



The William Carey University Act, 2005

Act 13 of 2005

Keyword(s):

William Carey, University, Adjunct Campuses, DCI, DEC, INC, MCI, NCTE, UGC

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MEGHALAYA ACT NO. 13 OF 2005

As passed by the Meghalaya Legislative Assembly

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THE WILLIAM CAREY UNIVERSITY ACT, 2005

An

Act

To establish and incorporate University in the State with emphasis on providing high quality and industry relevant education in the areas of Management, I.T, Bio-Technology, Education, Environment and other Scientific study and research sponsored by ACTS Academy of Higher Education affiliated to ACTS Ministries, Bangalore, India and to provide for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Meghalaya in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER 1

Preliminary

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| Short title and commencement | 1 | (1) This Act may be called William Carey University Act, 2005

(2) It shall be deemed to have come into force on the date of notification is issued by the State Government. |
| Definitions | 2 | (1) In this Act, unless the context otherwise indicates:

i) “Academic Council” means the Academic Council of the University;

ii) “Act” means William Carey University Act, 2005;

iii) “ACTS” means acronym for Agriculture, Crafts Trades and Studies;

iv) “Adjunct Campuses” means campus or campuses which are attached to the University in addition to the main campus; |

- v) “AICTE” means the All India Council for Technical Education established under Section 3 of the All India Council for Technical Education Act, 1987;
- vi) “Affiliated College” means a college or an institution which is affiliated to the University in accordance with the guidelines issued by the UGC;
- vii) “Annual Report” means the Annual report of the University as explained in Section 44 of the Act;
- viii) “Board of Governors” means the Board of Governors of the University as explained in Section 20 of the Act;
- ix) “Board of Management” means the Board of Management of the University as explained in Section 21 of the Act;
- x) “Chancellor” means Chancellor of the University as explained in Section 13 of the Act;
- xi) “Constitution College” means a college of an institution maintained by the University;
- xii) “DCI” means the Dental Council of India;
- xiii) “DEC” means the Distance Education Council;
- xiv) “Development Fund” means the Development Fund of the University as explained in Section 42 of the Act;
- xv) “Distance Education System” means the system of imparting education through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, other interactive methods, e-mail, internet computer, interactive talk-back, e-learning, corresponding course, seminar, contact program or a combination of any two or more of such means;
- xvi) “Endowment Fund” means Endowment fund of the University as explained in Section 40 of the Section;
- xvii) “Employee” means employee appointed by the University; and includes teachers and other staff of the University or of a constituent college;

- xviii) “Faculty” means faculty of the University;
- xix) “Finance Officer” means Finance Officer of the University as explained in Section 17 of the Act;
- xx) “General Fund” means General Fund of the University as explained in Section 41 of the Act;
- xxi) “INC” means Indian Nursing Council;
- xxii) “MCI” means Medical Council of India;
- xxiii) “NCTE” means National Council for Teacher Education;
- xxiv) “Prescribed” means prescribed by the Statutes;
- xxv) “Principal” in relation to a constituent college, means the Head of the constituent college includes, where there is no principal, the Vice-Principal or any other person for the time being appointed to act as a Principal;
- xxvi) “Regional Center” means a center established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such center by the Board of management in accordance with the guidelines issued by the UGC;
- xxvii) “registrar” means registrar of the University as explained in Section 16 of the Act;
- xxviii) “Rules” means the Rules of the University;
- xxix) “Sponsor” means the ACTS Academy of Higher Education, which is affiliated to ACTs Ministries, Bangalore, India;
- xxx) “State” means the State of Meghalaya;
- xxxi) “State Government” means the State Government of Meghalaya;
- xxxii) “Statutes” means the Statutes of the University;

- xxxiii) “Study Centre” means a center established, maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance including training, conducting contact classes and administering examinations required by the students in accordance with the guidelines by the UGC;
- xxxiv) “Teacher” means a Professor, Associate Professor, Assistant Professor/ Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college or institution and includes the Principal of a constituent college or institution, in conformity with the norms prescribed by the UGC;
- xxxv) “UGC” means the University Grants Commission established under the University Grants Commission Act, 1956;
- xxxvi) “University” means the William Carey University established under this Act;
- xxxvii) “Vice-Chancellor” means Vice-Chancellor of the University as explained in Section 14 of the Act; and
- xxxviii) “Visitor” means the Visitor of the University as explained in Section 12 of the Act.

CHAPTER 2

The University and its Objects

- Proposal for the establishment of the University
- 3 (1) The Sponsor shall have the right to establish the University in accordance with the provisions of this Act and the guidelines.
- (2) An application containing the proposal to establish a University shall be made to the State Government by the Sponsor.
- (3) The proposal may contain the following particulars, namely:-
- (a) The objects of the University along with the details of the Sponsor;

- (b) The extent and status of the University and the availability of land;
- (c) The nature and type of programs of study and research to be undertaken in the University during a period of the next five years;
- (d) The nature of faculties, courses of study and research proposed to be started;
- (e) The campus development such as buildings, equipment and structural amenities;
- (f) The phased outlays of capital expenditure for a period of the next five years;
- (g) The item-wise recurring expenditure, sources of finance and estimated expenditure for each student;
- (h) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;
- (i) The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes;
- (j) The details of expenditure on unit cost, the extent of concession or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities;
- (k) The history and credentials of the sponsor including years of experience and expertise in the concerned disciplines at the command of the Sponsor as well as the financial resources;
- (l) The system for selection of students to the courses of study at the University;
- (m) Status of fulfilment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University;
- (n) Nature and types of its partnership and affiliations; and

(o) Such other conditions as may be required by the State Government to be fulfilled before the establishment of the University

Establishment of University

- 4 (1) Where the State Government, after such inquiry as it may deem necessary, is satisfied that the Sponsor has fulfilled the conditions specified in sub-section (2), of Section 3, it may direct the Sponsor, to establish an Endowment Fund in accordance with the guidelines issued by the UGC.
- (2) After the establishment of the Endowment Fund, the State Government may, by notification in the Official Gazette, accord sanction for establishment of the University in accordance with the guidelines issued by the UGC.
- (3) The headquarter of the University shall be at Shillong and it may have campuses or Regional Centres, Study Centres anywhere in India and abroad with prior approval of the UGC, the respective State Governments, the Government of India and the Government of the Host Country as the case may be;

Provided that after the development of the main Campus and after 5 years of its coming into existence the University obtains permission from the UGC to set up such off-Campus Centre(s) and/or Study Centre(s) and/or regional centres and/or off-shore campuses.

- (4) The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can use and be used in the name of the University.
- (5) On the establishment of the University under sub-section (2), the land and other movable and immovable properties acquired, created, arranged or built by the University, for the purpose of the University in the State of Meghalaya shall vest in the university.
- (6) The land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

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| University not to be entitled to financial assistance | 5 | The University shall be self-financing and shall neither make a demand nor shall be entitled to any grant in-aid nor any other financial assistance from the State Government or any other body or corporation owned or controlled by the State Government. |
| Constituent Colleges and Affiliated Colleges | 6 | <p>(1) The University may have constituent Colleges, Regional Centers and Study Centres subject to the conditions specified in Section 4 sub-section 3 and in accordance with the guidelines issued by the UGC.</p> <p>(2) The University may with the prior approval of the Board of Governors, affiliate any college or other institution in accordance with the guidelines issued by the UGC.</p> |
| Objectives of the University | 7 | <p>The objectives for which the University is established are as follows:</p> <p>(a) To provide instruction, teaching and research in selected fields of professional development and make provisions for research, advancement and disseminations of knowledge therein with focus on the development of North East in general, and Meghalaya in particular;</p> <p>(b) To establish a campus in the State of Meghalaya, and to have study centers, campuses and examination centers at different places in India and abroad in accordance with the guidelines issued by the UGC;</p> <p>(c) To offer class room and field oriented campus based programmes in various fields professional education such as Management, IT, Bio-technology, Education, Environment and other scientific study and research;</p> <p>(d) To offer programs of study for continuing and through the distance education mode by formal and non-formal methods of international quality;</p> <p>(e) To institute degrees, diplomas, charters, certificates and other academic distinctions on the basis of examination, or any other method of evaluation in keeping with professional requirements and for recognition of merit and competence;</p> |

- (f) To collaborate with other colleges or universities, research institutions, industry associations, corporate and business houses, likeminded associations, church bodies, professional associations including the International Council for Higher Education or any other organization, in India or abroad, to conceptualize, design and develop specific education and research programs, training programs and exchange programs for students, faculty members and other;
- (g) To facilitate knowledge and skills through workshops, seminars, conferences, short-term and long-term intensive programs, community development programs, publications, and training programs;
- (h) To utilize computer managed e-learning facilities for e-learning through national and international networks;
- (i) To undertake programmes for the training and development of faculty members of the University and other institutions in India or abroad;
- (j) To undertake collaborative research with any organization in India or abroad;
- (k) To create higher levels of intellectual abilities and professional development through Centres, Institutes or Academies to function under the University;
- (l) To provide consultancy to individuals, institutions, industry, Government and N-n-Government Organizations in areas of professional expertise;
- (m) To ensure that the standard of the degrees, diplomas, charters, certificates and other academic distinctions are not lower than those laid down by AICTE/NCTE/UGC/DEC/DCI/MCI/INC and Pharmacy Council.
- (n) To encourage writing, researching, publishing and distinction;
- (o) To do all things necessary or expedient to promote the above objectives; and
- (p) To pursue any other objective as may be approved by the State Government.

Powers of the
University

- 8 The University shall have the following powers, viz:-
- (a) To establish, maintain and recognize such Regional Centres and Study Centres as may be determined by the University from time to time in the manner laid down by the statutes in accordance with the guidelines issued by the UGC;
 - (b) To carry out all such other activities as may be necessary or feasible in furtherance of the object of the University;
 - (c) To confer degrees, diplomas, charters, certificates or other academic distinctions and professional designations in the manner and under conditions laid down in the Statutes;
 - (d) To institute and award fellowships, scholarships and prizes etc., in accordance with the Statutes;
 - (e) To demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;
 - (f) To make and terminate appointments of the faculty, officers and employees of the University or a constituent college, affiliated colleges, Regional Centres, Study Centres located in India and abroad in accordance with the guidelines issued by the UGC;
 - (g) To receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, including trust and endowment properties for the purpose of the University or a constituent college, or a Regional Centre, Study Centre in accordance with the guidelines issued by the UGC;
 - (h) To accept students from all sections of the University regardless of caste, race or creed;
 - (i) To ensure that the land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired;
 - (j) To co-operate and collaborate with other Universities and Institutions in such manner and for such purposes as the University may determine from time to time;
 - (k) To offer programs on distance learning basis and continuing education and the manner in which such programs are offered by the University;

- (l) To make special provision for students belonging to the State of Meghalaya for admission in any course of the University or in a constituent college, affiliated college, regional centre or study centre;
- (m) To do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University;
- (n) To recognize examinations or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time; and
- (o) To manage all properties, movable and immovable the land acquired, created, arranged or built by the University for the purpose of the University in the State of Meghalaya which shall vest in the University and to ensure that such land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

University open to all classes, castes, creed, religion, language and gender

- 9 The University shall be open to all persons irrespective of class, caste, creed, religion, language or gender:

Provided that nothing in this section shall be deemed to require the University from making special provisions for admission to students of the State.

National Accreditation

- 10 The University will seek accreditation from respective national accreditation bodies.

CHAPTER 3

Officers of the University

Officers of the University

- 11 The following shall be the Officers of the University:
- (a) The Chancellor;
 - (b) The Vice-Chancellor;
 - (c) The Registrar;

- (d) The Finance Officer; and
- (e) Such other officers as may be declared by the Statutes to be officers of the University.

The Visitor

- 12 (1) The Governor of Meghalaya will be the Visitor of the University.
- (2) The Visitor shall, when present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations and Certificates.
- (3) The Visitor shall have the following powers namely:-
- (a) To call for any paper or information relating to the affairs of the University; and
 - (b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not conformity with the Act, Regulations, or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.

The Chancellor

- 13 (1) The Sponsor shall, with prior approval of the Visitor, appoint a person suitable to be appointed as the Chancellor of the University.
- (2) The Chancellor so appointed shall hold the office for a period of five years.
- (3) The Chancellor shall be the head of the University.
- (4) The Chancellor shall preside at the meeting of the Board of Governors and shall, when the Visitor is not present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations or Certificates.
- (5) The Chancellor shall have the following powers, namely:-
- (a) To call for any information or record relating to the affairs of the University;
 - (b) To appoint the Vice-Chancellor;
 - (c) To remove the Vice-Chancellor;

(d) To issue such directions as he deem fit in the interest of the University and the directions so issued shall be compiled with by all concerned; and

(e) Such other powers as may be conferred on him by this Act or the Statutes made there under.

- The Vice-Chancellor 14
- (1) The Vice-Chancellor shall be appointed on such terms and conditions as may be prescribed by the statutes for a term of four years by the Chancellor.
 - (2) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors and shall hold office for a term of four years. Provided that, after expiration of the term of four years, the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding four years.
 - (3) The Vice-Chancellor shall be the principal executive and academic Officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.
 - (4) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Government and the Board of Governors may confirm or modify re reverse the action taken by the Vice-Chancellor.

(5) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by the Statutes and authorized by the Vice-Chancellor.

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| The Finance Officer | 17 | The Finance Officer shall be appointed by the Board of Governors in such manner and shall exercise such powers and perform such duties as may be prescribed. |
| Other Officer | 18 | The manner of appointment, terms and conditions of service and powers and duties of the other Officers of the University shall be such as may be prescribed in accordance with the guidelines issued by the UGC. |

CHAPTER 4

Authorities of the University

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| Authorities of the University | 19 | <p>The following shall be the authorities of the University, namely:</p> <ul style="list-style-type: none"> (a) The Board of Governors; (b) The Board of Management; (c) The Academic Council; (d) The Finance Committee; and \ (e) Such other authorities as may be declared by the Statutes to be the authorities of the University. |
| The Board of Governors and its powers | 20 | <p>(1) The Board of Governors shall consist of the following:-</p> <ul style="list-style-type: none"> (a) The Chancellor (b) The Vice-Chancellor (c) Three persons nominated by the Sponsor; (d) One representative of the State Government (e) An educationist of repute to be nominated by the State Government; and (f) One person of repute from the State to be nominated by the sponsor; |

- (2) The Chancellor shall be the Chairman of the Board of Governors.
- (3) The registrar shall be an ex-officio Secretary of the Board of Governors.
- (4) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely:-
 - (a) To appoint the Statutory Auditors of the University;
 - (b) To lay down policies to be pursued by the University;
 - (c) To review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Rules;
 - (d) To approve the budget and annual report of the University;
 - (e) To make new or additional Statutes and Rules or amend or repeal the earlier Statutes and Rules;
 - (f) To take decision about voluntary winding up of the University;
 - (g) To approve proposals for submission to the State Government; and
 - (h) To take such decisions and steps as are fund desirable for effectively carrying out the objects of the University;
- (5) The Board of Governors shall, meet at least twice in a calendar year at such time and place as the Chancellor thinks fit.

The Board of Management

- 21 (1) The Board of Management shall consist of:-
 - (a) The Vice-Chancellor;
 - (b) The Registrar;
 - (c) Three persons nominated by the Sponsor;
 - (d) Two deans of the faculties as nominated by the Chancellor;

(e) One representative to be nominated by the State Government; and

(f) One person of repute from the State to be nominated by the sponsor;

(2) The Vice-Chancellor shall be the Chairperson of the Board of management and the Registrar shall be the Secretary of the Board of Management.

(3) The powers and functions of the Board of management shall be such as may be prescribed.

The Academic Council

22 (1) The Academic Council shall consist of:

(a) The Vice-Chancellor - Chairman

(b) The Registrar - Secretary

(c) Such other members as may be prescribed in the Statutes.

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the academic policies of the University.

The Finance Committee

23 (1) The Finance Committee shall consist of:

(a) The Vice-Chancellor - Chairman

(b) The Registrar - Secretary

(c) The Finance Officer

(d) Such other members as may be prescribed in the Statutes.

(2) The Finance Committee shall be the principal financial body of the University to take care of financial and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the academic policies of the University.

Other Authorities

24 The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed.

Proceedings not
invalidated on
account of vacancy

- 25 No Act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

CHAPTER 5

Statutes and Rules

Statutes

- 26 Subject to the provision of this Act, the Statutes may provide for any matter relating to the University and staff, as given below:-
- (a) The constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time;
 - (b) The operation of the endowment fund, the general fund and the development fund;
 - (c) The terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
 - (d) The mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;
 - (e) The procedure for resolving disputes between the University and its officers, faculty members, employees and students;
 - (f) Creation, abolition or restructuring of Departments and faculties;
 - (g) The manner of co-operation with other Universities or institutions of higher learning;
 - (h) The procedure for conferment of honorary degrees;
 - (i) Provisions regarding grant of freeships and scholarships;
 - (j) Number of seats in different courses of studies and the procedure of admission of students to such courses;
 - (k) The fee chargeable from students for various courses of studies;
 - (l) Institutions of fellowships, scholarships, studentships, feeships, medals and prizes;

(m) Procedure for creation and abolition of posts; and

(n) Other matters which may be prescribed.

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| Statutes how made | 27 | <p>(1) The first Statutes framed by the Board of Governors shall be submitted to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modifications.</p> <p>(2) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-section (1) it shall be deemed to have been approved by the State Government.</p> |
| Power to amend the Statutes | 28 | The Board of Government may, with the prior approval of the State Government, make new or additional Statutes or amend or repeal the Statutes. |
| Rules | 29 | <p>Subject to the provisions of this Act, the Rules may provide for all or any of the following matters, namely:-</p> <ul style="list-style-type: none"> (a) Admission of students to the University and their enrolment and continuance as such; (b) The courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University; (c) The award of Degrees, Diplomas, Charters, Certificates, and other academic distinctions of the University; (d) Creation of new authorities of the University; (e) Accounting policy and financial procedure; (f) The conditions of the award of fellowships, scholarships, studentships, medal and prizes; (g) The conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators. (h) The fee to be charged for admission to the examinations, Degrees, Diplomas, Certificates, Charters, and other academic distinctions of the University; |

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| Provident fund and pension | 34 | The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed. |
| Disputes as to constitution of University authorities and bodies | 35 | If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final. |
| Constitution of committees | 36 | Any authority of the University mentioned in Section 19 will be empowered to constitute a committee of such authority, consisting of such members as such authority may deem fit, and having such powers as the authority may deem fit. |
| Filling of casual vacancies | 37 | Any casual vacancy among the members, other than ex-officio member, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member. |
| Protection of action taken in good faith | 38 | No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the Rules. |
| Transitional provisions | 39 | Notwithstanding anything contained in any other provisions of this Act and the Statutes:- <ul style="list-style-type: none"> (a) The first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for a term of three years. (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years; (c) The first Board of Governors shall hold office for a term not exceeding three years; and (d) The first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years. |

- Endowment fund 40 (1) The University shall establish an endowment fund of at least Rupees one crore.
- (2) The University shall have power to invest the endowment fund in such manner as may be prescribed.
- (3) The University may transfer any amount from the general fund or the development fund to the endowment fund. Excepting in the dissolution of the University, in no other circumstances can any moneys be transferred from the endowment fund for other purpose.
- (4) Not exceeding 75% of the incomes received from the endowment fund shall be used for the purposes of development works of the University. The remaining 25% shall be reinvested into the endowment fund.
- General fund 41 (1) The University shall establish a general fund to which the following amount shall be credited, namely:-
- (a) All fees which may be charged by the University;
- (b) All sums received from any other source;
- (c) All contribution made by the Sponsor; and
- (d) All contributions/donations 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 funds credited to the general funds shall be appointed to meet the following payments:-
- (a) The repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, and the Rules made there under;
- (b) The upkeep of the assets of the University;
- (c) The payment of the cost of audit of the fund created under Section 41;
- (d) Meeting the expenses of any suit on proceedings to which University is a party;

- (e) The payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff; and payment of any Provident Fund contributions, gratuity and other benefits to any such officers and employees, members of the teaching and research staff;
- (f) The payment of travelling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Statutes, or the Rules made there under;
- (g) The payment of fellowship, freeships, scholarship, assistantships and other awards to students, research associate or trainees eligible for such awards under the Statutes, or Rules of the University under the provisions of this Act;
- (h) The payment of any expenses incurred by the University in carrying out the provision of this Act, and the Statutes or the Rules made there under;
- (i) The payment of cost of capital, not exceeding for prevailing Bank rate of interest, incurred by the Sponsor for setting up the University and the investment made thereof;
- (j) The payment of charges and expenditure relating to the consultancy work, undertaken by the University in pursuance of the provisions of this Act, and the Statutes, and the Rules made there under;
- (k) The payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University;
- (l) Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management; and

(m) Provided further that the General Fund shall be applied for the objects specified under sub-section (2) with the prior approval of the Board of Management of the University.

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| Development fund | 42 | <p>(1) The University shall also establish a Development Fund to which the following funds shall be credited namely:-</p> <ul style="list-style-type: none"> (a) Development fees which may be charged from students; (b) All sums received from any other source for the purposes of the development of the University; (c) All contributions made by the Sponsor; (d) All contributions/donations 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 endowment fund; <p>(2) The fund credited to the development fund from time to time shall be utilized for the development of the University.</p> |
| Maintenance of fund | 43 | <p>The funds established under Section 40, 41 and 42 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.</p> |
| Annual Report | 44 | <p>(1) The annual report of the University shall be prepared under the direction of the Board of management and shall be submitted to the Board of Governors for its approval;</p> <p>(2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification;</p> <p>(3) A copy of the annual report duly approved by the Board of Governors shall be sent to Visitor and the State Government on or before December, 31st following close of the financial year in March, 31st each year.</p> |

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| Account and audit | 45 | <p>(1) The annual accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University;</p> <p>(2) The annual accounts of the University shall be audited by a Chartered Accountant, who is a member of the Institute of Chartered Accountants of India, every year;</p> <p>(3) A copy of the annual accounts and the Balance Sheet together with the audit report shall be submitted to the Board of Governors on or before December, 31st following close of the financial year in March, 31st each year;</p> <p>(4) The annual accounts, the Balance Sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of governors shall forward the same to the Visitor and the State Government along with its observation thereon on or before December, 31st each year;</p> <p>(5) In the event of any material qualifications, in the Report of the Auditors, the State Government may issue directions to the University, and such directions shall be binding on the University.</p> |
| Mode of proof of University record | 46 | <p>A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as <i>prima facie</i> evidence of such receipt, application notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.</p> |
| Dissolution of University | 47 | <p>(1) If the Sponsor proposes dissolution of the University in accordance with the Law governing its constitution or incorporation, it shall give at least three months notice in writing to the State Government.</p> |

- (2) On identification of mismanagement, mal-administration, in-discipline, failure in the accomplishment of the objects of University and economic hardships in the management systems of University, the State Government would issue directions to the management system of University. If the directions are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.
- (3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf. Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.
- (4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the AICTE and UGC make such arrangement for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

Expenditure of the University during dissolution	48	<p>(1) The expenditure for administration of the University during the taking over period of its management under Section 47 shall be met out of the endowment fund, the general fund or the development fund.</p> <p>(2) If the funds referred to sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing off the properties or assets of the University, by the State Government,</p>
Laying of Statutes and Rules	49	Every Statutes or Rule made under this Act shall be laid, as soon as, may be after it is made, on the table of the Legislative Assembly.
Removal of difficulties	50	<p>(1) If any difficulty arise in giving effect to the provisions of this Act, the State Government may, by a Notification or order, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:</p>

Provided that no notification or order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State legislature.

University to be subject to Standard of UGC 51

Notwithstanding anything contained in this act, the establishment, maintenance of standards and any other matter concerning Private University established under this Act shall be subject to the UGC (Establishment and Maintenance of Standard in Private Universities) Regulation 2003 as amended from time to time and any other Regulation of direction as may be issued by the UGC from time to time.

L. M SANGMA,

Deputy Secretary to the Govt. of Meghalaya,

Law (B) Department.

No. LL(B). 4/2005/3:- The Meghalaya Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Ordinance, 2005 (Ordinance No. 1 of 2005) promulgated by the Governor on 11th January, 2005 is hereby published for general information.

MEGHALAYA ORDINANCE NO. 1 OF 2005

Promulgated by the Governor on 11th January, 2005

Published in the Extra-Ordinary Gazette of Meghalaya, dated 11th January, 2005

**THE MEGHALAYA PARLIAMENTARY SECRETARIES (APPOINTMENT,
SALARIES, ALLOWANCES AND MISCELLANEOUS PROVISIONS)
ORDINANCE, 2005**

An

Ordinance

To provide for the appointment, salaries, allowances and other miscellaneous provisions of the Parliamentary Secretaries in the State of Meghalaya.

Whereas, it is considered necessary to provide for the appointment, salaries, allowances and other miscellaneous provisions of the Parliamentary Secretaries in the State of Meghalaya;

Now, therefore, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the Fifty-fifth Year of the Republic of India the following Ordinance, namely:-

Short title and commencement	1	This Ordinance may be called the Meghalaya Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Ordinance, 2005
Definitions	2	In this Act, unless the context otherwise indicates: (a) "Chief Minister" means the Chief Minister of the State of Meghalaya; (b) "Parliamentary Secretary" means an elected Members of the Meghalaya State Legislature appointed under Section 3 of this Ordinance; (c) "Prescribed" means prescribed by the Rule made under this Ordinance; and

(d) “Specified” means specified by notification published in the Official Gazette of the State of Meghalaya.

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| Appointment of Parliamentary Secretaries | 3 | The Chief Minister may, having regard to the circumstances on the requirement of the situation at any time appoint such number of Parliamentary Secretaries from amongst the Members of the Legislative Assembly and assign to each of them such duties and functions as may deem fit and proper. |
| Oath of office and secrecy. | 4 | A Parliamentary Secretary shall, before entering office, take an oath of office and secrecy to be administered by the Chief Minister. |
| Rank, status powers and functions of parliamentary Secretary. | 5 | A Parliamentary Secretary shall be of the rank and status of a Minister of State and shall exercise such powers, discharge such functions and perform such duties as may be assigned to him by the Chief Minister. |
| Salary and allowances of Parliamentary Secretary | 6 | A Parliamentary Secretary shall be entitled to such salaries and allowances as are admissible to a Minister of State under the Meghalaya (Minister’s Salaries and Allowances) Act, 1972. |
| Term of office of Parliamentary Secretary during the pleasure of Chief Minister | 7 | A Parliamentary Secretary shall hold office during the pleasure of the Chief Minister. |
| Parliamentary Secretary not to Draw salary and Allowances as Member. | 8 | Notwithstanding anything contained in any other Law for the time being in force, a Parliamentary Secretary shall not, while he draws salary and allowances for his office as such Parliamentary secretary, be entitled to any salary or allowances as a Member of the Meghalaya Legislative Assembly. |
| Parliamentary Secretary not to practise profession etc. | 9 | A Parliamentary Secretary shall not, during his office as such Parliamentary Secretary, practise any profession or engage in any trade or commerce or undertake for remuneration any employment other than his duties as such Parliamentary Secretary. |
| Power to make Rules. | 10 | (1) The State Government may, by notification published in the Official Gazette, make rules for carrying out the purpose of this Ordinance. |

(2) All rules made by the State Government under this Ordinance shall as soon as may be after they are made, be laid before the Meghalaya State Legislative Assembly and shall take effect from the date of their publication in the Official Gazette.

Repeal

11 The Parliamentary Secretary's Salaries and Allowances Act, 1991 and the rules made there under are hereby repealed.

Dated Raj Bhavan

Shillong, the 11th January, 2005

M. M. JACOB,

Governor of Meghalaya

Dated Shillong

The 11th January, 2005

L. M SANGMA,

Deputy Secretary to the Govt. of Meghalaya,

Law (B) Department.

No. LL(B). 65/93/415:- The Meghalaya State Commission for Women Ordinance, 2005 (Ordinance No. 2 of 2005) is hereby published for general information.

MEGHALAYA ORDINANCE NO. 2 OF 2005

Promulgated by the Governor on 27th January, 2005

Published in the Gazette of Meghalaya Extra-Ordinary, issued dated 27th January, 2005

THE MEGHALAYA STATE COMMISSION FOR WOMEN ORDINANCE, 2005

An

Ordinance

To provide for the constitution of a Women's Commission to improve the status of Women in the State of Meghalaya and to inquire into unfair practices affecting women and for matters connected therewith or incidental thereto:

Whereas, it is expedient to provide for the constitution to improve the status of women in the State of Meghalaya and to inquire into unfair practices affecting women and for matters connected therewith or incidental thereto:

And, whereas, the Legislative Assembly of Meghalaya is not in Session; and the Governor is satisfied that circumstances exist which render it necessary for him immediate action;

Now, therefore, in exercise of the power conferred by clause (1) of Article 213 of the Constitution, the Governor of Meghalaya is pleased to promulgate in the Fifty-sixth Year of the Republic of India the following Ordinance, namely:-

CHAPTER I

Preliminary

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| Short title and commencement | 1 | (1) This Ordinance may be called the Meghalaya Commission for Women Ordinance, 2005.

(2) It extends to the whole of Meghalaya.

(3) It shall be deemed to have come into force on 15 th October, 2004 |
| Definitions | 2 | In this Ordinance, unless the context otherwise indicates:- |

- (a) "Commission" means the Meghalaya State Commission for women constituted under section 3;
- (b) "Meghalaya State Commission for women" means the Commission constituted under Section 3 of the Meghalaya State Commission for Women Ordinance, 2005;
- (c) "Member" means Member of the Commission;
- (d) "Ordinance" means the Meghalaya State Commission for Women Ordinance, 2005;
- (e) "Prescribed" means prescribed by rules made under this Ordinance;
- (f) "Public servant" means any employee of the Government or a local body or any Corporation owned or control by the Government or of any Government agency or any public undertaking;
- (g) "State Government" means the Government of the State of Meghalaya;
- (h) "Unfair practice" means any distinction exclusion or restriction made on the basis of sex for the purpose of or which has the effect of impairing or nullifying the recognition, enjoyment, or exercise by women of fundamental constitutional rights, or of human rights, or of fundamental freedom in the political, economic, social, cultural, civil or any other field or the infringement of any right or benefit conferred on women by or under the provisions of any law for the time being in force or the mental or physical torture or sexual excesses on women; and
- (i) "Women" includes adolescent girl and a female child.

CHAPTER II

Constitution of Commission

Constitution of
Commission

- 3 (1) The State Government shall constitute a body to be known as the Meghalaya State Commission for Women to exercise power conferred on, and to perform the functions assigned to it, under this Ordinance.
- (2) The Commission shall consist of:-

- (a) A Chairperson and a Vice-Chairperson to be nominated by State Government from amongst eminent women who have served the cause of women and who have sufficient knowledge and experience in dealing with women's problem;
- (b) Four members to be appointed by the State Government from amongst the persons of ability and integrity who have served the cause of women or have had experience in Law or Administration of matters concerning the advancement of women or leadership of any trade union or voluntary organisation for Women for protection and promotion of common interest of women;
- (c) An Officer of Government of Meghalaya, with experience in field of women welfare shall be the Secretary and shall have no voting rights.

Term of office and conditions of service of Chairperson and Member.

- 4 (1) The Chairperson or the Vice-Chairperson or a member, other than the Secretary, shall hold office for such period not exceeding three years, as may be specified by the State Government in this behalf.
- (2) The Chairperson or the Vice-Chairperson or a member, other than the Secretary, may, at any time, resign her office by writing under her hand addressed to the Government.
- (3) The State Government shall remove a person from the office of Chairperson, or Vice-Chairperson or member, if that person-
 - (a) Becomes and undercharged insolvent; or
 - (b) Gets convicted and sentenced to imprisonment for an office which, in the opinion of the State Government, involves moral turpitude; or
 - (c) Becomes of unsound mind and stand so declared by a competent court; or
 - (d) Refuses to act or becomes incapable of acting; or
 - (e) Is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

- (f) In the opinion of the State Government has so abused the position of Chairperson, or Vice-Chairperson or members as to render that person's continuance in office detrimental to the public interest;

Provided that no person shall be removed under this Sub-section until that person has been given a reasonable opportunity of being heard in the matter.

- (4) A vacancy caused under Sub-section (2) or (3) shall be filled by a fresh nomination or appointment, as the case may be.
- (5) The Salaries and allowances or honorarium payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members, other than the Secretary shall be such as may be prescribed.

Officers and other employees of Commission

- 5 (1) The State Government shall provide the Commission with such officers and other employees as may be necessary for the efficient performance of the functions of the Commission under this Ordinance.
- (2) The Salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grant made by State Government.

- 6 The Salaries and allowances or honorarium payable to the Chairperson, Vice-Chairperson and Members, and the administrative expense including salaries, allowances and pensions payable to the officers and other employees referred to in Section 5 shall be paid out of grant made by the State Government.

Vacancies etc, not to invalidated proceedings of Commission

- 7 No Act or proceeding of the Commission or any Committee thereof shall be invalid by reason only of the existence of any vacancy in or any defect in the constitution of the Commission or such Committee as the case may be.

Committees of Commission

- 8 (1) The Commission may appoint such Committee or Committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

- (2) The Commission shall have the power to co-opt as members of any Committee appointed under sub-section (1) such number of persons, who are not members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceedings but shall not have the right to vote.
- (3) The person so co-opted shall be entitled to receive such allowances for attending the meetings of the Committee as may be prescribed.
- Procedure to be regulated by Commission. 9 (1) The Commission or a Committee thereof shall meet at such time and at such place as the Chairperson may think fit.
- (2) The Commission shall regulate its own procedures and the procedures of the Committees thereof.
- (3) All orders and decisions of the Commission shall be authenticated by the signature of the Chairperson or Vice-Chairperson or any Officers of the Commission authorised in writing by the Chairperson or Vice-Chairperson in this behalf.
- Quorum 10 The quorum for a meeting of a Commission shall be two thirds of the total number of members including Chairperson and Vice-Chairperson.
- Powers to invite representative of National Commission for Women. 11 The Commission shall have the power to invite a representative of the National Commission for Women to its meetings as it may deem necessary.

CHAPTER III

Powers of the Commission

- Powers of the Commission 12 (1) The Commission shall, for the purpose of any inquiry under this Act have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil procedure 1908 (Central Act 5 of 1908), in respect of the following matters, namely:-
- (a) Summoning and enforcing the attendance of any witness and examining him/her;

- (b) Requiring the discovery and production of any document;
 - (c) Receiving evidence on affidavit;
 - (d) Requisitioning any public records or copy thereof from any public office;
 - (e) Issuing Commission for examinations of witness.
- (2) Any proceeding before the Commission shall be deemed to be a judicial proceedings within the meaning of Section 193 and 228 of the Indian Penal Code (Central Act 45 of 1860) and the Commission shall be deemed to Criminal Procedure 1973 (Central Act 2 of 1974).

CHAPTER IV

Functions of Commission

Functions of
Commission

- 13 (1) Subject to the provisions of this Ordinance, the Commission shall perform all or any of the following functions, namely;
- (a) Inquire into unfair practice, take decision thereon and to recommend to the Government the action to be taken in that matter;
 - (b) Investigate and examine all matters relating to the safeguards provided for women under the Constitution of India (herein after referred to as the Constitution) and other laws and recommend steps to be taken by the State Government for effective implementation of such safeguards for improving the conditions of women in the State;
 - (c) Present to the State Government annually at such other times as the Commission may deem fit reports upon the working of these safeguards;
 - (d) Review from time to time the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so to suggest remedial legislative measure to meet any lacunae, inadequacies or shortcomings in such legislation;
 - (e) Take up the cases of violation of the provisions of the Constitution and of other laws relating to women in the State with the appropriate authorities;

- (f) Look into complaints and take *suo moto* notice of matters relating to:-
- i) Deprivation of women's rights;
 - ii) Non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - iii) Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;
- (g) Call for special studies or investigations into problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (h) Evaluate the progress of advancement of women in the State;
- (i) Inspect or cause to be inspected a jail, destitute girl's home women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities such matters for remedial action as may be necessary.
- (2) The State Government may consult the Commission on policy matters affecting women.
- (3) The Commission shall present to the State Government every six months and at such other times as the Commission may deem fit reports of its activities together with its recommendations and the State Government shall cause them to be laid before the State Legislature as soon as possible along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of such recommendations
- (4) It shall be the duty of the Commission to furnish comments and recommendations on any report of the National Commission for Women on any matter with which the Government is concerned as the State Government may call for.

CHAPTER V

Finance, Accounts and Audit

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| Grant by State Government | 14 | <p>(1) The State Government shall, under appropriate made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and on such manner as the State Government may think fit for being utilised for the purposes of this Ordinance.</p> <p>(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Ordinance, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1).</p> |
| Account and Audit | 15 | <p>(1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Meghalaya.</p> <p>(2) The annual accounts of the Commission shall be audited by the Accountant General, Meghalaya.</p> <p>(3) The Accountant General, Meghalaya shall have the same rights and privileges and the authority in connection with such audit as the Accountant General, Meghalaya generally and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the Offices of the Commission.</p> <p>(4) The Accounts of the Commission, as certified by the Accountant General, Meghalaya together with the audit report thereon shall be forwarded annually to the State Government by the Commission.</p> |

CHAPTER VI

Miscellaneous

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| Chairperson members and staff of Commission to be public servants | 16 | The Chairperson, the Vice-Chairperson, the Members, Officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code and Section 2 (c) of the Prevention of Corruption Act, 1988 |
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- Protection of acts done in good faith. 17 No suit, prosecution or other legal proceedings shall lie against any member of the Commission or any Officer of the Commission for anything which is in good faith done or intended to be done under this Act or the Rules made there under.
- Power to make Rules 18 (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.
- (2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) The salaries and allowances or honorarium payable to, and the other terms and conditions of service of the Chairperson, the Vice-Chairperson and the Members under sub-section (5) of Section 4 and the officers and other employees under sub-section (2) of Section 5;
 - (b) The form in which the annual statement of accounts shall be maintained under sub-section (1) of Section 13;
 - (c) Any other matter which is required to be, or may be prescribed
- (3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, and if the State Legislature agrees in making any modification in the Rule or the State Legislature agrees that the rules should not be made, the rule 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.

