

Madhya Pradesh Bhoj (Open) University Adhiniyam, 1991

40 of 1997

[13 September 1991]

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Madhya Pradesh Bhoj (Open) University Adhiniyam, 1991

40 of 1997

[13 September 1991]

An Act to establish and incorporate an open university at State level for introduction and promotion of open university and distance education systems in the field of higher education. Be it enacted by the Madhya Pradesh Legislature in the Forty-second Year of the Republic of India as follows :-- 1. Substituted by M.P. Act No. 40 of 1997, Section 2, for "M.P. Bhoj Vishwavidyalaya" (w.e.f. 21-10-1997). 2. Received the assent of the Governor on the 13th September, 1991; assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 17th September, 1991.

1. Short Title And Commencement :-

(1) This Act may be called The Madhya Pradesh Bhoj 1[(Open) University] Adhiniyam, 1991.

(2) It extends to the whole of Madhya Pradesh.

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

1. Substituted by M.P. Act No. 40 of 1997.

2. Definitions :-

In this Act, and the Statutes made hereunder, unless the context otherwise requires,--

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

(b) "Ayog" means the Madhya Pradesh Uchcha Shiksha Anudan Ayog established under Section 3 of the Madhya Pradesh Uchcha Shiksha Anudan Ayog Adhiniyam, 1973 (No. 21 of 1973);

(c) "Board of Management" means the Board of Management of the University;

(d) "Co-ordination Committee" means the committee established under Section 34 of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973);

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

- (f) "Distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, audio visual means, audio methods, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (g) "Employees" means any person appointed by the University, and includes teachers and other academic staff of the university;
- (h) "Finance Committee" means the Finance Committee of the University;
- (i) "Kulpati" means the Kulpati of the University;
- (j) "Planning Board" means the Planning Board of the University;
- (k) "Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Board of management;
- (l) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (m) "Statutes" and "Ordinances" means respectively the Statutes and Ordinances of the University for the time being in force;
- (n) "Student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
- (o) "Study Centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;
- (p) "Teachers" means Professor, Readers, Assistant Professors and such other persons as may be designated as such by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University and shall include part-time and whole time teachers in Regional Centres, or Study Centre;
- (q) "University" means the Madhya Pradesh Bhoj 1[(Open) University] established under this Act;
- (r) "Indira Gandhi National Open University" means the University established under Section 3 of the Indira Gandhi National Open University Act, 1985 (No. 50 of 1985);
- (s) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956 (No. 30 of 1956);
- (t) Terms not defined in this Act, will have the same meaning as

defined in Section 4 of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973).

1. Substituted by MP. Act No. 40 of 1997, Section 5.

3. Establishment And Incorporation Of The University :-

(1) There shall be established a University by the name of "The Madhya Pradesh Bhoj 1[(Open) University]".

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

(3) The first Kulpati, and the first Board of Management, the Academic Council and the Planning Board and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall hereby constitute a body corporate by the name of "the Madhya Pradesh 1[Bhoj (Open) University].

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

1. Substituted by M.P. Act No. 40 of 1997, Section 5.

4. The Objects Of The University :-

The objects of the University shall be--

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

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

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

5. Powers Of The University :-

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

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

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iii) to hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have

successfully completed a course of study in the manner laid down by the Statutes and Ordinances;

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

(v) to institute Professorships, Readerships, Assistant Professorships and other academic positions necessary to imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of courses and evaluation of the work done by the students, and to appoint persons to such Professorships, Readerships, Assistant Professorships and other academic position;

(vi) to co-operate with, and seek the co-operation of, other universities and institution of higher learning, professional bodies and organisations for such purposes as the University considers necessary;

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

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

(ix) to establish, maintain or recognise Study Centres in the manner laid down by the Statutes;

(x) to provide for the preparation of instructional materials, including films, cassettes, tapes video cassettes and other software;

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

(xii) to recognise examinations of, or periods of study (whether in full or part) at, 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;

(xiii) to make provisions for sponsored research and development in education technology and related matters;

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

(xv) to receive benefactions, donations and gifts and to acquire, hold, maintain and dispose of any property movable or immovable, including Trust and Government property, for the purposes of the University;

(xvi) to borrow, with the prior approval of the State Government whether on the security of the property of the University or

otherwise, money for the purposes of the University;

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

(xviii) to demand and receive such fees and other charges as may be laid down by the Ordinances;

(xix) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their codes of conduct;

(xx) 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 subjects of the University;

(xxi) to recognise persons working in other Universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;

(xxii) to determine standards and to specify conditions for the admissions of students to courses of study of the University which may include examination, evaluation and any other method of testing;

(xxiii) to make arrangements for the promotion of the general health and welfare of the employees;

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

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

6. University Open To All Classes, Castes And Creeds :-

The University shall not discriminate against any citizen of India on grounds of religion, race, caste, sex, place of birth, political or other opinion or any one of them in the exercise of the powers or performance of functions conferred or imposed upon it by or under this Act.

7. Officers Of The University :-

The following shall be the officers of the University :--

- (1) The Kuladhipati
- (2) The Kulpati
- (3) The Directors
- (4) The Registrars
- (5) The Finance Officers and
- (6) Such other Officers as may be declared by the Statutes to be the officers of the University.

8. The Kuladhipati :-

(1) The Governor of Madhya Pradesh shall be the Kuladhipati of the University.

(2) Subject to the provisions of sub-sections (3) and (4), the Kuladhipati shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any Regional Centre, a Study Centre and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) Where an inspection or inquiry has been caused to be made by the Kuladhipati, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(4) The Kuladhipati may address the Kulpati with reference to the results of such inspection or inquiry together with views and advice with regard to the action to be taken thereon as the Kuladhipati may be pleased to offer and on receipt of the address made by the Kuladhipati, the Kulpati shall communicate forthwith to the Board of Management the results of the inspection or inquiry and the views of the Kuladhipati and the advice tendered by him upon the action to be taken thereon.

(5) The Board of Management shall communicate through the Kulpati to the Kuladhipati such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(6) Where the Board of Management does not within a reasonable time, take action to the satisfaction of the Kuladhipati, the Kuladhipati may, after considering any explanation furnished or

representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

(7) Without prejudice to the foregoing provisions of this Section the Kuladhipati may, by an order in writing, annul any proceedings of the University which is not in conformity with this Act, the States or the Ordinances :

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

(8) The Kuladhipati shall have such other powers as may be specified by the Statutes.

9. The Kulpati :-

(1) The Kulpati shall be appointed by the Kuladhipati in such manner, for such terms and on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Kulpati shall be the Principal academic and executive officer of the University and shall exercise supervision and control over the affairs of the university and give effect to the decisions of all the authorities of the University.

(3) The Kulpati may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter :

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Kuladhipati whose decision thereon shall be final :

Provided further that any person in the service of the University who is aggrieved by the action taken by the Kulpati under this subsection shall have the right to appeal against such action to the Board of Management within thirty days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Kulpati.

(4) The Kulpati, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interests of the University, may ask the authority concerned to review its decision within sixty days of such

decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Kuladhipati whose decision thereon shall be final :

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Kuladhipati, as the case may be, under this subsection.

(5) The Kulpati shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

10. The Directors :-

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

11. The Registrars :-

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

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

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

12. The Finance Officers :-

The Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

13. Others Officers :-

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

14. Authorities Of The University :-

The following shall be the authorities of the University--

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

15. The Board Of Management :-

- (1) The Board of Management shall be the principal executive body of the University, which shall consist of not more than eleven members out of which not more than five shall be Government Officers.
- (2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

16. The Academic Council :-

- (1) The Academic Council shall be the Principal Academic body of the University which shall consist of not more than fifteen members out of which not more than three shall be Government Officers and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, maintenance of standard of research, learning education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.
- (2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statutes.

17. The Planning Board :-

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

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

18. The Departments :-

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

(2) The constitution, powers and functions of the department shall be prescribed by the Statutes.

19. The Board Of Studies :-

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

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

20. The Finance Committee :-

(1) The constitutions, powers and functions of the Finance Committee shall be prescribed by the Statutes.

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

21. Other Authorities :-

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

22. University Fund :-

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

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

(a) any loan, contribution or grant by Central or State Government or any body corporate;

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

(c) the income of the University from all sources including income

from fees and charges;

(d) all other sums received by the University.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934) or invested in securities authorised by the Indian Trusts Act, 1882 (No. 2 of 1882), the discretion of the Board of Management.

(4) Nothing in this Section shall in any way affect any obligation accepted by or imposed upon the University by any declaration of trust executed by or on behalf of the University for the administration of any trust.

23. Objects To Which University Fund May Be Applied :-

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

(a) to the repayment of debts incurred by the University for the purposes of this Act and the Statutes, and the Ordinance and Regulations made thereunder;

(b) to the upkeep of the property of the University including the departments, regional centres, study centres, and the hostels;

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

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

(e) to the payment of salaries and allowances of the teaching and non-teaching staff of the University, Regional Centres, Study Centres and departments maintained by the University and in furtherance of the purposes of this Act, Statutes and Ordinances, and Regulations made thereunder and to the payment of other benefits;

(f) to the payment of travelling and other allowances of the members of the authorities of the University in pursuance of any provisions of this Act and the Statutes, Ordinances and Regulations made thereunder;

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

(h) to the payment of any expenses incurred by the University in carrying out the provisions of this Act and the Statutes, Ordinances, and Regulations made thereunder;

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

(2) No expense shall be incurred by the University in excess of the

limits for total recurring and non-recurring expenditure for the year fixed by the Board of Management.

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

24. Co-Ordination Committee :-

(1) The Coordination Committee established under the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973) shall exercise the powers and perform the functions enumerated in Section 34 of the said Act.

(2) The Kulpati shall be ex-officio member of the Coordination Committee.

25. Statutes :-

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

(a) the manner of appointment of the Kulpati, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of Directors, Registrars, Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(c) the constitution of the Board of Management and other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(d) appointment of examiners and moderators;

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

(f) the principles governing the seniority of service of the employees of the University;

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

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

University;

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

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

26. Statutes How Made :-

(1) The first Statutes shall be framed by the Co-ordination Committee and shall be effective from such date as the Co-ordination Committee may specify.

(2) The Co-ordination Committee may, from time to time make, amend or repeal any Statute, in the manner hereinafter appearing.

(3) The Co-ordination Committee may--

(a) on its own motion; or

(b) on a proposal made by the Board of Management take into consideration the draft of a Statute :

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

(4) Where a draft, is proposed by the Co-ordination Committee under clause (a) of sub-section (3), it shall be referred to the Board of Management for consideration and the Co-ordination Committee may, after considering the views, if any, of the Board of Management that may be received within such period not less than thirty days as the Co-ordination Committee may specify approve such draft with or without modifications and pass the Statute;

(5) Where a draft is proposed by the Board of Management the Co-ordination Committee may approve of such draft and pass the Statute or reject it or return it to the Board of Management for reconsideration either in whole or in part together with any amendment which the Co-ordination Committee may suggest.

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

(7) The Co-ordination Committee shall not take into consideration nor the Board of Management shall propose the draft of any Statute or of any amendment of a Statute or of the repeal of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity

of expressing an opinion upon the proposal.

(8) The Co-ordination Committee may approve the statutes and they shall become effective from such date as the Co-ordination Committee may specify.

27. Ordinances :-

(1) Subject to the provisions of this Act and the Statutes the Ordinances may provide for all or any of the following matters, namely :--

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

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

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

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

28. Regulations :-

The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

29. Annual Report :-

(1) The Annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects.

(2) The annual report so prepared shall be submitted to the Kuladhipati and the State Government on or before such date as may be prescribed by the Statutes. A copy of the annual report of the University shall be placed on the table of the Legislative Assembly as soon as feasible after it is received by the State Government.

30. Annual Accounts, Etc. :-

(1) The annual accounts of the University shall be prepared under the directions of the Board of Management and shall be audited by the Examiner of Local Fund Accounts of the State.

(2) A copy of the accounts together with the audit report shall be submitted to the Kuladhipati alongwith the observation if any, of the Board of Management.

(3) Any observations made by the Kuladhipati on the annual accounts shall be brought to the notice of the Board of Management and the views of the Board of Management if any, on such observations, shall be submitted to the Kuladhipati.

(4) A copy of the accounts together with the audit report, as submitted to the Kuladhipati shall also be submitted to the State Government and the Madhya Pradesh Uchcha Shiksha Anudan Ayog. A copy of the accounts together with the audit report as submitted to the State Government shall be placed on the table of the Legislative Assembly as soon as feasible after it is received by the State Government.

31. Conditions Of Service Of Employees :-

(1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1), shall be lodged with the University a copy of which shall be furnished to the employee concerned.

32. Adjudication Of Dispute :-

Any dispute arising out of contract between the University and any of its officers or teachers shall be adjudicated upon by the Vice-Chancellor and appeal against the Vice-Chancellors decision shall lie to the Chancellor or to a body which may be designated by him for the purpose or to a Tribunal which may be constituted by the Government for this purpose.

33. Disputes As To The Constitution Of The University Authorities And Bodies :-

If any question arises as to whether any person has been duly 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 Kuladhipati whose decision thereon shall be final.

34. Filling Of Casual Vacancies :-

All the casual vacancies among the members (other than ex-officio members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, elects or co-opts the members whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

35. Proceeding Of The University Authorities Or Bodies Not Invalidated By Vacancies :-

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

36. Protection Of Action Taken In Good Faith :-

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

37. Power To Remove Difficulties :-

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

Provided that no order shall be made under this Section after the expiry of three years from the commencement of this Act.

(2) Every order made under this Section shall be laid on the table of the Legislative Assembly.

38. Transitional Provisions :-

Notwithstanding anything contained in this Act and the Statutes :--

1 [(a) the first Kulpati, the first Registrar and the first Finance

Officer shall be appointed by the Kuladhipati on the advice of the State Government and they shall be governed by the terms and conditions of service specified in their respective order of appointment:

2[Provided that if the Kuladhipati is satisfied that circumstances exist which render it necessary for him to appoint a Kulpati, otherwise than in accordance with Section 9, after the first Kulpati has ceased to hold office, he may do so, on the advice of the State Government, for such term not exceeding four years as he may consider expedient and other terms and conditions of service of the Kulpati so appointed shall be such as may be specified in the order of his appointment :]

2[Provided further that] the first Kulpati shall be eligible for appointment in the manner specified in the first Statutes for another terms;

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

(c) 3[(i) the first Planning Board shall consist of not more than ten members who shall be nominated by the Kuladhipati on the advice of the State Government and they shall hold office for a term of three years;]

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

1. Clauses (a) and (b) Substituted by M.P. Act No. 10 of 1992, Section 3(i)

2. Inserted by M.P. Act No. 12 of 1996.

3. Substituted by M.P. Act No. 10 of 1992, Section 3 (ii).