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GOVERNMENT OF SIKKIM
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NO. 5/LD/2003 **DATED: 24.6.2003.**

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of June, 2003 is hereby published for general information.-

THE SIKKIM UNIVERSITY ACT, 2003
[Act No. 5 of 2003]

An Act to establish and incorporate a teaching, research-intensive and affiliating University in the State of Sikkim and to provide for matters connected therewith or incidental thereto.

WHEREAS it is necessary to establish a University which shall have hill-oriented courses specific to needs of the Sikkim Himalayas as well as other Himalayan regions;

AND WHEREAS it is necessary to promote the creation of centers of excellence in education and research in science, technology, humanities and management, particularly in emerging areas;

AND WHEREAS it is necessary to support the establishment of a teaching, research-intensive and affiliating University in the multi-disciplinary areas;

Be it enacted by the Legislature of Sikkim in the Fifty-fourth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Sikkim University Act, 2003.

(2) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

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

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

(b) "affiliated institution" means a college or an institution affiliated to the under this Act;

(c) "Chancellor" means the Chancellor of the University;

(d) "Department" means a department of studies of the University;

(e) "employee" means any person appointed by the University, and includes a teacher or any other full-time member of the staff of the University;

(f) "Executive Council" means the Executive Council of the University;

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

(h) "non-teaching employee" means a non - teaching employee other than an officer not holding any teaching post (including part-time teaching post) appointed or recognized as such by the University;

(i) "notification" means a notification published in the Official Gazette;

(j) "officer" means an officer of the University;

(k) "prescribed" means prescribed by the Regulations made under this Act;

(l) "Registrar" means the Registrar of the University;

(m) "Regulations and Ordinances" means the Regulations and Ordinances of the University made under this Act;

(n) "Schedule" means the Schedule appended to this Act;

(o) "School of Studies" means a School of Studies of the University;

(p) "State Government" means the Government of Sikkim in the Education Department;

(q) "student" means a student of the University includes any person enrolled by the University for pursuing any course of study of the University;

(r) "teacher" means a Professor, Associate Professor, Assistant Professor, Lecturer or such other person, holding a teaching post or a part-time teaching post appointed or recognized by the University or appointed by any affiliated institution;

(s) "University" means the Sikkim University constituted under this Act;

(t) "University Court" means the Court of the University;

(u) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956; **3 of 1956**

(v) "Vice-Chancellor" means the Vice-Chancellor of the University.

The University.

3. (1) There shall be established a University by the name "Sikkim University".

(2) The headquarters of the University shall be located at such place within Sikkim as the State Government may, by notification, specify.

(3) The first Vice-Chancellor, the first Registrar, the first members of the Court and Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of "Sikkim University".

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

Objects of the University.

4. The objects of the University shall be -

(1) to disseminate and advance knowledge by providing instructional and research facilities in any branches of learning;

(2) to organise post-graduate programmes in various mountain-specific and emerging areas with a view to produce high quality personnel;

(3) to organise under-graduate/ post-graduate courses of study in the affiliated institution and centers of the University;

(4) to accord affiliation and provide academic support and guidance to colleges/ institutions within the jurisdiction of the University;

(5) to create awareness in key areas like environmental issues, conservation of bioresources, use of information technology, biotechnology, floriculture, entrepreneurship, capacity building, history, language and cultural development, etc.;

(6) to educate and train manpower for the development of the State of Sikkim as well as the Himalayan regions;

(7) to pay special attention towards improvement of the social and economic conditions and welfare of people of the State, their intellectual, academic and cultural development;

(8) to evolve a curriculum to absorb the repeatedly expending new knowledge.

Power of the University.

5. The University shall have the powers—

(1) to provide instruction and teaching leading to Bachelor, Master and Doctoral degrees in basic and applied sciences, technology, humanities, social sciences, management and in such other branches of knowledge as the University may deem fit;

(2) to establish Centre, Schools, Departments, Campuses or Institutes of advance study and research in different branches of knowledge;

(3) to prescribe courses of study for Bachelor, Master, Doctoral degrees and diploma in different branches of learning;

(4) to accord affiliation to colleges and institutions in different branches of learning;

(5) to hold examinations and publish results of such examinations for different courses of study and research in the manner prescribed;

(6) to confer degrees and other academic distinctions or recognitions on persons who have pursued successfully the courses of study of the University or conducted research creditably in the manner to be prescribed;

(7) to provide for the inspection of, or investigation into, the affairs of colleges or institutions affiliated to it and to exercise general supervision over them including monitoring of academic performances;

(8) to prescribe the procedure of admission to different courses of study in the University and also in the affiliated colleges and institutions;

(9) to confer honorary degrees or other distinctions in such manner as may be prescribed by regulations;

(10) to institute professorships, associate professorship, lectureships and other teaching posts necessary for imparting instruction or for preparing educational material or conducting other academic activities, including providing guidance to the students, designing and delivering of courses and evaluation of the work done by the students and to appoint persons to such professorships, associate professorship, lectureships and other teaching posts, either on full-time or part-time basis or on contract;

(11) to enter into partnership with any organization to establish to fulfill its objectives;

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

(13) to organize and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic, administrative and technical staff of the University and other institutions and also for the members of the general public;

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

(15) to create administrative, ministerial and other necessary posts and to make appointments thereto, either on full-time or part-time basis or on contract;

(16) to receive benefactions, donations, grants, subscriptions or gifts for the purpose of the University, consistent with the objects for which the University is estsblished;

(17) to acquire, purchase, take on lease, or dispose of any property, movable or immovable, for the purpose of the University;

(18) to draw and accept, to make and endorse, to discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;

(19) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect of properties, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;

(20) to enter into agreement with the Government of India, the State Government, the Governments of other States in India, the University Grants Commission, the All India Council for Technical Education, or other authorities, industries or professional organisations and international organisations or agencies and foreign universities for receiving grants;

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

(22) to fix, demand, and receive such fees and other changes as may be decided by the Executive Council from time to time;

(23) to regulate the expenditure and manage the accounts of the University;

(24) to control and to enforce discipline among the students and all categories of employees and to prescribe by regulations the conditions of service and the code of conduct of such employees;

(25) to recognize any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;

(26) to appoint, either on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, Scientists, Fellows, Scholars and such other persons as may contribute to the advancement of the objects of the University;

(27) to collaborate and interact with the other universities and educational or research institutions, organisations and authorities within the country and abroad, in such manner and for such purposes as the University may determine;

(28) to offer education through the distance mode;

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

Jurisdiction.

6. (1) The jurisdiction of the University shall extend to the whole of the State of Sikkim.

(2) Colleges in the State of Sikkim, which are affiliated to any other university, may be deemed to be affiliated to the University with effect from such date as the State Government may notify in consultation with the concerned university and college.

(3) The University shall have power to alter or withdraw the affiliation deemed to have been granted under this section, if the affiliated institution does not comply with all the terms and conditions of such affiliation.

(4) Colleges or institutions to be established in the state of Sikkim shall be affiliated to the University, subject to such terms and conditions as may be imposed by the University.

Teaching of the University.

7. (1) All recognized teachings in connection with the degrees, diplomas and certificates of the University shall be conducted by the teachers of the University or of any affiliated institution, as the case may be, under the general control of the University Court and immediate control of the Executive Council and the Academic Council.

(2) The courses of study, the curricula and the authorities responsible for organizing such teaching shall be such as may be prescribed by the University.

University open to all classes, castes and creeds.

8. The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any office therein or to be admitted as a student in the University, or to enjoy or exercise any privilege thereof.

School of Studies.

9. There may be such Schools of Studies for the purpose of teaching and research as may be prescribed.

The Chancellor.

10. (1) The Governor of the State of Sikkim shall, by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act or as may be prescribed.

(3) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(4) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

(5) The Chancellor shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, libraries and equipment, and of any institutions maintained by the University and affiliated institutions, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(6) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be

entitled to appoint a representative who shall have the right to be present and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry and the Vice-Chancellor shall communicate to the University Court views along with such advice as the State Government may offer on the action to be taken thereon.

(8) The University Court shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take, or as has been taken, on the result of such inspection and inquiry.

Officers of the University.

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

(1) the Vice-Chancellor;

(2) the Registrar;

(3) the Dean of School of Studies/Centres;

(4) Director of Colleges

(5) the Finance Officer;

(6) the Controller of Examinations; and

(7) such other persons as may be declared by regulations to be the officers of the University.

Authorities of the University.

12. The following shall be the authorities of the University:-

(1) the University Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Finance Committee; and

(5) such other authorities as may be declared by regulations to be the authorities of the University.

The University Court

13. (1) The University Court shall be the supreme authority of the University.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions:

a) to review, from time to time the policies and programme of the University and to suggest measures for the improvement and development of the University;

b) to consider and pass resolution on the annual budget and annual report of the University and the audit report on annual accounts.

Executive Council.

14 (1) The Executive Council shall be the chief executive body of the University.

(2) The administration, management and control of the University and the income thereof shall vest in the Executive Council which shall control and administer the property and the funds of the University subject to the general supervision of the University Court.

Academic Council

15. The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the Regulations, co-ordinate and exercise general supervision over the academic policies of the University.

Finance Committee

16. There shall be a Finance Committee, which shall take necessary action for proper management and control of the finance of the University, subject to the overall supervision of the Executive Council and the University Court.

Power to make Regulations

17 (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University, which shall be approved by the University Court:

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed regulation, and any opinion so expressed shall be considered by the Executive Council:

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting all or any of the following matters:-

(a) the constitution, powers and duties of the Academic Council;

(b) the authorities responsible for organizing teaching in connection with the University courses of study and related academic programmes;

(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(d) the establishment and abolition of Schools of Studies and Departments as well as introduction or abolition of courses of study;

(e) according affiliation to a college or an institution who applies for such affiliation or withdrawal of affiliation of a college or an institution;

(f) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(g) conditions and modes of appointment of examiners, or conduct or standard of examinations, or any other course of study;

(h) mode of enrolment or admission of students;

(i) determination of equivalence of any degree, diploma, or certificate of other universities or institutions for higher education deemed to be universities under section 3 of the University Grants Commission Act, 1956 or other institutes of national importance with the corresponding degree, diploma, or certificate of the University.

(2) The Academic Council shall have the power to propose regulations on all or any of the matters specified in clauses (a) to (i) of sub-section 17 (1) of and matters connected therewith or incidental thereto.

(3) All regulations made by the Executive Council shall be submitted, as soon as may be to the Chancellor for approval and shall come into force on and from such date as the Chancellor may direct, provided that the Chancellor may withhold assent to the regulations or remit the same to the Executive Council for reconsideration in the light of the observations, if any, made by him.

Action not to be invalidated merely on the ground of defect

18 (1) Notwithstanding that the University Court, the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time or there is a vacancy in the membership of any such authority or body, no act or proceedings of such authority or body shall be deemed to be invalid merely by reason of

in constitution, vacancy, etc.

such University Court or Executive Council or Academic Council or such other authority or body being not duly constituted or any defect in the constitution or reconstitution thereof or the existence of a vacancy or vacancies among its members.

(2) No resolution of any authority or body of the University shall be deemed to be invalid merely by reason of any irregularity in the service of notice upon any member thereof, provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

Indemnity.

19. No suit, prosecution or other legal proceedings shall lie against, and no damages shall be claimed from the University or the authorities of the University or the Vice-Chancellor or other officers or the teachers or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Special Provisions for students.

20. Any student of a college or institution which was affiliated to any other university before the date appointed by notification under sub-section (2) of Section 6 shall be permitted to complete his or her course in preparation therefore and such university shall make arrangement for:

(1) the instruction, teaching, training and holding of examination for such student in such manner and in accordance with the curricula of study in force in such university for such period as may be determined by such university in consultation with the University;

(2) the conferment of the corresponding degree, diploma and other academic distinction of the University upon the qualified student on the results of such examination.

Rules.

21. The authorities of the University may make rules consistent with the provisions of this Act and the Regulations for the conduct of their own business and that of the committees, if any, appointed by them.

Transitory provisions.

22. (1) The Governor of Sikkim shall, for the purposes of this section, be the Chancellor of the University, and shall exercise all the powers conferred on the Chancellor by or under this Act.

(2) The first Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government. He shall hold office for a term of five years.

(3) The first Registrar shall be appointed by the Chancellor in consultation with the State Government for a term of five years.

(4) The first Court and the first Executive Council shall consist of not more than eleven members and seven members respectively who shall be nominated by the Chancellor and they shall hold office for a term of three years.

(5) The first Academic Council shall be constituted on the expiry of period of three years from the commencement of this Act and during the said period of three years, the powers and the functions of the Academic Council shall be performed by the Executive Council constituted under section 14:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination as the case may be, by the Chancellor, and the person so appointed or nominated shall hold office for so long as the officer or members in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

3. The Executive Council:

(1) The Executive Council shall consist of the following members:

(a) the Vice-Chancellor-Chairman;

(b) all Deans of Schools of Studies/Centres;

(c) two Professors of the University elected by teachers from amongst themselves;

(d) one nominee of the Chancellor

(e) the Registrar

(2) The Registrar shall act as the Secretary of the Executive Council.

(3) Subject to the provisions of this Act, the composition, terms of office of the members and the powers and functions of the Executive Council shall be such as may be prescribed.

(4) Where a member of the Executive Council becomes such member by reason of the office or appointmen he holds by election or otherwise or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or, as the case may be, his nomination is withdrawn o cancelled.

(5) A member of the Executive Council shall cease to be a member if he resigns, or becomes of unsounc mind, or becomes insolvent, or is convicted of a criminal offence involving moral turpitude, or if a member, other than the Vice-Chancellor, or any employee, accepts a full time appointment under the University.

(6) A member of the Executive Council may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it is accepted by the Chancellor.

(7) Any vacancy in the Executive Council shall be filled, either by appointment or election or nomination, as the case may be of a person by the respective authority entitled to make the same and the person so appointed, elected or nominated shall hold office for so long as the member in whose place he is appointed, elected or nominated could have held office if the vacancy had not occurred.

(8) The Executive Council may, by resolution, delegate to the Vice-Chancellor or any authority (other than the University Court) or any committee, such of its powers as it may deem fit, subject to the condition that the action taken by the Vice-Chancellor or such authority or committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

4. The Academic Council:

(1) The Academic Council shall consist of the following members:-

(a) the Vice-Chancellor- Chairman;

(b) all Deans of Schools of Studies/Centres;

(c) the Heads of the Department of the University;

(d) five persons, being experts in the subjects relating to Applied Science, Basic Science, Managemen Humanities and Social Sciences nominated by the Chancellor;

(e) two Principals of affiliated institutions, elected by such Principals from amongst themselves;

(f) two Professors of the University, elected by such Professors from amongst themselves;

(g) two teachers of the University, other than Professors, elected by such Teachers from amongst themselves;

(h) two teachers of an affiliated institution elected by such teachers of affiliated institutions from amongs themselves;

(i) the Registrar.

The Academic Council may co-opt any person for any meeting of the Academic Council.

The Registrar shall act as the Secretary of the Academic Council.

Subject to the provisions of this Act, the composition, terms of office of the members, and the powers and functions, of the Academic Council shall be such as may be prescribed.

The Finance Committee:

The Finance Committee shall consist of the following members:

(a) the Vice-Chancellor- Chairman;

(b) two persons of whom one shall be an expert in the management of finance, nominated by the Executive Council;

(c) a nominee of the Government of Sikkim.

The Finance Officer shall be the *ex-officio* Secretary of the Finance Committee.

The Chairman may ask any employee to attend any meeting of the Finance Committee to assist the Committee in its deliberation.

Subject to the provisions of this Act, the composition, term of office of the members and the powers and functions of the Finance Committee shall be such as may be prescribed.

Selection Committee:

The Executive Council shall constitute a Selection Committee for making recommendations to the Executive Council for appointment to the posts of teachers of the University.

The Selection Committee shall consist of the following members:

(a) the Vice-Chancellor - Chairman;

(b) Dean of the Schools of Studies/Centre concerned;

(c) the Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;

(d) two experts, nominated by the Vice-Chancellor from amongst a panel of five names;

(e) one expert to be nominated by the Chancellor.

Three members of the Selection Committee of whom one shall be an expert shall form the quorum for a meeting of the Committee.

Manner of election to the authorities or bodies of the University:

The manner of election of a member to any authority or body of the University shall be such as may be prescribed, provided that no part-time teacher or officer or employee shall be entitled to stand for an election to such authority or body or to vote in such election.

The Vice-Chancellor:

(1) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government from a panel of not less than three persons recommended by a committee consisting of three members, of whom two shall be nominated by the Executive Council and one shall be nominated by the Chancellor. The nominee of the Chancellor shall be the convener of the committee.

No person, who is an employee of the University or affiliated institutions or a member of any authority the University, shall be nominated to be a member of the committee.

(2) The Vice-Chancellor shall hold office for a term of five years or till he attains the age of sixty-five year whichever is earlier, and shall be eligible for reappointment for another term or till he attains the age sixty-five years, whichever is earlier.

(3) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor his attaining the age of sixty-five years, allow him to continue in office till a successor assumes offic provided that he shall not continue as such for any period exceeding six months.

(4) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the Univers Fund such salary and allowances as the Chancellor may decide.

(5) The Vice- Chancellor shall be entitled to all benefits including free well furnished residence, trav allowances as approved by the Chancellor from time to time.

(6) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor. If

(a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exerci the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry the term of his office or otherwise, then during the period of such temporary inability or pendi the appointment of a Vice-Chancellor as the case may be one of the senior Professors of t University shall exercise the powers and perform the duties as acting Vice-Chancellor till t whole-time Vice-Chancellor is appointed.

(7) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry the term of his office or otherwise shall be filled up by appointment of a Vice-Chancellor in accordan with the provisions of sub-clause (1) within a period of six months from the date of occurrence of t vacancy and such period shall be held to include any period for which a Vice-Chancellor is allowed continue in office under sub-clause (2), or one of the senior Professors of the University exercises t powers and perform the duties of the Vice-Chancellor under sub-clause (6).

9. Powers and duties of the Vice-Chancellor

(1) The Vice-Chancellor shall be the principal executive and academic officer of the University a shall, by virtue of his office, be a member and the Vice-Chairman of the University Court, the Chairman of the Executive Council and the Academic Council and shall also be the Chairman any other authority or body of the University of which he may be a member except as otherw provided in this Act or the regulations. He shall also be entitled to be present at and to addre any meeting of any other authority or body of the University of which he may not be a mem and shall be entitled to vote thereat.

(2) The Vice-Chancellor shall have the power to convene meetings of the Executive Council and any other authority or body of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and regulations are faithfully observed, and to take such action as may be necessary for this purpo

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over a other officers of the University and over all Teachers and other employees of the University a over all the affairs of the University.

(5) The Vice-Chancellor shall exercise such other powers and discharge such other duties as m be delegated to him by any authority or body of the University or as may be prescribed.

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedi in any matter which, in his opinion, is either urgent or of an emergent nature and shall report

same for confirmation at the next meeting to the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, e matter shall immediately be referred to the Executive Council if the authority or body concerned is other than e University Court or the Executive Council or to the University Court if the authority is the Executive Council, to the Chancellor, if the authority is the University Court. The decision of the Chancellor or the University Court the Executive Council, as the case may be, shall be final.

(7) The Vice-Chancellor may, subject to the prior approval of the Executive Council, delegate any of his powers to any other officer subordinate to him.

0. Dean:

Every Dean shall be a Professor of the University and shall be appointed in such manner and on such rms and conditions as may be prescribed.

1. The Registrar

(1) The Registrar shall be appointed on the recommendation of the Selection Committee to be constituted for the purpose and shall be a whole time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment or till he attains the age of sixty years, whichever is earlier.

(3) The emoluments and other terms and conditions of services of the Registrar shall, as may be prescribed.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Registrar shall assist the Vice-Chancellor in performing the administration of the University. He shall exercise such power and perform such functions as may be prescribed.

(6) The Registrar shall act as the Secretary of the University Court, Executive Council and Academic Council.

2. Finance Officer

(1) The Finance Officer shall be appointed on the recommendation of the Selection Committee to be constituted for the purpose and shall be a whole time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment or till he attains the age of sixty years, whichever is earlier.

(3) The emoluments and other terms and conditions of services of the Finance Officer shall be as may be prescribed.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be *ex-officio* Secretary of the Finance Committee.

(6) The Finance Officer shall exercise general supervision over the funds of the University and shall advice the Vice-Chancellor as regards to financial policy. He shall perform such other financial functions as may be prescribed.

3. Director of Colleges

(1) The Director of Colleges shall be appointed on the recommendation of the Selection Committee to be constituted for the purpose and shall be a whole- time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment or till he attains the age of sixty years, whichever is earlier.

(3) The emoluments and other terms and conditions of services of the Director of Colleges shall be as may be prescribed.

(4) When the office of the Director of Colleges is vacant or when the Director of Colleges is by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Director of Colleges shall exercise general supervision over the functions related to affiliated colleges. He shall perform such other functions as may be prescribed.

14. The Controller of Examinations and other officers:

The manner of appointment and the emoluments, powers and duties of the Controller of Examinations and other officers shall be such as may be prescribed.

15. Fund of the University

(1) The University shall have a fund to be called the University Fund to which shall be credited:-

(a) its income including the fees and endowments;

(b) contributions or grants which may be made by the Central Government or the State Govern ment or the Government of any other State or the University Grants Commission or the Al India Council for Technical Education or International organizations or agencies, on such conditions as it may impose;

(c) any other contributions or grants or loans raised;

(d) amount received from any other source.

16. Annual accounts and audit

(1) The annual accounts of the University shall be prepared under the directions of the Executive Council.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council.

17. Financial estimates

(1) The Executive Council shall prepare, before such date as may be prescribed, the financial estimates for the ensuing financial year and place the same before the University Court.

(2) The Executive Council may, in the case where expenditure in excess of the amount provided in the budget is to be incurred or in the case of urgency, for reasons to be recorded in writing, incu expenditure subject to such conditions and restrictions as may be prescribed. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the University Court at its next meeting.

18. Annual report

The Executive Council shall prepare the annual report containing such particulars as the University Court may specify, covering each financial year, and submit it to the University Court on or before such date as may be prescribed. The University Court may pass resolutions thereon and the Executive Council shall take action in accordance therewith.

19. Convocation

Convocations of the University for conferring of degrees or for other purposes shall be held in such manner as may be prescribed.

20. Letter of appointment of employees

Every employee shall be appointed under a written contract and shall be provided with a letter o appointment containing the terms and conditions of his appointment.

21. Discipline:

(1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His direction in that behalf shall be carried out by the officers and Heads of Departments, hostels and institutions.

(2) Notwithstanding anything contained in sub-clause (1), the punishment of debarring a student from any examination subsequent to an earlier examination or rustication from the University or any hostel recognized by the University or any institution affiliated to the University shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council.

22. Withdrawal of distinction, degree, diploma or privilege

(1) The University Court may, on the recommendation of the Executive Council and by a resolution passed by the majority of the total membership of the University Court and by a majority of not less than two-thirds of the members of the University Court present and voting at the meeting, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person, if such person has been convicted by a court of law for an offence, which, in the opinion of the University Court, involves moral turpitude or if he has been found guilty of gross misconduct.

(2) No action under sub-clause (1) shall be taken against any person unless he has been given an opportunity of being heard.

(3) A copy of the resolution passed by the University Court shall immediately be sent to the person concerned.

(4) Any person aggrieved by a decision of the University Court under sub-clause (1) may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chancellor on such appeal shall be final.

23. Eligibility for admission of students

No student shall be eligible for admission to a course of study for a degree or diploma unless he possesses such qualifications as may be prescribed.

24. Honorary degree:

If not less than two-thirds of the members of the Academic Council recommends conferment of an honorary degree or academic distinction on any person on the ground that he is, in their opinion, by reason of eminent attainment and position, fit and proper to receive such honorary degree or academic distinction, the Academic Council may, by a resolution, decide that such honorary degree or academic distinction, as the case may be, may be conferred on such person, subject to confirmation by the Chancellor in consultation with the Vice-Chancellor.

25. Pension and provident fund

The pension and provident fund of and any other terminal benefit to the officers, teachers and other employees of the University shall be such as may be decided by the University.

26. Regulation and Ordinance how made

(1) Subject to the provisions of this Act, the Executive Council shall have power to make Regulations and Ordinances to provide for the administration and management of the affairs of the University, which shall be approved by the University Court under section 17.

(2) The University Court shall have power to amend the Schedule under sub-section (1) of section 26.

BY ORDER OF THE GOVERNOR.

T. D. RINZING
SECRETARY TO THE GOVT. OF SIKKIM
LAW DEPARTMENT
F. No. 16(82) LD/77/2003

Printed at Sikkim Government Press, Gangtok.

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Thursday 20th April, 2017 | No. 131

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.1/LD/17 **Dated: 19 April, 2017**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 22nd day of March, 2017 is hereby published for general information :-

THE SIKKIM UNIVERSITY (AMENDMENT) ACT, 2017

(ACT NO. 1 OF 2017)

AN

ACT

to amend the Sikkim University Act, 2003.

Be it enacted by the Legislature of Sikkim on the Sixty-eighth Year of the Republic of India as follows:-

Short title and Commencement

1. (1) This Act may be called the Sikkim University (Amendment) Act, 2017.

(2) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act.

Substitution of reference to certain expressions by certain other expression

2. In the Sikkim University Act, 2003 (hereinafter referred to as the principal Act), throughout the principal Act, unless otherwise expressly provided, for the words "The Sikkim University Act" wherever they occur, the words "The Sikkim State University Act" shall be substituted.

Amendment of section 3

3. In the principal Act in section 3 in sub- subsection (2), for the words "such place within Sikkim as the State Govt. may, by notification, specify" the words "Sikkim Government College (SGC) Tadong" shall be substituted.

Amendment of section 5

4. In the principal Act, in section 5,

(i) in sub-section (1) after the words "management" and before the words "and in such other branches" the word "theology", shall be inserted.

(ii) in sub-section (15), for the words "to create", the words "to recommend" shall be substituted.

(iii) in sub-section (17), after the word "University", the words "with the concurrence of the State Government" shall be inserted.

(iv) sub-section (28) shall be omitted.

Amendment of section 6

5. In the principal Act, in section 6, in sub-section (2) for the word "Colleges", the words "Government Colleges" shall be substituted.

Amendment of section 11

6. In the principal Act, in section 11 sub-section (4) shall be omitted.

Amendment of section 22

7. In the principal Act, in section 22 ,-

(i) in sub-section (2), after the words "term of five years" the words "or till he attains the age of 65 years, whichever is earlier "shall be inserted.

(ii) in sub-section (7),-

(i) after the words "the University" and before the words "shall appoint" the words "with the approval of the State Government" shall be inserted.

(ii) the words "first Director of Colleges" shall be omitted.

THE SCHEDULE

Amendment of the clause 2

In the principal Act, in the schedule, -

1. in clause 2 :-

(1) For the item (g) of sub-clause (1) and the entries relating thereto, the following shall be substituted, namely, - "(g) three principals from Government Colleges on rotation basis."

(2) After item (n), the following items shall be inserted, namely, -

"(o) one Principal from Private College;

(p) one Principal from Professional College."

Amendment of clause 3

2. in sub-clause (1) of clause 3, after item (e) the following item shall be inserted, namely:-

"(f) Director/Higher Education."

Amendment of clause 6

3. for existing clause 6 and the entries relating thereto, the following shall be substituted, namely:-

"(6) Appointment of Teaching and Non-Teaching Staff – Appointment of Teaching and Non-Teaching staff shall be done by the State Government as per the existing rules."

Amendment of clause 8

4. for sub-clause (1) of clause 8 and the entries relating thereto, the following shall be substituted, namely:-

"1 (i) The Vice – Chancellor should be person of the highest level of competence, integrity, morals and institutional commitment. The Vice – Chancellor to be appointed should be a distinguished academician, preferably with a minimum of ten years of experience as Professor in a University system or ten years of experience in a position equivalent to Professor in a reputed research and academic organization.

(ii) The Vice – Chancellor shall be appointed by the Chancellor in consultation with the State Government through selection process as prescribed by University Grants Commission (UGC).

(iii) 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 a talent search process or in combination. The members of 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, research work, exposure and contribution to the higher education system in the country and aboard and adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Visitor/Chancellor. The following shall be the constitution of the Search Committee.

a. A nominee of the Visitor/Chancellor, who should be the Chairperson of the Committee.

b. A nominee of the Chairman, University Grants Commission.

c. A nominee of the University Court."

Amendment of clause 12

5. in clause 12,-

(1) in sub-clause (1), for the words "on the recommendation of the Selection Committee to be constituted for the purpose", the words "by the State Government" shall be substituted.

(2) in sub-clause (2), for the words "for a term of five years and shall be eligible for re-appointment only if no suitable candidate is available or till he attains

the age of sixty years, whichever is earlier" the words " for the time period as prescribed by the State Government" shall be substituted.

(3) in sub-clause (3), for the words "as may be prescribed", the words "governed by the existing State Financial Rules" shall be substituted.

Amendment of clause 13

6. Clause 13 shall be omitted.

Amendment of clause 25

7. In clause 25 for the words "such as may be decided by the University" the words "words shall be governed vide Not. No. 70/Pen/117/05 dated 22.07.2006 and guidelines issued vide Circular No. 166/PG/PF dated 22.07.2006" shall be substituted.

Amendment of clause 27

8. After clause 26 in the schedule, the following new clause shall be inserted, namely:-

"27. Supervisory Power of State Government"
Human Resource Development Department, Government of Sikkim shall designate an officer not below the rank of Director to coordinate, inspect and monitor the functioning of the University as and when required.

Jagat B. Rai (SSJS)
L.R-cum-Secretary,
Law Department.

SIKKIM

GOVERNMENT GAZETTE

Gangtok **Tuesday 12th May, 2020** **No. 100**

LAW DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No. 08/LD/20 Dated : 30.04.2020

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 25th day of March, 2020 is hereby published for general information :-

THE SIKKIM STATE UNIVERSITY (AMENDMENT) ACT, 2020
(ACT NO. 08 OF 2020)
AN
ACT

further to amend the Sikkim State University Act, 2003

BE it enacted by the Legislature of Sikkim on the Seventy-first Year of the republic of India as follows :-

Short title and commencement

1. (1) This Act may be called the Sikkim State University (Amendment) Act. 2020.

(2) It shall come into force at once.

Substitution of reference to certain expression by certain other expression

2. In the Sikkim State University Act, 2003 (herein referred to as the Principal Act (throughout the principal Act, unless otherwise expressly provided, for the words "The Human Resource Development Department" wherever they occur, the words "The Education Department" shall be substituted.

Insertion of section 6A

3. In the Principal Act, after section 6 the following new section shall be inserted namely ;-

"6A Autonomous status of the University:-

The Sikkim State University shall hereby function as an Autonomous Institute of Higher Education".

Amendment of Schedule

4. In the Principal Act, in the SCHEDULE -

1. For the existing clause (6) and entries relating thereto, the following shall be substituted, namely :-

"6. Selection Committee:

(1) The Executive Council shall constitute a Selection Committee for making recommendations to the Executive Council for appointment to the posts of teachers of the University.

(2) The Selection committee shall consist of the following -

(a) The Vice-Chancellor-Chairman;

(b) Dean of the Schools of Studies/Centre concerned;

(c) the head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;

(d) two experts, nominated by the Vice-Chancellor from amongst a panel of five names;

(e) one expert to be nominated by the Chancellor.

(3) Three members of the Selection Committee, of whom one shall be an expert, shall form the quorum for a meeting of the Committee."

Insertion of sub clause (8)

2. In clause 8, after sub-clause (7), the following new sub-clause shall be inserted, namely :-

"(8) Notwithstanding anything contained in clause (4), the chancellor may, at any time after the Vice-Chancellor has entered upon his office, by order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions :

Provided that no such order shall be made by the Chancellor unless the Vice-Chancellor has been given reasonable opportunity of showing cause against the action proposed to be taken against him".

Provided further that the Chancellor may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry".

Amendment of clause 27

3. In clause 27, the words "inspect and monitor" shall be omitted.

JAGAT B. RAI (SSJS)
L.R-cum-Secretary,
Law Department,
Gangtok.

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Monday 20th December, 2021 | No. 371

GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 28/L&PAD/2021 **Dated: 16.12.2021**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 9th day of December, 2021 is hereby published for general information:-

SIKKIM STATE UNIVERSITY (AMENDMENT) ACT, 2021

(ACT NO. 16 OF 2021)

AN

ACT

Further to amend the Sikkim State University Act, 2003.

Be it enacted by the Legislature of Sikkim on the Seventy-second Year of the Republic of India as follows:-

Short title and commencement

1. (I) This Act may be called as Sikkim State University (Amendment) Act, 2021.

(II) It shall come into force at once.

Substitution of reference to certain expression by other expression

2. In the Sikkim State University Act 2003, throughout the Principal Act, unless otherwise expressly provided for the words, "The Sikkim State University Act" wherever they occur, the words "Khangchendzonga State University, Sikkim Act" shall be substituted.

Repeal and Savings

3. (I) The Sikkim State University (Amendment) Ordinance, 2021 is hereby repealed.

(II) Not withstanding such repeal, anything done or any action taken in exercise of the power conferral by or under the ordinance shall be deemed to have been done or taken in exercise of the power as if this Act was in force on the day on which such thing was done or such action was taken.

Suraj Chettri (SSJS),
L.R.-cum-Secrertary,
Law & Parliamentary Affairs Department.
F.No.11(656)/L&PAD/2021

S.G.P.G. - 371/ Com.2/Gazette/ 100 Cps./20.12.2021