

## CHHATTISGARH ACT

(No. 26 of 2004)

PANDIT SUNDARLAL SHARMA (OPEN) UNIVERSITY CHHATTISGARH  
ACT, 2004

An Act to establish and incorporate an open University, at State level for introduction and promotion of open university and distance education system, in the field of higher education and to provide for matters connected there with or incidental there to.

Be it enacted by the Chhattisgarh Legislature in the 55th year of the Republic of India, as follows:-

## 1. Short title, extent and commencement

(1) This Act may be called the Pandit Sundar Lal Sharma (Open) University Chhattisgarh Adhiniyam, 2004;

(2) It extends to the whole of Chhattisgarh;

(3) It shall come into force on the date of its publication in official gazette.

## 2. Definitions

In this Act and the Statute, unless the context otherwise requires:-

(a) "Academic Council" means the Academic Council of the University;

(b) "Co-ordination Committee" means the committee established under section 34 of the Chhattisgarh Vishwavidyalaya Adhiniyam, 1973 (No.22 of 1973);

(c) "Department" means a department of the University of the subject concerned;

(d) "Distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, audio visual means, audio methods, correspondence course, seminar, contact programme or the combination of any two or more of such means;

(e) "Employee" means any person appointed by the University, includes teachers and other academic staff of the University;

(f) "Finance Committee" means the Finance Committee of the University;

(g) "Indira Gandhi National Open University" means the University established under Section 3 of the Indira Gandhi National Open University Act, 1985 (No. 50 of 1985);

(h) "Kulpati" means the Kulpati of the University;

(i) "Ordinance" means ordinance made under this act;

(j) "Planning Board" means the Planning Board of the University;

(k) "Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred

on such centre by the Executive Council;

(l) **“Regulation”** means the Regulation made under this Act;

(m) **“Statute”** means Statute made under this act;

(n) **“Student”** means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(o) **“Study Centre”** means a centre established, maintained or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;

(p) **“Teacher”** means Professor, Reader, Assistant-Professor and such other persons as may be designated as such by the Ordinance for imparting instruction in the University or for giving guidance or rendering assistance to student for pursuing any course of study of the University and shall include part-time and whole time teachers in Regional Centre, or Study Centre;

(q) Terms not defined in this Act, will have the same meaning as defined in Section 4 of the Chhattisgarh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973);

(r) **“University”** means the Pandit Sundar Lal Sharma (Open) University Chhattisgarh established under this Act;

(s) **“University Grants Commission”** means the Commission established under the University Grants Commission Act, 1956 (No.3 of 1956);

### 3. Establishment and incorporation of the University

(1) There shall be established a University by the name. **“PANDIT SUNDAR LAL SHARMA (OPEN) UNIVERSITY CHHATTISGARH ”**

(2) The headquarters of the University shall be at Bilaspur and it may establish or maintain Regional Centres, and Study Centres at such places as it may deem fit.

(3) First Kulpati & members of , first Executive Council, the Academic Council and the Planning Board and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall hereby constitute a body corporate by the name of **█Pandit Sundar Lal Sharma (Open) University Chhattishgarh █**.

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

4. The objects of the University

The objects of the University shall be-

(one) to advance and disseminate learning and knowledge by different means, including the use of any communication technology;

(two) to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community in general;

(three) to encourage the open University and distance education systems in the educational pattern of the State.

5. Powers of the University

(1) The University shall have the following powers, namely:

(one) provide for instruction in such branches of knowledge, technology, vocations and professions as the University, may determine from time to time and to make provision for sponsored research;

(two) plan and prescribe courses of study for degree, diploma, certificate or for any other purpose;

(three) hold examinations and confer degree, diploma, certificate or other academic distinctions or recognitions on persons who have successfully completed a course of study in the manner laid down by the Statute and Ordinance;

(four) determine the manner in which distance education in relation to the academic programmes of the University may be organised;

(five) create posts of Professor, Reader, Assistant Professor and other academic positions necessary to impart instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of courses and evaluation of the work done by the student and to appoint on those posts;

(six) co-operate with, and seek the co-operation of, other Universities and institutions of higher learning, professional bodies and organisations for such purposes as the University considers necessary;

(seven) institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;

(eight) establish and maintain such Regional Centres, as may be determined by the University from time to time;

(nine) establish, maintain or recognise Study Centres in the manner laid down by the Statute;

✓ (ten) provide for the preparation of instructional material, including films, cassettes, tapes video cassettes and other software;

✓ (eleven) organise and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;

(twelve) recognise examinations of, or periods of study, (whether in full or part) at, other universities, institutions or other place of higher learning as equivalent to examination or periods of study in the University, and to withdraw such recognition at any time;

✓ (thirteen) make provision for sponsored research and development in education technology and related matters;

✓ (fourteen) create administrative, ministerial and other necessary posts and to make appointments thereto;

✓ (fifteen) receive benefactions, donations and gifts and to acquire, hold, maintain and dispose off any property movable or immovable, including trust property to the benefit of the University;

✓ (sixteen) borrow, with the prior approval of the State Government whether on the security of the property of the University or otherwise, money for the purposes of the University;

(seventeen) enter into, carry out, vary or cancel contracts;

✓ (eighteen) to demand and receive such fees and other charges as may be prescribed by the Ordinance;

✓ (nineteen) provide, control and maintain discipline amongst the students and all categories of employees and to lay down the conditions of service of such employees, including their code of conduct;

✓ (twenty) appoint, either on contract or otherwise, Visiting Professors, Emritus Professors, Consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the subjects of the University;

(twenty one) recognise persons working in other universities, institutions or organisations as teachers of the University on such terms and conditions as may be prescribed by the Ordinance;

✓ (twenty two) determine standard and to specify condition for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;

✓ (twenty three) make arrangements for the promotion of the general

health and welfare of the employees;

(twenty four) do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University as are necessary and conducive to the promotion of all or any of the objects of the University.

(2) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the University and the distance education systems and for the determination of standards of teaching, evaluation and research in such systems. In carrying out its objects the University shall strive for cooperation with the Indra Gandhi National Open University and shall observe, to the extent feasible, the educational norms and standards prescribed by it for open learning systems.

6. University open to all classes, castes and creeds

The University shall not discriminate against any citizen of India on grounds of religion, race, caste, sex, place of birth or language.

7. Officers of the University

The following shall be the officers of the University:-

- (one) The Kuladhipati
- (two) Kulpati
- (three) Registrar
- (four) Regional Director
- (five) Finance Officer and
- (six) such other Officers as may be declared by the Statute to be the officers of the University.

8. The Kuladhipati

- (1) The Governor of Chhattisgarh shall be the the Kuladhipati of the University.
- (2) Subject to the provisions of sub-sections (3) and (4), the Kuladhipati shall have the right to cause an inspection to be made, by such person or persons as he may direct, to the University, its buildings, laboratories and equipment, and of any Regional Centre, a Study Centre and also of the examination, instruction 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 administration and finances of the University.
- (3) Where an inspection or inquiry has been ordered by the Kuladhipati, the University may depute representative to represent the University in such in-

spection or inquiry.

- (4) The Kuladhipati may address the Kulpati with reference to the results of such inspection or inquiry together with views and advice with regard to the action to be taken thereon as the Kuladhipati may be pleased to offer and on receipt of the address made by the Kuladhipati, the Kulpati shall communicate forthwith to the Executive Council the results of the inspection or inquiry and the views of the Kuladhipati and the advice tendered by him upon the action to be taken thereon.
- (5) Where the Executive Council does not within a reasonable time, take action to the satisfaction of the Kuladhipati, the Kuladhipati may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.
- (6) Without prejudice to the foregoing provisions of this section the Kuladhipati may, by an order in writing, annul any proceedings of the University which is not in conformity with this Act, Statute or Ordinance.

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

- (7) The Kuladhipati shall have such other powers as may be specified by the Statute.

## 9. Kulpati

- (1) Kulpati shall be appointed by the Kuladhipati under the doctrine of pleasure after consultation with the state government from a panel of not less than three distinguished persons recommended by the search committee constituted under sub section (2) or (6)

Provided further if the person so approved by the Kuladhipati refuses to accept the proposal of appointment, the Kuladhipati shall ask for fresh recommendation from search committee.

Provided that the first Kulpati shall be appointed by Kuladhipati after consultation of the state government

- (2) The Kuladhipati shall constitute a search committee consisting of the following persons namely.

- (one) one person recommended by the Executive council;
  - (two) one person nominated by the Speaker of the Chhattisgarh Legislative Assembly;
  - (three) one person nominated by the Kuladhipati.
- and he shall appoint one of them as chairperson of the

committee.

- (3) For constituting the committee under subsection(2), the Kuladhipati shall, six-months before the expiry of the term of Kulpati, call upon the executive council and the speaker of the Chhattisgarh Legislative Assembly to choose their nominees and if any or both of them fail to do so within one month of the receipt of the Kuladhipati's communication in this regard, the Kuladhipati may further, nominate any one or both the persons as the case may be.
- (4) No person who is connected with the university or a college shall be recommended or nominated on the committee constituted under subsection (2).
- (5) The committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Kuladhipati.
- (6) If for any reasons the committee constituted under subsection (2) fails to submit the panel within the period specified in subsection (5), the Kuladhipati shall constitute another committee consisting of three educationists not connected, with the university or a college, one of whom shall be designated as the chairman.
- The committee so constituted shall submit a panel of three persons within a period of six weeks or such shorter period as may be specified, from the date of its constitution.
- (7) If the committee constituted under subsection (6) fails to submit the panel within the period specified there in the Kuladhipati shall appoint any educationist to be Kulpati after consultation with the state government.
- (8) To carry out the business of newly established university the State Government may appoint Kulpati, a person from the field of Education for a period not exceeding two years and the person so appointed shall constitute Executive Council, Academic Council and other Authorities of the University within a period of six months from the date of establishment of the University and till the said authorities are constituted, Kulpati shall be deemed to be the Executive Council, Academic Council or such other Authority, as the case may be, and shall exercise the powers and perform the duties conferred or imposed on such authorities by or under this Act.

Provided that the Kuladhipati may, if he considers it necessary or expedient so to do, appoint a committee, after consultation with the State Government, consisting of an educationist and an administrative expert and financial expert to aid and advise Kulpati in the exercise of his powers and performance of functions.

- (9) Kulpati shall be a whole-time salaried officer of the University and his

emoluments and other terms and conditions of service shall be prescribed by the Statute.

✓ (10) Kulpati shall hold office for a term of four years or till he attains the age of 70 years whichever is earlier and shall not be eligible for appointment for more than two terms.

Provided that notwithstanding the expiry of his term he shall continue to hold office until his successor is appointed and enters upon his office but this period shall not, in any case, exceed six months.

✓ (11) If at any time upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the Kuladhipati that Kulpati.—

- (a) has made default in performing any duty imposed on him by or under this Act; or
- (b) has acted in a manner prejudicial to the interest of the University; or
- (c) is incapable of managing the affairs of the University, the Kuladhipati may notwithstanding the fact that the term of office of Kulpati has not expired, by an order, in writing, stating the reasons therein, require Kulpati to relinquish his office as from such date as may be specified in the order.

✓ (12) No order under sub-section (11) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to Kulpati and he is given a reasonable opportunity of showing cause against the proposed order.

✓ (13) As from the date specified in the order under sub-section (11), Kulpati shall be deemed to have relinquished the office and the office of Kulpati shall fall vacant.

✓ (14) In the event of the occurrence of any vacancy including a temporary vacancy in the office of Kulpati by reason of his death, resignation, leave, illness or otherwise, dean of any faculty nominated by the Kuladhipati for that purpose shall act as Kulpati until the date on which Kulpati appointed under sub-section (1) or sub-section (7) enters, as the case may be, upon office;

Provided that the arrangements contemplated in this sub-section shall not continue for a period of more than six months.

✓ (15) Kulpati shall be the Chief Executive and Academic Officer of the University. He shall be an ex-officio member and Chairman of the Executive Council and of the Academic Council, and Chairman of such other authorities, committees or bodies of the University of which he is a member. He shall be entitled to be present and to speak at any meeting of any authority, committee or other body of the University, but shall not be entitled to vote unless he is a member of the authority, committee or body concerned.

✓ (16) It shall be the duty of Kulpati to ensure that this Act, the Statute, the Ordinance and the Regulation are faithfully observed and he shall have all powers necessary for this purpose.



(17) Kulpati shall have power to call the meetings of the Executive Council or Academic Council and any other authority of which he is the chairman or he can delegate this power to any other officer.

(18) If in the opinion of Kulpati any emergency has arisen which requires immediate action to be taken, Kulpati shall take such action as he deems necessary and shall, at the earliest opportunity thereafter, report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter;

Provided that the action taken by Kulpati shall not commit the University to any recurring expenditure for a period of more than three months;

Provided further that where any such action taken by Kulpati affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which such action is communicated to him, an appeal to the Executive Council;

Provided also that this power shall not extend to matters regarding amendment in Ordinance, Statute, Regulation or any matter relating to appointments.

(19) On receipt of report under sub-section (18) if the authority, committee or body concerned does not approve the action taken by Kulpati it shall refer the matter to the Kuladhipati whose decision thereon shall be final.

(20) The action taken by Kulpati under sub-section (18) shall be deemed to be the action taken by the appropriate authority until it is set aside by the Kuladhipati on a reference made under sub-section (19) or is set aside by the Executive Council on an appeal under the second proviso of sub-section (18).

(21) If in the opinion of Kulpati, any proceeding of any authority, committee or other body of the University is likely to be prejudicial to the interest of the University, he shall record his reason and refer the matter to the Kuladhipati and also inform the authority, committee or other body concerned shall not be given effect to till the matter is decided by the Kuladhipati under sub-section (18) of Section 9.

(22) Kulpati shall exercise general control over the affairs of the University and shall give effect to the decisions of the authorities of the University.

(23) Kulpati shall exercise such other powers as may be prescribed by the Statute, Ordinance and Regulation.

#### 10. Registrar

(1) Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by the Statute.

(2) Registrar empowered by the Executive Council shall have the powers to enter into, and sign, agreements and authenticate records on behalf of the University.

(3) Registrar shall exercise such powers and perform such functions as may be prescribed by the Statute.

(4) The first Registrar will be appointed by Government of Chhattisgarh on

deputation for 2 years.

11. Finance Officer

- (1) Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statute.
- (2) Finance Officer shall be appointed by Govt. of Chhattisgarh on deputation.

12. Regional Directors

Every Regional Director shall be appointed in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the Statute.

13. Other Officers

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

14. Authorities of the University

The following shall be the authorities of the University

- (1) Executive Council;
- (2) Academic Council;
- (3) Planning Board;
- (4) Departments;
- (5) Board of Studies;
- (6) Finance Committee; and
- (7) Such other authorities as may be declared by the Statute to be the authorities of the University.

15. Executive Council

- (1) Executive Council shall be the principal executive body of the University, which shall consist of not more than thirteen members out of which not more than seven shall be Government Officers.
- (2) The constitution of Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statute.

16. Academic Council

- (1) Academic Council shall be the Principal Academic body of the University which shall consist of not more than fifteen members out of which not more than four shall be Government Officers and shall, subject to the provisions of this Act, the Statute and Ordinance, have the control and general regulation of, and be responsible for, maintenance of standard of research, learning, education, instruction, evaluation and examination within the

University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statute.

- (2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statute.

#### 17. Planning Board

- (1) There shall be a Planning Board of the University which shall consist of not more than nine members out of which not less than three shall be Government officers. It shall be the principal planning body of the University and shall also be responsible for the monitoring of the development of the University, on the lines indicated in the objects of the University.

- (2) The constitution of Planning Board, the term of office of its members and its powers and functions shall be prescribed by the Statute.

#### 18. Departments

- (1) There shall be such number of Departments as the University may determine from time to time.

- (2) The constitution, powers and functions of the Departments shall be prescribed by the Statute.

#### 19. Board of Studies

- (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statute.

- (2) The constitution of the Board of Studies, the term of office of its members and its powers and functions shall be prescribed by Statute.

#### 20. The Finance Committee

- (1) The constitution, powers and functions of the Finance Committee shall be prescribed by the Statute.

- (2) No decision involving financial implications shall be taken by any authority of the University without prior concurrence of the Finance Committee.

#### 21. Other authorities

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

#### 22. University Fund

- (1) The University shall establish a Fund to be called the University fund.

- (2) The following shall form part of or be paid into the University Fund.

- (a) any loan, contribution or grant by Central or State Government or any

body corporate;

(b) trusts, bequests, donations, endowments and other grants, if any;

(c) the income of the University from all sources including income from fees and charges;

(d) all other sums received by the University.

(3) The University Fund shall be kept in any nationalised Bank.

23. Objects to which University Fund may be applied

(1) The University fund shall be applicable to the following objects:-

(a) repayment of debts incurred by the University for the purposes of this Act and the Statute Ordinance and Regulation made thereunder;

(b) up-keep of the property of the University including the departments, regional centres, study centres, and the hostels;

(c) payment of cost of audit of the University Fund;

(d) expenses of any suit or proceedings to which University is a party;

(e) payment of salaries and allowances of the teaching and non-teaching staff of the University, Regional study centres and departments maintained by the University and in furtherance of the purposes of this Act, Statute, Ordinance, and Regulation made thereunder and to the payment of other benefits;

(f) payment of travelling and other allowances of the members of the authorities of the University in pursuance of any provisions of this Act and the Statute Ordinance and Regulation made thereunder;

(g) payment of fellowships, scholarships and other awards to the students;

(h) payment of any expenses incurred by the University in carrying out the provisions of this Act and the Statute, Ordinance, and Regulation made thereunder;

(i) payment of any other expenses not specified in any of the preceding clauses declared by the Executive Council to be the expense for the purposes of the University.

(2) No expense shall be incurred by the University in excess of the limits for total recurring and non-recurring expenditure for the year fixed by the Executive Council.

(3) No expenditure other than that provided for in the budget shall be incurred by the University without the previous approval of the Executive Council.

24. Co-ordination Committee

(1) Co-ordination Committee established under the Vishwaavidyalaya Adhiniyam, 1973 (No. 22 of 1973) shall exercise the powers and perform the functions enumerated in Section 34 of the said Act.

(2) Kulpati shall be ex-officio member of the Co-ordination Committee.

## 25. Statute

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

(a) the manner of appointment of Registrar, Finance Officers, Regional director and other officer, emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(b) constitution of Executive Council and other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(c) appointment of examiners and moderators;

(d) appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(e) principles governing the seniority of service of the employees of the University.

(f) procedure in relation to any appeal or application for review by any employees or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;

(g) forum and procedure for the settlement of disputes between the employees or students of the University and the University;

(h) the co-ordination and determination of standards in University;

(i) all other matters which by the Act are to be, or may be provided by the Statute.

## 26. Statute how made

(1) The first statute shall be framed by the State Government and the State Government may amend the first statute as may be necessary.

(2) The authorities may from time to time, amend or repeal any statute, except first statute.

(3) The authority may- on its own motion; or otherwise take into consideration the draft of a Statute.

Provided that nothing in this clause shall apply in respect of statutes other than those affecting the emoluments of Kulpati, Registrar and other officers of the University.

(4) Where a draft is proposed by the authority under this section it shall be

referred to the Executive Council for consideration and the Kuladhipati may, after considering the views, if any, of the Executive Council that may be received within such period not less than thirty days as the Kuladhipati may specify approve such draft with or without modifications and pass the Statute;

(5) Where a draft is proposed by the Executive Council the Kuladhipati may approve of such draft and pass the Statute or reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which he may suggest.

(6) After any draft returned under sub-section (5) has been further considered by the Executive Council together with any amendment suggested by the Kuladhipati, it shall again be presented to the Kuladhipati with a report of the Executive Council thereon and the Kuladhipati may approve or reject the Statute.

(7) The Kuladhipati shall not take into consideration, nor the Executive Council shall propose the draft of any Statute or of any amendment of a Statute or of the repeal of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal.

(8) The Kuladhipati may approve the statute and they shall become effective from such date as the Kuladhipati may specify.

## 27. Ordinance

(1) Subject to the provisions of this Act and the Statute the Ordinance may provide for all or any of the following matters, namely.

(a) admission of students, courses of study and fees thereof, qualifications pertaining to degrees, diplomas, certificates and other courses, conditions for the grant of fellowships, awards and the like;

(b) conduct of examinations, including the terms and conditions and appointment of examiners and moderators;

(c) any other matter which by this Act or the Statute is to be or may be provided for by the Ordinance.

(2) The first Ordinance shall be made by Kulpati with the previous approval of the State Government and the Ordinance so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statute.

## 28. Regulation

- (1) The authorities of the University may make Regulations consistent with this Act, the Statute and the Ordinance for the conduct of their own business and that of the Committee, appointed by them and not provided for by this Act, the Statute or the Ordinance in the manner prescribed by the Statute.
- (2) Regulation made shall be placed before the Kuladhipati for his approval and shall be effective from the date of its approval.

## 29. Annual report

- (1) 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.
- (2) Annual report so prepared shall be submitted to the Kuladhipati and the State Government on or before such date as may be prescribed by the Statute and a copy of the annual report of the University shall be laid on the table of the Legislative Assembly by the State Government.

## 30. Annual accounts

- (1) The annual accounts of the University shall be prepared under the directions of the Executive Council and shall be audited by the examiner of local fund account.
- (2) A copy of the accounts together with the audit report shall be submitted to the Kuladhipati along with the observation if any, of the Executive Council.
- (3) Any observations made by the Kuladhipati on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council if any, on such observations, shall be submitted to the Kuladhipati.
- (4) A copy of the accounts together with the audit report, as submitted to the Kuladhipati shall also be submitted to the State Government.

A copy of the accounts together with the audit report as submitted to the State Government shall be laid on the table of the Legislative Assembly by the State Government as soon as possible.

## 31. Conditions of service of employees

- (1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, Statute and Ordinance.
- (2) The contract referred to in sub-section (1), shall be lodged with the University a copy of which shall be furnished to the employee concerned.

32. Adjudication of  
Dispute

Any dispute arising out of contract between the University and any of its officers or teachers shall be adjudicated upon by Kulpati and appeal against decision shall lie to, the Kuladhipati or to a body which may be constituted by him.

33. Disputes as to the  
constitution of the Uni-  
versity authorities and  
bodies

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

34. Filling of casual  
vacancies

Save as otherwise provided in this Act all casual vacancies of the members other than ex-officio members of any authority, committee or other body of the University shall be filled, as soon as possible for remaining unexpired period in accordance with the procedure.

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

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

36. Protection of action  
taken in good faith

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

37. Power to remove  
difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulties.

38. Transitional  
provisions

Notwithstanding any thing contained in this Act and the Statute;

(a) The State Government shall appoint an officer on special duty for a term not exceeding two years. The terms and conditions of the officer on special duty shall be stated in his letter of appointment;

(b) The officer on special duty shall have powers of Kulpati;

(c) the first Executive Council shall consist of not more than fifteen members who shall be nominated by the Kuladhipati on the advice of the State Government and they shall hold office for a term of three years; and



(d) (i) the first planning Board shall consist of not more than eleven members who shall be nominated by the Kuladhipati on the advice of the State Government and they shall hold office for a term of three years;

(ii) the planning Board shall, in addition to the powers and functions conferred on it by this Act, exercise the powers of the Academic Council and the Board of Studies until the Academic Council and the Board of Studies are constituted under the provisions of this Act and the Statutes, and in the exercise of such powers, the Planning Board may co-opt such members as it may decide.

39. State government to assume financial control in certain circumstances

(1) If the State Government is satisfied that owing to maladministration or financial mismanagement in the University a situation has arisen whereby financial stability of the University has become insecure, it may by notification, declare that the finances of the University shall be subject to the control of the State Government.

(2) Every notification issued under sub-section (1) shall, in the first instance, remain in operation for a period of one year from the date specified in the notification and the State Government may, from time to time, by notification, extend the period of operation by such further period as it may think fit, provided that the total period of operation does not exceed three years.

(3) During the period of the notification issued under sub-section (1) the executive authority of the State Government shall extend to give directions to the said University to observe such canons of financial propriety as may be specified in the direction and to give such other directions as the State Government may deem necessary and adequate for the purpose.

(4) Notwithstanding anything contained in this Act, any such direction may include:-

(one) a provision requiring the submission of the budget to the State Government for sanction;

(two) a provision requiring the University to submit every proposal involving financial implications to the State Government for sanction;

(three) a provision requiring the submission of every proposal for the revision of pay scale and rate of allowances of the officers, teachers, and other persons employed by the University to the State Government for the sanction;

(four) a provision requiring the deduction of salaries and allowances of all or any class of persons employed by the University;

(five) a provision requiring the deduction in the number of posts of the officers, teachers and other persons employed by the University;

(six) a provision requiring the lowering down of scales of pay and rate of allowances, and

(seven) a provision in regard to such other matters as may have the effect of reducing the financial strain on the University.

Provided that the Kuladhipati may, if he considers it necessary so to do, appoint a committee consisting of an educationist, and administrative expert and

a financial expert to assist Kulpati so appointed in exercise of such powers and performance of such duties.

(5) Notwithstanding any thing contained in this Act., it shall be binding on every authority of the University and every officer of the University to give effect to the direction given under this section.

(6) Every officer of the University shall be personally liable for misapplication of any fund or property of the University as a result of non-compliance of the direction given under this section to which he shall have been a party or which shall have happened through or been facilitated by gross neglect of his duty as such officer, and the loss so incurred shall, on a certificate issued by the Secretary, Higher Education be recovered from such officer as an arrears of land revenue.

Provided that no action to recover the amount of loss as arrear of land revenue shall be taken until reasonable opportunity has been given to the person concerned to furnish explanation and such explanation has been considered by the State Government.

40. Powers of State Government to apply Act in modified form with a view to provide for better administration of University in certain circumstances

(1) If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the University and it is expedient in the interest of the University so to do, it may by notification, for reasons to be mentioned therein, direct that the provisions of Sections 9, 15, 16 to 20, 28, 29, 30 and 37 shall as from the date specified in the notification (hereinafter in this Section referred to as the appointed date) apply to the University.

(2) The Notification issued under sub-section(1) shall remain in operation for a period of one year from the appointed date and the State Government may, from time to time, extend the period of such further period as it may think fit so, however that the total period of operation of the notification does not exceed three years.

(3) The Kuladhipati shall simultaneously with the issue of the notification, appoint Kulpati under Sections 9 and Kulpati so appointed shall hold office during the period of operation of the notification.

Provided that Kulpati may, notwithstanding the expiration of the period of operation of the notifications, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year.

(4) As from the appointed date, the following consequences shall ensue, namely:-

(one) Kulpati, holding office immediately before, the appointed date, shall notwithstanding that his term of office has not expired, vacate his office.

(two) every person holding office as a member of the Executive or the Academic Council, as the case may be immediately before the appointed date shall cease to hold that office;

(three) until the, executive Council or Academic Council, as the case may be is reconstituted in accordance with the provisions as modified, Kulpati

appointed under Section 9 as modified, shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the Executive Council or Academic Council.

Provided that the Kuladhipati may, if he considers it necessary so to do, appoint a committee consisting of an educationist, an administrative expert and a financial expert to assist Kulpati so appointed in exercise of such powers and performance of such duties.

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable, thereafter, Kulpati shall take steps to constitute Executive Council and Academic Council in accordance with the provisions of the Act, as unmodified and the Executive Council and Academic Council as so constituted shall begin to function on the date immediately following the date of expiry of the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later.

Provided that if the Executive Council and Academic Council are not constituted before the expiration of the period of operation of the notification, Kulpati shall on such expiration, exercise the powers of each of these authorities subject to prior approval of the Kuladhipati till the Executive Council or Academic Council, as the case may be, is so constituted.

41. Effect on  
expiration of the  
period of  
operation of  
notification under  
section 40

On expiration of the period of operation of the notification issued under Section 40, the provisions of this Act, as modified in application to the University mentioned in the notification shall cease to operate in respect thereof and the other relevant provisions of this act shall revive and continue to apply thereto.

Provided that the expiration of the operation of the notification shall not affect :-

(a) previous operation of or anything done or liability acquired, accrued or incurred under the provisions as modified or any order made thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions as modified or any order made thereunder; or

(c) any investigation or remedy in respect of any such right, privilege, obligation or liability as aforesaid and such investigation or remedy may be instituted or enforced as if the modified provisions had not ceased to apply.

This bill has been passed by Chhattisgarh Vidhan Sabha on thursday dated 02 December, 2004-

CHHATTISGARH ACT  
(No. 23 of 2006)

PANDIT SUNDARLAL SHARMA (OPEN) UNIVERSITY CHHATTISGARH  
(AMENDMENT) ACT, 2006

An Act to amend the Pandit Sundarlal Sharma (Open) University Chhattisgarh Act, 2004 (No. 26 of 2004).

Be it enacted by the Chhattisgarh Legislature in the Fifty-seventh year of the Republic of India, as follows :—

1. (1) This Act may be called the Pandit Sundarlal Sharma (Open) University Chhattisgarh (Amendment) Act, 2006. Short title, extent and commencement.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.
  
2. In this Act, unless the context otherwise requires;— Definition.  
"Principal Act" means Pandit Sundarlal Sharma (Open) University Chhattisgarh Act, 2004 (No. 26 of 2004).
  
3. In sub-section (8) of Section 9 of the Principal Act, for the word "two" the word "Five" shall be substituted. Amendment of Section 9.