

**Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam  
Sanchalan) Adhiniyam, 2007**

**17 of 2007**

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### **Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007**

**17 of 2007**

An Act to provide for establishment and incorporation of self-financed private universities in the State of Madhya Pradesh for imparting higher education, and to regulate their functions and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Fifty-eighth Year of the Republic of India as follows : 1. Received the assent of the Governor on the 24th May, 2007; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 25th May, 2007. 1. W.e.f. 1-6-2007 vide Notification No. F-36-10-03-3-XXXVIII, dated 2-6-2007.

#### **CHAPTER 1**

#### **PRELIMINARY**

#### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007.

(2) It extends to whole of Madhya Pradesh.

(3) It shall come into force on such date<sup>1</sup> as the State Government may, by notification, appoint.

## **2. Definitions :-**

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

(a) "Academic Council" means the Academic Council of the private university;

(b) "Below poverty line family" means a family whose income is below the poverty line as specified by the Government from time to time;

(c) "Board of Management" means the Board of Management of the private university;

(d) "Chancellor" means the Chancellor of the private university;

(e) "Chief Finance and Accounts Officer" means the Chief Finance and Accounts Officer of the private university;

(f) "Department" means a Department of Studies and includes a Centre of Studies of the private university;

(g) "Employee" means any person appointed by the private university and includes teachers and other staff of the private university;

(h) "Endowment Fund" means the endowment fund of the private university;

(i) "Fee" means the collection made by the private university from the students, by whatever name it may be called;

(j) "Governing body" means the governing body of the private university;

(k) "Higher Education" means study of curriculum or course for of knowledge beyond 10+2 level;

(l) "Main Campus" means the main campus of the private university situated in Madhya Pradesh, consisting of minimum five university teaching departments, schools of studies and where the Vice-Chancellor and Registrar resides and also where the main office of the private university is located;

(m) "National Council of Assessment and Accreditation" means, the National Council of Assessment and Accreditation, Bangalore, an autonomous institution of the University Grants Commission;

(n) "Ordinances" means the Ordinances of the private university;

(o) "Other Backward Classes" means the Other Backward Classes of citizens as specified by the State Government vide Notification No. F. 85-XXV-4-84, dated the 26th December, 1984 as amended from

time to time;

(p) "Private University" means a private university established and incorporated under this Act;

(q) "Qualification" means a degree or any other qualification awarded by the private university;

(r) "Registrar" means the Registrar of the private university;

(s) "Regulations" means the regulations made under the provisions of this Act;

(t) "Regulatory Body" means a Central or a State regulatory body established by the Central or State Government for laying down norms and conditions for ensuring standards of higher education;

(u) "Regulatory Commission" means the Regulatory Commission established under Section 36;

(v) "Regulatory Council" means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987 (52 of 1987), the Bar Council of India constituted under Section 4 of the Advocates Act, 1961 (25 of 1961), the Council of Architects established under the Architects Act, 1972 (20 of 1972), the Medical Council of India constituted under the Indian Medical Council Act, 1956 (2 of 1956), the Paramedical Council of Madhya Pradesh established under the Madhya Pradesh Sah Chikitsiy Parishad Adhiniyam, 2000 (No. 1 of 2001) or the Pharmacy Council of India constituted under the Pharmacy Act, 1948 (8 of 1948), as the case may be;

(w) "Schedule" means the Schedule to this Act;

(x) "Scheduled Castes" means the Scheduled Castes notified under Article 341 of the Constitution of India;

(y) "Scheduled Tribes" means the Scheduled Tribes notified under Article 342 of the Constitution of India;

(z) "School of Studies" means an institution maintained by private university as a place of higher learning and research;

(za) "Sponsoring Body" in relation to a private university means--

(a) a society registered under the Madhya Pradesh Society Registrakaran Adhiniyam, 1973 (No. 44 of 1973);

(b) any registered public trust;

(c) a company registered under Section 25 of the Companies Act, 1956 (No. 1 of 1956); and

(d) any other body registered under any other Act for the time being in force;

(zb) "Statutes" means the Statutes made under the provisions of this Act;

(zc) "Student" means a person enrolled in the private university for

pursuing a course of study for the award of a degree, diploma, certificate or other academic distinction;

(zd) "Teacher" means a professor, reader, lecturer or a person known by any other designation who is required to impart education or to guide research or to render guidance to the students for pursuing a course of study of the private university;

(ze) "University" means a University established or incorporated by or under a Central Act or a State Act and includes any such institution as may be recognised as University by the University Grants Commission;

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

(zg) "University Grants Commission Regulations, 2003" means the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 made under the University Grants Commission Act, 1956 (3 of 1956);

(zh) "Vice-Chancellor" means the Vice-Chancellor of the private university;

(zi) "Visitor" means the Visitor of the private university.

## CHAPTER 2

### ESTABLISHMENT OF PRIVATE UNIVERSITY

### **3. Objects Of Private University :-**

The following shall be the general objects of the private university :

(a) to provide instructions, teaching and training in higher education and to make provisions for research, advancement and dissemination of knowledge;

(b) to create higher levels of intellectual abilities;

(c) to establish state of the art facilities for education and training;

(d) to carry out teaching and research and offer continuing education programmes;

(e) to create centres of excellence for research and development and for sharing knowledge and its application;

(f) to maintain the standards of degrees, diplomas, certificates and other academic distinctions in accordance with the norms laid down by the University Grants Commission and the related regulatory body or regulatory council;

(g) to pursue any other objective as may be approved by the State Government based on the recommendations of the Regulatory Commission from time to time.

#### **4. Submission Of Proposal For Establishment Of A Private University :-**

(1) An application containing the proposal and the project report to establish a private university for carrying out the objectives enumerated in Section 3 shall be made by the sponsoring body to the Regulatory Commission along with such fee and in such form as may be prescribed.

(2) The project report shall contain the following particulars, namely :--

(a) the details of the sponsoring body along with the copies of its registration certificate, constitution and bye-laws;

(b) the information regarding financial resources of the sponsoring body along with audited accounts for the previous five years;

(c) the location of the main campus of the proposed private university;

(d) the objective of the private university;

(e) availability of land, and details of building and infrastructure facilities;

(f) the details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment etc. to be undertaken before the private university starts functioning and the phase-wise programme for five years;

(g) phased outlays of capital expenditure proposed for five years and its sources of finance;

(h) the nature and the number of faculties such as Science, Arts, Commerce, Technology, Education etc. types of programmes (under graduate or post graduate) or study and research proposed to be undertaken by the private university in each faculty and phasing of such programme for five year with course wise enrollment targets;

(i) the experience and expertise in the concerned discipline at the command of the sponsoring body;

(j) availabilities of academic facilities such as teaching staff, - technical or non-technical staff, equipment etc., required for the courses of study and research;

(k) the estimated recurring expenditure course wise or activity wise, sources of finance and estimated expenditure per student;

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

(m) the scheme for generation of funds internally through the recovery of fee from students, revenues anticipated from other

activities relating to the objects of the private university and other anticipated income;

(n) the proposed fee structure for the different courses with reference to the detail of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships, if any, for the students belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and below poverty line families;

(o) the system proposed to be followed for selection of students for admission to the courses of study in the private university;

(p) the system proposed to be followed for appointment of teachers and other employees in the private university.

## **5. Evaluation Of Proposal :-**

(1) The Regulatory Commission shall, on receipt of the proposal and the project report for establishment of a private university, make such scrutiny within 60 days from the receipt of proposal as to the facts stated in the project report, as it may deem necessary.

(2) The Regulatory Commission in course of scrutiny may ask for any additional information from the sponsoring body and after receipt of such information, the Regulatory Commission shall evaluate the project proposal within 90 days.

## **6. Issuing Letter Of Intent :-**

(1) After inquiry and evaluation as provided in Section 5, if the Regulatory Commission is of the opinion that an opportunity to establish a private university be given to the sponsoring body, it shall make its recommendation to the State Government to issue a letter of intent to the sponsoring body in this regard.

(2) After receiving the recommendation from the Regulatory Commission, the State Government may issue letter of intent to the sponsoring body with regard to establishment of private university in the State.

## **7. Conditions For Establishing Private University :-**

The letter of intent as provided in sub-section (2) of Section 6, shall contain the following conditions, which the sponsoring body will be required to fulfil for establishing a private university in the State, namely :--

(i) it shall establish--

(a) main campus;

- (b) an endowment fund in accordance with the provision of Section 11;
- (ii) it shall procure a minimum 20 hectares of land for the main campus to be established, and submit its ownership papers;
- (iii) it shall make available a minimum builtup area of 2500 square metres in the form of buildings, and ancillary structures for administrative purposes and for conducting the academic programmes;
- (iv) it shall give an undertaking to the following effect--
  - (a) that the private university shall be unitary and self-financing;
  - (b) that the land and buildings of the private university shall be used for the purposes of the private university only;
  - (c) that it shall appoint, immediately after incorporation of the private university, and before starting of the classes, adequate number of faculty members along with necessary supporting staff in each department or discipline;
  - (d) that it shall take up co-curricular activities to foster a proper academic and healthy environment such as seminars, debates, quiz programmes and extracurricular activities like games, sports, National Service Scheme, National Cadet Corps etc., for the benefit of students as per the norms laid down by the regulatory bodies;
  - (e) that it shall establish welfare programmes for the employees of the private university;
  - (f) that it shall fulfil such other conditions and provide such other information as may be prescribed by the central regulatory bodies from time to time;
  - (g) that it shall fulfil the minimum criteria in terms of programme, faculty, infrastructure facilities, financial viability etc., laid down from time to time by the regulatory bodies;
  - (h) that it shall frame the programme or study leading to graduate and postgraduate degree or diploma which shall conform to the relevant regulations and norms of the University Grants Commission or the concerned statutory bodies;
  - (i) that it shall determine the admission procedure and fixation of fees in accordance with the norms or guidelines of the regulatory bodies;
  - (j) it shall compulsorily be assessed and accredited by the National Council of Assessment and Accreditation;
  - (k) that the teaching staff of the private university shall have minimum qualification prescribed by the University Grants Commission or other concerned regulatory bodies and appropriate emoluments shall be paid to them;

(l) that the private university shall be open to all persons of either gender, and it shall not discriminate on grounds of caste, creed, religion, race and it shall not be lawful for the private university to adopt or impose on any person any test whatsoever of religious belief in order to entitle him to be appointed as a teacher of the private university or to hold any other officer therein or be admitted as a student in the private university or to enjoy or exercises any privilege thereof;

(m) that the admissions and conduct of classes shall not be started till concerned Statutes and Ordinances are approved as per provisions of the Act.

## **8. Submission Of Compliance Report, Verification And Inspection :-**

(1) The sponsoring body shall submit the compliance report and an undertaking along with the relevant documents to the Regulatory Commission.

(2) After receiving the compliance report from the sponsoring body, the Regulatory Commission shall examine the same and factual data in the manner it may deem fit.

(3) If the Regulatory Commission, after examination of the compliance report and the undertaking as mentioned under sub-section (2), finds any short-comings in the same, it may direct the sponsoring body to remove the identified shortcomings at the earliest.

(4) The Regulatory Commission, on being satisfied that the identified short-comings, as mentioned in sub-section (3), have been removed it shall send its report regarding status of the proposal for establishment of the private university to the State Government regarding removal of the identified short-comings.

(5) The State Government, may after the receipt of the report from the Regulatory Commission mentioned in sub-section (4), ask the University Grants Commission for inspection of the proposed private university, and the University Grants Commission shall submit the report within a maximum period of three months, or else the State Government may take such decision as it may deem fit.

(6) If the sponsoring body fails to comply with the conditions laid down in Section 7 within the stipulated time, the project proposal submitted under sub-section (1) of Section 4 shall be annulled and letter of intent issued under sub-section (2) of Section 6 shall be cancelled.

## **9. Establishment And Incorporation :-**

(1) The State Government, if satisfied after considering the report submitted by the Regulatory Commission under Section 8 and inspection report of the University Grants Commission, if any, that the sponsoring body has complied with the provisions of Section 7 and a private university may be established on the basis of its proposal, shall establish, by amending the Schedule, a private university with such specific name and description as specified in this behalf in the Schedule.

(2) Such a private university shall be deemed to have been incorporated from the date of the amendment of the Schedule.

(3) The private university shall be a body corporate by such name as shown in the Schedule having perpetual succession and common seal with powers, subject to the provisions of this Act, to acquire and own property, to contract, and shall sue and be sued by the said name.

(4) In all the suits and other legal proceedings by or against such private university, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to and to served on the Registrar.

(5) The main campus of the private university shall be at such place as shown in column (5) of the Schedule.

### **CHAPTER 3**

#### **OPERATION AND MANAGEMENT OF PRIVATE UNIVERSITY**

## **10. Incentives To Private University :-**

Notwithstanding the provisions of sub-clause (a) of clause (iv) of Section 7, the Government may provide financial or other incentives to the private university for reasons to be recorded in writing.

## **11. Endowment Fund :-**

(1) On receipt of the letter of intent from the State Government as provided under sub-section (2) of Section 6, a sponsoring body, willing to fulfil the conditions and give undertaking as mentioned in the letter of intent, shall establish an endowment fund of five crore rupees within fifteen days as a perpetual deposit in any bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), as a corresponding new bank.

(2) The endowment fund shall be used as security deposit to ensure that the private university complies with the provisions of the Act, Statutes and Ordinances, and the State Government may forfeit, after giving notice, whole or part of endowment fund on the recommendation of the Regulatory Commission, in case of breach or contravention of any provision of this Act, Statute, Ordinance or regulation by the sponsoring body.

(3) Income from the endowment fund may be utilized for development of infrastructure of the private university, but shall not be utilized for recurring expenditure of the private university.

(4) The mode of establishment of endowment fund, the manner of its investment, the payment of income from it to the sponsoring body, its forfeiture and mode of its return to the sponsoring body shall be such as may be prescribed.

## **12. General Fund :-**

Every private university shall establish a fund, which shall be called the general fund to which the following shall be credited, namely :-

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(a) fees and other charges received by the private university;

(b) any contribution made by the sponsoring body;

(c) trusts, bequeaths, donations, endowment and any other grants; and

(d) all other sums received by the private university :

Provided that one percent of the fees collected from the students under clause (a), shall be deposited with the Regulatory Commission in such manner as may be prescribed.

## **13. Application Of General Fund :-**

The general fund shall be utilized for the following purposes, namely :--

(a) repayment of debts including interest charged thereto incurred by the private university for the purposes of this Act, and the Statutes, Ordinances and regulations made thereunder;

(b) upkeep of the assets of the private university;

(c) payment of the cost of audit of the funds created under Sections 11 and 12;

(d) meeting the expenses of any suit or proceedings in the court to which private university is a party;

(e) payment of salaries, allowances, provident fund contributions, gratuity and other benefits to officers and employees and members

of the teaching and research staff;

(f) payment of travelling and other allowances to the members of the governing body, the Board of Management, the Academic Council and other authorities so declared under the Statutes of the private university and to the member of any committee appointed by any of the authorities or by the Chairperson of the sponsoring body or the Vice-Chancellor, in pursuance of any provision of the Act, and Statutes, Ordinances or regulations made thereunder;

(g) payment of fellowships, free-ships, scholarships, assistantships and other awards to the students belonging to below poverty line families or research associates or trainee, as the case may be, or to any students otherwise eligible for such awards under the provisions of this Act and Statutes, Ordinances, regulations or rules made thereunder;

(h) payment of any expenses incurred by the private university in carrying out the provisions of this Act and the Statutes, Ordinances or the regulations made thereunder;

(i) payment of cost of capital not exceeding the applicable bank rates of interest, incurred by the sponsoring body for setting up the private university and the investments made therefor;

(j) payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the private university on behalf of the sponsoring body as approved by the Board of Management to be an expense for the purposes of the private university :

Provided that no expenditure shall be incurred by the private university, in excess of the limit for total recurring expenditure and total non-recurring expenditure for the year as fixed by the Board of Management, without the prior approval of the Board of Management :

Provided further that the general fund shall not be utilized for the objects specified under clause (a) without the prior approval of the governing body of the private university.

#### **14. Officers Of Private University :-**

The following shall be the officers of the private university, namely :--

(a) the Visitor;

(b) the Chancellor;

(c) the Vice-Chancellor;

- (d) the Registrar;
- (e) the Chief Finance and Accounts Officer; and
- (f) such other officers as may be declared by the Statutes to be the officers of the private university.

**15. Visitor :-**

- (1) The Governor of Madhya Pradesh shall be the Visitor of the private university.
- (2) The Visitor shall when present, preside at the convocation of the private university for conferring degrees and diplomas.
- (3) The Visitor shall have the following powers, namely :--
  - (a) to call for any information or record relating to the affairs of the private university;
  - (b) if it appears on the basis of the information that any order, proceeding or decision taken by any authority of the private university is not in conformity with the provisions of this Act and Statutes, Ordinances or regulations made thereunder, the Visitor may ask for the opinion of the Regulatory Commission and on being satisfied that any irregularity has taken place, he may issue such direction as he may deem fit in the interest of the private university and the directions so issued shall be complied with by the private university.

**16. Chancellor :-**

- (1) The Chancellor shall be appointed by the sponsoring body with the approval of the Visitor.
- (2) The Chancellor shall be the head of the private university.
- (3) The Chancellor shall preside over the meeting of the governing body and shall, when the Visitor is not present, preside over the convocation of the private university for conferring degrees, diplomas or other academic distinctions.
- (4) The Chancellor shall have the following powers, namely :--
  - (a) to appoint and remove the Vice-Chancellor;
  - (b) to call for any information or record;
  - (c) such other powers as may be conferred by the Statutes.

**17. Vice-Chancellor :-**

- (1) The Vice-Chancellor shall be appointed by the Chancellor from the panel recommended by the selection committee constituted for the purpose.

(2) The selection committee, referred to in sub-section (1), shall consist of the following members, namely :--

(i) two eminent academicians nominated by the sponsoring body; and

(ii) one eminent person nominated by the State Government.

(3) The Chancellor shall appoint one of the members of the selection committee as Chairman.

(4) The selection committee shall submit a panel of at least three eminent persons for the appointment of Vice-Chancellor :

Provided that if the Chancellor does not approve the recommendation of the selection committee, he may call for fresh recommendation from the selection committee.

(5) Notwithstanding anything contained in the foregoing sub-section, the Chancellor may appoint the first Vice-Chancellor for a period of two years to conduct the affairs of the private university.

(6) The Vice-Chancellor shall, subject to the provision contained in sub-section (1), hold office for a term of four years :

Provided that a Vice-Chancellor shall continue to hold the office even after expiry of his term till a new Vice-Chancellor joins, however in any case this period shall not exceed 6 months.

(7) The Vice-Chancellor shall be the principal executive and academic officer of the private university and shall exercise general superintendence and control over the affairs of the private university and shall execute the decisions of various authorities of the private university.

(8) The Vice-Chancellor shall preside at the convocation of the private university in the absence of the Visitor and the Chancellor.

(9) 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 officer or authority as would have in the ordinary course dealt with the matter :

Provided that if in the opinion of the concerned officer or 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 affect any person in the service of the private university, such person shall be entitled to prefer, within three months from the date on which such action communicated to him, an appeal to the governing body and the decision of the governing body shall be

communicated to the person concerned within three months from the date of appeal.

(10) If in the opinion of the Vice-Chancellor, the decision of any authority of the private university is not in conformity with the power conferred by this Act and Statutes, Ordinances or Regulations made thereunder or is likely to be prejudicial to the interests of the private university, he shall request the concerned authority to revise its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be decided by the Chancellor.

(11) The Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed by the Statutes and the Ordinances.

(12) If at any time upon representation made or otherwise, it appears to the Chancellor that the Vice-Chancellor--

(a) has made default in performing any duty imposed on him by or under this Act; or

(b) has acted in a manner prejudicial to the interest of the private university; or

(c) is incapable of managing the affairs of the private university, the Chancellor may, notwithstanding the fact that the term of office of Vice-Chancellor has not expired, by an order in writing stating the reasons therein require the Vice-Chancellor to relinquish his office from such date as may be specified in the order.

(13) No order under sub-section (12) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Vice-Chancellor and he is given reasonable opportunity of showing cause against the proposed order.

(14) As from the date specified in the order under sub-section (12), the Vice-Chancellor shall be deemed to have relinquished the office and the office of the Vice-Chancellor shall fall vacant.

## **18. Registrar :-**

(1) The appointment of the Registrar shall be made by the governing body on the recommendation of the expert committee constituted for the purpose, as prescribed by the Statutes, however, the first Registrar may be appointed by the sponsoring body pending creation of Statutes.

(2) All contracts shall be signed and all documents and records shall

be authenticated by the Registrar on behalf of the private university.

(3) The Registrar shall be the member-secretary of the governing body, Board of Management and Academic Council but he shall not have the right to vote.

(4) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(5) If at any time upon representation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants that the continuance of the Registrar is not in the interest of the private university, the Vice-Chancellor may request the Chancellor in writing stating the reasons therein, for the removal of the Registrar :

Provided that before such action the Registrar shall be given an opportunity of being heard.

### **19. Chief Finance And Accounts Officer :-**

(1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

### **20. Other Officers :-**

(1) The private university may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the private university and their powers and functions shall be such as may be prescribed by the Statutes.

### **21. Authorities Of Private University :-**

(1) The following shall be authorities of the private university, namely :--

(a) the governing body;

(b) the Board of Management;

(c) the Academic Council; and

(d) such other authorities as may be created by the Statutes.

(2) The term of the nominated members of the governing body and the Board of Management shall be three years and no nominated member shall hold office for more than two consecutive terms.

## **22. Governing Body :-**

(1) The governing body of the private university shall consist of the following members, namely :--

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) three eminent persons nominated by the sponsoring body out of whom at least one shall be an eminent educationist;

(d) three distinguished persons nominated by the Visitor out of a panel of six names submitted by the State Government;

(e) one representative of the State Government not below the rank of Deputy Secretary.

(2) The Chancellor shall be the Ex-officio Chairman of the governing body.

(3) The governing body shall be the principal authority of the private university and all movable and immovable property of the private university shall vest in the governing body and it shall have the following powers, namely :--

(a) to control functioning of the private university by using all such powers as are provided by this Act or the Statutes, Ordinances or regulations made thereunder;

(b) to review the decisions of other authorities of the private university, in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances or regulations made thereunder;

(c) to approve the budget and annual report of the private university;

(d) to lay down the policies to be followed by the private university;

(e) to recommend to the sponsoring body the liquidation of the private university, if a situation arises when the functioning of the private university is not possible; and

(f) such other powers as may be prescribed by the Statutes.

(4) The governing body shall meet at least three times in a calendar year.

(5) The quorum for meeting of the governing body shall be five members.

## **23. Board Of Management :-**

(1) The Board of Management shall consist of the following members, namely :--

- (a) the Vice-Chancellor;
  - (b) two representatives nominated by the sponsoring body;
  - (c) two representatives nominated by the State Government;
  - (d) two senior most professors of the private university by rotation;
  - and
  - (e) two senior most teachers of the private university other than in clause (d). by rotation.
- (2) The Vice-Chancellor shall be the Ex-officio Chairperson of the Board of Management.
- (3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.
- (4) The Board of Management shall meet at least once in every two months.
- (5) The quorum for meeting of the Board of Management shall be five members.

#### **24. Academic Council :-**

- (1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the Chairperson of the Academic Council.
- (3) The Academic Council shall be the principal academic body of the private university and shall, subject to the provisions of this Act, Statutes, Ordinances and regulations, co-ordinate and exercise general supervision over the academic policies of the private university.
- (4) The quorum for meeting of the Academic Council shall be such as may be prescribed by the Statutes.

#### **25. Other Authorities :-**

The composition, constitution, powers and functions of other authorities of the private university shall be such as may be prescribed by the Statutes.

#### **26. First Statutes :-**

- (1) Subject to the provisions of this Act and the rules made thereunder, the first Statutes of the private university may provide for all or any of the following matters, namely :--
- (a) the constitution, powers and functions of the authorities and other bodies of the private university as may be constituted from

time to time;

(b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;

(c) the manner and terms and conditions of appointment of the Registrar, Chief Finance and Accounts Officers and other officers and their powers and functions;

(d) the manner and terms and conditions of appointment of teachers;

(e) the manner and terms and conditions of services of employees of the private university;

(f) the procedure for arbitration in case of dispute between officers, teachers, employees and students;

(g) the conferment of honorary degrees;

(h) the provision regarding exemption of students from payment of tuition fee and for awarding to them scholarship and fellowships;

(i) the provisions regarding the policy of admission, including regulation of reservation of seats, specially for students of below poverty line family, Scheduled Castes, Scheduled Tribes, Other Backward Classes, physically handicapped and other categories;

(j) the provisions regarding fee to be charged from students and concession for the categories mentioned in clause (i);

(k) the provision regarding number of seats in different courses.

(2) The first Statutes of the private university shall be made by the governing body and shall be submitted to the Regulatory Commission for approval.

(3) The Regulatory Commission shall consider the first Statutes submitted by the private university within two months from the date of its receipt and shall give its approval with such modifications as it may deem necessary.

(4) The private university shall communicate its consent to the first Statutes as approved by the Regulatory Commission and if it desires not to give effect to the modification made by the Regulatory Commission under sub-section (3), it may give the reasons therefor and the Regulatory Commission may or may not accept the suggestion made by the private university.

## **27. Subsequent Statutes :-**

(1) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the private university may provide for all or any of the following matters, namely :--

(a) creation of new authorities of the private university;

- (b) accounting policy and financial procedure;
  - (c) representation of teachers in the authorities of the private university;
  - (d) creation of new departments and abolition or restructuring of existing departments;
  - (e) institution of medals and prizes;
  - (f) creation of posts and procedure for their abolition;
  - (g) revision of fee;
  - (h) alteration of the number of seats in different courses; and
  - (i) all other matters which under the provision of this Act are to be prescribed by the Statutes.
- (2) The Statutes of the private university, other than the first Statutes, shall be made by the Board of Management with the approval of the governing body.
- (3) The Statutes made under sub-section (2) shall be sent to the Regulatory Commission and the Regulatory Commission may, if it considers necessary, give suggestions for modifications in it within two months from the date of receipt of the Statutes.
- (4) The governing body shall consider the modifications suggested by the Regulatory Commission and return the Statutes to the Regulatory Commission with its comments on the suggestions.
- (5) The Regulatory Commission shall consider the suggestions made by the governing body and the Statutes, as finally approved by the Regulatory Commission, shall come into force.

## **28. First Ordinances :-**

- (1) Subject to the provisions of this Act and the rules or Statutes made thereunder, the first Ordinance may provide for all or any of the following matters, namely :--
- (a) admission of students to the private university and their enrolment mentioning clearly special consideration for the students of the specified categories;
  - (b) details of courses of study to be prescribed for the degrees, diplomas and certificates of the private university;
  - (c) award of the degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same and the means to be adopted relating to the granting and obtaining of the same;
  - (d) conditions for award of fellowships, scholarships, stipends, medals and prizes;
  - (e) conduct of examinations, including the terms of office, manner

of appointment and the duties of examination bodies, examiner and moderators;

(f) examination fees to be charged for the various courses for degrees and diplomas of the private university;

(g) conditions of residence of the students of the private university;

(h) provisions regarding disciplinary action against the students;

(i) creation, composition and functions of any other body which is considered necessary for improving the academic environment of the private university;

(j) manner of co-operation and collaboration with other universities and institutions of higher education; and

(k) all other matters which by this Act or Statutes made thereunder are required to be provided by the Ordinances.

(2) The first Ordinances of the private university shall be made by the Vice-Chancellor which shall be submitted to the Regulatory Commission for approval.

(3) The Regulatory Commission shall consider the first Ordinances submitted by the Vice-Chancellor under sub-section (2) within two months from the date of its receipt and shall either approve it or give suggestions for modifications.

(4) The Vice-Chancellor shall give his comments on the suggestions made by the Regulatory Commission and shall return the first Ordinance to the Commission and on receipt of the same, the Commission shall either approve the comments of the Vice-Chancellor or disapprove the same and on the basis of the final decision, the Ordinance, as approved by the Regulatory Commission, shall come into force.

### **29. Subsequent Ordinance :-**

All ordinances, other than the first Ordinance, shall be made by the Academic Council with the approval of the Board of Management :  
Provided that amendment of the first Ordinances shall be made after the approval of the Regulatory Commission.

### **30. Vacancies Not To Invalidate The Proceedings Of Any Authority Or Body Of Private University :-**

No act or proceeding of any authority or body of the private university shall be invalid merely by reason of any vacancy or defect in the constitution thereof.

### **31. Filling Up Of Emergent Vacancies :-**

Vacancies arising in the members of authorities or bodies of the private university due to death, resignation or removal of a member or due to change of capacity in which he was appointed or nominated shall be filled up as early as possible by the person or the body who had appointed or nominated such a member :

Provided that the person appointed or nominated as a member of an authority or body of the private university on an emergent vacancy shall remain member of such authority or body for only the remaining tenure of the member in whose place he is appointed or nominated.

### **32. Committees :-**

The authorities or officers of the private university may constitute such committees with such term of reference as may be necessary for specific tasks to be performed by such committees and the constitution of such committees and their duties shall be such as may be prescribed by the Statutes.

### **33. Mode Of Proof Of Private University Record :-**

A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the private university or other document in possession of the private university, if certified by the Registrar shall be treated a prima facie 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 matter and transaction therein where the original thereof would if produced have been admissible in evidence.

### **34. Regulations :-**

(1) The authorities of the private university constituted by or under this Act may make regulations subject to the provisions of this Act, the Statutes and the Ordinances of the private university.

(2) The Board of Management may modify or annul any regulations made under this section by any authority.

### **35. Enforcement Of Statutes, Ordinances And Regulations :-**

All Statutes, Ordinances and Regulations shall come into force from their publication in the official Gazette.

### **36. Regulatory Commission :-**

(1) A Regulatory Commission shall be established by the State Government for the purpose of providing a regulatory mechanism at the State level and for working as an interface between the State Government and the central regulatory bodies for the purpose of ensuring appropriate standards of teaching, examination, research, extension programme, protection of interest of the students and reasonable service conditions of the employees.

(2) The Regulatory Commission shall function under the general control of the Visitor.

(3) The Regulatory Commission shall consist of a Chairman and two full time members, out of which one member shall be member academic and another member as member administration and not exceeding two part time members.

(4) The Regulatory Commission shall have a full time or part time Secretary.

(5) The Chairman shall be appointed by the Visitor from a panel recommended by the State Government consisting of eminent educationists who have a thorough knowledge of the working of the institutions of higher education.

(6) The member and the Secretary shall be appointed by the Visitor from a panel recommended by the State Government consisting of persons of repute in the field of education, finance, law, administration and management.

(7) The Chairman and the members shall not be connected in any way with any of the private universities established under this Act.

1[(8) The Chairman and member of the Regulatory Commission shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy-five years, whichever is earlier, and he shall be eligible to be considered for a second term of aforesaid years, subject to the upper age limit of seventy-five years :

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office, but such period shall not exceed six months :

Provided further that after the expiry of the term, the Chairman and the member of the Regulatory Commission shall be prohibited to accept any pecuniary benefits in any form or in any name

whatsoever, and any assignment or employment in any of the private universities established under this Act.]

(9) The other terms and conditions of services of the Chairman and the members, mode of authentication of orders and decisions of the Regulatory Commission and instrument issued by the Regulatory Commission, procedure for meeting of the Regulatory Commission, recruitment and service conditions of the staff of the Regulatory Commission, temporary association of persons with the Regulatory Commission for particular purpose, fund of the Regulatory Commission, its budget, annual report, accounts, audit and such other matter as may be required for proper functioning of the Regulatory Commission shall be provided in the rules made by the State Government in this regard.

(10) It shall be the general duty of the Regulatory Commission--

(a) to take all such steps as it considers necessary for determination and maintenance of standards of teaching, examination and research in the private university;

(b) notwithstanding anything contained in any other law for the time being in force, to ensure that private universities collect only such fees and other charges, which cover the cost of education imparted by them and also give a reasonable surplus to enable them to maintain assets and carryout further expansion;

(c) to ensure that the teachers of the private university have at least the minimum educational qualifications prescribed by the University Grants Commission or other regulatory bodies;

(d) to ensure that the staff of the private university is appointed in conformity with the Statutes, Ordinances and norms or guidelines prescribed by the University Grants Commission and other concerned statutory bodies;

(e) to ensure that students enrolled in the private university are not exploited and no unethical means are adopted to collect undue or excessive fee from them;

(1) to take action pertaining to and pursuant upon liquidation of a private university including arrangement for completion of courses, conduct of examinations, award of degrees, etc. by assigning the job to some other State university in such a manner that the interest of the students are not adversely affected and the expenditure made for these arrangements for the students along with the process of liquidation of the private university, shall be made good from the money deposited in the endowment fund and/or general fund.

(11) The State Government may issue directions on matters of

policy to the Regulatory Commission which shall be binding.

1. Substituted by Act No. 7 of 2008.

### **37. Annual Report :-**

(1) The annual report of the private university shall be prepared by the Board of Management which shall include, among other matters, the steps taken by the private university towards the fulfilment of the objectives and shall be approved by the governing body and a copy of the same shall be submitted to the sponsoring body.

(2) Copies of the annual report, prepared under sub-section (1), shall also be presented to the Visitor and the Regulatory Commission.

### **38. Annual Account And Audit :-**

(1) The annual accounts including balance sheet of the private university shall be prepared under the directions of the Board of Management and the annual accounts shall be audited at least once every year by the auditors appointed by the private university for the purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the governing body.

(3) A copy of the annual accounts and audit report along with the observations, if any, of the governing body shall be submitted to the Visitor and the Regulatory Commission.

(4) The Regulatory Commission shall examine the annual report and accounts and audit report and the directions of the Regulatory Commission on the subject arising out of the annual report and accounts and audit report of the private university shall be binding on the private university.

### **39. Periodic Inspection :-**

(1) The University Grants Commission may cause periodic inspection of the private university, and for this purpose, the University Grants Commission may call for all relevant information from the concerned private university, as provided in the University Grants Commission (Returns and Information by Universities) Rules, 1979 as amended from time to time.

(2) After inspection and assessment of a private university providing graduate degree, post graduate degree and/or diploma

courses, the University Grants Commission may indicate to the private university any deficiency and non-conformity with the relevant University Grants Commission regulations and give it reasonable opportunity to rectify the same and if the University Grants Commission is satisfied that the private university has even after getting an opportunity to do so, failed to comply with the provisions of any of the regulations, the University Grants Commission may pass an order prohibiting the private university from offering any course for the award of the graduate degree, post graduate degree and/or diploma, as the case may be, till the deficiency is rectified.

(3) The University Grants Commission may take action against the private university for awarding a graduate degree, post graduate degree or diploma which is not specified by the University Grants Commission, and inform the public in general through a notification and a private university continuing such programme and awarding unspecified degrees shall be liable for penalty under Section 24 of the University Grants Commission Act, 1956 (3 of 1956).

#### CHAPTER 5

#### WINDING OF PRIVATE UNIVERSITY

### **40. Management Of Private University On Dissolution Of Sponsoring Body :-**

(1) If the sponsoring body proposes to dissolve itself or wants to discontinue the function of the private university established under this Act, it shall inform the Regulatory Commission of its plan by which it shall ensure completion of courses and conduct of examinations, and it shall announce the prospective date from which it shall not admit any new students.

(2) The Regulatory Commission, on receipt of such information, shall have the right to issue such directions to the sponsoring body for the fulfilment of its obligations under sub-section (1) as it may deem necessary, and if the sponsoring body contravenes the provisions of sub-section (1), the endowment fund shall be forfeited by the Regulatory Commission and the Regulatory Commission shall make arrangements for completion of courses, conduct of examinations, award of degrees, etc., of students of the private university, either by undertaking the job itself or by assigning the job to some other university in such manner that the interest of the students are not effected adversely in any manner and expenditure made for these arrangement for the students shall

be made good from the money deposited in the endowment fund and/or general fund of the private university.

#### **41. Special Powers Of State Government In Certain Circumstances :-**

(1) On report of the Regulatory Commission or otherwise if it appears to the State Government that a situation of financial mismanagement and misadministration has arisen in the private university, it shall issue notice requiring the private university to show cause within forty five days as to,

(a) why an order of its liquidation should not be made:

(b) why the Board of Management should not be suspended and an Administrator be appointed under sub-section (7).

(2) If the State Government considers it necessary to suspend the Board of Management, it shall, by notification published in the official Gazette, order suspension of the Board of Management and shall make such arrangement in consultation with the sponsoring body for the administration of the business of the private university, as it may consider necessary.

(3) If the State Government, on receipt of reply of the private university in respect of notice issued under sub-section (1), is satisfied that there is a prima facie case of financial mismanagement, maladministration or violation of any of the provisions of this Act, or direction issued thereunder, it shall make an order of such enquiry as it may consider necessary.

(4) The State Government shall, for the purpose of any enquiry under sub-section (3), appoint an officer or authority to enquire into any of the allegations and make report thereon.

(5) The enquiring authorities appointed under sub-section (4) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely :--

(a) summoning and enforcing the attendance of any person and examining him;

(b) requiring the discovery and production of any document or material as may be required;

(c) requisitioning any public record from any court or office;

(d) any other matter which may be prescribed.

(6) Every enquiring authority enquiring under this Act shall be deemed to be a civil court for the purposes of Section 195 and Chapter XVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) If the State Government, on receipt of the enquiry report, is satisfied that owing to financial mismanagement and maladministration a situation has arisen due to which the financial stability or administration of the private university has become insecure, it shall, by notification in the official Gazette, order liquidation of the private university or may cause the functioning of the private university to continue by appointing an Administrator who shall have the powers vested in the governing body :

Provided that no order of liquidation shall take effect unless the entry relating to such private university is deleted from the Schedule to this Act.

(8) While issuing notification in respect of liquidation under sub-section (7), the State Government shall till the end of current courses, make arrangement for the administration of business of the private university.

(9) The State Government during the period of management of private university under sub-section (8) shall use the fund available with the private university and the surplus, if any, shall be forfeited.

(10) All the expenses incurred in the process of enquiry and till the completion of admission of the students shall be met from the endowment fund or general fund of the private university.

#### CHAPTER 6

#### MISCELLANEOUS

### **42. Power To Make Rules :-**

(1) The State Government may, by notification in the official Gazette, make rules for carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :--

(a) the manner of making proposal to establish a private university and the fees payable under sub-section (1) of Section 4;

(b) other particulars to be contained in the project report under sub-section (2) of Section 4;

(c) the mode of establishment of endowment fund, the manner of its investment, payment of income from it to the sponsoring body, its forfeiture and mode of its return to the sponsoring body under sub-section (3) of Section 11;

(d) mode of collection of fee from the private university and depositing amount so collected in the consolidated fund under proviso to Section 12;

- (e) other matters to be provided for in the Statutes under sub-section (1) of Section 25;
- (f) mode of authentication of orders and decisions of the Regulatory Commission and the instruments issued by the Regulatory Commission, terms and conditions of services of Chairman and the members, procedure for meeting of the Regulatory Commission, provision of staff to the Regulatory Commission and their service conditions, temporary association of persons with the Regulatory Commission, its budget, annual report, accounts and audit and such other matters as may be required for proper functioning of the Regulatory Commission under sub-section (9) of Section 36;
- (g) other matters which are required to be prescribed by rules under this Act.
- (3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

#### **43. Power To Remove Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

#### **SCHEDULE 1**

The Schedule

[See Section 9 (1)]

Serial No.	Name of private university	Name of sponsoring body	Mode of forming body	Main campus	Jurisdiction
(1)	(2)	(3)	(4)	(5)	(6)