

THE NALANDA OPEN UNIVERSITY ACT, 1995

[Bihar Act 11, 1995]¹

AN

ACT

To establish Nalanda Open University Act Nalanda in the State of Bihar for the purpose of imparting non formal education of Intermediate and higher standard through correspondence course and contact programme in different faculties, to hold examination therefore and to award Certificates and Degrees on the results of such examinations.

Be it enacted by the Legislature of the State of Bihar in the forty-sixth year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Nalanda Open University Act, 1995.

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

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (i) "academic year" means a period of twelve months commencing on the first day of June of a year and ending on the 31st day of May of the following year;
- (ii) "Academic Council" means the Academic Council of the Nalanda Open University;
- (iii) "Chancellor" means the Chancellor of the University;
- (iv) "Co-ordinator/Director" means the head of a study centre;
- (v) "Department" means a department of studies of the University recognized as such by the Statutes.
- (vi) "Employee" means any person appointed by the University and includes teachers, officers and other staff of the University;
- (vii) "Executive Council" means the Executive Council of the University;
- (viii) "Government" means the State Government of Bihar.
- (ix) "Head of Department" means a teacher of the University responsible for the co-ordination of instruction, training and research in a department;
- (x) "Prescribed" means prescribed by this Act or by the Statutes, Ordinance, Regulations or the Rules framed thereunder;
- (xi) "Professor" means a teacher of the University possessing such qualifications as prescribed by the Statutes and appointed as such in the manner prescribed.
- (xii) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (xiii) "Reader" means a teacher of the University possessing such qualifications as prescribed by the Statutes and appointed as such in the manner prescribed;

1. Published in Bihar Gazette (Ex. Ord.) dated 19.7.1995.

- (xiv) "Lecturer" means a teacher of the University possessing such qualifications as prescribed by the Statutes and appointed as such in the manner prescribed;
- (xv) "Student" means a person who is enrolled for study in one of the study centres and pursues studies by attending the prescribed correspondence and contract programme;
- (xvi) "study centre" means a study centre within the University area where the students enrolled carry on their contract programme;
- (xvii) "teacher" includes Professor, Reader, Lecturer and such other persons imparting instructions in any department or in any study centre maintained and managed or recognized by the University;
- (xviii) "Teachers of the University" means teachers appointed by the University to give instructions or guide research in the University;
- (xix) "University" means the Nalanda Open University as constituted under this Act;
- (xx) "University area" means the area to which this Act extends;
- (xxi) "University headquarters" means the place where the administrative offices of the University are situated;
- (xxii) "University funds" means the funds of the University established under this Act;
- (xxiii) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. Establishment and corporation and jurisdiction of the University.—

(1) There shall be established a University by the name of Nalanda Open University with headquarters at Nalanda.

(2) The first Chancellor, the first Vice-Chancellor, the first Pro-Vice-Chancellor, every member of the Executive Council and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

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

(4) The jurisdiction of the University shall extend over the State of Bihar for the purpose of imparting instructions and training through correspondence-cum-contact programme or through non-formal-distance education programme, but in no case the University shall have any jurisdiction over the Universities, departments, Colleges and institutions or other Bodies established in the State of Bihar for imparting formal education in any branch of learning:

Provided that the University, with the agreement of other Universities or Bodies in the State of Bihar may utilise the buildings, furniture, library, laboratory and the services of teachers on part-time basis, of those Universities and Bodies or their colleges for establishment of study centres on such terms and conditions as may be determined by the Chancellor on the advice of the Bihar Inter-University Board:

Provided further that persons of Indian Union shall be entitled to seek enrolment as students of the University.

4. Objects.—The objects of the University shall be—

- (a) to provide educational opportunities to those who are unable to go in for formal education and wish to upgrade their education or acquire knowledge and studies in various fields through the print-medium (correspondence courses), contract programmes, study centres and mass media;
- (b) to provide flexibility with regard to eligibility for enrolment, age of entry, choice of courses, methods of learning conduct of examinations and operation of the programmes, complementary to the programmes of the existing Universities in the State in the field of higher learning;
- (c) to offer degree and diploma courses and to make provision for research for the advancement and dissemination of knowledge.

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

- (i) to provide for instructions and training through correspondence-cum-contact programme in such branches of learning as it may think fit;
- (ii) to make provision for research and for the advancement and dissemination of knowledge;
- (iii) to hold examinations and to confer degrees, diplomas and other academic distinctions on persons who have pursued a course of study in the University and its study centres;
- (iv) to confer degrees and other academic distinctions on persons who have carried on research under conditions prescribed;
- (v) to confer honorary degrees or other academic distinctions on persons under conditions prescribed;
- (vi) to institute Professorship, Readerships, Lecturerships, and any other teaching posts required by the University and to appoint persons therefor;
- (vii) to create administrative, ministerial and other post required by the University;
- (viii) to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have been acquired by it, for the purposes of the University and to contract and do all other things necessary for or incidental to the purposes of the University;
- (ix) to institute, take over and maintain study centres;
- (x) to erect, equip and maintain laboratories, libraries and museums;
- (xi) to inspect the study centres and to take measures to ensure that proper standards of instructions are maintained in them;
- (xii) to establish, maintain and manage research departments and study centres;
- (xiii) to make special provision for the spread of higher education among educationally backward classes;
- (xiv) to make special provision for study centres and institutions for woman students;

- (xv) to establish research institutions in any part of the University area;
- (xvi) to fix fees and to demand and receive such fees and other charges as may be prescribed;
- (xvii) to co-operate with other Universities, Bodies, educational institutions and authorities in such manner and for such purposes as the University may determine;
- (xviii) generally to do all such other acts and things whether incidental to the powers aforesaid or not, as may be necessary or desirable to further the objects of the University as to cultivate and promote humanities, social sciences, fine arts, sciences, professional studies, technology and other branches of learning and to promote the interest of its students;
- (xix) to supervise and control the conduct and discipline of the students of the University and to make arrangements for promoting general welfare.

6. University open to all classes, castes and creeds.—No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the ground of sex, race, descent, class, caste or political belief. It shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or dogma, in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing contained in this section shall prevent the University from making any provision for reservation of posts and appointments in favour of members of the scheduled castes and scheduled tribes, backward classes, economically backward classes and women.

7. Teaching.—(1) All recognised teaching in connection with University courses shall be conducted through correspondence study centres with adequate library facilities, part-time instructions, counselling, contract programme, working laboratories and home assignments etc. conducted by Professors, Readers and Lecturers and other teachers in accordance with any syllabus prescribed by Regulation.

(2) The authorities responsible for organising such teachings shall be prescribed by Statute.

(3) The courses and curriculum shall be prescribed by Regulation.

(4) It shall not be lawful for the University to maintain classes or conduct examinations for the purpose of preparing students for admission to the University.

(5) In Arts, Science and Commerce, the University shall conduct Intermediate and Higher examinations.

8. Officers of the University.—The following shall be the Officers of the University, namely :—

- (1) The Chancellor;
- (2) The Vice-Chancellor;

- (3) The Pro-Vice-Chancellor;
- (4) The Registrar;
- (5) The Registrar (Examinations);
- (6) The Finance Officer;
- (7) Such other persons as may be declared by the Statute to be the Officers of the University.

9. Transfer of Officers.—All officers excluding the Vice-Chancellor and the Pro-Vice-Chancellor of the University may be transferred by the Chancellor, on the recommendation of the Vice-Chancellor or otherwise, to a similar post or any other equivalent post in another University of the State of Bihar or to any equivalent post in the same University.

10. Chancellor.—(1) The Governor of Bihar shall be the Chancellor and shall, by virtue of his office, be the head of the University and shall when present, preside at any convocation of the University.

(2) The Chancellor shall have the right to inspect the University, its buildings, laboratories, workshops and equipments, any study centre the teaching or examinations conducted or any act done by the University, and to get such inspection done by such person or persons who may be directed by him, and to enquire or to cause an enquiry to be made in like manner, in respect of any matter connected with the University, and it shall be the duty of the authorities of the University or the study centre to give full co-operation in such enquiry:

Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or enquiry conducted and the University shall be entitled to be represented thereat.

(3)(i) The Chancellor may send the results of such inspection or enquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Executive Council and the Academic Council.

(ii) The Executive Council and the Academic Council shall report to the Chancellor such action, if any, as they have taken or may propose to take upon the results of such inspection or enquiry.

(iii) Where the Executive Council and the Academic Council do not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation filed by the Executive Council and the Academic Council, issue such direction as he may think fit, and the Executive Council and the Academic Council shall at once comply:

Provided that notwithstanding anything contained in this sub-section the Chancellor, if he considers necessary, may on the report of the Vice-Chancellor or otherwise call for explanation from any teacher or officer of or connected with the University and after due consideration of the charges give such direction as he may think proper to which the Vice-Chancellor, the Executive Council and the Academic Council as the case may be, shall comply within the period specified.

(4) The Chancellor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes, the Ordinances or the Regulations, or for which there is no sufficient justification :

Provided that before making any such order, he shall call upon the University to show cause within the period specified by him why such order should not be

made, and if any cause is shown within the said period, he shall consider the same.

(5) The Chancellor may withdraw or rescind any order passed by him if he considers such withdrawal or rescission proper in the eye of law or finds on the basis of records his previous order to be incorrect.

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

(7) Where power is conferred upon the Chancellor by this Act or the Statutes to nominate persons to authorities and bodies of the University the Chancellor shall, to the extent necessary and without prejudice to such powers, nominate persons to represent interests not otherwise adequately represented.

(8) The Chancellor shall have such other powers as are conferred on him by this Act or the Statutes.

11. The Vice-Chancellor.—¹“(1)(i) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.

(ii) The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public notification or nomination or a talent search process or in combination. The members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Chancellor.

(iii) Following shall be the constitution of the Search Committee.

(a) A member nominated by the Chancellor, who shall be an eminent Scholar/Academician of national repute or a recipient of Padma Award in the field of education and shall be the Chairman.

(b) The Director or Head of an institute or organization of national repute, such as, Indian Institute of Technology, Indian Institute of Science, Indian Space Research Organization, National Law University or National Research Laboratory or Vice-Chancellor of a statutory University nominated by the Chancellor as Member.

(c) A member nominated by the State Government who shall be an eminent Academician and have full knowledge of the academic structure and problems of higher education of the State.”]

(2) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government from amongst persons having qualifications as mentioned in sub-section (1).

(3) The Vice-Chancellor shall be a wholetime officer and shall hold office for a term of three years from the date on which he assumes charge of the office. On the expiry of the said term he may be re-appointed for another terms not exceeding three years.

(4) (i) The conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.

(ii) Where the person appointed as Vice-Chancellor is in receipt of a pension from the Central or the State Government, the pension payable to him shall be treated as part of salary.

1. Subs. by Act 12 of 2013.

(5) The Vice-Chancellor shall be the principal executive and academic officer of the University, Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall, in the absence of the Chancellor, preside at any convocation of the University :

Provided that the Vice-Chancellor shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(6) The Vice-Chancellor shall, subject to the provisions of this Act, the Statutes and the Ordinance, made thereunder, have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants of the University, not being teachers and officers of the University and have control and full disciplinary powers over such staff and servants.

(7) The Vice-Chancellor shall have power to convene meetings of the Executive Council, its Committees and Sub-Committees, Academic Council and any other authorities of the University shall and be *ex-officio* Chairman of those meetings provided that he may on account of his unavailability delegate the power under this sub-section to any other officer of the University.

(8) The Vice-Chancellor shall have the right to visit and inspect the study centres and buildings, laboratories, workshops and equipments thereof and any other institution associated with the University.

(9) Save as otherwise provided in the Ordinance or the Statutes, the Vice-Chancellor shall appoint officers other than the Pro-Vice-Chancellor, with the approval of the Chancellor, and teachers and shall define their duties.

(10) If at any time except when the Executive Council or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Executive Council or the Academic Council by or under this Ordinance he shall take such action as he deems fit, and shall report the action taken by him to such authority which may either confirm the action so taken or disapprove it.

(11) (i) Subject to the provisions of this Act it shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried out in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in conformity with such provisions.

(ii) Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceeding of the University is not in accordance with this Act, the Statutes, the Ordinances, the Regulations and the Rules, the Vice-Chancellor shall have the powers to stay the proceeding reported against

(12) The Vice-Chancellor shall have power to take disciplinary action against all employees of the University including officers and teachers of the University.

(13) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank.

(14) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.

12. Removal of the Vice-Chancellor.—(1) If at any time and after such enquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor—

- (i) has failed to discharge any duty imposed upon him, by or under this Act, the Statutes, the Ordinance, or
- (ii) has acted in a manner prejudicial to the interests of the University, or
- (iii) has been incapable of managing the affairs of the University.

The Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor by an order in writing stating the reasons therefor, and after consulting the State Government, to resign his post from the date, as may be specified in the order.

(2) Unless a notice stating the specific grounds no order under sub-section (1) shall be passed on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

(3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and the office of the Vice-Chancellor shall be deemed vacant.

13A. ¹[(1) The Pro Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government in the same manner as prescribed for appointment of Vice-Chancellor.]

(2) A Pro-Vice-Chancellor shall be the wholetime Officer of the University. He shall hold office, on such conditions as may be determined by the Chancellor in consultation with the State Government, for a period not exceeding three years.

(3) Subject, to the provisions of this Ordinance the Pro-Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him, from time to time, by the Vice-Chancellor.

14. Arrangement of work during temporary absence of the Vice-Chancellor.—During the temporary absence of the Vice-Chancellor by reason of leave, illness or any other cause, it shall be lawful for the Pro-Vice-Chancellor to exercise the powers and perform the duties of the Vice-Chancellor, and the matter shall be immediately reported to the Chancellor by the Registrar and if, in the opinion of the Chancellor, the temporary absence of the Vice-Chancellor is for a long period, the Chancellor may make such other arrangement as he thinks fit for carrying on the office of the Vice-Chancellor.

15. The Registrar.—(1) The Registrar shall be a wholetime Officer and shall be appointed in such manner and on such terms and conditions as may be prescribed by the Statutes and he—

- (a) shall act as Secretary to the Executive Council and the Academic Council;
- (b) shall manage the property and the investments of the University;
- (c) shall sign all contracts made on behalf of the University;
- (d) shall exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinances, or the Regulations and the Rules as may from time to time, be framed, conferred and imposed on him by the Executive Council and the Academic Council;
- (e) shall generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties.

(2) Notwithstanding anything contained in this Act or the Statutes the Chancellor may, if he thinks proper, appoint an Officer of the Central Government or the State Government or of any autonomous body established by an Ordinance of Parliament or the State Legislature, to be the Registrar on such terms and conditions as may be prescribed by the Chancellor in consultation with the concerned authority and the State Government.

16. The Registrar (Examination).—The Registrar (Examination) shall be a wholetime Officer of the University and shall act as Secretary to the Examination Board and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinances, the Regulations and the Rules or as may, from time to time, be conferred or imposed on him, by the Vice-Chancellor or the Pro-Vice-Chancellor.

17. The Finance Officer.—The Finance Officer shall be a wholetime

Officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinances, the Regulations and the Rules, or as may from time to time, be conferred or imposed on him by the Executive Council, the Vice-Chancellor, the Pro-Vice-Chancellor or the Registrar.

18. Authorities of the University.—The following shall be the authorities of the University, namely:—

- (1) The Executive Council;
- (2) The Academic Council;
- (3) The Faculties;
- (4) The Examination Board;
- (5) The Finance Committee; and
- (6) Such other authorities as may be declared to be the authorities of the University by the Statutes.

19. The Executive Council.—The Executive Council shall be the Chief Executive body of the University and shall consist of the following persons, namely:—

Ex-officio Members

- (1) The Vice-Chancellor,
- (2) The Pro-Vice-Chancellor,
- (3) The Education Commissioner, Bihar,
- (4) The Director, Higher Education, Bihar.

Other Members

(5) Two Vice-Chancellors to be nominated by the Chancellor for a period of one year in the following order of rotation:—

- (a) Patna University, Patna
- (b) Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
- (c) Tilka Manjhi, Bhagalpur University, Bhagalpur.
- (d) Ranchi University, Ranchi.
- (e) Magadh University, Bodhi Gaya.
- (f) L.N.Mithila University, Darbhanga.
- (g) K.S.D.Sanskrit University, Darbhanga.
- (h) Sidhu Kanhu University, Dumka.
- (i) B.N.Mandal University, Madhepura.
- (j) Jai Prakash University, Chapra.
- (k) Veer Kunwar Singh University, Arrah.
- (l) Sant Vinoba Bhave University, Hazaribagh.

(6) Two Heads of University Departments, as may be prescribed by the Statutes, by rotation for a period of one year from the date of nomination.

(7) Two from amongst the Professors and Readers of the University, other than Heads of Departments and two such Lecturers who have teaching experience of at least ten years shall be nominated by the Chancellor.

(8) One person reputed for his scholarship and academic interest, to be nominated by the Chancellor.

(9) In case none of the members from clauses (1) to (8) above belongs to Scheduled Caste or Scheduled tribe, the Chancellor may nominate a person

belonging to Scheduled caste or Scheduled tribe, who, in his opinion is interested in the cause of education, to be member of the Executive Council for a period not exceeding three years but if during the said period of three years a person belonging to Scheduled Caste or Scheduled Tribe becomes a member under any of the clauses (1) to (8) the person nominated under this clause shall automatically cease to be a member of the Executive Council with immediate effect.

Provided that until appointments are made so as to fill up the seats specified in clauses (6) and (7) the Chancellor shall nominate the teachers from other Universities in the State, who are not below the rank of Professors, to be the members of the Executive Council against those seats.

20. Powers and duties of the Executive Council.—The Executive Council—

- (a) shall hold, control and manage the property and funds (together with endowments, bequests and donations) of the University and other transfers of property made to Study centres for their benefit;
- (b) shall regulate the form, provide for the custody and regulate the use of the common seal of the University;
- (c) shall, subject to the powers conferred by or under this Act on the Vice-Chancellor and Academic Council, determine and regulate all matters concerning the University in accordance with the Ordinance, the Statutes, and the Regulations;
- (d) shall manage funds placed at the disposal of the University for specific purposes;
- (e) shall have power to accept transfers on behalf of the University of any movable or immovable property to and for the benefit of the University or a Study centre;
- (f) shall make the Statutes and the Ordinances, and shall amend or repeal them;
- (g) shall consider the Regulations, and amend or repeal the same;
- (h) shall pass resolution after having considered the annual report, the annual account, the budget estimates and audit report on such accounts;
- (i) shall exercise the powers for the purpose of control in Study centres and of superintendence which includes recognition and de-recognition of Study centres;
- (j) shall institute and confer such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes; and
- (k) shall exercise such other powers and perform such other duties as are conferred or imposed on it by the Ordinance or the Statutes.

21. Terms of office of the Members of the Executive Council.—Save as otherwise provided under this Act the terms of office of members, other than *ex-officio* members of the Executive Council, shall be of three years from the date of their election or nomination as the case may be and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election or nomination not being an election or nomination to fill up any casual vacancy :

Provided that a member elected or nominated as a representative of any

body shall be deemed to have vacated office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

22. The Academic Council.—(1) The Academic Council shall consist of—

Ex-officio Members

- (1) The Vice-Chancellor;
- (2) The Pro-Vice-Chancellor;
- (3) The Deans of Faculties;
- (4) The Director, Higher Education, Bihar; and
- (5) All Heads of Departments.

Other Members

- (6) other than Deans, Professors and Heads of Departments, who shall in the manner scribed by the Statutes, be elected by the teachers of the University in such a manner that each faculty may get representation;
- (7) not more than two experts from outside the University service, to be co-opted by the Academic Council for specific purposes according to need:

Provided that until appointments are made so as to fill up the seats specified in clauses (3), (5) and (6), the Chancellor shall nominate such number of teachers from other Universities in the State as he may think fit, not below the rank of Professor, to be members of the Academic Council.

(2) The terms of office of members, other than the *ex-officio* members, shall be for a period of three years with effect from the date of their respective election or nomination and shall include any further period which may elapse between the expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up any casual vacancy:

Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

23. Powers and duties of the Academic Council.—The Academic Council shall be the chief academic and planning body of the University and shall—

- (a) subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Executive Council, determine and regulate all academic and planning matters concerning the University in accordance with this Act and the Statutes.
- (b) have the powers of superintendence and control over and be responsible for the maintenance of standards of instruction and education through Correspondence Course and contact programme and the promotion of research work in the University;
- (c) prepare and finalise plan and programme of development and improvements of the University, its Courses of Study, examination and evaluation including new methods of teaching and for consultation and exchange of information with similar organisations, other Universities and research institutes;

- (d) exercise supervision and control over the conduct of teaching in the department and study centres in such manner as may be prescribed by the Statutes;
- (e) have powers of general control over the Examination Board, and may review the results of University Examinations; and
- (f) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

24. The Faculties, Deans of Faculties and Heads of Department.—(1)

The University may include the Faculties of Humanities, Social Sciences, Science, Commerce, Law, Education, Engineering and such other Faculties as may be prescribed by the Statutes:

Provided that no Faculty shall be created by the Academic Council in respect of any branch of learning for the instruction of which no provision exists in any department of the University or any of its study centres;

Provided further that the degrees to be awarded in the Faculties of Humanities and Social Science shall be in Arts.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, conduct courses and research work in such subjects as may be assigned to such Faculty by the Regulation.

(3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(4) Subject to the provisions of sub-section (3) each Faculty shall consist of—

- (a) such number of teachers as may be assigned to each Faculty by the Academic Council keeping in view the qualifications of such teacher members;
- (b) such number of members to be co-opted as experts by the Academic Council from amongst persons who are not members of the Academic Council, as may be prescribed by the Statutes :

Provided that no person shall be a member of more than two Faculties.

(5) (i) Each Faculty shall comprise of such department of teaching as may be prescribed by the Regulations.

(ii) Subject to the provisions of this Act each Faculty shall have the following powers:—

- (a) to constitute the Boards of courses of study of the departments allotted to it, and
- (b) to exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) (i) The Dean of Faculty shall be appointed by the Vice-Chancellor, by rotation, in the manner prescribed by the Statutes, for a period of two years in the Faculty concerned from amongst the Professors:

Provided that where in any faculty there is no teacher having the qualifications of a Professor then a teacher not below the rank of Reader may be appointed as the Dean of Faculty.

(ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for the conduct of teaching and research work in that faculty.

(7) Where it is proposed to appoint any teacher to be the Head of a department who is not the seniormost Professor or Reader of the Department no such appointment shall be made without the prior approval of the Academic Council.

✓ **25. The Examination Board.**—(1) Subject to the provisions of the Regulations, advice shall be given in respect of conduct of examinations by the Examination Board consisting of the Vice-Chancellor as Chairman and Deans of Faculties as members.

(2) The Examination Board shall render advice to the Vice-Chancellor on conduct of examinations and appointments of examiners, setting and moderating question papers, preparation, moderation and publication of examination results, submission of such examination results to the Academic Council, and generally regulating the methods of improvement in the procedure of correct evaluation of achievement of students and the Vice-Chancellor shall be competent to take final decision :

Provided that the Vice-Chancellor shall appoint the question setters and examiners from the panel of names submitted by the Examination Board.

26. Holding of examination.—(1) The examination of the University shall be held from such dates as may be prescribed in the Academic calendar approved by the Academic Council for each academic year.

(2) Results of examinations shall be published within sixty days of the completion of the concerned examination, which may be extended to a period beyond sixty days for reasons to be recorded in writing.

27. Other authorities of the University.—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.

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

- (a) The institution of fellowships, scholarships, exhibitions, medals and prizes;
- (b) The designations and powers of the officers of the University;
- (c) The constitution, powers, functions and duties of the authorities of the Universities;
- (d) The recognition of educational institutions and study centres and the withdrawal of recognition;
- (e) The institution of departments and their maintenance and management;
- (f) The classification of teachers of the University, the manner of their appointment and their recognition;
- (g) The constitution of pension, insurance or provident fund for the benefit of the officers, teachers and other employees of the University;
- (h) The number, qualification grade, pay, reservation of posts for scheduled castes and scheduled tribes, backward classes, economically backward classes and women and conditions of service of teachers, officers and other employees of the University including the creation of new posts after considering, as the case may be, the recommendations of the Academic Council and the Executive Council in the case of creation of other posts, and the recommendation of the Executive

Council in the case of post of officers and employees of the University;

- (i) The maintenance of accounts of the income and expenditure of the University including the income and expenditure of study centres and the forms and registers in which such accounts shall be kept;
- (j) The maintenance of a register of teachers;
- (k) The conferment of honorary degrees and distinctions; and
- (l) All other matters which are or may be prescribed by the Act or the Statutes.

29. No post for appointment shall be created without the prior sanction of the State Government.—Notwithstanding anything contained in this Act the University shall not, except with the prior approval of the State Government—

- (i) create any teaching or non-teaching post involving financial liability;
- (ii) sanction any special pay or allowance or other remuneration of any kind including *ex-gratia* payment or any other benefit having financial implication to any person holding a teaching or non-teaching post;
- (iii) incur expenditure of any kind on development scheme.

30. Statutes, how made.—(1) The Executive Council may either on its own motion or on submission by the Academic Council make statutes or amend or repeal it :

Provided that Executive Council shall not take up any such statutes as may affect the status, powers and constitution of any authority of the University unless that authority has been allowed an opportunity to furnish written opinions upon the proposed changes and the Executive Council shall have to consider such opinion expressed in writing.

(2) If the draft of any statutes or a portion thereof after being presented by the Academic Council before the Executive Council is sent back to the Academic Council for reconsideration and the Academic Council does not agree, after reconsideration to the amendment suggested by the Executive Council then it shall be lawful for the Executive Council to pass the statutes or a portion of the Statutes in such form as it may deem appropriate and the decision of the Executive Council shall, subject to the provisions contained in sub-section (3) and sub-section (4) be final.

(3) Where the draft of any statute has been passed by the Executive Council it shall be submitted to the Chancellor, who may after obtaining the advice of the Bihar Inter-University Board declare that he assents to the statute, with or without amendment or that he withholds assent therefrom.

(4) A statute passed by the Executive Council shall have validity until it has been assented to by the Chancellor.

31. Ordinances.—(1) The Executive Council may subject to the provision of this Act and Statutes, make Ordinance to provide for all or any of the following matters, namely :—

- (a) The admission of students to the University and their enrolment as such;
- (b) The fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (c) The constitution, powers and duties of the Committee of the University;

- (d) The inspection of study centres by any agency; and
- (e) All other matters which by this Act or the Statutes are to be or may be provided for by the Act.

(2) An Ordinance made by the Executive Council under sub-section (1) shall be submitted as soon as may be to the Chancellor who shall after obtaining the advice of the Bihar Inter-University Board declare that he assents to the Ordinance with or without amendment or that he withholds his assent therefrom.

(3) an Ordinance shall have no validity until it has been assented to by the Chancellor under sub-section (2).

32. Regulation, how made.—(1) Subject to the provisions of this Act the Statutes and the Ordinance, Regulation may be made to provide for all or any of the following matters, namely:—

- (a) The courses of study to be laid down for all degrees and diplomas of the University;
- (b) The condition under which students shall be admitted to the degree or diploma or certificate course and to the examinations of the University and shall be eligible for such degrees and diplomas and certificates;
- (c) The formation of departments in the faculties;
- (d) The conditions and mode of appointment and duties of paper setters, and examiners and the conduct of examinations ;
- (e) The standard of courses to be maintained in the study centres; and
- (f) All matters which by this Ordinance, the Statutes or the Act are to be or may be provided for by Regulations.

(2) (i) A Regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be to the Executive Council for consideration and approval. Where the Executive Council wish to make any amendment it shall obtain the opinion of the Academic Council and shall consider the same.

(ii) Such Regulation shall have effect from the date on which it is approved by the Chancellor after obtaining the advice of the Bihar Inter-University Board, with or without any amendment, or from such other date as the Executive Council may appoint.

33. Rules.—(1) The authorities and the Boards of the University constituted either under this Act or under the Statutes made thereunder may make Rules consistent with the Act, the Statutes, the Ordinances and the Regulations for the following matters, namely :—

- (a) Laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (b) Laying down the procedure to be observed by committees subordinate to any such authorities and the Boards at their meetings and the number of members required to form a quorum ;
- (c) Providing for all matters which by this Ordinance, the Statutes, the Act or the Regulations are to be prescribed by the Rules; and
- (d) Providing for all other matters exclusively concerning such authorities, Committees and Boards and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(2) Every authority of the University may make Rules providing for the giving

of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of the meetings.

(3) The Rules made under sub-sections (1) and (2) shall be submitted to the Bihar Inter-University Board for approval which may approve the same with or without any amendment.

34. Annual Report of the University.—The annual report on the working of the University shall be prepared under the direction of the Vice-Chancellor and shall include the annual accounts of the University and shall be submitted to the Executive Council on or before such date as may be prescribed by the Statutes and shall be considered by the Executive Council which may pass resolutions thereon for such action, if any, as may be specified in such resolutions :

Provided that no decision shall be taken on the annual accounts nor shall there be anything in the resolution on the annual report which may have the effect of anticipating the report of the auditors on the annual accounts :

Provided further that the report of annual accounts together with resolution, if any, of the Executive Council relating thereto shall be placed before the legislature for consideration in its next session.

35. Finance, Accounts and the Audit of the University.—Establishment of the University Funds.—(1) There shall be a Fund to be called the Nalanda Open University Fund and this fund shall vest in the University for the purposes of this Act, subject to the provision contained therein, and the following amounts shall be credited thereto, namely :—

- (a) All sums contributed or granted to the University from consolidated fund of the State of Bihar by the State Government for the purposes of the University and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder ;
- (b) All money received by and on behalf of the study centres and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder ;
- (c) All interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private person ;
- (d) All fees payable and levied under this Act and the Statutes, Ordinances and Regulations made thereunder ; and
- (e) All other sums received by the University, not included in clauses (a), (b), (c) or (d).

(2) The University fund shall be kept in such scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (II of 1934), or invested in such securities authorised by the Indian Trusts Act, 1882 (II of 1882), as may from time to time be approved by the State Government.

36. Contribution by Government to the University.—(1) The State Government shall contribute annually to the University Fund a recurring grant out of the Consolidated Fund of the State which shall include all expenses of recurring nature.

(2) The State Government shall calculate the amount of annual recurring grant in consultation with the Vice-Chancellor and the amount may be revised at the expiry of a period of every five years.

(3) The State Government, may from time to time, contribute such additional grants to the University Fund as it may deem fit having regard to the need of expansion and development of the University or study centres.

37. Annual estimates of income and expenditure of study centres.—(1)

The head of each department and the co-ordinator of every study centre shall, if required to do so, prepare in the described form an estimate of its probable income including income from endowments and bequests, if any, and expenditure for the next ensuing financial year and the same shall be considered and sanctioned by the Executive Council either without alteration or with such alterations as it thinks fit.

(2) (i) On receipt of the estimate under sub-section (1) it shall forthwith be referred by the Vice-Chancellor to the Finance Committee for scrutiny and report. Thereupon the Finance Committee shall scrutinise every item of the estimate and in particular the portion of the estimate relating to grants in-aid to the department or the study centre and submit along with a report to the Executive Council as may be prescribed by the Statutes.

(ii) The Executive Council shall forthwith consider the estimate and the report of the Finance Committee and return the estimate to the department or the study centre for rectification of defects therein, if any.

(3) The Finance Committee shall prepare the annual estimate of income and expenditure of the University for the ensuing financial year and shall on or before such date as may be prescribed forward the same together with a memorandum containing explanatory notes thereon to the Executive Council which may approve the estimates either without alteration or with such alteration as it thinks fit.

(4) Every estimate prepared under sub-section (3) shall in accordance with the directions given by the State Government, make provisions for the due fulfilment of all the liabilities of the University including the allotment of grants to the departments and study centres and for the efficient administration of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder.

(5) Every estimate under this section shall be prepared in such form and shall contain such details as may be prescribed by the Statutes.

38. The Budget shall be approved by the State Government.—(1)

Notwithstanding anything contained in this Act or in Statutes, Ordinances, or Regulations made thereunder, the University shall send the budget for the ensuing financial year to the State Government at least two months before the end of the current financial year. The University shall show therein the estimates of receipts and disbursements for the ensuing year. The State Government shall return the budget with such modifications, if any, as it may deem fit, and the University shall act in conformity with such modified budget.

(2) The University shall send a supplementary budget to the State Government at any time during the current financial year and the State Government shall return the budget to the University with such modifications, as it may deem fit.

(3) No expenditure shall be incurred by the University unless such an expenditure has become a part of the budget, as finally approved under sub-sections (1) and (2).

39. Restriction on expenditure not included in the Budget.—(1) No sum shall be spent by or on behalf of the University unless the expenditure thereof is included in the current budget estimates or can be met, with the previous approval of the State Government by re-appropriation or by drawing upon the closing balance.

(2) The closing balance shall not be reduced below such amount as may be prescribed by the Statutes.

40. Objects to which the University Fund may be applied.—The University Fund shall be applicable to the following objects :—

- (a) to the repayment of debts incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;
- (b) to the upkeep of departments established by the University;
- (c) to the payment of the salaries and advances of officers, teachers and other employees of the University, and of any Provident Fund contributions or pension or gratuity to any such officers, teachers and other employees;
- (d) to the payment of the travelling and other allowances of the members of the Executive Council, the Academic Council and any other authorities of the University or the members of any Committee or Boards appointed in pursuance of any provisions of this Act and the Statutes, the Regulations and the Rules made thereunder;
- (e) to the making of grants to the study centres and other institutions;
- (f) to the payment of the cost of audit of the University Fund and of the cost of audit of the accounts of any department or study centre;
- (g) to the payment of expenses of any suit or proceeding to which the University is a party;
- (h) to the payment of any expense incurred by the University in carrying out the provisions of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder; and
- (i) to the payment of any other expense, though not specified in any of the preceding clauses, but declared by the Executive Council to be the expense for the purpose of the University.

41. Account and audit of the University Fund.—(1) Subject to the provisions of this Act and the Statutes made thereunder, the annual accounts of the University shall be audited by auditors appointed by the Accountant General Bihar.

(2) A copy of the annual accounts of the University together with the auditor's report thereon shall be submitted by the Executive Council, within six months of the receipt of the report, to the State Government and the Chancellor shall cause the same to be published in the official *Gazette*.

(3) (i) Within six months of the receipt of the auditor's report under subsection (2), the Executive Council shall appoint an ad-hoc Committee consisting of the Examiner of Local Accounts, Bihar, and eight such members of the Executive Council as are not members of the Finance Committee.

(ii) The said Committee shall be known as the University Audit Committee and shall have power, for the purpose of examining the auditor's report to call for explanations from the controlling and disbursing officers and it may—

- (a) suggest ways and means to avoid in future any misuse of the University Fund or irregularity in the accounts of the University;
- (b) suggest the recovery of any sum on account of any payment contrary to law from a University authority, officer or other employees or from any person making or authorising such payment, or the recovery of the amount of any loss or deficiency from the person responsible therefor or any amount which ought to have been but which is not brought into account from the person failing to account for such amount.

(4) The auditor's report together with the report of the University Audit Committee thereon shall be submitted to the Executive Council and the State Government for such action as they think fit.

(5) It shall be lawful for the State Government either on the suggestions of the University Audit Committee or on its own motion to require any authority, officer or other employee of the University or any other person who is found to have spent or authorised the expenditure of any amount in excess of the amount provided in the budget or in violation of any provisions of this Act, the Statutes, Ordinances, Regulations or Rules or is found to have failed to account for any amount to reimburse the amount in the manner prescribed in the Statutes :

Provided that no order for reimbursement shall be made until the authority, officer, other employee or the person concerned has been given a reasonable opportunity of making representation and the same has been considered by the State Government.

42. Audit of Accounts of study centre.—(1) The account of every study centre shall be audited and examined annually by a qualified accountant appointed as auditor by the Executive Council.

(2) The auditor may, by written notice, require the person responsible for the preparation of accounts either to appear before him in person or to produce any document to enable the auditor to obtain such information as he may consider necessary for the proper conduct of the audit.

(3) After completing the audit, auditor shall submit his report to the Executive Council:

Provided that the Auditor may submit an interim report at any time he thinks fit.

(4) The cost of the audit of the account of a study centre shall be met from the University Fund.

43. Power of the State Government to have accounts of the University or study centre audited.—The State Government may, if it considers necessary, cause the accounts of the University or any study centre to be audited by such agency as it thinks fit and on receipt of the audit report, it may, after calling for a report from the University or study centre on the points realised therein and after considering the same, issue such directions as it thinks fit and thereupon the University or the study centre, as the case may be, shall comply with such directions within the time specified therein.

44. The Finance Committee.—(1) The Finance Committee shall consist of the Vice-Chancellor as the Chairman, the Pro-Vice-Chancellor and an Officer of the State Government not below the rank of a Joint Secretary to be nominated by the State Government and four such other members as are not members of the Executive Council, to be elected by and from amongst the teachers of the

University in the manner prescribed by the Statutes :

Provided that until appointments of teachers are made, the Chancellor shall nominate teachers from other Universities in the State, who are not below the rank of Professor, to be the members of the Finance Committee.

(2) The term of office of members other than the *ex-officio* members shall be for a period of three years with effect from the respective dates of their election and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election not being an election to fill up any casual vacancy.

(3) The Finance Committee shall—

- (a) advise the University on any question affecting its finance;
- (b) prepare the annual estimate of income and expenditure of the University including the estimates of the departments of the University and of the study centres recognised by it;
- (c) subject to Statutes, have power to scrutinise the estimates of the study centres;
- (d) subject to Statutes, have power to scrutinise every item of new expenditure not provided for in the Budget estimates of the University;
- (e) be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University; and
- (f) discharge such other functions of financial nature as may from time to time, be prescribed by the Statutes or entrusted to it by the Executive Council.

45. Inspection of Study Centre.—(1) Every study centre shall furnish such reports, returns and other information as the Executive Council after consulting the Academic Council may require, to enable it to evaluate the efficiency of the study centre.

(2) The Executive Council shall cause every such study centre to be inspected from time to time.

(3) The Executive Council may call upon any study centre so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters specified in any Statutes.

46. Appointment to the posts of teachers and officers.—(1) Subject to the provisions of this Act and Statutes, the Bihar State University (Constituent College) Service Commission shall perform the same functions, to the extent possible, in the matter of appointments to the posts of teachers and officers of the University (other than the Vice-Chancellor and the Pro-Vice-Chancellor) as are entrusted to it.

(2) The Bihar State University (Constituent College) Service Commission shall abide by the condition laid down in section 47 of this Act in recommending appointments to every post of teacher or officer of the University.

47. Conditions of appointment.—(1) Subject to the approval of the Executive Council, the matter relating to appointment, dismissal, retirement, removal from service, termination of service or reduction in rank of teachers of the University shall be disposed of after obtaining the advice of the Bihar State University (Constituent College) Service Commission in the manner as may be determined:

Provided that consultation with the Commission shall not be necessary in a

case where the order involved is only of censure, stoppage of increment, stoppage at the stage of crossing of efficiency bar, or a suspension order till the investigation of allegations against a teacher or officer.

(2) Recommendations for appointments to the posts of teachers and officers of the University shall be subject to the following :—

- (a) The experts named in column 2 of the table given below shall assist the Commission in recommending the appointments to the posts concerned;
- (b) At least three experts in case of appointment to the post of Professor and at least two experts in case of other posts, named in column 2 of the table shall be present in the said meeting of the Commission in which recommendations are being made.

Post to which appointment is to be made.	Experts to assist the Commission.
1	2
(a) Professor	<ol style="list-style-type: none"> (i) The seniormost teacher of the department not below the rank of Professor. If there is no such teacher in the University, a teacher of another University not below the rank of Professor to be nominated by the Chancellor; (ii) Three experts in the subject concerned not below the rank of Professor nominated by the Chancellor from outside the University.
(b) Reader/Lecturer	<ol style="list-style-type: none"> (i) As in (a) (i) above. (ii) Two experts in the subject concerned not below the rank of Professor nominated by the Chancellor from outside the University.
(c) Officer of the University.	<ol style="list-style-type: none"> (i) A person reputed for his special knowledge and aptitude not in the University Service to be nominated by the Executive Council. (ii) Two experts to be nominated by the Chancellor.

(3) The Bihar State University (Constituent College) Service Commission shall recommend two names for each post in order of merit. The recommendations of the Commission shall be valid for one year from the date they are made.

(4) The Executive Council shall, in making appointments, appoint persons in order of merit assigned by the Commission within a period of six months from the date of receipt of recommendations by the Executive Council.

(5) If the Executive Council is unable to accept the recommendation of the Commission or to make appointment in the order of merit given by the Commission, it shall record the reasons therein and submit the case to the Chancellor whose decision shall be final.

(6) It shall be the duty of the Commission to submit an annual report to the University in respect of the functions discharged in respect of the University which shall be placed before the Executive Council.

(7) Notwithstanding anything contained in this Act, the Executive Council may appoint an officer or teacher by negotiation with the prior approval of the Chancellor.

(8) The service conditions of teachers and officers of the University including disciplinary action shall be prescribed by the Statutes.

(9) Experts to assist the Commission in the appointment of teachers or officers of the University shall be nominated by the Chancellor from the panel prepared by the Bihar Inter-University Board.

48. Qualification for enrolment as students of the University.—No student shall be enrolled as a student of the University unless he/she has passed the Secondary School Examination or any other equivalent examination held by the University or any other University or body incorporated by any law for the time being in force and recognised by the University:

Provided that students having passed the Higher Secondary or Pre-University Examination shall continue to be enrolled in the manner as prescribed in the Ordinance and Regulations.

49. Appointment of the Commission.—(1) The State Government may at any time, by an order published in the official *Gazette*, constitute a Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on the following :—

- (i) the working of the University;
- (ii) the financial condition of the University, its study centres and other academic institutions;
- (iii) any change to be made in the provisions of this Ordinance, the Statutes, the Ordinances and the Regulations with a view to bringing about improvements;
- (iv) Such other matters as may be referred to it by the State Government.

(3) On receipt of the recommendations under sub-section (2) the State Government may send the same to the appropriate authority of the University for consideration and report thereon, and on receipt of its report, may pass such orders thereon as it may consider fit. It shall cause the said order to be published in the official *Gazette*. Thereupon the University shall comply with the order within such time as may be specified by the State Government.

50. Disputes as to constitution of University authorities and bodies.—If a question arises whether any person has been duly elected, or is entitled to be a member of any authority of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

51. Filling of vacancies.—All vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as conveniently may be by the person or body who appointed, nominated, elected or co-opted the member whose place has become vacant, and the person not appointed, nominated, elected or co-

opted shall be a member of such authority or body for the unexpired period of the prescribed term :

Provided that pending the filling up of such vacancies by appointment, nomination or election in the manner aforesaid, the vacancies may, if authority or body of the University so decides, be filled by the co-option of any persons qualified to fill such vacancy under the provisions of this Act and any person so co-opted shall hold office as a member of such authority or body until a person is appointed, nominated or elected thereto in accordance with the provisions of this Act.

52. Proceedings of University authorities and bodies not to be invalidated due to vacancies.—No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

53. Conditions of service of officers and teachers of the University.—(1) Every salaried officer of the University and every teacher employed in a University Department other than officers and teachers who are members of the public services in India and whose services have been lent to the University under clause (i) of sub-section (2), shall be appointed on a written contract which shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned. Every teacher of the University shall in the absence of any agreement to the contrary, be governed by the conditions and restrictions as specified in the Statutes.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University, shall subject to the approval of such appointment by the Government concerned and the terms thereto, have the option—

- (i) of having his services lent to the University and remaining at any time, liable to recall to the service of the Government at the option of the Government concerned; or
- (ii) of resigning the service of the Government on entering the service of the University:

Provided that where the University, after consultation with the Public Service Commission, is satisfied that an officer or teacher, being a servant of the Government whose services have been lent to the University deserves the punishment of dismissal, removal or reduction in rank, the University shall forward to the Government the proceedings instituted against such officer or teacher together with all connected papers including the findings of Public Service Commission, and thereupon the Government shall forthwith cause the said officer or teacher to be reverted to the service of the Government and take such action against him as it thinks fit.

54. Retirement from service.—(1) Save as otherwise expressly provided in this Act,—

- (i) the date of retirement of teaching employees and of such non-teaching employees of the University as are in inferior service, shall be the date on which they attain the age of sixty-two years;
- (ii) the date of all other employees not included in (i) above, shall be the

date on which they attain the age of sixty years;

- (iii) if an employee of another University of this State, who under the Act of that University, is to retire on attaining the age of sixty-two years, joins the service of this University, such an employee shall retire on the date on which he attains the age of sixty-two years:

Provided that a teaching or non-teaching employees whose date of retirement falls on the first day of a month will retire from service from the afternoon of the last date of the preceding month and if the date of retirement falls on any other date of the months, he will retire in the afternoon of the last date of that month:

Provided further that the University shall not extend the period of service or re-appoint any teaching or non-teaching employee after his completing the age of sixty or sixty-two years, as the case may be.

(2) The University may require any teaching or non-teaching employee, who reckoned from the date of his first appointment has completed the qualifying service of 23 years or a total service of 27 years, to retire from the University service, if it considers that his conduct or efficiency is such as does not justify his continuation in the service.

(3) (i) Notwithstanding anything contained in the preceding sub-sections, any teaching or non-teaching employee may, after giving at least three months prior notice in writing, to the concerned appointing authority, retire from such date on which such a teaching or non-teaching employee has completed 32 years of qualifying service or has attained 52 years of age, or from such date thereafter as may be specified in the notice:

Provided that no employee of the University under order of suspension shall retire except without specific approval of the Executive Council.

(ii) The University may, in the public interest, require any teaching or non-teaching employee, after giving at least three months prior notice in writing or after paying an amount equivalent to pay and allowances of three months in lieu of such notice to retire from such date on which he completes 32 years of qualifying service or attains 52 years of age, or from such date thereafter as may be specified in the notice.

55. Code of conduct.—(1) The Code of conduct of the employees of the University shall be prescribed by Statutes.

(2) If an employee of the University joins a post or membership by election or otherwise of another institution on account of which work of the University suffers, such an employee shall be required to obtain prior permission and extraordinary leave for a definite period from the University.

(3) No employee of the University shall engage himself in any trade, business, occupation or in any other work than that of his office without the previous permission of the Vice-Chancellor and in the event of his proceeding on leave without pay he shall not be entitled to receive any salary or allowances from the University Fund but in view of the nature of his duty in another institution he may or may not be allowed to earn any increment during the period. Such extraordinary leave shall be prescribed by Statute:

Provided that if an employee of the University is elected as a member of Central or State Legislature, he shall be deemed to be on special leave without pay for the entire period of his membership. The service condition of such an employee

shall be duly safeguarded so that he may continue to earn increment in pay, promotion, seniority and on completion of the term of membership resume his duties in the University :

Provided further that the membership of such an employee of the University body shall be deemed to have expired with effect from the date on which he has become a member of the Central or State Legislature.

56. Effect of detention.—(i) If any teaching or non-teaching employee of the University is detained in custody under any law for a period up to 48 hours whether on a criminal charge or otherwise on security grounds, he shall with effect from the date of detention be deemed to have been suspended by the order of the appointing authority.

(2) On being released from detention, he shall not be entitled for any remuneration other than the subsistence allowance for the period of suspension.

(3) Any employee proceeded against on a criminal charge or retained under any other law providing for preventive detention shall be deemed to be suspended for the period during which he is kept under detention in custody or undergoes the sentence of imprisonment, and shall not be permitted to draw any pay or allowance for the said period other than subsistence grant payable according to principles contained in the Statutes, until the proceeding initiated against him is closed or, as the case may be, he is released from the detention and permitted to resume duty. The adjustment of his allowances for such periods shall be made according to the circumstances of the case. Full amount shall be paid only when he is acquitted or the detention is found to be unjustified by any competent officer.

(4) An employee against whom a proceeding on a criminal charge is pending shall, by a special order to this effect, be kept under suspension during the period when he is not actually detained in custody or imprisoned (that is, when he is released on bail), if the charge made against or the proceeding initiated against him is related to his status as an employee or in this manner may embarrass him in the discharge of his duties, as such or it involves the question of moral turpitude. The provisions aforesaid shall apply in respect of his pay and allowances.

57. Pension, Gratuity, Insurance and Provident Fund.—(1) The University shall, subject to such manners and conditions as may be prescribed by the Statutes, constitute any pension, gratuity, insurance or provident fund, as it may deem fit, for the benefit of its officers, teachers and other employees (excluding those who are members of Public Services of India and whose services are lent to the University).

(2) Where any such pension, gratuity, insurance or provident fund is constituted in this manner the State Government may declare that the provisions of the Provident Funds Act, 1925 (Act no. 19 of 1925) shall apply to the said Fund, as if that fund is State Provident Fund.

58. Removal of difficulties by the Chancellor at the commencement of this Act.—If any difficulty arises in respect of establishment of the University, or in the first implementation of the provisions of this Act or Statutes, or otherwise, the Chancellor may at any time, before the constitution of all the authorities of the University, by order, consistent with the provisions of this Act and Statutes, as far as possible, make any appointment or perform any other function, which seems necessary or proper to him for the removal of the said difficulty, and all such orders

shall take effect in the same manner as if the said appointment or functions has been done in the manner provided in this Act :

Provided that before issuing such an order, the Chancellor shall elicit the opinion of the Vice-Chancellor and of such appropriate authority of the University, as may have been constituted, on the proposed order and give considerations thereon.

59. Transitory Provisions.—Notwithstanding anything contained in this Act the Vice-Chancellor may, for a period not exceeding six months from the commencement of this Act and with the previous approval of the Chancellor and subject to the provision of funds by the State Government or otherwise, discharge all or any of the functions of the University for the purpose of carrying out the provision of or perform any duties which by this Act are to be exercised or performed by any officer or authority of the University, not being an officer or authority of the University in existence at the time when such powers are exercised or such duties are performed.

60. Election for the purpose of constituting the Executive Council, the Academic Council and Finance Committee.—The Chancellor shall make such arrangements for the constitution of Executive Council, the Academic Council and the Finance Committee so as to assume charge of their respective offices from the date following the expiry of the period specified in section 59 and term of office of the members of the said authorities shall be deemed to have commenced from the said date.

61. Powers of nomination by the Chancellor.—Notwithstanding anything contained in the preceding sections of this Act, the Chancellor shall, if the Vice-Chancellor reports that, in his opinion, either the election is not immediately possible or it is not in the interest of the University, fill up the vacancies by nomination.

62. Repeal and savings.—(1) The Nalanda Open University Second Ordinance, 1995 (Bihar Ordinance no. 12, 1995) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act, were in force on the day on which such thing or action was done or taken.