TAMIL NADU PRIVATE UNIVERSITIES ACT, 2019

(ACT NO. 14 OF 2019)

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TAMIL NADU PRIVATE UNIVERSITIES ACT, 2019

(ACT NO. 14 OF 2019)

[23rd February 2019]

An Act to establish and incorporate in the State of Tamil Nadu, the Green field Universities of unitary nature in private sector by the sponsoring body viz. Trusts or Societies or not for profit companies to promote, conceptualize and bring about a paradigm shift through development of outstanding leadership, research, knowledge and ideas for education and allied development sectors and also to provide world class Higher Educational Institutions in the State.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:-

1.Short title and commencement. - (1) This Act may be called the Tamil Nadu Private universities Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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

(a) *"Academic Council"* means the Academic Council of a Private University constituted under section 27;

(b) *"AICTE"* means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);

(c) *"BCI"* means the Bar Council of India established under section 4 of the Advocates Act, 1961 (Central Act 25 of 1961);

(d) *"Chancellor", "Vice-Chancellor"* and *"Pro-Vice-Chancellor"* means, respectively, the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of a Private University;

(e) *"Deans and Directors"* means the Head of Department or an Institution, a Centre or a School, or the person appointed for the purpose to act as such in his absence;

(f) *"Department"* means a Department of Studies of a Private University and includes a Centre of Studies and Research;

(g) *"employee"* means any person appointed by a Private University, and includes a teacher or any other member of the staff of the Private University;

(h) *"Executive Council"* means the Executive Council of a Private University constituted under section 26;

(i) *"Expert Committee"* means the Committee constituted under section 7;

(j) *"Faculty"* means a Faculty of a Private University;

(k) *"Governing Council"* means the Governing Council constituted under section 25;

(l) *"Government"* means the State Government;

(m) *"Green field University"* means starting of a University afresh without any consideration to any existing educational institutions or anything related to such institutions;

(n) *"hostel"* means a unit of residence for students of a Private University maintained or recognised by the Private University;

(o) *"ICAR"* means the Indian Council of Agricultural Research, registered under the Societies Registration Act, 1860 (Central Act 21 of 1860);

(p) *"Institution"* means a college or an institution established or maintained by or associated with or constituent to a Private University in accordance with this Act and the Statutes;

(q) *"Management Committee"* means the committee constituted by the sponsoring body for the purposes of this Act;

(r) *"MCI"* means the Medical Council of India constituted under the Medical Council Act, 1956 (Central Act 102 of 1956);

(s) *"multidisciplinary"* means study in the Departments of Humanities and Social Sciences, Science, Engineering and Technology, Architecture, Medical, Dental, Nursing, Pharmacy, Physiotherapy, Allied Health Sciences, Education, Law, Agriculture, Veterinary and other branches of knowledge;

(t) *"NCTE"* means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993);

(u) *"PCI"* means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948 (Central Act 8 of 1948);

(v) *"prescribed"* means prescribed by Statutes and Ordinances;

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(w) *"Private University"* means a University established under section 3;

(x) *"Registrar", "Controller of Examinations", "Finance Officer"* means, respectively, the Registrar, the Controller of Examinations and the Finance Officer of a Private University;

(y) *"Regulatory Body"* means and includes a body such as UGC, AICTE, NCTE, MCI, PCI, ICAR, BCI established for maintenance of standards of higher education;

(z) *"Rules"* means rules made under section 57 of this Act;

(aa) *"Schedule"* means the Schedule appended to this Act;

(ab) *"sponsoring body"* means,-

(i) a trust registered under the Indian Trusts Act, 1882 (Central Act 2 of 1882); or

(ii) a society registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975); or

(iii) a company registered under section 8 of the Companies Act, 2013 (Central Act 13 of 2013);

(ac) *"statutes"* and *"ordinances"* means respectively, the statutes and the ordinances of a Private University;

(ad) *"student"* means a student enrolled in the register of a Private University;

(ae) *"teachers "* means persons appointed by a Private University to give instructions of its behalf;

(af) *"UGC"* means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956).

3. Establishment of Private University. - (1) The Government may permit the establishment of a Private University, by any sponsoring body, by inclusion of the name of the Private University, its location and the details of the sponsoring body in the Schedule.

(2) The Private University shall be a Greenfield University and shall also be a multidisciplinary University. Its location shall be within the State of Tamil Nadu.

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

(4) The Private University shall be of the unitary type and shall not have power to affiliate or recognise any college or institution.

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(5) The Private University may establish constituent colleges, regional centres, additional campuses and study centres at such places in the State as it deems fit subject to the norms of UGC and other regulatory bodies.

4. Conditions for establishment of Private University. - For the purpose of establishing a Private University under this Act, the sponsoring body shall fulfill the following conditions, namely:-

(a) possess contiguous land of not less than one hundred acres earmarked for the Private University;

(b) construct on the land referred to in clause (a), buildings and establish infrastructure and install necessary equipments in offices and laboratories as per the standards laid down by the UGC and other regulatory bodies;

(c) appoint teachers for the purposes of teaching as per the standards laid down by the UGC; and

(d) such other conditions as may be required by the Government to be fulfilled before the establishment of the Private University.

5. Application for establishment of Private University. - Any sponsoring body desirous to have a Private University established by a law of the State Legislature, shall make an application to the Government, containing an outline of the purpose and vision of the proposed Private University, the project report in such manner containing such particulars along with such fee not exceeding rupees twenty five lakh as may be prescribed in the rules.

6. Project Report. - The project report shall, in addition to the particulars as may be prescribed under section 5, contain the following, namely:-

(a) justification regarding the necessity of establishment of the proposed Private University;

(b) the details of the sponsoring body along with copies of its registration certificate under the Indian Trusts Act, 1882 (Central Act 2 of 1882) or the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) or the Companies Act, 2013, (Central Act 13 of 1013) as the case may be;

(c) the track record, experience and domain expertise in the proposed disciplines;

(d) the name, location and headquarters of the proposed Private University;

(e) the objectives of the Private University;

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(f) availability of academic facilities including teaching and non¬teaching staff, if any, at the disposal of the sponsoring body;

(g) the details of plans for campus development such as, construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment for starting the Private University;

(h) the outlays of capital expenditure and its sources of finance;

(i) the nature and type of programmes and courses of study, research and innovation proposed to be undertaken by the Private University;

(j) the nature of facilities proposed to be started;

(k) the scheme of mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;

(l) projected detailed financial statements and key operating ratios with a detailed break-up of sources of revenues generated internally;

(m) the system proposed to be followed for selecting students for admission to the courses of study at the Private University;

(n) the system proposed for appointment of teachers and other employees in the Private University;

(o) the nature of specialized teaching, training or research activities to be undertaken by the Private University including those related to the local needs, so as to fulfil its objects;

(p) the details of play grounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps and National Service Scheme;

(q) proposed approach and initial plans for academic and research excellence, including accreditations to be sought and academic auditing;

(r) the concessions or rebates in fee and scholarships, if any, to be granted by the Private University to the students from economically or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and differently abled students; and

(s) commitment to follow the norms of the regulatory bodies.

7. Expert Committee. - (1) The Government shall constitute an Expert Committee to examine the application received from the sponsoring body.

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(2) The composition of the Expert Committee shall be as follows:-

(i)	The Secretary to Government, in-charge of Higher Education Department.	-	Chairman
(ii)	Former or serving Vice-Chancellor of the State University.	-	Member
(iii)	The Commissioner of Technical Education.	-	Member Secretary
(iv)	The Director of Collegiate Education.	-	Member
(v)	The Collector of the District where the Private University is proposed to be established.	-	Member

(3) The Chairman and Members shall be eligible for such sitting fees and allowances, as may be prescribed in the rules.

(4) The Expert Committee shall examine the proposal with reference to the following:-

(a) financial soundness and assets of the sponsoring body and its ability to setup the infrastructure of the proposed Private University;

(b) background of the sponsoring body such as experience in the field of education, its credibility and general reputation;

(c) potential of the courses to be offered which are not only of conventional nature but also in tune with the contemporary requirements of emerging branches of learning;

(d) appropriateness of the objectives of the proposed Private University against the overall goals and objectives of the State; and

(e) any other factor that the Expert Committee may deem appropriate.

(5) The Expert Committee, while considering the proposal and the project report, may call for such other information from the sponsoring body as it thinks proper for the purpose.

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(6) The Expert Committee shall make recommendation on the establishment of Private University to the Government.

8. Letter of Intent. - (1) On consideration of the recommendation of the Expert Committee, the Government shall take a decision on accepting or rejecting the proposal or seek modification in the proposal or additional information.

(2) The Government reserves the right to accept or not to accept the evaluation report of the Expert Committee. The decision of the Government in this regard shall be final.

(3) The Government shall inform the sponsoring body about its decision through a Letter of Intent, a Letter of Regret, or a letter seeking modified proposal or additional information, as the case may be.

9. Amendment to Schedule. - The Government shall include the name of the University in the Schedule with details of location by way of amendment to the Schedule after satisfying that the sponsoring body has fulfilled the conditions of Letter of Intent.

10. Commencement of Private University. - (1) Every Private University shall commence to exercise its function on such date as the Government may, by notification, specify in this behalf.

(2) The Government shall issue a notification under sub-section (1) only after receipt of an affidavit along with documents from the sponsoring body to the effect that all the conditions referred to in this Act have been fulfilled and after the Government is satisfied in this behalf.

11. Grants and Financial Assistance. - Every Private University shall be a self-financing University and shall neither make a demand nor shall be entitled to any maintenance, grant-in-aid or any other financial assistance from the Government:

Provided that this shall not prohibit a Private University from applying for research projects or any other academic projects which may or may not entail financial grant or financial support from any other source.

12. Objects of Private University. - The objects of a Private University shall be to disseminate and advance education, knowledge and skill by providing instructional, research and extension of facilities in such branches of learning as it may deem fit and the Private University shall endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of,-

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(a) innovations in education leading to restructuring of courses, new methods of teaching, training and learning including on-line learning, blended learning, continuing education and such other modes and integrated and wholesome development of personality;

(b) studies in various disciplines;

(c) inter-disciplinary studies;

(d) national integration, secularism, social equity and engineering of international understanding and ethics;

(e) educational programmes for diplomas, degrees and post-graduate courses, doctorate degrees and post-doctoral programmes and to maintain high standards of education;

(f) collaboration with national and global institutions, and creation of capabilities for upgrading programmes to the global standards, subject to the guidelines of the UGC and other regulatory bodies.

13. Powers of Private University. - Every Private University shall have the following powers, namely:-

(a) to provide for instructions in such branches of learning as the Private University may, from time to time, determine and to make provisions for research and for the advancement and dissemination and application of knowledge and skills;

(b) to impart and promote the study of humanities and social sciences, science, engineering and technology, management, law, medical and allied sciences and any other professional courses through in-campus, off-campus, and satellite centres or by distance educational programmes;

(c) to honour educational stalwarts and persons of academic eminence with the decoration of professor Emeritus;

(d) to grant, subject to such conditions as the Private University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(e) to confer honorary degrees or other distinctions in the manner prescribed;

(f) to provide education and training including correspondence and such other courses, to such persons who are not members of the Private University, as it may determine;

(g) to institute Directorships, Professorships, Associate Professorships, Readerships, Assistant Professorships, Lecturerships and other teaching or academic posts required by the Private University and to make appointments for the same;

(h) to create administrative, ministerial and other posts and to make appointments thereto;

(i) to appoint or engage persons of eminence working in any other University or Organisation permanently or for a specified period;

(j) to co-operate, collaborate or associate with any other University or Authority or Institution in India and abroad in such manner and for such purpose as the Private University may determine;

(k) to establish and maintain schools, centres, specialised laboratories or other units for research and instructions as are in the opinion of the Private University, necessary for the furtherance of its objects;

(l) to institute and award fellowships, scholarships, studentships, medals and prizes;

(m) to establish and maintain and supervise residences, hostels within the Private University and promote the health and general welfare activities for students and staff;

(n) to make provisions for research and consultancy, and for that purpose to enter into such arrangements with other institutions or bodies as the Private University may deem necessary;

(o) to declare a centre, an institution, a department, or school, as the case may be, in accordance with the statutes;

(p) to determine standards for admission into the Private University, which may include examination, evaluation or any other method of testing;

(q) to prescribe, demand and receive payment of fees and other charges;

(r) to make such arrangements in respect of the residence, discipline and teaching of women and other disadvantaged students as the Private University may deem fit;

(s) to regulate and enforce discipline amongst the employees and students of the Private University and take such disciplinary measures in this regard as may deem necessary by the Private University;

(t) to make arrangements for promoting the health and general welfare of the employees of the Private University;

(u) to receive donations and to acquire, hold, manage and dispose through sale or lease or rent of any property, movable or immovable for the welfare of the Private University;

(v) to borrow without security or by way of hypothecation or mortgage against the property of the Private University with the approval of the sponsoring body;

(w) to appoint either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the Private University;

(x) to organise and to undertake extra-mural studies and extension service;

(y) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Private University.

14. Admission. - (1) Every Private University shall, subject to the provisions of this Act and the relevant statutes and regulations of the UGC and other regulatory bodies, as the case may be, be open to all persons.

(2) Nothing contained in sub-section (1) shall require a Private University,-

(a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;

(b) to retain on the rolls of the Private University any student whose academic record is below the minimum standard required for the award of a degree or other academic distinction;

(c) to admit any person or retain any student whose conduct is prejudicial to the interest of the Private University or the rights and privileges of other students and teachers;

(d) to retain on rolls of the Private University any student who fails to remit necessary fees as prescribed for the course.

(3) Subject to the provisions of sub-sections (1) and (2) and the standard admission process of the Private University as may be prescribed, the Private University shall reserve thirty-five percentage of seats in each course of study for resident students of Tamil Nadu.

(4) Admission of students to thirty-five percentage of seats reserved for resident students of Tamil Nadu under sub-section (3) shall be made following the reservation as per law in force.

Explanation. - For the purpose of this section *"Resident student of Tamil Nadu"* means:-

(i) a student who or either of whose parents has resided in the State of Tamil Nadu for a period of not less than five years preceding the qualifying examination; or

(ii) a student who has studied in any one of the educational institutions in the State of Tamil Nadu for a period of not less than five years leading to the qualifying examination.

15. Officers of Private University. - The following shall be the officers of a Private University, namely:-

(a) the Chancellor;

(b) the Vice-Chancellor;

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(c) the Pro-Vice-Chancellor;

(d) the Registrar;

(e) the Deans and Directors;

(f) the Finance Officer;

(g) the Controller of Examinations; and

(h) such other persons as may be declared by the statutes to be officers of the Private University.

16. Chancellor. - (1) The Chancellor shall be appointed by the Management Committee for a period of three years, as may be prescribed.

(2) The Chancellor shall, by virtue of his office, be the Head of the Private University and shall constitute an interim Executive Council. The interim Executive Council so constituted shall cease to exist on the constitution of the Executive Council under section 26.

(3) The Chancellor may in writing under his hand addressed to the Management Committee, resign his office.

17. Vice-Chancellor. - (1) The Vice-Chancellor shall be appointed by the Chancellor in such manner as may be prescribed and shall hold office for a period of three years.

(2) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

18. Pro-Vice-Chancellor. - (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council in such manner as may be prescribed.

(2) The Pro-Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

19. Registrar. - (1) The Registrar shall be a whole-time salaried officer of the Private University. The terms of appointment and conditions of services shall be such as may be prescribed.

(2) The holder of the post of Registrar shall possess the qualifications prescribed by the UGC.

(3) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Private University and shall exercise such other powers and perform such other functions as may be prescribed.

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(4) The Registrar shall be the ex-officio Secretary of the Executive Council and the Academic Council.

20. Deans and Directors. - Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed.

21. Finance Officer. - (1) The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

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

22. Controller of Examinations. - (1) The Controller of Examinations shall be a whole-time officer of the Private University appointed for such period and on such terms and conditions as may be prescribed.

(2) The Controller of Examinations shall exercise such powers and perform such duties as may be prescribed.

23. Other Officers. - The manner of appointment and powers and duties of the other officers of a Private University shall be such as may be prescribed.

24. Authorities of Private University. - The following shall be the authorities of a Private University, namely:-

(a) the Governing Council;

(b) the Executive Council;

(c) the Academic Council;

(d) the Finance Committee;

(e) the Planning Board; and

(f) such other authorities as may be declared by the statutes to be authorities of the Private University.

25. Governing Council. - (1) The constitution of the Governing Council and the term of office of its members shall be such, as may be prescribed.

(2) Subject to the provisions of this Act, the Governing Council shall have the following powers and functions, namely:-

(a) to review from time to time, the broad policies and programmes of the Private University and suggest measures for the working, improvement and development of the Private University;

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(b) to consider and pass resolutions on the annual report and annual accounts of the Private University and audit report of such accounts;

(c) to advise the Chancellor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed.

26. Executive Council. - (1) The Executive Council shall be the chief executive body of a Private University.

(2) The Executive Council shall consist of not more than ten members of whom two members shall be,-

(a) The Secretary to Government in-charge of Higher Education Department, ex-officio;

(b) The Director of Collegiate Education, ex-officio.

(3) The remaining eight members of the Executive Council shall be nominated by the sponsoring body from among the eminent people in the relevant disciplines of study provided by the Private University.

(4) The powers and functions of the Executive Council, shall be such as may be prescribed.

27. Academic Council. - (1) The Academic Council shall be the principal academic body of a Private University and shall subject to the provisions of the statutes, the ordinances and the applicable regulations, co-ordinate and exercise general supervision over the academic policies of the Private University.

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be such as may be prescribed.

28. Finance Committee. - (1) The Finance Committee shall be the principal financial body of a Private University to take care of the financial matters.

(2) The constitution of the Finance Committee, the term of office of its members and its powers and functions shall be such as may be prescribed.

29. Planning Board. - (1) The Planning Board shall be the principal planning body of a Private University. The Planning Board shall ensure that the infrastructure and academic support system meets the norms prescribed by the regulatory bodies.

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(2) The constitution of the Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed.

30. Board of Faculties, Admission Committee, Examination Committee and other Authorities of Private University. - The constitution, powers and functions of the Boards of Faculties, the Admission Committee, the Examination Committee and of such other authorities of a Private University which may be declared by the statutes to be authorities of the Private University shall be such as may be prescribed.

31. Power to make Statutes. - (1) The Executive Council shall make the statutes for carrying out the purposes of this Act, subject to the approval of the Management Committee.

(2) Subject to the provisions of this Act, the statutes may provide for all or any of the following matters, namely:-

(a) the constitution, powers and functions of the authorities of the Private University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities, filling up of vacancies of members and all other matters relating to those authorities for which it may be necessary to provide;

(c) the appointment, powers and duties of the officers of the Private University and their emoluments;

(d) the appointment of teachers of the Private University and other academic and administrative staff and their emoluments;

(e) the appointment of teachers and other academic and administrative staff working in the Private University or Institution for specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for retirement benefits, insurance and provident fund, the manner of termination of service and disciplinary actions;

(g) the principles governing seniority of service of employees;

(h) the procedure for settlement of disputes between employees or students and the Private University;

(i) the procedure for appeal to the Executive Council by any employee or students against the action of any officer or other authority of the Private University;

(j) the conferment of honorary degrees;

(k) the withdrawal of degree, diploma, certificate and other academic distinction;

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

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(m) the maintenance of discipline among the students;

(n) the establishment and abolition of Department, Centres and other institutions;

(o) the delegation of powers vested in the authorities or officers of the Private University; and

(p) all other matters, which may by this Act are to be or may be prescribed.

(3) The Executive Council shall not make, amend or repeal any statute affecting the powers or constitution of any authority of the Private University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

32. Statutes, how made. - (1) The Executive Council may, from time to time, make statutes and amend or repeal the statutes in the manner hereinafter provided in this section.

(2) A statute or an amendment to, or repeal of, a statute passed by the Executive Council shall be submitted to the Management Committee who may assent thereto or withhold its assent. A statute or an amendment to, or repeal of, a statute passed by the Executive Council shall have no validity unless it has been assented to by the Management Committee. A copy of the statutes shall be sent to the Government for information.

33. Power to make Ordinances. - Subject to the provisions of this Act and the statutes, the ordinances shall be made by the Executive Council, subject to the approval of the Management Committee, which may provide for all or any of the following matters, namely:-

(a) the admission of students to the Private University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the Private University;

(c) the medium of instruction and examination;

(d) the award of degree, diploma, certificate and other academic distinctions, the qualification for the same and the matters to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the Private University and for admission to the examinations, degrees, diplomas and certificates of the Private University;

(f) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

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(h) the conditions of residence of the students of the Private University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them within the Private University;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the statutes;

(k) the establishment of Centre of Studies, Boards of Studies, Inter¬disciplinary Studies, Special Centres, Specialised Laboratories and other Committee;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or association;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic mileage of the Private University;

(n) the remuneration to be paid to the examiners, moderators, invigilators and tabulators;

(o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the statutes.

34. Ordinances, how made. - (1) In making ordinances, the Executive Council shall consult the Management Committee.

(2) All ordinances made by the Executive Council shall have effect from such date as it may direct.

35. Annual Report. - (1) The annual report of a Private University shall be prepared under the direction of the Executive Council and shall be submitted to the Governing Council on or after such date as may be prescribed and the Governing Council shall consider the report in its annual meeting.

(2) The Governing Council shall submit the annual report to the Chancellor along with its comments, if any.

36. Annual Accounts. - (1) The annual accounts and balance sheet of a Private University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant eligible for conducting audit as per the provisions of the Chartered Accountant Act, 1949 (Central Act XXXVIII of 1949).

(2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Governing Council and the Chancellor along with the observations of the Executive Council for their approval.

37. Conditions of service of employees. - (1) Every employee of a Private University shall be appointed or engaged as per the provisions of the statutes.

(2) Any dispute arising between a Private University and any of the employee appointed substantively, shall be referred to the Vice-Chancellor who shall decide the dispute after affording an opportunity to the employee within three months from the date of its reference.

(3) The aggrieved employee may file an appeal against the decision of the Vice-Chancellor to the Chancellor. The decision of the Chancellor in such an appeal shall be final.

(4) Any dispute in respect of any employee engaged temporarily or on ad-hoc or part-time or casual basis shall be heard and decided finally by the Head of the Department concerned.

38. Admission to Private University Courses and Examinations. - (1) (a) No person shall be admitted to a course of study in a Private University for admission to the examinations for degrees, titles or diplomas of the Private University unless he,-

(i) has passed the examination prescribed therefor; and

(ii) fulfills such other academic conditions as may be prescribed.

(b) Every candidate for a Private University examination shall, unless exempted from the provisions of this sub-section by a special order of the Executive Council made on the recommendation of the Academic Council, be enrolled as a member of the Private University. Any such exemption may be made subject to such conditions as the Executive Council may think fit.

(2) No candidate shall be admitted to any Private University examination unless he is enrolled as a member of the Private University, and has satisfied the requirements as to the attendance required for the same or unless he is exempted from such requirements of enrolment or attendance or both by an order of the Executive Council passed on the recommendation of the Academic Council. Exemptions granted under this section shall be subject to such conditions as the Executive Council may think fit.

(3) Any student or candidate for an examination, whose name has been removed from the rolls of the Private University by the orders or recommendation of the Academic Council or Controller of Examinations, as the case may be, and who has been debarred from appearing at

the examinations for more than one year, may within ten days of the date of receipt of such order, appeal to the Vice-Chancellor.

(4) Any decision taken by the Vice-Chancellor in this regard shall be final.

39. Employees provident fund and pensions. - A Private University may constitute for the benefit of its employees such pension or welfare schemes or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be decided by the Executive Council.

40. Disputes as to the constitution of Authorities and bodies. - If any question arises as to whether any person has been duly nominated or appointed as or is entitled to be a member of any authority or other body of a Private University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

41. Constitution of Committees. - Where any authority of a Private University is given power under this Act or the statutes to constitute Committees, such Committees shall as otherwise provided, consist of the members of the authority concerned and of such other persons as the authority in each case may think fit.

42. Filling up of the vacancies. - All vacancies among the members of any authority or other body of a Private University shall be filled as soon as may be convenient by the person or body who appointed or nominated the members whose place has become vacant for the remaining term for which he has been appointed or nominated.

43. Proceedings of Private University authorities and bodies not to be invalidated by vacancies. - No act or proceeding of any authority or other body of a Private University shall be invalidated merely by reason of the existence of a vacancy or of any defect or irregularity in the nomination of a member of any authority or other body of the Private University or of any defect or irregularity in such act or proceeding not affecting the merits of the case or on the ground that the authority or other body of the Private University, did not meet at such intervals as required under this Act.

44. Removal from membership of Private University. - (1) The Executive Council may, remove by an order in writing made in this behalf, any person from membership of any authority

of the Private University by a resolution passed by a majority of the total members of the Executive Council and by a majority of not less than two-thirds of the members of the Executive Council present and voting at the meeting, if such person has been convicted by the Court for an offence which in the opinion of the Executive Council involves moral turpitude.

(2) The Executive Council may also by an order in writing made in this behalf remove any person from the membership of any authority of the Private University if he becomes of unsound mind or has been adjudicated as an insolvent.

(3) No action under this section shall be taken against any person unless he has been given a reasonable opportunity to show cause against the action proposed to be taken.

(4) A copy of every order made under sub-section (1) or sub-section (2), as the case may be, shall, as soon as may be after it is so made, be communicated to the person concerned in the manner prescribed.

45. Mode of proof of Private University records. - A copy of any receipt, application, notice, proceeding, resolution of any authority or Committee of a Private University or other documents in possession of the Private University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, applications, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein where the original would, if produced have been admissible in evidence.

46. Permanent Endowment Fund. - (1) The sponsoring body shall establish a permanent endowment fund of at least rupees fifty crores.

(2) A Private University shall have the power to invest the permanent endowment fund in such manner as may be prescribed.

(3) A Private University may transfer any amount from the general fund or the development fund to the permanent endowment fund.

(4) Any amount exceeding the minimum amount specified in sub¬section (1) may be withdrawn from the permanent endowment fund by the Private University for the purposes of development of the Private University.

47. General Fund. - (1) Every Private University shall establish a general fund to which the following amount shall be credited, namely:-

(a) all fees which may be charged by the Private University;

(b) all sums received from any other source;

(c) all contributions made by the sponsoring body; and

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force.

(2) The moneys credited to the general fund shall be applied to meet all the recurring expenditures of the Private University.

48. Development Fund. - (1) Every Private University shall also establish a development fund to which the following moneys shall be credited, namely:-

(a) development fees, which may be charged from students;

(b) all sums received from other sources for the purpose of the development of the Private University;

(c) all contributions made by the sponsoring body;

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and

(e) all incomes received from the permanent endowment fund.

(2) The moneys credited to the development fund from time to time shall be utilised for the development of the Private University.

49. Maintenance of Fund. - The funds established under sections 46, 47 and 48 shall subject to general supervision and control of the Governing Council, be regulated and maintained in such manner as may be prescribed.

50. Power of Government to call for information and records. - (1) It shall be the duty of a Private University or any authority or officer of the Private University to furnish such information or records relating to the administration or finance and other affairs of the Private University as the Government may call for.

(2) The Government, if it is of the view that there is a violation of this Act or the statutes or ordinances made thereunder, may issue such directions to a Private University under section 54 as it may deem necessary.

51. Dissolution of Private University. - (1) If any Private University proposes its dissolution for any reason, it shall give at least six months written notice to the Government.

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(2) On receipt of notice referred to in sub-section (1), the Government shall make such arrangement for administration of the Private University from the date of dissolution of the Private University and until the last batch of students in regular courses of studies of the Private University complete their courses of studies in such manner as may be prescribed.

52. Expenditure of Private University during dissolution. - (1) The expenditure for administration of a Private University during the process of its dissolution under section 51, shall be met out from the permanent endowment fund, the general fund and the development fund.

(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the Private University, such expenditure may be met by disposing of the properties or assets of the Private University by the Government.

53. De-recognition of Private University by the Government. - (1) Where the Government receives a complaint with material and substantial allegation that any Private University is not functioning in accordance with the provisions of this Act, it shall require the Private University to show cause within such time, which shall not be less than two months referring a copy of the complaint as to why the Private University should not be de-recognised.

(2) If, upon receipt of the reply of the Private University to the notice given under sub-section (1), the Government is satisfied that a *prima facie* case of mismanagement or violation of the provisions of this Act in the functioning of the Private University is made out, it shall order such inquiry as it deems necessary.

(3) For the purposes of an inquiry under sub-section (2), the Government shall by notification, appoint an officer or authority as the enquiring authority to enquire into the allegations of violation of the provisions of this Act.

(4) Every inquiring authority appointed under sub-section (3) shall while performing its functions under this Act have all the powers of Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) trying a suit and in particular in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record or copy thereof from any office;

(d) receiving evidence on affidavits;

(e) any other matter which may be prescribed.

(5) If, upon receipt of the inquiry report, the Government is satisfied that the Private University has violated any provisions of this Act, it shall direct the Private University to make necessary improvement and suggest for proper implementation of the provisions of this Act.

(6) If it is observed that the Private University is violating the Act continuously leading to a situation of financial mismanagement and maladministration has arisen in the Private University which threatens the academic standards of the Private University, it may appoint an administrator.

(7) The administrator appointed under sub-section (6) shall exercise all the powers and perform all the duties of the Governing Council and the Management Committee under this Act and shall administer the affairs of the Private University until the last batch of the students of the regular courses have completed their courses or syllabus and they have been awarded with degrees, diplomas or other academic distinctions, as the case may be.

(8) After having been awarded the degrees, diplomas or academic distinctions, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the Government.

(9) On receipt of the report under sub-section(8), the Government after due consideration, continue the functioning of the Private University by vesting the powers of the Governing Council in any other sponsoring body having similar objectives or may with the prior approval of the Universities Grants Commission and other regulatory bodies concerned de-recognise the Private University.

(10) During the process of de-recognition under sub-section (9), the Government may utilise the permanent endowment fund, the general fund or the development fund for the purpose of the management of the affairs of the Private University. If the funds of the Private University are not sufficient to meet the requisite expenditure of the Private University, the Government may dispose of the assets or the properties of the Private University to meet the said expenses.

54. Power of the Government to issue directions on policy matters to Private University. - The Government may issue such directions, from time to time, to a Private University on policy matters not inconsistent with the provisions of this Act as it may deem necessary. Such directions shall be complied with by the Private University.

55. Status of assets and liabilities on dissolution or de-recognition. - All assets and properties including permanent endowment fund, general fund, development fund or any other

fund and also the liabilities of a Private University shall belong to the sponsoring body in case of dissolution or de-recognition of the Private University.

56. Powers of Government to form regulatory body. - (1) The Government shall constitute a regulatory body to promote teaching, research, development and training so as to provide global standard of higher education to the students.

(2) The regulatory body shall consist of such members as may be prescribed in the rules and it shall exercise such powers and performs such functions as may be prescribed in the rules.

(3) A copy of the rules proposed to be issued under sub-section (2) shall be laid in draft before the Legislative Assembly of the State of Tamil Nadu and if the Legislative Assembly agrees in disapproving the issue of the rules or the Legislative Assembly agrees in making any modifications in the rules, the rules shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by the Legislative Assembly.

57. Powers of the Government to make rules. - (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) the manner of making the project report, the particulars to be contained therein and the fee payable under section 5;

(b) sitting fees and allowances payable to the Chairman and Members of the Expert Committee under sub-section (3) of section 7.

(3) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed, on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or the Legislative Assembly decides that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

58. Power to remove difficulties. - If any difficulty arises as to the constitution or reconstitution of any authority of any Private University or in giving effect to the provisions of this Act, the

Government may, by notification, make such provision, not inconsistent with the provisions of this Act, as may appear to them to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the date of commencement of this Act.

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The Schedule

(*See* sections 3 and 9)

Sl.No.	**Name and location (address) of the Private University.**	**Name and Address of the sponsoring body.**	**Details of registration of the sponsoring body.**
(1)	(2)	(3)	(4)

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