

**Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam
Sanchalan) Dwitiya Sanshodhan Adhiniyam, 2013**

30 of 2013

[11 September 2013]

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**Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam
Sanchalan) Dwitiya Sanshodhan Adhiniyam, 2013**

30 of 2013

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An Act further to amend the Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007.

Be it enacted by the Madhya Pradesh Legislature in the Sixty-fourth Year of the Republic of India as follows :--

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1. Short title and commencement :-

(1) This Act may be called the Madhya Pradesh Niji

Vishwavidyalaya (Sthapana Avam Sanchalan) Dwitiya Sanshodhan Adhiniyam, 2013.

(2) It shall come into force on the date of its publication in the official Gazette.

2. Amendment of Section 2 :-

In Section 2 of the Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007 (No. 17 of 2007) (hereinafter referred to as the Principal Act),--

(i) after clause (p), the following clause shall be inserted, namely :-
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(pa) "professional course" means a professional course as defined in clause (m) of Section 3 of the Niji Vyavsayik Shikshan Sanstha Act;;

(ii) clause (t) shall be omitted;

(iii) for clause (v), the following clause shall be substituted, namely :--

(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 (102 of 1956), the Paramedical Council of Madhya Pradesh established under the Madhya Pradesh Sah Chikitsiy Parishad Adhiniyam, 2000 (No. 1 of 2001), the Pharmacy Council of India constituted under the Pharmacy Act, 1948 (8 of 1948), the Dental Council of India constituted under the Dentists Act, 1948 (16 of 1948), the Indian Nursing Council constituted under the Indian Nursing Council Act, 1947 (48 of 1947), the Central Council of Indian Medicine constituted under the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Council of Homoeopathy constituted under the Homoeopathy Central Council Act, 1973 (59 of 1973),

the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993 (73 of 1993), the Central Council for Research in Yoga and Naturopathy established as an autonomous body under the Department of Ayush, Ministry of Health and Family Welfare, Government of India, the Indian Council of Agriculture Research established as a registered society under the Department of Agriculture, Research and Education, Ministry of Agriculture, Government of India or any other Central or a State regulatory body which is established by the Central Government or State Government for laying down norms and conditions for ensuring standards of higher education from time to time, as the case may be;.

3. Amendment of Section 4 :-

In Section 4 of the Principal Act, in sub-section (2), for clause (h), the following clause shall be substituted, namely :--

"(h) the nature and the number of faculties such as Science, Arts, Commerce, Technology, Education. Health Science, etc., types of Programmes (under graduate or post graduate) of study and research proposed to be undertaken by the Private University in each faculty and phasing of such Programme for five years with course wise enrollment targets :

Provided that the Private University shall not propose to start any Programme or course which is not in the approved list of the University Grants Commission without obtaining previous permission of the University Grants Commission;"

4. Amendment of Section 7 :-

In Section 7 of the Principal Act.--

(i) in clause (i), for sub-clause (a), the following sub-clause shall be substituted, namely :--

"(a) the main campus and such other campuses as may be permitted by the Regulatory Commission in accordance with the provisions of the University Grants Commission Regulation, 2003 as amended from time to time;"

(ii) for clauses (ii) and (iii), the following clauses shall be substituted, namely :--

"(ii) subject to prescribed norms, if any, of the concerned Regulatory Council or Councils or the University Grants Commission, it shall procure a minimum 10 hectares of land for the main campus to be established and submit its papers of ownership;

(iii) subject to the prescribed norms, if any, of the concerned Regulatory Council or Councils or the University Grants Commission, it shall make available a minimum built-up area of 2500 square meters in the form of buildings and ancillary structure for administrative purposes and for conducting the academic programmes;"

(iii) in clause (iv),--

(a) for sub-clause (f), the following sub-clause shall be substituted, namely :--

"(f) that it shall fulfill such other conditions and furnish such other information as may be prescribed by the University Grants Commission, Regulatory Commission and Regulatory Councils from time to time;"

(b) for sub-clause (i), the following sub-clause shall be substituted, namely :--

"(i) that it shall determine the admission procedure and fixation of fees in accordance with the norms, guidelines or directions, if any, of the University Grants Commission or the Regulatory Councils or the Regulatory Commission, as the case may be;"

(c) for sub-clause (k), the following sub-clause shall be substituted, namely :--

"(k) that the teaching staff of the Private University shall have minimum qualification as prescribed by the University Grants Commission or the concerned Regulatory Council or body and the staff shall be paid appropriate emoluments;"

(d) for sub-clause (m), the following sub-clause shall be substituted, namely :--

"(m) that the admission and conduct of classes shall not be commenced till concerned statutes or ordinances are published in

the official Gazette as per provision of Section 35;"

(iv) after clause (iv), the following new clauses shall be inserted, namely :--

"(v) it shall notify an existing college or institution by whatever name called, which is affiliated to another University as a Department, School of Studies or constituent unit of the Private University without adopting the procedure provided in Section 9-A;

(vi) it shall not establish any faculty without previous permission of the Regulatory Commission;"

(v) Section 7 shall be renumbered as sub-section (1) thereof and after subsection (1) as so renumbered, the following new sub-section shall be inserted, namely :--

"(2) The letter of intent shall be valid for a period of two years from the date of its issue and the State Government may, on the recommendation of the Regulatory Commission, extend the period of validity not exceeding one year :

Provided that the validity of a letter of intent issued, prior to the coming into force of the Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Dwitiya Sanshodhan Adhiniyam, 2013, shall be one year from the date of commencement of the aforesaid Act."

5. Insertion of Section 9-A :-

After Section 9 of the Principal Act, the following section shall be inserted in Chapter II, namely :--

"9-A. Submission of application by Private University to notify college or institution.--

(1) The Private University, after its incorporation, may submit an application to the Regulatory Commission to notify a college or institution affiliated to any other existing University as a Department or School of Studies or any other constituent unit of the Private University.

(2) The application referred to in sub-section (1) shall not be entertained unless it is accompanied by a no objection certificate

of:--

(a) the existing University to which the college is affiliated, and

(b) the concerned Regulatory Council, if any.

(3) The Regulatory Commission may by order after making such enquiries as it may deem fit, grant permission on the application made under subsection (1) from such date as may be specified in the order.

(4) As from the date specified in the order made by the Regulatory Commission under sub-section (3), the college shall be deemed to have been established as a Department, School of Studies or constituent unit of the Private University, as the case may be.

(5) Notwithstanding anything contained in sub-section (1) to (4), the students admitted in the college or institution prior to the date specified in the order made under this section shall continue to be the students of the existing University."

6. Amendment of Section 11 :-

In section 11 of the principal Act.--

(i) after sub-section (1), the following sub-section shall be inserted, namely :--

"(1-A) On the recommendation of the Regulatory Commission, if the State Government is satisfied that due to increase in the number of faculties, courses, students or any other reason the amount of endowment fund needs to be augmented, it may, by order, direct the sponsoring body to deposit such additional amount in the endowment fund as it may deem fit and the sponsoring body shall comply with such direction within such time as may be specified in the order.";

(ii) for sub-section (3), the following sub-section shall be

substituted, namely :--

"(3) Income from the endowment fund may be utilized for development of infrastructure of the Private University in such manner as may be prescribed but shall not be utilized for recurring expenditure of the private university."

7. Amendment of Section 12 :-

In section 12 of the principal Act, for the existing proviso, the following proviso shall be substituted, namely :--

"Provided that one percent of the fees collected from the students under clause (a), shall be deposited with the Regulatory Commission within thirty days from the last date fixed for admission to the concerned course in such manner as may be prescribed."

8. Amendment of Section 17 :-

In section 17 of the principal Act,--

(i) in sub-section (I), for full stop, a colon shall be substituted and thereafter the following proviso shall be inserted, namely :--

"Provided that only such person who fulfills the norms prescribed by the University Grants Commission in this behalf shall be eligible to be appointed as Vice-chancellor.;

(ii) in sub-section (5), for full stop, a colon shall be substituted and thereafter the following proviso shall be inserted, namely :--

"Provided that only such person who fulfills the norms prescribed by the University Grants Commission in this behalf, shall be eligible to be appointed as Vice-Chancellor."

9. Amendment of Section 26 :-

In section 26 of the principal Act,--

(i) in sub-section (1), for the words "Subject to the provisions of this Act and the rules made thereunder", the words "Subject to the provisions of this Act and the rules made thereunder and the norms and guidelines of the Regulatory Council" shall be substituted;

(ii) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely :--

"(2) The draft of 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 draft of first Statutes, submitted by the Private University, within two months from the date of its receipt and shall, after consulting the Private University in respect of any modification as it may deem necessary, forward the draft to the State Government with or without modification.

(4) The Board of Management with the approval of the governing body shall submit draft of any amendment in the first Statutes to the Regulatory Commission. The Regulatory Commission shall, after considering the draft of amendment, forward it to the State Government with such modifications as it may deem necessary."

10. Amendment of Section 27 :-

In section 27 of the principal Act,--

(i) in sub-section (1), for the words "Subject to the provisions of this Act and the rules made thereunder", the words "Subject to the provisions of this Act and the rules made thereunder and norms and guidelines of the Regulatory Council" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :--

"(2) The draft of the Statutes of the Private University other than draft of first Statutes shall be made by the Board of Management with the approval of the governing body.";

(iii) in sub-section (3), for the words, bracket and figure "The statutes made under sub-section (2)", the words, bracket and figure "The draft of the Statutes made under sub-section (2)" shall be substituted;

(iv) for sub-section (5), the following sub-section shall be

substituted, namely :--

"(5) The Regulatory Commission shall consider the suggestions made by the governing body and forward the draft of Statutes to the State Government with such modifications as it may deem necessary,";

(v) after sub-section (5), the following new sub-section shall be inserted, namely :---

"(6) The Board of Management with the approval of the governing body shall submit the draft of any amendment in the Statutes other than the first Statutes to the Regulatory Commission. The Regulatory Commission shall, after considering the draft of amendments, forward it to the State Government with such modifications as it may deem necessary."

11. Amendment of Section 28 :-

In section 28 of the principal Act,--

(i) in sub-section (1), for the words "Subject to the provisions of this Act and the rules or Statutes made thereunder", the words "Subject to the provisions of this Act and the rules made thereunder and the norms and guidelines of the Regulatory Councils and Statutes" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :--

"(2) The draft of the first Ordinances of the Private University shall be made by the Vice-Chancellor which shall be submitted to the Regulatory Commission for approval.";

(iii) for sub-section (4), the following sub-section shall be substituted, namely :--

"(4) The Vice-Chancellor shall give his comments on the suggestions made by the Regulatory Commission and shall return the draft of first Ordinance to the Regulatory Commission and the Regulatory Commission shall, after considering the comments of the Vice-Chancellor forward the first Ordinances to the State Government with such modifications as it may deem necessary."

12. Substitution of Section 29 :-

For section 29 of the principal Act, the following Sections shall be substituted, namely :--

"29. Subsequent Ordinances.--

(1) All Ordinances other than the first Ordinances shall be made by the Academic Council with the approval of the Board of Management.

(2) The Vice-Chancellor may submit draft of any amendment in the first Ordinances to the Regulatory Commission, the Regulatory Commission shall after considering the draft of amendment, forward the draft to the State Government with such modifications as it may deem necessary.

29-A. Direction of State Government.--

The Regulatory Commission shall on the direction of the State Government or on its own motion at any time, direct the Private University to amend or repeal any Statute or Ordinance or make such new Statute or Ordinance as it may deem fit and the Private University shall comply with such direction within such time as may be specified in the direction:

Provided that if the Private University fails to comply with the directions of the Regulatory Commission within the specified time the Regulatory Commission shall submit to the State Government such amendment or repeal of any Statute or Ordinance or new Statute or Ordinance for publication in the official Gazette under section 35."

13. Substitution of Section 35 :-

For section 35 of the principal Act, the following Section shall be substituted, namely :--

"35. Enforcement of Statutes, Ordinances and Regulations.--

(1) All Statutes, Ordinances and Regulations shall be submitted by the Regulatory Commission to the State Government for publication in the official Gazette.

(2) The State Government may, in order to satisfy itself that the Statutes, Ordinances and Regulations are conformed to the provisions of this Act and rules made thereunder, ask for such information or clarification from the Regulatory Commission or may give such directions to the Regulatory Commission as it may deem fit.

(3) All Statutes, Ordinances and Regulations shall come into force from the date of their publication in the official Gazette."

14. Amendment of Section 36 :-

In section 36 of the principal Act,--

(i) sub-section (3) shall be renumbered as clause (a) thereof and after clause (a) as so renumbered, the following clauses shall be inserted, namely :--

"(b) The Regulatory Commission shall invite the representatives of the State Government departments and administrative department while considering any matter relating to a professional course.

(c) In case of difference of opinion on any matter between the Regulatory Commission and the representatives invited under clause (b), the matter shall be referred to the State Government for the decision."

(ii) after sub-section (11), the following new sub-section shall be inserted namely :--

"(12) (a) The Regulatory Commission shall have all the necessary powers for discharging the functions and performing the duties.

(b) Without prejudice to the generality of the foregoing powers, the Regulatory Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (No. 5 of 1908) in respect of the following matters, namely :--

(i) summoning and enforcing the attendance of any officer or

employee of the Private University and examining him on oath;

(ii) discovery and production of any document or material from the private university;

(iii) receiving evidence on affidavits of any officer or employee of a Private University;

(iv) issuing commission for the examination of any officer or employee of a Private University; or

(v) any other matter which may be prescribed.

(c) In addition to the powers specified in clause (a) and (b) the Regulatory Commission shall have power :--

(i) to issue such directions as it may deem fit to the Private University and ask for the compliance report within such time as stipulated in the directions;

(ii) to direct the Private University to stop admission or reduce the sanctioned intake in any course other than a professional education course in the Private University for such period as it may deem fit;

(iii) to impose a fine on the Private University for contravention of any provision of this Act or the rules made thereunder, the Statutes, Ordinances, Regulations of the University or directions issued by the Regulatory Commission which may extend upto one lakh rupees at the first contravention and upto ten lakh rupees for the subsequent contravention and to order the payment of whole or part of the fine to the students who suffered due to wrong action of the Private University;

(iv) to recommend to the State Government for taking action against the Private University under subsection (2) of section 11 or

under sub-section (1) of section 41."

15. Insertion of Section 36-A :-

After section 36 of the principal Act, the following section shall be inserted, namely :--

"36-A. Filing of Appeal.--

(1) Any person or Private University aggrieved by an order passed by the Regulatory Commission may file an appeal within 30 days from the date of receipt of the order to the appellate authority appointed under section 10 of the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007):

Provided that the appellate authority may entertain the appeal after the expiry of the said period of 30 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the non-appellant an opportunity of being heard confirm, modify or reverse the order of the Regulatory Commission as expeditiously as possible.

(3) The appellate authority may also, in its discretion, direct that during pendency of appeal, the execution of the order appealed against shall remain stayed.

(4) The order passed by the appellate authority in such appeal shall be final."

16. Amendment of Section 41 :-

In section 41 of the Principal Act,--

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :--

"(1) On report of the Regulatory Commission or otherwise if it appears to the State Government that--

(a) a situation of mal-administration or financial mismanagement has arisen in a Private University, or

(b) the Private University has made serious contravention of the provision of this Act or rules made thereunder, or the Statutes, Ordinances or Regulations of the University, or

(c) the Private University has made repeated default in complying with directions of the Regulatory Commission, or

(d) the actions of the Private University are prejudicial to the interest of its students, it may issue notice requiring the Private University to show cause within seven days as to why an order of its liquidation should not be made.

(2) If the State Government, on receipt of the reply of the notice issued under sub-section (1) or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act, the State Government may, by a notification published in the official Gazette order suspension of the Governing Body, Board of Management, Chancellor and the Vice-Chancellor and appoint an Administrator for the administration of the business of the Private University who shall exercise the powers of the Governing Body, Board of Management, the Chancellor and the Vice-Chancellor. Such notification shall be issued for a period of six months at the first instance and may be extended for such period not exceeding six months as the State Government may consider necessary :
Provided that the State Government may at any time by a notification in the official Gazette revoke the appointment of Administrator so appointed and reinstate the Governing Body, Board of Management, Chancellor and the Vice-Chancellor.";

(ii) for sub-section (7), the following sub-section shall be

substituted, namely :--

"(7) If the State Government, on receipt of the enquiry report is satisfied that:--

(a) owing to the mal-administration or financial mismanagement a situation has arisen due to which the financial stability or administration of the Private University has become insecure, or

(b) owing to serious contravention of the provisions of this Act or rules made thereunder, or the Statutes, Ordinances or Regulations of the Private University, or the private University is making repeated default in complying with the direction of the Regulatory Commission or the interest of its students are seriously affected, or

(c) the continuance of the Private University is not in the public interest, 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."