officers and other employees of the University:

Provided that the existing rights and service conditions of such employees shall be protected:

Provided further that any service rendered by any such officer or other employee before such transfer of his service to the University shall be deemed to be service rendered in connection with the administration of the University:

Provided further that in the event of any dispute or difficulty in the matter of implementation of the provisions of this section, the matter shall be referred to the State Government, whose decision shall be final.

**9. Transfer of assets, liabilities and of employees of certain institutions of the Himachal Pradesh University.-** On the commencement of this Act, the assets and liabilities of education institutions of Himachal Pradesh University that fall under the jurisdiction of the Sardar Patel University Mandi, Himachal Pradesh shall stand transferred to and shall vest in the University, in accordance with the terms and conditions mutually agreed to between the Sardar Patel University Mandi and the Himachal Pradesh University, Shimla. All officers and other employees of these institutions holding office as such immediately before the commencement of this Act, shall, on such commencement become the officers and other employees of the University:

Provided that,-

- (a) such officers and employees of the above mentioned institutions shall be allowed to exercise an option whether or not they wish their services to be taken over by the University;
- (b) the existing rights and service conditions of such employees who opt for service in the University shall be protected; and
- (c) any service rendered by any such officer or other employee before such transfer of his service to the University shall be deemed to be service rendered in connection with the administration of the University, on the condition that their leave, pension, provident fund and gratuity contribution in respect of the service rendered by them to the Himachal Pradesh University, shall be reimbursed to the University by the Himachal Pradesh University:

Provided that in the event of any dispute or difficulty in the matter of implementation of the provisions of this section the matter shall be referred to the State Government, whose decision shall be final.

**10. Visitation.-** (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, or any institution maintained by the University, or of a college, including the buildings, laboratories, record and equipment thereof and also of the examinations, teaching and other work conducted or done by it, or to cause an inquiry to be made in a like manner in respect of any matter



connected with the administration and finances of the University, or the institution maintained by it.

(2) The Chancellor shall, in every case, give notice of his intention to cause an inspection or an inquiry to be made, to the University in the case of the University or an institution maintained by it, or the Management in the case of a college, and the University or the Management of the college, as the case may be, shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(3) In case of inspection or inquiry relating to the University or an institution maintained by it, the Chancellor may communicate to the Vice-Chancellor the result of such inspection or inquiry together with his views thereon and advice regarding the action to be taken, and the Vice-Chancellor shall place the same before the Executive Council.

(4) In case of inspection or inquiry relating to a college or institution, the Chancellor may communicate to the Management of such college or institution the result of such inspection or inquiry together with his views thereon and advice regarding the action to be taken.

(5) The Vice-Chancellor or the Management, as the case may be, shall communicate to the Chancellor the action, if any, taken or proposed to be taken upon the result of such inspection or inquiry.

(6) Where the Executive Council or the Management of the college or institution, as the case may be, does not 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 Management of the college or institution, as the case may be, issue such direction as he may deem fit and the University or the Management of the college or institution shall comply with such directions.

**11. Power of the Chancellor to annul proceedings or decisions of the University and its bodies.-** Without prejudice to the foregoing provisions of this section, the Chancellor may, by order in writing, annul proceedings of the University or of its any authority or the decision of any officer of the University, which is not in conformity with this Act or the Statutes or the Ordinances made thereunder:

Provided that before making such order, the Chancellor shall call upon the University, or as the case may, be its authority or the officer, to show cause why such an order should not be made and if any cause is shown within the period specified by him in this behalf, shall consider the same.

**12. Power of State Government to enquire.-** The State Government may, cause an enquiry to be made by any of its officers or agency, as it may direct on any matters connected with the administration and finances of the University or a institution maintained by it and the report of such enquiry shall be sent to the State Government and the State Government after examining the same, shall forward the report to the Chancellor and may also recommend any action including removal of Vice-Chancellor or the Pro-Vice-Chancellor,

as the case may be, if in its opinion there exist such circumstances as are contained in sub-section (5) of section 15 of this Act and the Chancellor may take action accordingly:

Provided that before taking such action, the Chancellor shall afford reasonable opportunity of being heard to the Vice-Chancellor or Pro-Vice-Chancellor, as the case may be.

**13. Officers of the University.-** The following shall be the officers of the University:-

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice-Chancellor;
- (iv) the Dean of Faculties;
- (v) the Registrar;
- (vi) the Controller of Examinations;
- (vii) the Finance Officer; and
- (viii) such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

**14. The Chancellor.-** (1) The Governor of Himachal Pradesh shall be the Chancellor of the University.

(2) The Chancellor shall, by virtue of his office, be the head of the University and the President of the Court and shall when present, preside over the meetings of Court and at any convocation of the University.

(3) The Chancellor shall have such powers as may be conferred on him by or under this Act.

**15. Appointment of the Vice-Chancellor.-** (1) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government.

(2) The Vice-Chancellor shall be a whole time salaried officer of the University.

(3) Except as expressly provided in sub-sections (4) and (8), the Vice-Chancellor shall, subject to the pleasure of the Chancellor, hold office for a term of three years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for reappointment to that office:

Provided that the Vice-Chancellor shall notwithstanding the expiry of said period of three years, continue to hold his office until his successor is appointed and enters upon his office.

(4) No person shall be appointed, or if appointed shall hold or continue to hold office, as Vice-Chancellor if he has attained the age of sixty-five years.

(5) The Chancellor, by general or special order, may place the Vice-Chancellor under suspension,-

- (a) where an enquiry under sub-section (8) of this section is contemplated or is pending; or
- (b) where, in the opinion of the Chancellor, he has engaged himself in activities prejudicial to the interest of the University; or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial; or
- (d) where his continuance in office will prejudice the investigation, inquiry or trial (*e.g.* apprehended tempering with documents or to influence witnesses).

(6) The Vice-Chancellor under suspension shall be entitled to a subsistence allowance at an amount equal to leave salary which the Vice-Chancellor would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary:

Provided that where the period of suspension exceeds three months, the Chancellor shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows,-

- (a) the amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the Chancellor, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Vice-Chancellor;
- (b) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if in the opinion of the Chancellor, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Vice-Chancellor; and
- (c) the rate of dearness allowance shall be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under clause (a) and (b).

(7) No payment under sub-section (6) shall be made unless the Vice-Chancellor furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(8) If in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of the Act or abuses the powers vested in him or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, the Chancellor may, after making such enquiry as he deems proper and in consultation with the State Government, by order remove the Vice-Chancellor:

Provided that in the event of taking any action on a report of an enquiry under section 10 or section 12 of this Act, as the case may be, no further enquiry shall be necessary under this sub-section but the Vice-Chancellor shall be afforded an opportunity of being heard after making him available a copy of enquiry report.

(9) The Vice-Chancellor may resign by a notice of one month in writing under his hand addressed to the Chancellor. The Chancellor may waive off the period of notice and accept the resignation forthwith in consultation with the State Government.

**16. Emoluments and other terms and conditions of service of the Vice-Chancellor.-** (1) There shall be paid to the Vice-Chancellor such salary as the Chancellor may, in consultation with the State Government, determine from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout the term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(2) The Vice-Chancellor shall not be entitled to the benefits of the University provident fund or to any other allowance:

Provided that where an employee of the University is appointed as the Vice Chancellor, he shall be allowed to continue to contribute to the provident fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(3) The Vice-Chancellor shall be entitled to travelling allowances at such rates, and medical cost at such scales, as may be fixed by the Chancellor.

(4) The Vice-Chancellor shall be entitled to leave on full pay for one eleventh of the period spent by him on active service.

(5) The Vice-Chancellor shall also be entitled on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-section (4).

**17. Arrangement of work during vacancy in the office of the Vice-Chancellor.-** (1) During the temporary absence of the Vice-Chancellor by reason of leave, illness or any other cause, the Pro-Vice-Chancellor appointed under section 19, shall perform the duties and exercise the powers of the Vice-Chancellor and if there is no Pro-Vice-Chancellor, the Chancellor may, in

consultation with the State Government, make such arrangements for carrying on the duties of the Vice-Chancellor as he may deem fit.

(2) During the period a vacancy in the office of the Vice-Chancellor remains unfilled, and if there is no Pro-Vice-Chancellor to perform the duties and to exercise the powers of the Vice-Chancellor, such person as the Chancellor may appoint shall act as Vice-Chancellor and the persons so appointed shall have all the powers of the Vice-Chancellor and shall be entitled to the privileges of the Vice-Chancellor and to such emoluments and allowances as may be determined by the Chancellor.

**18. Powers and duties of the Vice-Chancellor.-** (1) The Vice-Chancellor, who shall be the principal executive and academic officer of the University, shall take rank next to the Chancellor and shall exercise general supervision and control over the affairs of the University, and shall, in the absence of the Chancellor, preside at the meetings of the Court and any convocation of the University.

(2) The Vice-Chancellor shall be the ex-officio Chairman of the Executive Council, the Academic Council and Finance Committee. He shall be entitled to be present at and to address any meeting of any authority or body of the University, but shall not be entitled to vote there at unless he is a member of such authority or body.

(3) The Vice-Chancellor shall exercise general supervision and control over the affairs of the University and shall be responsible for its proper and efficient functioning. He shall also exercise all powers necessary for due maintenance of discipline in the University.

(4) He shall ensure the observance of the provisions of this Act, the Statutes, Ordinances and Regulations and he shall have all powers necessary for that purpose.

(5) The Vice-Chancellor shall, either himself or through any officer of the University authorised in writing by him, convene the meeting of the Executive Council, the Academic Council and the Finance Committee and shall perform all such acts as may be necessary to carry out the provisions contained in this Act, the Statutes, the Ordinances and the Regulations and to give effect to the decisions of the said authorities.

(6) The Vice-Chancellor shall at the close of each academic year, in the manner prescribed in the Statutes or Ordinances, assess and evaluate the teaching and research work done by the members of the Faculty. On such assessment or the evaluation, if the Vice-Chancellor is of the opinion that the work and conduct of any member of the Faculty is not satisfactory, he shall, in the manner as laid down in the Statutes or Ordinances, initiate or cause to be initiated action against such a member.

(7) In case of emergency warranting immediate action to be taken, in respect of powers not vested in him, the Vice-Chancellor shall take such action as he deems necessary after recording reasons in writing and shall place the matter before the authority, competent to exercise such powers, for

confirmation in its next following meeting but not later than sixty days, failing which the action taken by him shall cease to have any effect and if the action taken by the Vice-Chancellor is not confirmed by such authority, the same shall also cease to have any effect:

Provided that such emergency powers shall not be exercised by the Vice-Chancellor for making any appointment to any position or assignment or removal of any incumbent from such position or assignment.

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

**19. Pro-Vice-Chancellor.-** (1) The Pro-Vice-Chancellor shall be a whole time officer of the University. The Pro-Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government, on such terms and conditions as the State Government may determine.

(2) Except as expressly provided in sub-section (4) and (8), the Pro-Vice-Chancellor shall, subject to the pleasure of the Chancellor, hold office for a term of three years from the date he enters upon his office and shall, on the expiry of his office, be eligible for reappointment to that office:

Provided that notwithstanding the expiry of the term of his office, the Pro-Vice-Chancellor shall continue in office until his successor is appointed and enters upon his office.

(3) The emoluments and other conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed and shall not vary to his disadvantage after his appointment.

(4) A person appointed as Pro-Vice-Chancellor shall retire from office if during the term of his office or any extension thereof, he completes the age of sixty five years.

(5) The Chancellor, by general or special order, may place the Pro-Vice-Chancellor under suspension,-

- (a) where an enquiry under sub-section (8) of this section is contemplated or is pending; or
- (b) where, in the opinion of the Chancellor, he engaged himself in activities prejudicial to the interest of the University; or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial; or
- (d) where his continuance in office will prejudice the investigation, inquiry or trial (e.g. apprehended tempering with documents or to influence witnesses).

(6) The Pro-Vice-Chancellor under suspension shall be entitled to a subsistence allowance at an amount equal to leave salary which the Pro-Vice-Chancellor would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary:

Provided that where the period of suspension exceeds three months, the Chancellor shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:-

- (a) the amount of subsistence allowance may be increased by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the Chancellor, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Pro-Vice-Chancellor;
- (b) the amount of subsistence allowance, may be reduced by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the Chancellor, the period of suspension has been prolonged for reasons, to be recorded in writing, directly attributable to the Pro-Vice-Chancellor; and
- (c) the rate of dearness allowance shall be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under clause (a) and (b).

(7) No payment under sub-section (6) shall be made unless the Pro-Vice-Chancellor furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(8) If, in the opinion of the Chancellor, the Pro-Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act, or abuses the powers vested in him and if it appears to the Chancellor that the continuance of the Pro-Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after consultation with the Executive Council and the Government, by order remove the Pro-Vice-Chancellor after giving him an opportunity of showing cause against the action proposed to be taken against him:

Provided that in the event of taking any action on a report of an enquiry under section 10 or section 12 of this Act, as the case may be, no further enquiry shall be necessary under this subsection but the Pro-Vice-Chancellor shall be afforded an opportunity of being heard after making him available a copy of enquiry report.

(9) The Pro-Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office. The resignation shall be delivered to the Chancellor ordinarily at least sixty days prior to the date on which the Pro-Vice-Chancellor wishes to be relieved from his office, but the Chancellor may relieve him earlier. The resignation shall take effect from the date of his relieving.

**20. Powers and duties of the Pro-Vice-Chancellor.-** (1) Subject to the control and supervision of the Vice-Chancellor, the Pro-Vice-Chancellor

shall perform such duties and exercise such powers as may be conferred upon him under the Act or the Statutes or are delegated to him by the Vice-Chancellor or the Executive Council.

(2) The Pro-Vice-Chancellor shall be the ex-officio Vice-Chairman of the Executive Council, the Academic Council and the Finance Committee. He shall be entitled to be present at and to address any meeting of any authority or body of the University, but shall not be entitled to vote there at unless he is a member of such authority or body.

**21. Dean of Faculty.-** There shall be a Dean for each Faculty who shall be appointed in such manner and exercise such powers and perform such duties as may be prescribed by the Statutes.

**22. Registrar.-** (1) There shall be a Registrar who shall be ex-officio Member Secretary of the Court, the Executive Council and Academic Council of the University.

(2) Notwithstanding anything to the contrary contained in the Statutes or the Ordinances of the University, the Registrar shall be appointed by the State Government from amongst the officers who have put in atleast five years service in the Indian Administrative Services or atleast nine years service in Himachal Pradesh Administrative Services or any other officer as may be prescribed in the Statutes, under the State Government, failing which by selection from amongst those eligible under the existing provisions of the First Ordinance of the University.

(3) The Registrar shall exercise such powers and discharge such duties as may be prescribed by the Statutes.

**23. Controller of Examination.-** There shall be a Controller of Examination who shall have same status and pay as the Registrar and who shall be appointed by transfer of the incumbent of the office of the Registrar in such other manner and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

**24. Finance Officer.-** (1) There shall be a Finance Officer who shall be the ex-officio Member Secretary of the Finance Committee of the University.

(2) Notwithstanding anything to the contrary contained in the Statutes or the Ordinances of University, the Finance Officer shall be appointed by the State Government from amongst the officers of the Himachal Pradesh State Subordinate Accounts Services (Ordinary Branch), not below the rank of Controller, failing which by selection from amongst those eligible under the provision of the First Ordinance of the University.

(3) The Finance Officer shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

**25. Powers and duties of other officers.-** The appointment, conditions of service and powers, functions and duties of officers of the



University other than the Chancellor shall be such as may be prescribed by the Statutes and the Ordinances.

**26. Authorities of the University.-** The following shall be the authorities of the University:-

- (i) the Court;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Faculties;
- (v) the Finance Committee; and
- (vi) such other Boards and Committees as may be declared by the Statutes to be the authorities of the University.

**27. The Court.-** There shall be a Court of not more than sixty five members and its constitution and the term of office of its members shall be, as prescribed by the Statutes.

**28. Powers and functions of the Court.-** Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:-

- (i) to review from time to time the broad policies and programmes of the University and to suggest measures for the improvement and development of such policies and programmes;
- (ii) to consider and pass resolutions on the annual report and the annual accounts together with the audited report of the University; and
- (iii) to exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

**29. Executive Council.-** (1) The Executive Council shall be the Executive Body of the University and shall consist of the following members:-

**Ex-officio Members**

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary (Finance) to the Government or his representative;
- (iv) the Secretary (Education) to the Government or his representative;
- (v) the Director of Higher Education, Himachal Pradesh;
- (vi) Registrar *Member Secretary;*

### **Other Members**

- (vii) two Deans of Faculty to be nominated by rotation by the Vice-Chancellor;
- (viii) two Principals of affiliated colleges/colleges maintained by the University by rotation on the basis of seniority of whom one shall be the Principal of a Government College;
- (ix) one member to be elected by the Court from amongst its members who is not a teacher or an employee or a student in the University;
- (x) one member to be elected by the Academic Council from amongst its member other than students and employees of the University;
- (xi) one professor of the University by rotation on the basis of seniority to be nominated by the Vice-Chancellor;
- (xii) one person to be nominated by the State Government;
- (xiii) one representative of students and one representative of non-teaching employees to be nominated for a period of one year at a time in the manner prescribed by the Statutes;
- (xiv) two persons to be nominated by the Chancellor out of the persons having special knowledge, or practical experience in respect of such matters as art, literature, law, science and administration or social service;
- (xv) one representative of the Assistant Professors of colleges affiliated to the University to be chosen by direct elections;
- (xvi) one representative of the Assistant Professors of the University and Assistant Professors of the Distance Education or Correspondence Courses chosen by direct election; and
- (xvii) one representative of the Associate Professors of the University by rotation on the basis of integrated seniority of Associate Professors of all wings of the University *viz.* Post-Graduate Centre and Distance Education or Correspondence Courses including its Principal.

(2) Save as otherwise provided and except the ex-officio members, all other members shall hold office for a period of two years from the date of their election or nomination, as the case may be:

Provided that no person nominated or elected in his capacity as a member of a particular body or as a holder of a particular appointment shall be a member after he ceases to be a member of that body or holder of that appointment, as the case may be:

Provided further that any member, other than ex-officio members shall cease to be a member of the Executive Council if he absents himself

from more than three consecutive meetings of the Executive Council without leave of absence from the Council.

(3) No person shall be or continue to be a member of the Executive Council in more than one capacity, and whenever a person becomes a member of the Executive Council in more than one capacity, he shall, within two weeks thereof, choose the capacity in which he desires to be a member of the Executive Council and shall vacate the other seat. Where he does not so choose, the seat held by him earlier in point of time shall be deemed to have been vacated with effect from the date of expiry of the aforesaid period of two weeks.

(4) Seven members of the Executive Council shall form the quorum.

(5) The Executive Council shall be in charge of the general management and administration (including the revenue and property) of the University, but the service matters of employees and financial matters, may be considered by it after recommendations of the Finance Committee.

(6) The powers and functions of the Executive Council shall be such as may be prescribed by the Statutes.

**30. Academic Council.-** (1) The Academic Council shall be the academic body of the University.

(2) The constitution of the Academic Council and the term of office of its members shall be as laid down in the Statutes:

Provided that the total membership of the Academic Council shall in no case exceed sixty five.

(3) The Academic Council shall, subject to the provisions of this Act, the Statutes, and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards and methods of instruction, evaluation, education, examination and research in the University, prescribe courses of study and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(4) The Academic Council shall have the right to advise the Executive Council on all academic matters.

**31. Faculties.-** (1) The University shall constitute such Faculties and each Faculty shall have such departments of study as may be prescribed.

(2) The constitution and powers of Faculties shall be as prescribed by the Statutes.

**32. Finance Committee.-** (1) There shall be a Finance Committee and its constitution, the term of office of its members other than ex-officio members shall be as laid down in the Statutes. All financial matters and service matters relating to service conditions of the employees of the University including creation, upgradation or filling of the posts, framing of Recruitment and Promotion Rules, revision of pay and allowances shall first

be placed before the Finance Committee, and thereafter such matters shall be placed before the Executive Council with its recommendations.

(2) If there is no consensus amongst the members on any agenda in the meeting or in case the Executive Council does not agree with the recommendations of the Finance Committee on any issue, the matter shall be referred by the Executive Council, along with the details of the case and the reasons for disagreeing with the recommendations of the Finance Committee to the Chancellor for decision, who shall give final decision after consultation with the State Government.

**33. Annual accounts.-** (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an agency specifically authorised in this behalf by the State Government from time to time.

(2) The annual accounts, when audited, shall be printed and copies thereof, together with the audit report thereon, shall be submitted to the Court along with the observations of the Executive Council.

(3) A copy of the annual accounts together with the audit report, as submitted to the Court under sub-section (2), along with the observations, if any, made by the Court thereon, shall be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Legislature.

**34. Distance Education or Correspondence Courses.-** The Executive Council may, on the recommendations of the Academic Council, provide for instruction to be imparted through distance Education or Correspondence Courses for various examinations in subjects and courses, as laid down in the Ordinances and admit students to these examinations and award degrees, diplomas, certificates and other distinctions in accordance with the provisions laid down in the Statutes and Ordinances.

**35. Autonomous College.-** (1) The University may grant, in the manner prescribed in the Statutes, to a college, department or unit, which satisfies the conditions laid down in the Statutes in this behalf, the privilege of varying for the students receiving instruction in such college, department or unit, the course of study prescribed by the University and holding examination in the course so varied and such college, department or unit shall be declared in the manner prescribed in the Statutes to be an Autonomous College.

(2) The extent to which the course may be varied and the manner of holding examination conducted by such college or department as the case may be, shall be determined in each case by the University.

**36. Conditions for affiliation.-** The conditions of affiliation of a college shall be as may be prescribed.

**37. Examinations and admissions.-** Students shall be eligible for admission to the various courses of study instituted by the University and

shall be admitted to examinations for various degrees, diplomas, certificates and other distinctions as prescribed.

**38. Selection Committee.-** (1) There shall be Selection Committees for the appointment of teachers and other employees of the University.

(2) The constitution, powers and functions of the Selection Committees and the procedures to be followed in making appointments shall be such as may be prescribed by the Statutes.

**39. Contract of appointment.-** (1) Subject to the provisions of this Act, the Statutes and Ordinances, every salaried officer or teacher shall be appointed under a written contract which shall be lodged with the University and a copy thereof shall be furnished to the persons concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor, and the decision of the Tribunal shall be final.

**40. Pension, insurance and provident fund.-** The University shall constitute, for benefit of its officers, teachers, clerical staff and other employees, in such a manner and subject to such conditions, as may be prescribed by the Statutes, such pension, insurance and provident fund, as it may deem fit.

**41. 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 Statutes and the Court shall consider the report in its annual meeting.

(2) A copy of the annual report, as submitted to the Court under sub-section (1), along with the observations, if any, made by the Court thereon shall be submitted to the State Government, which shall, as soon as may be cause the same to be laid before the State Legislature.

**42. Statutes.-** Subject to the provisions of the Act, the Statutes may provide for all or any of the following matters, namely:-

- (a) the constitution, powers and duties of the Court, the Executive Council, the Academic Council and other authorities of the University and such other bodies as may be deemed necessary to constitute from time to time;
- (b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters related to those bodies for which it may be necessary or desirable to provide;

- (c) the appointment, powers and duties of the officers of the University;
- (d) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;
- (e) the conferment of honorary degrees and other distinctions;
- (f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (g) the establishment and abolition of Faculties, departments, halls, hostels, colleges and institutions;
- (h) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;
- (i) the institution of Fellowships, Scholarships, Studentships, Exhibitions, Medals and Prizes; and
- (j) all other matters which by this Act are to be or may be provided for by the Statutes.

**43. Statutes how to be made.-** (1) The first Statutes shall be made by the Government and a copy thereof shall be laid before the Himachal Pradesh Legislative Assembly.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided in this section:

Provided that the Executive Council shall not make any Statutes or any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University, until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Executive Council.

(3) Every Statute or addition to the Statutes, or any amendment or repeal of the Statutes, shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration with his suggestions. In case the Executive Council passes it again in the same form and manner and if the Chancellor is satisfied that it is not in the interests of the University, he may disallow such Statutes, amendment or repeal.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Chancellor.

**44. 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 of students, the courses of study and the fees therefor the qualification, pertaining to degrees, diplomas, certificates and other academic distinctions, the conditions for the grant of Fellowships, Scholarships, Awards and the like;
- (b) the conduct of examinations, including the term of office and appointment of examiners, and the conditions of residence of students and their general discipline;
- (c) the management of colleges and institutions maintained by the University;
- (d) the giving of religious instructions;
- (e) the emoluments and the terms and conditions of service of the teachers of the University;
- (f) the supervision and inspection of colleges and other institutions admitted to the privileges of the University; and
- (g) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the State Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

(3) The amendment or the repeal of the Ordinances under sub-section (2) shall have no validity unless it has been assented to by the Chancellor in consultation with the State Government.

**45. Regulations.-** (1) The Executive Council may, with the sanction of the Chancellor, make Regulations consistent with this Act, the Statutes and the Ordinances for all matters relating to the University.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may, in relation to the authorities of the University, provide for,-

- (a) laying down the procedure to be followed at their meeting and number of members required to form quorum;
- (b) all matters which by this Act, the Statutes, or the Ordinances are to be provided by the Regulations;
- (c) any other matter solely concerning any authority and not provided by this Act, the Statutes and the Ordinances; and
- (d) the giving of the notice to its members of the dates of the meetings and the business to be transacted there at and for the keeping of the record of the proceedings of such meeting.

**46. Casual vacancies.-** All casual vacancies among the members (other than ex- officio members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant,

and the person appointed or elected to a casual vacancy shall be member of such authority or body for the residue of the term for which the person whose place he fills could have been a member.

**47. Proceedings of the University authorities and 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 a vacancy or vacancies among its members.

**48. Removal from membership and withdrawal of degrees and diplomas etc.-** The Chancellor may, on the recommendations of not less than two- third of the members of the Executive Council, remove any person from the membership of any authority or body of the University who has been convicted of an offence which, in the opinion of the Executive Council, involves moral turpitude or who is guilty of scandalous conduct or has behaved in a manner unbecoming of a member of such authority or body, and may on any of the aforesaid grounds withdraw from any person, any degree, diploma or certificate conferred or granted by the University:

Provided that before taking any action under this section, the member or the person concerned shall be afforded reasonable opportunity of making a representation against the proposed action.

**49. Disputes.-** If any question arises whether any person has been duly appointed or elected 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.

**50. Transitional powers.-** Notwithstanding anything contained in this Act, the first members of the Court, the Executive Council and the Academic Council shall be nominated by the Chancellor and they shall hold office for a period not exceeding three years as may be provided in each case in the Statutes.

**51. Transitory provision.-** Notwithstanding anything contained in this Act or in the Statutes or Ordinances, any student of a college who immediately before the commencement of this Act was studying for a degree, diploma or certificate of the Himachal Pradesh University or the Sardar Vallabhbhai Patel Cluster University shall be permitted by the Sardar Patel University Mandi, Himachal Pradesh to complete his course for the degree, diploma, or certificate and the Sardar Patel University Mandi, Himachal Pradesh or the college, as the case may be shall provide for the instructions of such student in accordance with the prospectus of studies of the Himachal Pradesh University, or the Sardar Vallabhbhai Patel Cluster University, Mandi, Himachal Pradesh, as the case may be, and he shall be admitted to the examination concerned of the Sardar Patel University Mandi, Himachal Pradesh.

**52. Removal of difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Rajpatra (e-Gazette), Himachal Pradesh make such provisions, not



inconsistent with the provisions of this Act as appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

**53. Miscellaneous.-** (1) If any elected or nominated member of the Court, the Executive Council and the Academic Council or anybody or Committee of the University ceases for any reason to be a student, teacher or an employee in which capacity he was elected/nominated he shall cease to be a member and his office shall become vacant.

(2) If a person who is member of any authority of the University, as a representative of another body, whether of University or not, or any person who becomes a member of any authority of the University by virtue of the office held by him he shall cease to be a member of such authority, if before the expiry of the term of his membership, he ceases to be a member of that other body by which, or he ceases to hold such office by virtue of which, he was nominated, appointed or elected, and his office shall become vacant.

**54. Action not to be invalid merely in view of a defect in constitution and functioning of any body of the University.-** If, due to any reason whatsoever, the Court, the Academic Council or any other body of the University has not been constituted, it would be lawful for the Executive Council to exercise the duties of the bodies or authorities not constituted, and no action of the University shall be invalid merely because of certain defect in the constitution or procedural irregularity in the functioning of any of its bodies.

**55. Repeal and savings.-** (1) The Sardar Vallabhbhai Patel Cluster University, Mandi, Himachal Pradesh (Establishment and Regulation) Act, 2018 (Act No. 6 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act as if the Act was in force on the day on which the thing was done or such action was taken.

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