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**[KASHMIR AND JAMMU] UNIVERSITIES  
ACT, 1969**

**(Act No. XXIV of 1969)**

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## **THE KASHMIR AND JAMMU UNIVERSITIES ACT, 1969**

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## THE KASHMIR AND JAMMU UNIVERSITIES ACT, 1969

(Act No. XXIV of 1969)

*[Received the assent of the Governor on 30th October, 1969, and published in Government Gazette dated 10th November, 1969 (Ext.)]*

**An Act to provide for the establishment of the University of Kashmir and the University of Jammu in the \*State.**

Be it enacted by the Jammu and Kashmir State Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Kashmir and Jammu Universities Act, 1969.

2. *Definitions.*—In this Act and in all Statutes made thereunder, unless there is anything repugnant in the subject or context,—

- (a) “Academic Council” means the Academic Council of the University ;
- (b) “affiliated college” means an institution imparting instruction upto the Bachelor’s degree excluding integrated Honours, Postgraduate and professional degree courses recognised by the University concerned in accordance with the provisions of this Act and the Statutes ;
- (c) “college” means an institution maintained or admitted to its privileges by the University concerned and includes a constituent college ;
- (d) “constituent college” means an institution recognised as such by the Syndicate of the University concerned in accordance with the provisions of this Act and Statutes ;
- (e) “Faculties”, “Board of Studies”, “Board of Inspection”, and “Board of Research Studies”, means the Faculties, Board of Studies, Board of Inspections and Board of Research Studies of a University ;
- (f) “Head of the Department” means the head of a University teaching Department who has the status of a Professor or a Reader in the

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\* Now Union territory of Jammu and Kashmir.

University and where any University has no teaching department in a subject, the senior most Professor in that subject in an affiliated or a constituent college ;

- (g) “Principal” means the head of the college ;
- (h) “Statutes” and “Regulations” means respectively the Statutes and Regulations of a University made or continued under this Act ;
- (i) “Syndicate” means the Syndicate of a University ;
- (j) “Teacher” means a person giving instructions on behalf of a University, in the teaching department of a University, constituent or affiliated college, and includes a Principal, Professor, Reader, Lecturer, Demonstrator, Director or Physical Education, Director of the Bureau of Educational and Vocational Guidance and a teacher of Teacher’s Training College, and such member of staff of a University Library as the Syndicate of a University may declare to be a teacher ;
- (k) “University” means the University of Kashmir or the University of Jammu, as the case may be ;
- (l) “University Council” means the University Council of a University.

3. *Universities.*—(1) There shall be two Universities in the \*State, one in the Kashmir Division and the other in the Jammu Division, each having jurisdiction extending to its respective Division of the territories of the \*State.

(2) The University in the Kashmir Division shall be known as the “University of Kashmir” and the University in the Jammu Division shall be known as “University of Jammu”.

4. *Incorporation.*—The University of Kashmir and the University of Jammu shall be corporate bodies known by the names of the “University of Kashmir” and the “University of Jammu”, each having perpetual succession and a common seal with power to acquire and hold property, movable and immovable, to transfer the same, to contract and to do all other things necessary for the purpose of its constitution and may sue or be sued by its corporate name as aforesaid.

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\* Now Union territory of Jammu and Kashmir.



5. *Powers and functions of a University.*—A University shall have the following powers and functions, namely :—

- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge ;
- (2) to hold examination, to grant degrees to, and to confer other academic distinctions on persons who—
  - (a) have pursued an approved course of study in the University or in a constituent or affiliated college or in any educational institution approved for the purpose, unless exempted therefrom, as a very special case, by a decision of the University Council on the recommendation of the Academic Council under conditions laid down in the Statutes and Regulations ; or
  - (b) are teachers in educational institutions under conditions laid down in the Statutes and Regulations, and have passed the examinations of the University under like conditions ; or
  - (c) have carried on independent research under conditions laid down in the Statutes ; or
  - (d) are women who have carried on private studies under conditions laid down in the Statutes ;
- (3) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes ;
- (4) to grant such diplomas to, and to provide such lectures and instructions for persons not being members of the University as the University may determine ;
- (5) to cooperate with the other Universities and authorities in such a manner and for such purposes as the University may determined ;
- (6) to institute professorships, readerships, lecturerships and any other teaching posts required by the University ;
- (7) to admit and maintain colleges, to recognise colleges and other institutions not maintained by the University and withdraw such recognition ;

- (8) to inspect constituent and affiliated colleges and other institutions and places approved by the University for the residence of students ;
- (9) to demand and receive payments of such fees and other charges as may be authorised by the Statutes and Regulations ;
- (10) to obtain loans in furtherance of the objects of the University ;
- (11) to supervise and control the residence and discipline of students of the University or of colleges and other institutions admitted or affiliated to it and to make arrangements for promoting their health and general welfare ;
- (12) to institute and award fellowships, exhibitions, prizes and medals in accordance with the Statutes and Regulations ; and
- (13) to do such other acts and things, whether incidental to the powers aforesaid or not, may be requisite in order to further the objects of the University as teaching, affiliating or examining body, and to cultivate and promote arts, science and other branches of learning.

6. *Re-organisation of education.*—Notwithstanding anything in the foregoing section, any re-organisation or alteration in structure, pattern or medium of education at the University stage shall require the previous approval of the Government.

7. *University open to all classes and creeds.*—Each University shall be open to all persons of either sex and of whatever race, creed or class, and it shall not be lawful for a University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to a certificate, diploma or degree of the University, or to serve as a teacher or to hold any office in the University, or to enjoy or exercise any privileges thereof, except where such test is specially prescribed by the Statutes, or, 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.

8. *Admissions restricted to educational institutions in the <sup>1</sup>[Union territory of Jammu and Kashmir].*—Notwithstanding anything in any law for the time being in force, no educational institution outside the <sup>1</sup>[Union territory of Jammu and Kashmir] territories shall be associated with or admitted to any

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for “State”.

privileges of a University under this Act nor shall any educational institutions within the <sup>1</sup>[Union territory of Jammu and Kashmir] be associated in any educational institution within the <sup>1</sup>[Union territory of Jammu and Kashmir] be associated in any way with or be admitted to any privileges of any other University incorporated by law outside the <sup>1</sup>[Union territory of Jammu and Kashmir] :

Provided that the Chancellor may by order in writing direct that the provisions of this section shall not apply in the case of any institution specified in the order.

9. *Officers of the University.*—The following shall be the officers of each University :—

- (1) the Chancellor ;
- (2) the Pro-Chancellor ;
- (3) the Vice-Chancellor ;
- (4) the Pro-Vice-Chancellor, if any ;
- (5) the Financial Advisor ;
- (6) the Registrar ;
- (7) the Controller of Examinations ;
- (8) the Joint Registrar, if any ; and
- (9) such other officers as the Statutes may declare to be the officers of a University.

10. *The Chancellor.*—(1) The <sup>2</sup>[Lieutenant Governor] shall be the Chancellor of both the Universities. He shall be the head of both the universities and shall, when present, preside at the meetings of the University Council and at the Convocations of both the Universities.

(2) The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes.

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for “State”.

2. Substituted *ibid* for “Governor”.

(3) Every proposal for the conferment of any honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor may delegate to the Pro-Chancellor such of his powers under this Act or the Statutes, as he may specify.

11. *The Pro-Chancellor.*—(1) The Chief Minister of the <sup>1</sup>[Union territory of Jammu and Kashmir] shall be the ex officio Pro-Chancellor of both the Universities.

(2) The Pro-Chancellor shall, when present, in the absence of the Chancellor, preside at the meetings of the University Council and at the Convocations of both the Universities.

(3) The Pro-Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of a University, its buildings, laboratories, equipment, and of any institutions associated with the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University. The Pro-Chancellor shall in every case give notice to a University of his intention to cause an inspection or inquiry to be made and the University concerned shall be entitled to be represented thereat.

(4) The Pro-Chancellor may address the Vice-Chancellor of the University concerned with reference to the result of such inspection and inquiry and the Vice-Chancellor shall place the same before the Syndicate and also the University Council, of the University concerned, if necessary, with such advice as the Pro-Chancellor may offer upon the action to be taken thereon.

(5) The Vice-Chancellor of the University concerned shall then, within such time as the Pro-Chancellor may fix, submit to him a report of the action taken or proposed to be taken by the Syndicate together with the view which the University Council concerned may have expressed on the report.

(6) If the Syndicate concerned does not, within a reasonable time, take action to the satisfaction of the Pro-Chancellor, the Pro-Chancellor may, after considering any explanation which the Syndicate concerned may furnish, issue such directions in consultation with the Vice-Chancellor concerned as he may think fit.

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for "Jammu and Kashmir State".

12. *The Vice-Chancellor*.—(1) The Vice-Chancellor shall either be a whole time paid or a part-time honorary officer of a University as the Chancellor may determine and shall be appointed by the Chancellor, in consultation with the Pro-Chancellor from amongst the persons whose name are submitted to him by a Committee constituted in accordance with the provisions of sub-section (2).

(2) The Committee referred to in sub-section (1) shall consist of three persons, namely—

- (a) two persons not connected with the University or any constituent or affiliated college of that University to be nominated by the University council ;
- (b) a third person not connected with the University or any constituent or affiliated college of that University to be nominated by the Chancellor, who shall also be the Chairman of the Committee.

(3) The Committee constituted under sub-section (2) shall submit a panel of three names to the Chancellor for appointment of the Vice-Chancellor.

(4) If the Chancellor does not consider any of the persons on the panel recommended by the Committee suitable for appointment as Vice-Chancellor, he may direct the Committee to prepare a fresh panel of three names for submission to him or may direct to constitute a fresh Committee for this purpose.

<sup>1</sup>[(5) The Vice-Chancellor of a University shall hold office for <sup>2</sup>[three years] :

Provided that on the expiry of the term of his office, the Vice-Chancellor shall be eligible for re-appointment for such term as the Chancellor may <sup>3</sup>[x x x x], determine :

Provided further that the Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed <sup>3</sup>[x x x x], on the ground of misbehavior or incapacity or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, after due inquiry by such person <sup>4</sup>[x x x x] to be nominated by the Chancellor <sup>3</sup>[x x x x], in which the Vice-Chancellor shall have an opportunity of making his representations against such removal.]

1. Sub-section (5) substituted by Act XXVI of 1973, s. 2.

2. Substituted for “five years” by S.O. 1229 (E) dated 31.03.2020. (For earlier amendment see Act VII of 2015, s. 2).

3. Words “in consultation with the Pro-Chancellor” omitted *ibid*.

4. Words “who is or has been a Judge of the High Court” omitted *ibid*.

(6) The Vice-Chancellor of a University shall, in case he is a whole-time paid officer, receive such salary not exceeding two thousand and five hundred rupees per mensem and other facilities as the Chancellor may determine, in addition to free residential accommodation :

Provided that in exceptional cases the Chancellor may allow a higher salary in consultation with the Government. In case the Vice-Chancellor is appointed on part-time honorary basis, he shall receive such honorarium and other facilities as the Chancellor may determine in consultation with the Government.

(7) Where any temporary vacancy in the Office of a Vice-Chancellor occurs by reason of resignation, illness, leave or other cause, the University Council shall report the same to the Chancellor who shall make such arrangement for carrying on the duties of the Vice-Chancellor as he may think fit.

(8) Notwithstanding anything contained in sub-section (5), the Vice-Chancellor shall continue in office beyond the expiry of his term until his successor is appointed and enters upon his office.

13. *Powers and duties of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be the Principal Executive and Academic Officer of a University and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at the meetings of the University Council and at any convocation of the University. He shall be an ex-officio member and Chairman of the Academic Council and of such other authorities and bodies as are provided under the provisions of the Act, and shall be entitled to be present and to speak at any meeting of any authority or body of the University concerned but shall not be entitled to vote thereat unless he is a member of the authority or the body concerned.

(2) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the statutes and the Regulations are faithfully observed and he shall have all powers necessary for the purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the University Council, the Syndicate, the Academic Council and joint meetings of Faculties and Boards of Studies of the University concerned.

(4) The Vice-Chancellor may take action as he deems necessary in any emergency which, in his opinion, calls for immediate action. He shall in such a case and as soon as may be thereafter, report his action to the officer, authority or other body of the University concerned who or which would ordinarily

have dealt with the matter.

(5) Save as otherwise provided in this Act, the Vice-Chancellor of a University shall have the powers to make appointments of the ministerial, technical and inferior staff.

(6) The Vice-Chancellor shall give effect to the orders of the University Council and the Syndicate of the University concerned regarding the appointment, dismissal and suspension of persons in the employment of the University and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, Statutes and Regulations.

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

(8) The Vice-Chancellor may delegate any of his powers under this Act or the Statutes and Regulations made thereunder to the Pro-Vice-Chancellor or any other officer or body of the University concerned.

14. *The Pro-Vice-Chancellor*.—(1) There may be a Pro-Vice-Chancellor for the University and shall be appointed by the Chancellor in consultation with the Pro-Chancellor in the manner provided for the appointment of a Vice-Chancellor. The term of office of the Pro-Vice-Chancellor shall ordinarily be the same as that of the Vice-Chancellor and he shall receive such monthly salary not exceeding Rs. 2,000 and other facilities as the Chancellor may determine :

<sup>1</sup>[Provided that on the expiry of the term of his office, the Pro-Vice-Chancellor shall be eligible for re-appointment for such term as the Chancellor may, in consultation with the Pro-Chancellor determine :

Provided further that the Pro-Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed in consultation with the Pro-Chancellor, on the ground of misbehaviour or incapacity or if it appears to the Chancellor that the continuance of the Pro-Vice-Chancellor in office is detrimental to the interests of the University, after due inquiry by such person who is or has been a Judge of a High Court to be nominated by the Chancellor, in consultation with the Pro-Chancellor in which the Pro-Vice-Chancellor shall have an opportunity of making his representation against such removal.]

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1. Substituted by Act XXVI of 1973, s. 3.

(2) Where any temporary vacancy in the office of Pro-Vice-Chancellor occurs by reasons of resignation, illness, leave or other cause, the Vice-Chancellor shall report the same to the Chancellor through the Pro-Chancellor alongwith his recommendations and the Chancellor may make such arrangements for carrying on the duties of the Pro-Vice-Chancellor as he may consider fit.

15. *Powers and duties of the Pro-Vice-Chancellor.*—(1) Subject to the control of the Vice-Chancellor, the Pro-Vice-Chancellor of a University shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor of a University shall exercise such other powers and perform such other duties as may be prescribed by the Statutes and the Regulations.

16. *Financial Advisor.*—(1) The 1[Administrative Secretary], Finance Department, or any other officer nominated by the Government of Jammu and Kashmir shall be the *ex officio* Financial Adviser to both the Universities.

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

(3) The Financial Adviser shall be an *ex officio* member of the University Council and the Syndicate of both the Universities.

(4) The Financial Adviser shall—

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

17. *Registrar.*—(1) The Registrar of a University shall be a whole-time officer and shall be appointed by the University Council on the recommendation of the Selection Committee, constituted under section 36 (1). The terms and conditions of service and the emoluments of the Registrar shall be such as the University Council concerned may from time to time prescribe.

(2) The Registrar of a University shall act as the Secretary of the University Council, the Syndicate, the Academic council, the Faculties, the

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for “Secretary to Government”.



Boards of Studies, the Board of Inspection, the Boards of Research Studies and other bodies of the University concerned and keep the minutes thereof.

(3) The Registrar of University shall, subject to the sanction of the Vice-Chancellor and subject to the Regulations that may be framed in this behalf, control the ministerial, technical and inferior staff of the University concerned.

(4) The Registrar of a University shall be the custodian of the records, the common seal and such other property of the University concerned as the University Council or Syndicate may commit to his charge.

(5) The Registrar of a University shall have power to realize and receive all moneys due to the University and sign and grant receipts for the same, to make all disbursements on account of the University concerned and, subject to provisions of Statutes, sign such cheques or other instruments as may be necessary for the purpose.

(6) The Registrar of a University shall issue over his signatures notice convening meetings of the University Council, the Syndicate, the Academic Council, the Faculties, the Boards of Studies, the Board of Inspection and the Boards of Research Studies of the University concerned.

(7) The Registrar shall, in the execution of his duties, be subject to the immediate direction and control of the Vice-Chancellor and shall render such assistance to the Vice-Chancellor as may be required by him in the performance of his official duties.

(8) The Registrar of a University shall exercise such other powers and perform such other duties as may be prescribed by the Statutes and the Regulations or as may be assigned to him by any authority of the University concerned.

(9) The Registrar may, with the previous approval of the Vice-Chancellor, delegate any of his powers prescribed under the provisions of this Act or the Statutes or the Regulations made thereunder to any other officer of the University.

18. *Controller of Examinations.*—(1) The Controller of Examinations of a University shall be a whole-time officer of the University concerned and shall be appointed by the University Council on the recommendation of the Selection Committee constitute in accordance with the provisions of section 36(1) on such terms and conditions as the University Council may from time to time prescribe.

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

(3) Subject to directions of the Syndicate, the Controller of Examinations of a University shall make all arrangements for the conduct of examinations of the University concerned.

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

(5) The Controller of Examination of a University shall exercise such other powers and perform such other duties as may be prescribed under the Statutes and Regulations from time to time.

(6) The Controller of Examinations of a University shall, in the execution of his duties, be subject to the immediate direction and control of the Vice-Chancellor of the University concerned and shall render such assistance to the Vice-Chancellor as may be required by him in the performance of his official duties.

19. *Other Officers.*—Save as otherwise expressly provided in this Act, the procedure for Act, the procedure for appointment and the powers of the officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Financial Adviser, the Registrar and the Controller of Examinations shall be prescribed by the Statutes.

20. *Authorities of the University.*—The following shall be the authorities of each University :—

- (1) the University Council ;
- (2) the Syndicate ;
- (3) the Academic Council ;
- (4) the Faculties ;

- (5) the Boards of Studies ;
- (6) the Boards of Research Studies ;
- (7) the Board of Inspection ; and
- (8) such other authorities as may be declared by the Statutes to be the authorities of the University.

21. *University Council*.—(1) There shall be a University Council in a university consisting of the following members, namely :—

- (i) the Chancellor ;
- (ii) the-Pro-Chancellor ;
- <sup>1</sup>[(ii-a) Education Minister ;]
- (iii) the Vice-Chancellor of the University concerned ;
- (iv) the Vice-Chancellor of the other University established under the provision of this Act.
- (v) the Pro-Vice-Chancellor of the University, if any ;
- (vi) the Financial Advisor ;
- (vii) the Educational Adviser to the Government or the officer designated by the Government to be incharge of Higher Education ;
- (viii) two Deans of the Faculties of the University concerned nominated by the Chancellor, by rotation ;
- (ix) one Principal of an affiliated constituent college of the University concerned nominated by the Chancellor by rotation <sup>2</sup>[x x x] ;
- <sup>3</sup>[ix-a] two members of the teaching staff belonging either to the University or the constituent/affiliated colleges to be nominated by the Chancellor in consultation with Pro-Chancellor ; and

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1. Item (ii-a) to sub-section (1) of section 21 inserted by Act X of 1973.

2. Word “and” omitted by Act X of 1973.

3. Clause (ix-a) inserted *ibid*.

(x) two nominees of the Chancellor.

(2) The period for which members nominated under (viii) to (x) of sub-section (1) shall hold office, shall be prescribed by Statutes in this behalf.

(3) The meetings of the University Council of a University shall be prescribed over by the Chancellor, when present. In his absence, the Pro-Chancellor shall preside and in the absence of both the Chancellor and Pro-Chancellor, the Vice-Chancellor of the University concerned shall preside.

<sup>1</sup>[(4) For purposes of electing a member for the Medical Council of India under sub-section (1) of section 3 of the Indian Medical Council Act, 1956, the University Council shall be deemed to be the Senate or the Court of a University.]

*22. Powers and functions of the University Council.*—The University Council of a University shall be the supreme authority of the University and shall have the following powers, namely :—

- (a) to make Statutes under this Act and to amend and repeal the same in consultation with the Syndicate ;
- (b) to make Regulations in consultation with the Syndicate ;
- (c) to approve the financial estimates framed by the Syndicate of the University ;
- (d) to approve plans of development and expansion of the University ;
- (e) to consider and pass resolutions on the annual reports ; and
- (f) save as otherwise provided in this Act, to appoint officers of the status of Joint Registrar, Deputy Librarian and above and teachers of the status of Readers and above and to define their duties :

Provided that no officer or teacher shall be appointed by a University Council until provision has been made for his salary in the approved budget of the University concerned :

Provided further that all appointments (permanent or temporary) to the posts of officers or teachers referred to in this section shall be

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1. Sub-section (4) inserted by Act XXXVII of 1974, s. 2.

made by the University Council on the recommendation of the Selection Committee constituted for the purpose in accordance with the provisions of section 36 of this Act, and on such terms and conditions as may be prescribed by the Statutes :

Provided also that the Vice-Chancellor may make appointments of teachers referred to in this section as a temporary measure for a period not exceeding six months to carry on the work and if the recommendations of the Selection Committee are not received within a period of six months, the Vice-Chancellor may extend the appointment, if any, made by him, for the duration of the academic session with the approval of the University Council ;

- (g) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes ;
- (h) to constitute committees for specific purposes and to assign such duties to them as it deems fit ;
- (i) to delegate such of its powers to any officer or authority of the University as it may deem fit ; provided that such delegation is made by a majority of not less than two-thirds of the members of the University Council ; and
- (j) to exercise such other powers of the University as are not otherwise provided for in this Act and the Statutes and Regulations made thereunder.

<sup>1</sup>[22-A. Notwithstanding anything contained in this Act or the Statutes made thereunder where the Chancellor is of the opinion that it is in the interest of the University necessary to do so, he may, after consulting Pro-Chancellor, appoint any eminent and qualified scholar as Professor or as Reader in the University on contract basis for such period and on such terms and conditions as he may determine.]

23. *Syndicate*.—(1) The Syndicate shall be the Chief Executive Authority except in respect of the matters falling within the purview of the University Council concerned in accordance with the provisions of this Act and it shall consist of the following members, namely :—

- (i) the Vice-Chancellor ;
- (ii) the Pro-Chancellor, if any ;

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1. Section 22-A inserted by Act X of 1973, s. 3.

- (iii) the Educational Advisor to the Government or the officer designated by the Government to be incharge of Higher Education ;
- (iv) the Financial Advisor ;
- (v) two Deans of the faculties of the University by rotation to be nominated by the Vice-Chancellor ;
- (vi) two Deans of the faculties of other University by rotation to be nominated by the Chancellor ;
- (vii) two Principals of affiliated or constituent colleges by rotation <sup>1</sup>[with the approval of Pro-Chancellor] to be nominated by the Vice-Chancellor ;
- (viii) one member of the Academic Council of the University concerned elected by the Council from amongst its members ;
- (ix) two members of the Syndicate of the other University elected by that body ; and
- (x) three nominees of the Chancellor at least one of whom shall be a women connected with academic life.

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

*24. Powers and Functions of the Syndicate.*—(1) Subject to the provisions of this Act, the Statutes and the Regulations, the Syndicate of a University shall exercise and perform the following powers and functions :—

- (a) to frame the budget estimates of the University and to submit these to the University Council at a time to be prescribed by Statutes ;
- (b) to recommend the draft Statutes and Regulations or amendments or revocation thereof and other proposals for consideration by the University Council ;
- (c) to hold, control and administer the funds, property and other assets of the University :

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1. Substituted by Act X of 1973, s. 4.

Provided that no expenditure shall be incurred which has not been included in the approved estimates except with the sanction of the University Council :

Provided further that the Syndicate shall have powers of re-appropriation in accordance with the Regulations to be prescribed in this behalf ;

- (d) save as otherwise provided in this Act to appoint officers (below the status of Joint Registrar and Deputy Librarian) and teachers (below the status of a Reader) and to define their duties :

Provided that no officer or teacher shall be appointed by a Syndicate until provision has been made for his salary in the approved budget of the University concerned :

Provided further that all appointments (permanent or temporary) to the posts of officers or teachers referred to in this section shall be made by the Syndicate on the recommendations of the Selection Committee constituted for the purpose in accordance with the provisions of section 36 of this Act and on such terms and conditions as may be prescribed by the Statutes :

Provided also that the Vice-Chancellor may make appointments of teachers referred to in this section as a temporary measure for a period not exceeding six months to carry on the work and if the recommendations of the Selection Committee are not received within a period of six months, the Vice-Chancellor of the University may extend the appointments, if any, made by him, for the duration of the academic session with the approval of the Syndicate ;

- (e) to recognise teachers of the constituent colleges for purpose of integrated Honours and Post-graduate teaching on the recommendations of the Selection Committee to be constituted by the Syndicate for this purpose ;
- (f) to admit new colleges to the privileges of affiliated or constituent colleges of the University subject to the conditions to be laid down in the Statutes ;
- (g) to arrange for and direct the periodical and special inspection of the colleges and other institutions and hostels ;

- (h) to award scholarships, prizes, fellowships, exhibitions, bursaries and other such awards in accordance with the procedure prescribed in this behalf ;
- (i) to control and manage the Libraries of the University concerned ;
- (j) to provide buildings, premises, furniture, apparatus, equipment and other means and facilities needed for carrying on the work of the University concerned ;
- (k) to invest any moneys belonging to the University concerned including any un-applied income in any of the approved securities, or to place on fixed deposit in any bank, approved by the Government in this behalf, any portion of such moneys not required immediately for expenditure ;
- (l) to demand and receive such fees as may from time to time be prescribed by Statutes and Regulations ;
- (m) to constitute committees for specific purposes and to assign such duties to them as may be deemed necessary ;
- (n) to recommend to the University Council the plans for development and expansion of the University ;
- (o) to appoint paper setters and examiners for all the examinations held by the University in accordance with the procedure prescribed in the Statutes ;
- (p) to give directions for holding of examinations and compilation and publication of results ;
- (q) to give directions for the editing, printing and publishing of such text-books for various examinations of the University as may be considered necessary for this purpose ;
- (r) to maintain proper standards of teaching and examination in consultation with the Academic Council of the University concerned ;
- (s) to enter into, vary, carry out and cancel contracts on behalf of the University ;
- (t) to direct the form, custody and use of the common seal of the University ;



- (u) to accept donations, bequests or transfer of any movable or immovable property on behalf of the University concerned ;
- (v) to exercise such other powers and perform such other duties as may be conferred upon or assigned to it by this Act or the Statutes ;
- (w) to delegate, whenever necessary, appropriate financial and administrative powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Head of the Post-graduate Departments, the Controller of Examinations or any other officer of the University concerned.

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

25. *Academic Council*.—(1) The Academic Council of a University shall consist of the following persons, all the whom, shall be members ex officio,—

- (i) the Vice-Chancellor of the University concerned ;
- (ii) the Pro-Vice-Chancellor of the University concerned, if any ;
- (iii) the Deans of the Faculties of the University concerned ;
- (iv) the Head of the Department of the University concerned having the status of Professors or Readers ;
- (v) six Principals from the constituent and affiliated colleges of the University concerned by rotation, nominated by the Vice-Chancellor ;
- (vi) four Professors from colleges of the University concerned representing subjects other than those represented by the Principals, nominated by the Vice-Chancellor ; and
- (vii) Deans of the Faculties of the other University established under the provisions of this Act.

(2) The Academic Council of a University shall have the powers to co-opt not more than five persons possessing special knowledge of subjects not otherwise adequately represented on the Academic Council.

(3) The terms and conditions of the office of the co-opted members of the Academic Council shall be such as may be prescribed by the Statutes in this behalf.

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

- (a) to control and regulate the standards of teaching and examinations in the University ;
- (b) to prescribe the syllabi and the courses of studies for all the examinations held by the University except such text books as may be got edited, printed and published by the Syndicate direct in accordance with the procedure laid down in the regulations ;
- (c) to make proposals to the Syndicate and the University Council for the institution of Professorships, Readerships, Lecturerships, or other teaching posts and in regard to the duties and emoluments thereof in accordance with the provisions of this Act ;
- (d) to formulate, modify or revise, subject to control of the Syndicate and the University Council schemes for the constitution of faculties and for the assignment of subjects to the faculties ;
- (e) to nominate teachers or specialists to the facilities ;
- (f) to promote research within the University and to require reports of such research from persons engaged therein ;
- (g) to advise the Syndicate and the University Council on academic matters ; and
- (h) to make proposals to the higher authorities of the University for supplementing the teaching provided in the constituent and affiliated colleges.

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

(3) The Academic Council of a University shall have the powers to appoint a Standing Committee of the members of the Academic Council, of which not less than two-thirds shall be University Professors, Readers, Principals, or

teachers of affiliated and constituent colleges not lower in rank than that of a Professor and to delegate to it such of its powers as it may deem fit. The Standing Committee shall have power to invite experts, whenever necessary, for advice on a particular matter under consideration.

27. *Faculties*.—(1) The University of Kashmir <sup>1</sup>[shall have the Faculties one each for] Arts, Science, Social Sciences, Commerce, Education, Engineering, Medicine, Agriculture, Unani Medicine, Oriental Learning and such other Faculties as may be prescribed by the Statutes of the University from time to time.

(2) The University of Jammu <sup>1</sup>[shall have the Faculties one each for] Arts, Science, Social Sciences, Commerce, Education, <sup>2</sup>[x x x] Ayurvedic medicine, Oriental Learning, Law and such other Faculties as may be prescribed by the Statutes of the University from time to time.

(3) (a) <sup>1</sup>[Each of the Faculties of Arts], Science, Social Sciences, Education and Commerce shall consist of—

- (i) the Professors and Readers of the University Departments <sup>3</sup>[comprising the Faculty] ;
- (ii) such Principals of constituent and affiliated colleges of the University concerned as are qualified to teach any subject <sup>3</sup>[comprising the each Faculty] ;
- (iii) Head of the Department of the constituent colleges, if any, not lower in rank than that of Professors representing each subject <sup>3</sup>[comprising the each Faculty] ;
- (iv) Head of the Department of the affiliated colleges, if any, not lower in rank than that of Professor representing each subject <sup>3</sup>[comprising the each Faculty] ;
- (v) Two persons other than teachers nominated to the faculty by the Academic Council possessing expert <sup>3</sup>[ knowledge of the subject] <sup>3</sup>[comprising the Faculty.]

(b) The Faculty of Engineering shall consist of—

- (i) Principal of the colleges concerned ;

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1. Substituted by Act VIII of 1970.

2. Word “Agriculture” omitted *ibid*.

3. Substituted by Act VIII of 1970 for the words “comprised in the Faculty” and “knowledge in the subject”.

- (ii) Heads of the Departments of the subjects <sup>1</sup>[comprising the Faculty] ;
- (iii) Professors of the subjects <sup>1</sup>[comprising the Faculty] ;
- (iv) three persons to be nominated by the Academic Council of the University concerned on account of their possessing expert <sup>1</sup>[knowledge of the subjects] or subjects <sup>1</sup>[comprising the Faculty].

(c) The Faculty of Medicine shall consist of—

- (i) Principals of the colleges concerned ;
- (ii) Head of the Department in each subject <sup>1</sup>[comprising the Faculty] ;
- (iii) Professors and Associate Professors in each subject <sup>1</sup>[comprising the Faculty] ;
- (iv) two persons to be nominated by the Academic Council of the University concerned on account of their possessing expert <sup>1</sup>[knowledge of the subject] or subject <sup>1</sup>[comprising the Faculty].

(d) The Faculty in Agriculture shall consist of—

- (i) Principals of the colleges imparting instruction in the Faculty ;
- (ii) Professors teaching the subjects <sup>1</sup>[comprising the Faculty] ;
- (iii) six teachers of the constituent and affiliated colleges imparting instruction in the Faculty to be nominated by the Vice-Chancellor ;
- (iv) two person to be nominated by the Academic Council of the University concerned on account of their possessing expert <sup>1</sup>[knowledge of the subject] or subjects <sup>1</sup>[comprising the Faculty.]

(e) The Faculty of Oriental Learning shall consist of—

- (i) such Head of the Oriental Institutions representing different subjects as are nominated by the Vice-Chancellor ;

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1. Substituted by Act VIII of 1970 for the words “Comprised in faculty” and “knowledge in subject”.

- (ii) eight persons nominated to the Faculty by the Academic Council on account of their possessing expert <sup>1</sup>[knowledge of the subject] or subject <sup>1</sup>[comprising the Faculty] at least half of whom will be University Professors, Readers and Principals of affiliated and constituent colleges ;
- (iii) three persons possessing special knowledge of subject not otherwise adequately represented on the Faculty to be co-opted by the Faculty.

(f) The Faculty of Unani Medicine shall consist of—

- (i) Principals of the colleges imparting instruction in the Faculty ;
- (ii) Professors teaching the subject <sup>1</sup>[comprising the Faculty] ;
- (iii) six teachers of the constituent and affiliated colleges imparting instruction in the Faculty, to be nominated by the Vice-Chancellor ;
- (iv) two persons to be nominated by the Academic Council of the University concerned on account of their possessing expert <sup>1</sup>[knowledge of the subject] or subjects <sup>1</sup>[comprising the Faculty.]

(g) The Faculty of Ayurvedic Medicine shall consist of—

- (i) Principals of the colleges imparting instruction in the Faculty ;
- (ii) Professors teaching the subject <sup>1</sup>[comprising the Faculty ;]
- (iii) six teachers of the constituent and affiliated colleges imparting instruction in the Faculty, to be nominated by the Vice-Chancellor ;
- (iv) two persons to be nominated by the Academic Council of the University concerned on account of their possessing expert <sup>1</sup>[knowledge of the subject] or subjects <sup>1</sup>[comprising the Faculty.]

(h) The Faculty of Law shall consist of—

- (i) Professors of the University, Department of Law ;

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1. Substituted by Act VIII of 1970 for the words “Comprised in faculty” and “knowledge in subject”.

- (ii) one Reader and one Lecturer of the University, Department of Law nominated by the Vice-Chancellor by rotation according to seniority ;
- (iii) five persons elected by the Academic Council for their special knowledge of the subject taught in the Faculty ; and
- (iv) three persons not connected with the University, having expert knowledge of Law, co-opted by the Faculty.

(4) Notwithstanding the constitution of the Faculties given in this section, the Vice-Chancellor of a University shall have the power to nominate the remaining members whenever the total number of members of a Faculty is less than ten.

(5) The composition of the Faculties not prescribed in this Act shall be prescribed by the Statutes.

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

28. *Powers of each Faculty.*—Each Faculty of a University shall have the following powers :—

- (a) subject to the control of the Academic Council, to organise the teaching work of the University in the subjects assigned to the Faculty ;
- (b) to suggest to the Academic Council the syllabi and courses of studies for the different examinations after consulting the Boards of Studies, except such text-books as may be got edited, printed and published in the manner prescribed under the Regulations ;
- (c) to recommend to the Academic Council the conditions for the award of degrees, diplomas and other distinctions ;
- (d) to deal with any matter referred to it by the University Council or the Syndicate or the Academic council ;
- (e) to discharge such other functions as may be prescribed by the Statutes and Regulations ;
- (f) to transact such other business as may be approved by the Deans of the Faculties.

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

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

Provided further that no person shall hold the office of the Dean for more than two consecutive terms except where there is no other person eligible to hold the office.]

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

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

30. *Boards of Studies.*—(1) In a University there shall be a Board of Studies for a subject or subjects comprised in a Faculty in accordance with the provisions of the Regulations.

(2) Each Board of Studies except in the case of Boards assigned to the Faculties of Medicine, Engineering, Agriculture, Law, Ayurvedic Medicine and Unani Medicine shall consist of the following members, namely :—

- (a) the professors of the University Department in the subject assigned to the Board, if there are any ;
- (b) the Readers of the University Department in the subject assigned to the Board, if there are any ;
- (c) the Head of the Department in the subject concerned from each constituent college, not lower in rank than that of a professor ;
- (d) the Head of the Department in the subject concerned from each affiliated college, not lower in rank than that of a professor ;
- (e) one person who is not a teacher in any affiliated or constituent college of the University or a Department of the University, nominated by the Faculty <sup>2</sup>[x x x] :

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1. Sub-section (1) of section 29 substituted by XXI of 1988, s. 2.

2. Words omitted by Act X of 1973, s. 5.

Provided that where in a particular subject there is no teacher of the status of a Professor, the teacher incharge of the department in the subject concerned from an affiliated or constituent college shall be the member of the Board :

Provided further that where it is found that the Board of studies in any subject is not adequately represented, the Vice-Chancellor of the University concerned may authorise co-optation of teacher in the subject from colleges or the University Department to the extent of three members.

(3) The Professor of the University Department senior to all other Professors in the Department shall be the convenor and in case there is no Professor of the University Department in a subject, the Board of Studies shall elect one of its members as the convenor of the Board.

(4) The terms and conditions of the office of the members of a Board of Studies shall be such as may be prescribed by the Statutes in this behalf.

(5) Where a Board of Studies comprises more than one subject, the Vice-Chancellor may constitute the Board on similar lines so as to ensure that each subject comprised in the Board is adequately represented on it :

Provided that the total number of members of the Board so constituted does not exceed ten.

(6) The Board of Studies for each subject assigned to the Faculties of Medicine, Engineering, Agriculture, Law, Ayurvedic Medicine and Unani Medicine shall be constituted by the Dean of the Faculty concerned in consultation with the Vice-Chancellor. Each Board for a subject or subjects shall consist of not more than seven members and the teacher senior to all other teachers shall act as the convenor of the Board.

<sup>1</sup>[(7) Notwithstanding anything contained in this section or any Statute or Regulation made thereunder, each University may have a Board of Post-graduate Studies for each subject in which Post-graduate instruction is imparted, and a Board of Under-graduate Studies for the subject or subjects in which Under-graduate instruction is imparted. The composition of these Boards shall be such as may be determined by the Chancellor in consultation with the Vice-Chancellor of the University concerned.]

31. *Functions and Powers of the Boards of Studies.*—(1) It shall be the duty of each Board of Studies to make suggestions to the Faculty concerned regarding :—

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1. Sub-section (7) added by Act III of 1979.



- (a) syllabi for the subject or subjects of instruction ;
- (b) combination of subjects permits in various courses ;
- (c) new courses of study except such text books as may be got edited, printed and published by the Syndicate of the University concerned in accordance with the Regulations prescribed in this behalf ;
- (d) appointment of paper setters and examiners ; and
- (e) any matter referred to it by the University Council, the Syndicate, the Academic Council or the Faculty concerned.

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

32. *Boards of Research Studies.*—(1) Three shall be Boards of Research Studies, one each for Arts, Science, Social Studies and such other fields of study as may be specified by the Syndicate concerned after having consulted the Academic Council of the University concerned. Each Board shall consist of the Vice-Chancellor, the Pro-Vice -Chancellor, the Registrar, the Dean and the Heads of the University Departments of the subjects comprised in the faculty with power to co-opt members :

Provided that an expert in the subjects concerned may be invited to advise on a particular matter relating to each subject. The co-opted members shall hold office for a period of three years. The Vice-Chancellor shall be ex officio Chairman of each Board and in his absence, the Pro-Vice-Chancellor shall act as Chairman.

(2) Each Board shall organise research studies under the guidance of the Academic Council and in accordance with the Statutes and Regulations prescribed in this behalf.

33. *Powers and functions of the Boards of Research Studies.* —(1) Each Board shall have the following powers and functions, namely :—

- (a) to consider and grant applications for registration for the research degrees in the light of the recommendations made by the Head of the Post-graduate Department concerned ;
- (b) to appoint supervisors for the guidance of research studies ;

- (c) to prescribe the maximum number of research scholars to be guided by an approved supervisor ;
- (d) to submit to the Academic Council suggestions and proposals for organising or improvement of the research studies in the University; and
- (e) to consider any other matter referred to it by the Academic Council, the Syndicate and the University Council.

34. *Board of Inspection.*—(1) There shall be a Board of Inspection in a University consisting of the following members, namely :—

- (a) The Vice-Chancellor of the University ;
- (b) The Pro-Vice-Chancellor of the University, if any ;
- (c) The Educational Advisor to the Government or the office designated by the Government to be incharge of Higher Education ;
- (d) two Deans of Faculties of the University concerned by rotation, nominated by the Vice-Chancellor ;
- (e) two Principals from colleges nominated by the Vice-Chancellor by rotation ; and
- (f) the Registrar.

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

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

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

held, consider the report of the inspectors and forward it to the Syndicate with its recommendations.

(2) The inspection of colleges and other teaching institutions applying for affiliation or recognition shall be conducted <sup>1</sup>[by a committee to be appointed by the Board of inspection] as a whole. In the case of a college applying for recognition in new courses or subjects the Committee of Inspection shall consist of the following members :—

- (a) one member of the Board of Inspection nominated by the Vice-Chancellor ;
- (b) the Heads of the University Departments concerned, if there are any in the subjects ; and
- (c) the Dean of the Faculty concerned.

36. *Selection Committees.*—(1) Save as otherwise provided in this Act, there shall be Selection Committees in a University comprising the following members for selection of teachers and officers for appointment in the University concerned :—

<sup>2</sup>[(a) Committees for appointment of teachers :

(A) for Lecturer or equivalent post :—

- (i) Vice-Chancellor (Chairman) ;
- (ii) Chairman, Public Service Commission or a member of the Public Service Commission nominated by him ;
- (iii) three experts having special knowledge of the subject concerned in which the appointment is to be made, nominated by the Vice-Chancellor from the panel of experts recommended by the Vice-Chancellor and approved by the University Council ; provided the panel shall be reviewed after every two Years ;
- (iv) Head of the Department concerned ; provided that he is not lower than the status of a Reader ; and
- (v) an academician nominated by the Chancellor ;

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1. Substituted by Act X of 1973, s. 6.

2. Clause (a) of sub-section (1) substituted by Act XV of 2000, s. 2, w.e.f. 5-9-2000.

(B) for Reader or equivalent post—

- (i) Vice-Chancellor (Chairman) ;
- (ii) Chairman, Public Service Commission or a member of the Public Service Commission nominated by him ;
- (iii) an academician to be nominated by the Chancellor ;
- (iv) three experts in the concerned subject/field, out of the panel recommended by the Vice-Chancellor and approved by the University Council ; provided the panel shall be reviewed after every two years ;
- (v) Dean of the faculty concerned, if he is of the status of a University Professor ; and
- (vi) Head of the Department concerned ; provided that he is not lower in status than that of a Reader and is not a candidate for the said post :

Provided further that the bio-data and reprints of three major publications of the applicant have been got assessed by the same three external experts who are to be invited to interview the candidates ; and

(C) for Professor or equivalent Post.—The composition of the Selection Committee shall be the same as that for the post of a Reader under sub-clause (B) ; provided that the Head of the Department is not lower in status than that of a Professor :

Provided further that the bio-data and reprints of the three major publications of the applicant of which <sup>1</sup>[one may be a book] or research report have been got assessed by the same three external experts who are to be invited to interview the candidates and the assessment report shall be placed before the Selection Committee].

(b) Committee for appointment of the officers of the status of the Joint Registrar, Deputy Librarian and above :—

- (i) Vice-Chancellor (Chairman) ;
- (ii) Pro-Vice-Chancellor, if any ;
- (iii) Financial Adviser ; and

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1. Substituted by Act V of 2002, s. 2.

- (iv) a member of the University Council concerned, nominated by the Chancellor.
- (c) Committee for appointment of officers below the status of the Joint Registrar and Deputy Librarian :—
  - (i) Vice-Chancellor (Chairman) ;
  - (ii) Pro-Vice-Chancellor, if any ;
  - (iii) Financial Adviser ;
  - (iv) A member of the Syndicate concerned, nominated by the Vice-Chancellor ;
  - (v) The Registrar.

<sup>1</sup>[(2) The quorum of the Selection Committee for appointment of teacher under clause (a) of sub-section (1) shall be four including atleast two external experts. In respect of the selection to the posts referred to in clauses (b) and (c) of said sub-section (1), the majority of members shall form the quorum.]

(3) The terms and conditions of the office of the members of the Selection Committee shall be such as may be prescribed by the Statutes in this behalf.

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

38. *Audit of Accounts.*—The Accounts of a University shall, once in every year and at the intervals of not more than fifteen months, be audited by auditors appointed by the Government and a copy of the accounts together with the auditor's report, shall be published in \*[Government Gazette].

39. *Alternation in the designation of a Government Officer.*—Where any provision of this Act or the Statutes or Regulations refer to any officer of the Government by designation then, if that designation is altered or the office held by such officer ceases to exist, the reference to that designation shall be construed as reference to the altered designation or, as the case may be, to such corresponding officer as the Government may direct.

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1. Sub-section (2) substituted by Act XV of 2000, s. 2, w.e.f. 5-9-2000.

\* Now Official Gazette.

### STATUTES AND REGULATIONS

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

- (a) the holding of Convocation by a University to confer degrees ;
- (b) the conferment of Honorary Degrees ;
- (c) the institution of Fellowships, Scholarships, Exhibitions, Bursaries, Medals and prizes ;
- (d) the conditions of service of the Vice- Chancellor and other officers of the University ;
- (e) the designation and powers of the officers of the University ;
- (f) the constitution, powers and duties, of the authorities of the University ;
- (g) the conditions for recognition and affiliation of colleges and other institutions of the University ;
- (h) the classification of teachers employed by the University ;
- (i) the constitution of a pension or general provident fund or contributory provident fund for the benefit of the officers, teachers and other servants employed by the University ;
- (j) the conditions under which students shall be admitted, to the examinations conducted by the University, and be eligible for degrees, diplomas or certificates ;
- (k) the fees to be charged for admission to the examinations and the Departments of the University ;
- (l) the conditions and mode of employment and the duties of examiners and paper-setters ;
- (m) the conduct of examinations ;
- (n) the admission of students to constituent and affiliated colleges ;

- (o) the number, qualifications and emoluments of teachers employed by the University ; and
- (p) all matters which by this Act are to be or may be prescribed by the Statutes.

41. *Statutes how made.*—(1) Subject to the provisions of sections 48 and 51 of this Act, the Statutes may be amended or repealed or added to by Statutes made by the University Council in the manner hereinafter appearing.

(2) The University Council may of its own motion take into consideration the draft of any Statutes submitted to it by one of its own members :

Provided that in any such case, before a Statute is passed, the opinion of the Syndicate or if the draft of such a Statutes affects the powers, duties or emolument of any officer, teacher, authority or board, a report from the person or body concerned together with the opinion of the Syndicate shall be taken into consideration by the University Council.

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

- (4) (a) When the University Council has passed a Statute, it shall be submitted to the Chancellor who may assent to it or may withhold his assent or may refer it back to the University Council for further consideration.
- (b) If the University Council rejects the draft of a State proposed by the syndicate, the draft shall be submitted to the Chancellor who may refer it back to the University Council for further consideration.
- (c) A Statute passed by the University Council shall not become valid until assent thereto of Chancellor has been notified.

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

- (a) affecting the status, powers or constitution of an authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the University Council and shall be submitted to the Chancellor ; and
- (b) affecting the conditions of recognition and affiliation of constituent and affiliated colleges to the University concerned except after consultation with the Academic Council concerned.

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

- (a) the procedure to be observed at their meetings and the number of members required to form a quorum ;
- (b) the notice to be given of the meetings and of business to be considered thereat, the keeping of records of their proceedings and similar matters ;
- (c) all matters which by this Act or the Statutes are to be prescribed by the Regulations ;
- (d) the conditions of residence of students ;
- (e) the discipline of students ;
- (f) the classification or inclusion of subjects of study in various Faculties ;
- (g) the constitution, powers and duties of the various Boards of the University ;
- (h) the periodical inspection of constituent or affiliated colleges and other institutions.

43. *Regulations how made.*—(1) University Council of a University shall make Regulations in consultation with the Syndicate after receiving drafts from the authorities and bodies of the University :



Provided that the University Council shall not consider the draft of any Regulations regarding classification or inclusion of the subjects of study in the various Faculties, otherwise than on the recommendation of the Academic Council.

(2) Regulations shall not be made for those matters which under section 40 of this Act may be provided for by the Statutes.

### SUPPLEMENTARY PROVISIONS

44. *Annual Report.*—The Annual Report of a University shall be prepared at the close of a financial year under the directions of the Syndicate and shall be submitted to and considered by the University Council.

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

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

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

47. *Proceedings of University authorities and bodies not invalidated by vacancies.*—No act or proceedings of any authority or other body or committee of a University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

*48. Appointment of Special Officer until University authorities duly constituted.*— (1) At any time after the passing of this Act and until such time as the two Universities and their authorities shall have been duly constituted or until such time as the Chancellor may desire, a Special Officer shall be appointed by the Chancellor for a University.

(2) Subject to the superintendence of the Vice-Chancellor, the Special Officer shall examine the Statutes and Regulations continued under section 51 of this Act and propose such modifications, alterations and additions therein as may be necessary to bring such Statutes and Regulations in conformity with the provisions of this Act. The modifications, alterations and additions proposed by the Special Officer shall, if approved by the Chancellor, be deemed to have been made by the competent authority under this Act and shall continue to be in force until altered or superseded by the authority constituted under this Act.

*49. Affiliation of State educational institutions with the University of Kashmir and the University of Jammu.*—(1) Notwithstanding anything contained in this Act or the Statutes with regard to the conditions of the recognition and affiliation of colleges and other educational institutions, all colleges and educational institutions, affiliated to or recognised by the University of Jammu and Kashmir under the provisions of Jammu and Kashmir University Act, 1965 shall, immediately after the commencement of this Act, become affiliated to or recognised by the University of Kashmir or the University of Jammu in the territorial jurisdiction of which such college or educational institution is situate, in the same subjects, up to the same standard and on the same conditions as these were affiliated or recognised before the commencement of this Act.

(2) Notwithstanding anything contained in this Act or the Statutes or Regulation's any student in a college or any other educational institution affiliated to or recognised by the University of Jammu and Kashmir, who immediately before this Act comes into force was studying or was eligible for any examination under the provisions of the Jammu and Kashmir University Act, 1965, shall be permitted to complete his course in preparation therefor in either of the two Universities and each of the University shall provide for the instruction and examination of such student in accordance with the prospectus of studies of the Jammu and Kashmir University Act, 1965 unless otherwise decided by the respective University Council.

*50. Removal of difficulties.*—If any difficulty arises as to the first constitution of any authority of a University after the commencement of this Act, or otherwise in giving effect to the provisions of this Act, the Government

may by order to anything which appears to them necessary for the purpose of removing the difficulty.

*51. Continuance of the existing Statutes and Regulations.—* All the Statutes and Regulations made under the Jammu and Kashmir University Act, 1965 and in force immediately before the commencement of this Act, shall so far as may be consistent with the provisions of this Act, continue to be in force in each University after the commencement of this Act.

*52. Continuance of service of the existing employees and their allocation.—*Notwithstanding anything contained in this Act or any Statute or Regulation made thereunder or in any other law for the time being in force,—

- (1) all employees of the University of Jammu and Kashmir constituted under the Jammu and Kashmir University Act, 1965, (other than those serving on contract or on deputation in the University or those serving in the Publication Bureau of the University) who immediately before the commencement of this Act, were holding or discharging the duties of any post or office in connection with the affairs of the said University shall, subject to the provisions of sub-section (2), continue in service on the same terms and conditions as regulated their service before such commencement;
- (2) the Chancellor may, in consultation with the Pro-Chancellor, by order allocate the employees of the University of Jammu and Kashmir (other than those serving on contract or deputation in the University or those serving in the Publication Bureau of the University) between the University of Kashmir and the University of Jammu constituted under this Act in such manner as he may consider necessary and every such allocation shall be deemed to be an appointment, transfer or promotion, as the case may be, to the post or office by the competent authority under this Act :

Provided that in making such allocation the conditions of service of employment of such employees shall not be varied to their disadvantage ;

- (3) the employees of the Publication Bureau of the University of Jammu and Kashmir along with the assets and liabilities of the said Bureau shall stand transferred to the Jammu and Kashmir Board of Secondary Education constituted under the Jammu and Kashmir Secondary Education Act, 1965, with effect from such date after the commencement of this Act as the Chancellor may specify :

Provided that the conditions of service of such employees shall not be varied to their disadvantage on account of such transfer ; and

- (4) All persons who immediately before the commencement of this Act were holding or discharging the duties of any post or office in connection with the affairs of the University of Jammu and Kashmir, on contract basis or by virtue of their deputation to such posts or of offices from other services in the State, unless otherwise ordered by the Chancellor after consulting the Pro-Chancellor, shall cease to hold such posts or to discharge such duties after 60 days from the commencement of this Act and all such contracts with, or deputations to, the University of Jammu and Kashmir, shall stand terminated with effect from the expiry of the said period of 60 days.

53. *Inter-University Transfers.*—The Chancellor or the Pro-Chancellor may, after consulting the Vice-Chancellors of the two Universities, transfer any employees from one University to another University if such transfer is considered by him necessary in the interest of administration of the Universities constituted under this Act.

54. *Gulmarg Research Observatory.*—The Gulmarg Research Observatory shall, after the commencement of this Act, be under the administrative control of the University of Kashmir. The Chancellor in consultation with the Pro-Chancellor may, for purposes of its efficient administration and representation of the two Universities on its Board of Management, issue such directions as he may deem fit.

55. *Transitional arrangements.*—Notwithstanding anything contained in this Act or any Statute or Regulation made thereunder,—

- (1) the appointment of the first Vice-Chancellors, the first Pro-Vice Chancellors, the first Registrar and the first Controllers of Examinations of both the Universities constituted under this Act shall be made by the Chancellor in consultation with the Pro-Chancellor, and, until the first appointment as aforesaid is made, the Chancellor may, after consultation with the Pro-Chancellor, make provisional appointments or the said posts on such terms and conditions and for such period as the Chancellor may direct ;
- (2) the Syndicate of the two Divisions of the University of Jammu and Kashmir constituted under the provisions of the Jammu and Kashmir University Act, 1965, shall, until such time as the

authorities of a University be constituted under the provisions of this Act, perform such duties and exercise such powers in respect of the University concerned as have been conferred upon the Syndicates, the Academic Councils, the Faculties, the Boards of Studies, the Boards of Research Studies in accordance with the provisions of this Act, the Statutes and Regulations made thereunder ; and

- (3) all degrees, diplomas and certificates shall continue to be granted and issued by each University constituted under the Act in the name of “University of Jammu and Kashmir” until such dates as the Chancellor may determine and all such degrees, diplomas and certificates shall be as good and valid as if granted or issued by the concerned University under this Act.

56. *Assets and liabilities.*—(1) The assets and liabilities of the Jammu Division and the Kashmir Division of the University of Jammu and Kashmir, existing immediately before the commencement of this Act, shall form the assets and liabilities of the University of Jammu and University of Kashmir respectively.

(2) The assets and liabilities of the Central Unit of the University of Jammu and Kashmir, existing immediately before the commencement of this Act, shall be apportioned between the University of Jammu and the University of Kashmir in such manner as the Chancellor in consultation with the Pro-Chancellor may determine.

57. *Legal proceedings.*—Where immediately before the commencement of this Act, the University of Jammu and Kashmir was a party to any legal proceedings with respect to any property, rights, or liabilities, the University of Kashmir or the University of Jammu which succeeds to acquire a share in that property or those rights or liabilities by virtue of this Act shall be deemed to be substituted for the University of Jammu and Kashmir as a party to those proceedings and the proceedings may continue accordingly.

58. *Repeal and savings.*—(1) The Kashmir and Jammu Universities Ordinance, 1969 (X of 1969) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance or the repeal of the Jammu and Kashmir University Act, 1965 under the said Ordinance,—

- (a) all degree conferred, and diplomas, certificates and privileges granted by the University of Jammu and Kashmir under the Jammu

and Kashmir University Act, 1965 shall be as good and valid as if conferred and granted by the University concerned under this Act ;

- (b) the Syndicates of the Divisions of the University of Jammu and Kashmir constituted under the Jammu and Kashmir University Act, 1965, shall continue for purposes of sub-section (2) of section 55 of this Act for the period mentioned in the said sub-section ;
- (c) anything done, any action taken, any appointment made or order issued <sup>1</sup>[under the said Ordinance or under the Jammu and Kashmir University Act, 1965] or issued under this Act :

Provided that if any appointment was made <sup>1</sup>[under the said Ordinance or under the Jammu and Kashmir University Act, 1965] subject to any conditions, such appointment shall continue subject to that condition under this Act.

<sup>2</sup>[59. *Validation*.—The Statutes passed by the University Council of Jammu at its meeting held on 30th March, 1973 and assented to by the Chancellor on 1st April, 1973 shall be and shall always be deemed to be valid notwithstanding that the assent of the Chancellor to the said Statutes was not published in the \*[Government Gazette] as was required under clause (c) of sub-section (4) of section 41 of the Kashmir and Jammu Universities Act, 1969 and accordingly—

- (a) the Statutes aforesaid shall—
  - (i) continue to be in force unless and until altered or superseded under this Act ;
  - (ii) not be called in question on the ground that assent of the Chancellor thereto was not published in the \*[Government Gazette] ; and
- (b) anything done, any action taken or order made in pursuance of the said Statutes shall be and shall always be deemed to have been validly done, taken or made.]

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1. Words substituted by Act X of 1973, s. 8.

2. Section 59 added by Act IX of 1977, s. 2.

\* Now Official Gazette.