

Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973

22 of 1973

[20 April 1973]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title, Extent And Commencement
2. Repeal And Saving
3. Transitory Provisions
4. Definitions

CHAPTER 2 :- THE UNIVERSITY

5. Incorporation Of University
6. Powers Of University
7. Territorial Jurisdiction
- 8 . Prohibition Of Discrimination In All Matters Connected With University
9. Teaching In University
10. Inspection Of University And College
- 10 A . Enquiry Against Kulpati, Rector Or Registrar Under The Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981

CHAPTER 3 :- OFFICERS OF THE UNIVERSITY

11. Officers Of University
12. Kuladhipati And His Powers
13. Appointment Of Kulpati
14. Emoluments And Conditions Of Service Of Kulpati, Term Of Office Of And Vacancy In The Office Of Kulpati
15. Powers And Duties Of Kulpati
- 15A. Powers And Duties Of First Kulpati
- 15B. Rector
- 15C. State University Service
16. Registrar
17. Dean Of Students Welfare
18. Other Officers
- 18A. Section 18 Ceases To Apply On Inclusion In State University Service Of Certain Other Officers

CHAPTER 4 :- AUTHORITIES OF THE UNIVERSITY

19. Authorities Of The University

20. Constitution Of Court
21. Meetings Of Court And Quorum Thereat
22. Powers And Duties Of Court
23. Executive Council
24. Powers And Duties Of Executive Council
- 24A. Finance Committee And Its Functions
25. Academic Council
26. Powers And Duties Of Academic Council
27. Faculties
28. Board Of Studies
29. Powers And Functions Of Board Of Studies
30. Academic Planning And Evaluation Board
31. Boards To Be Constituted

CHAPTER 5 :- FINANCE

32. University Fund
33. Objects To Which University Fund May Be Applied

CHAPTER 6 :-CO-ORDINATIONCOMMITTEE, CENTRAL BOARD OF STUDIES AND STATUTES, ORDINANCES AND REGULATIONS

34. Co-Ordination Committee
- 34A. Central Boards Of Studies
35. Statutes
36. Statutes How Made
37. Ordinances
38. Ordinances How Made
39. Procedure Regarding Ordinance
40. Regulations

CHAPTER 7 :-RESIDENCEOF STUDENTS, ENROLMENT AND DEGREES ETC.

41. Residence Of Students
42. Halls
43. Admission To University Courses
44. Appointments Of Examiners And Moderators
45. Inspection Of Colleges And Reports
46. Registered Graduates

CHAPTER 8 :- AUDIT

47. Annual Report
48. Audit Of Accounts

CHAPTER 9 :-APPOINTMENTSTO TEACHING POSTS IN THE UNIVERSITY

49. Appointment To Teaching Posts
- 49A. Promotion Of Teachers
50. Salaries Of Teachers Paid By University

CHAPTER 10 :- EMERGENCY PROVISIONS

51. State Government To Assume Financial Control In Certain Circumstances

52. Power Of State Government To Apply Act In Modified Form With A View To Provide For Better Administration Of University In Certain Circumstances

53. Effect On Expiration Of The Period Of Operation Of Notification Under Section 52

CHAPTER 11 :- STUDENT CONSULTATIVE COMMITTEE

54. Student Consultative Committee

CHAPTER 12 :- SUPPLEMENTARY PROVISIONS

55. Disputes As To Constitution Of University Authorities And Bodies

56. Constitution Of Committees

57. Filling Of Casual Vacancies

58. Proceedings Of University And Bodies Not Invalidated By Vacancies

59. Conditions Of Service

60. Pension And Provident Fund

61. Protection Of Acts And Orders

62. Approval For Imparting Instructions

63. Classification Of Teachers

64. Term Of Office Of Member Of Authority Of University

65. Resignation Of Member Or Officer Of University

66. Disqualifications For Being Member Of Authority

67. Power To Remove Member From Register Of Graduates Or Any Authority Or Body Of University

68. Removal Of Difficulties

69. Modification Of This Act In Its Application To The University Established After 1st January, 1983 Or To Be Established At Any Time Thereafter

SCHEDULE 1 :- THE FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

SCHEDULE 3 :- THE THIRD SCHEDULE

SCHEDULE 4 :- THE FOURTH SCHEDULE

Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973

22 of 1973

[20 April 1973]

An Act to consolidate and amend the law relating to Universities and to make better provision for the organisation and

administration of Universities in Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Twenty-fourth Year of the Republic of India as follows :- 1. Received the assent of the Governor on the 20th April, 1973; assent first Published in Madhya Pradesh Rajpatra (Asadharan), dated the 23rd April, 1973.

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973.

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

(3) It shall come into force on such date¹ as the State Government may, by notification, appoint.

¹ W.e.f. 5-5-1973 vide Notification No. 940-XX-VII-73, dated 3-5-1973.

2. Repeal And Saving :-

As from the date appointed under sub-section (3) of Section 1, hereinafter in this section and Section 3 referred to as the appointed date the following consequences shall ensue, namely :-

(i) the enactment mentioned in the First Schedule shall stand repealed (hereinafter in this section and Section 3 referred to as the repealed enactment);

(ii) the Universities established under the repealed enactments shall be deemed to be the Universities established under this Act and shall be known by the names of the respective Universities with headquarters at places and territorial jurisdiction over the areas as specified in the Second Schedule;

(iii) all the assets and liabilities of the respective Universities referred to in clause (ii) shall vest in the respective Universities deemed to be established in their place under this Act;

(iv) all appointments made, notifications and orders issued, degrees, diplomas or certificate conferred or issued, privileges granted or other things done under the repealed enactments and in force immediately before the date aforesaid shall be deemed to have been respectively made, issued, conferred, granted or done under this Act;

(v) all Statutes, Ordinances and Regulations made by various authorities of respective Universities under the repealed enactments and in force immediately before the date aforesaid

shall, in so far as they are not inconsistent with the provisions of this Act be deemed to be Statutes, Ordinances and Regulations made by the appropriate authorities of the respective Universities under the relevant provisions of this Act:

Provided that the Statutes and Ordinances deemed to be so shall cease to be in force on expiry of a period of one year from the appointed date or on the date of coming into force of the first Statutes, Ordinances, as the case may be, drawn under Section 38 whichever is earlier;

(vi) all employees belonging to or under the control of the respective Universities referred to in clause (ii) immediately before the appointed date shall be deemed to be employees of the respective Universities deemed to be established in their place under this Act, on the same terms and conditions as applicable to them before the date aforesaid until altered in accordance with the provisions of this Act and the Statutes and Ordinances made thereunder;

(vii) all records and papers belonging to the Universities referred to in clause (ii) shall vest in the respective Universities deemed to be established in their place under this Act.

3. Transitory Provisions :-

Notwithstanding anything contained in this Act,-

(i) The Kulpatris in office immediately before the appointed date shall continue in office for the term prescribed under the respective repealed enactments :

Provided that such Kulpati as has attained the age of sixty-four years on or before the appointed date shall continue in office for such period as the Kuladhipati may, by order, specify but such period shall not exceed the remainder of his term under the relevant repealed enactment;

(ii) authorities, committees or bodies of the respective Universities constituted under the repealed enactments shall continue to function till such time as they are reconstituted in accordance with the provisions of this Act but such period shall not exceed one year from the date aforesaid;

(iii) life members, of any such authorities, shall cease to be so on the expiration of the period specified in clause (ii) above, unless continued to be so in accordance with the provisions of this Act.

4. Definitions :-

In this Act, unless the context otherwise requires,-

(i) "Board of studies" means the Board of Studies of the University;
(ii) "Scheduled Tribes" means the Scheduled Tribes specified in relation to this State under Article 342 of the Constitution of India;
(iii) "Scheduled Castes" means the Scheduled Castes specified in relation to this State under Article 344 of the Constitution of India;
1[(iii-a) xxx]

(iv) "Employee" means any person appointed by the University and includes teachers and other staff of the University;

(v) "Executive Council" means the Executive Council of the University;

(vi) "Kulpati" means the Kulpati of the University;

(vii) "Kuladhipati" means the Kuladhipati of the University;

(viii) "Hall" means a unit of residence or of corporate life for the students of the University, College or Institution provided, maintained or recognised by the University;

(ix) "Statutes", "Ordinances" and "Regulations" means the Statutes, Ordinances and Regulations of the University, as the case may be, in force for the time being;

(x) "Principal" means the Head of a College and includes, when there is no Principal, the person for the time being duly appointed to act as Principal;

(xi) "School of Studies" means an institution maintained by the University as place for higher learning and research;

(xii) "College" means an institution maintained by, or admitted to the privileges of the University by or under the provisions of this Act;

(xiii) "Head of a College Department" means the head of any department of a college;

(xiv) "Registered graduate" means a graduate registered or deemed to be registered under the provisions of this Act;

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

(xvi) "Department" means a Department of Studies and includes a Centre of Studies;

2(xvii) "University" means-

(i) the University deemed to be established under this Act and specified in Part I of the Second Schedule; and

(ii) the University which may be established after the commencement of this Act and specified in Part II of the Second Schedule;]

(xviii) "University Grants Commission" means the Commission

established under the University Grants Commission Act, 1956 (No. 3 of 1956);

(xix) "Head of a University Department" means the head of any Teaching Department maintained by the University for imparting instructions to the students of the University and includes the Director or Principal of any institute or college maintained by the University for the promotion of research or for imparting instructions to the students of the University;

(xx) "Teachers of the University" means Professors, Readers, 3[x x x] Lecturers and such other persons as may be appointed for imparting instructions or conducting research, with the approval of the Academic Council in the University or the College or Institution maintained or recognised by the University;

(xxi) "Person connected with a University or a College" means an employee of the University or a College or a member of any authority or body of the University or of the management of the College.

(xxii) "Autonomous College" means an education institution declared as autonomous college by the Executive Council in accordance with the provisions of this Act;

(xxiii) "Faculty" means Faculty of the University;

(xxiv) "Affiliated College" means an institution admitted to the privileges of the University in accordance with the provisions of this Act and the Statutes;

(xxv) "Court" means the Court of the University;

(xxvi) "Co-ordination Committee" means the Co-ordination Committee constituted under Section 34.

1 Omitted by M.P. Act No. 19 of 1994.

2 Substituted, by M.P. Act No. 23 of 1983.

3 Omitted by M.P. Act No. 10 of 1978.

CHAPTER 2

THE UNIVERSITY

5. Incorporation Of University :-

(1) The Kuladhipati and Kulapati of each University 1[specified in Part I of the Second Schedule] and the members of the Court, of the Executive Council and of the Academic Council thereof shall constitute a University and the University so constituted shall be body corporate by the name of the respective University 1[specified in Part I of the Second Schedule].

2[(1-a) The Kuladhipati, the first Kulpati, and the first member to

the Court, of the Executive Council and of the Academic Council of each University established after the commencement of this Act and specified in Part II of the Second Schedule and all persons who may hereafter become such officers or members thereof are, so long as they continue to hold such office or membership, hereby constituted a body corporate by the name of the respective University specified in Part II of the Second Schedule.]

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

(3) Subject to the provisions of this Act, the University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

(4) The headquarters of the University shall be located at the place specified in the Second Schedule.

1 Substituted by M.P. Act No. 23 of 1983.

2 Inserted by M.P. Act No. 23 of 1983.

6. Powers Of University :-

Subject to the provisions of the Act, the University shall have the following powers, namely :-

(1) to provide for instruction in such branches of learning as the University may, from time to time determine and to make provision for research and/or the advancement and dissemination of knowledge.

(2) to provide instruction including correspondence and such other courses to such persons as are not members of the University, as it may determine :

1[Provided that the University shall not provide instructions through correspondence save with the previous sanction of the
2[State Government;

(3) to organize University laboratories, libraries, museums and other equipment for teaching and research;

(4) to establish, maintain and manage colleges, teaching departments, school of studies, Centres of Studies and Halls;

(5) (a) to institute Professorship, Readership, 3[x x x], Lecturerships and any other academic or teaching posts required by the University and to appoint persons to such posts in accordance

with provisions of this Act;

(b) to appoint persons working in any University or organisation as teachers of the University for a specified period;

(6) to recognise teachers as qualified to give instructions in Colleges;

(7) to recognise persons eminent in any subject to guide research in this subject;

(8) to lay down the courses of instructions for various examinations;

(9) to institute degrees, diplomas, certificates and other academic distinctions;

(10) to grant subject to such conditions as the University may determine, diplomas or certificates and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing :

Provided that no person shall be admitted to an examination leading to any degree of the University, unless such person, if he has offered a student for such examination for which a course of practical work is prescribed, has completed such work in a University Teaching Department or a School of Studies or a College and produces a certificate of such completion from the Head of the Teaching Department or School of Studies or the Principal of the College :

Provided that no person shall be admitted to :-

(i) any examination in the Faculty of Science other than that leading to a degree of Bachelor of Science or a degree of Master of Science in Mathematics;

(ii) any examination in the Faculties other than the Faculty of Arts, the Faculty of Social Science and the Faculty of Commerce;

Unless he has pursued a course of studies in a University Teaching Department, a School of Studies or a College :

Provided further that the State Government may, by notification, permit the admission of women candidates to an examination leading to a Bachelors degree in the Faculty of Law without pursuing a course of studies in a University Teaching Department, School of Studies or a College;

(11) to confer degrees and other academic distinctions on persons who have carried on research under conditions laid down in the Ordinances;

(12) to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons;

(13) to confer honorary degrees or other academic distinctions on

approved persons in the manner prescribed in the Statutes;

(14) to provide such lectures and instructions for and to grant such diplomas and certificates to persons who are not enrolled as students of the University, as the University may determine;

(15) to admit to its privileges Colleges not maintained by the University, to withdraw all or any of the these privileges and to take over the management of Colleges in the manner and under conditions prescribed by the Statutes or the Ordinances;

(16) to declare a Teaching Department of the University, School of Studies or College as autonomous College :

Provided that the extent of the autonomy which such Teaching Department of the University, School of Studies or a College may have and the matters in relation to which it may exercise such autonomy, shall be such as may be prescribed by the Statutes;

(17) to conduct, co-ordinate, regulate and control teaching and research work in the colleges and the institutions recognised by the University;

(18) to recognise halls not maintained by the University and withdraw any such recognition in the manner prescribed in the Statutes and the Ordinances;

(19) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instructions, teaching and training are maintained in them;

(20) to promote with special care the educational interest of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes;

(21) to provide to the teachers and alumni of the University facilities of refresher and vacation courses;

(22) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(23) to take by itself or in co-operation with other Universities or the State Government or the Union Government special measures for the promotion and the development of the study of Hindi;

(24) to make provision for-

(a) extramural teaching and extension service;

(b) correspondence course;

(c) Physical training;

(d) Sports and atheletic activities;

(e) Social service schemes;

(f) National Cadet Corps;

(g) Student Union;

(25) to provide for training for competitive examinations for

services under the Union or the State Government and such other training as may contribute to national development;

(26) to institute and manage-

(a) Information Bureau;

(b) Employment Bureau; and

(b) Printing and Publication Department and Translation Bureau;

(27) to supervise and control the residence, conduct and discipline of students of the University and to make arrangements for promoting their health and general welfare;

(28) to demand and receive payment of such fees and other charges as may be prescribed by the Ordinances;

(29) to prescribe and control the fees and other charges which may be received or recovered by colleges;

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

(31) to exercise control over the salaried officers, teachers and other employees of the University in accordance with the Statutes and the Ordinances;

(32) to hold and manage trusts and endowments and to institute and award fellowships, scholarships, exhibitions, bursaries medals and other awards;

(33) to receive donations and grants and to invest funds in accordance with the provisions of this Act;

(34) with the prior approval of the 4[State Government] to borrow on the security of University property money for the purposes of the University;

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

(36) to make special arrangements in respect of women students as the University which may consider desirable;

(37) to make arrangements for promoting the health and general welfare of the employees;

(38) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

1 Inserted by M.P. Act No. 17 of 1974.

2 Substituted by M.P. Act No. 19 of 1994.

3 Omitted by M.P. Act No. 10 of 1978.

7. Territorial Jurisdiction :-

(1) Save as otherwise provided in this Act, the powers conferred on the University by or under this Act shall not extend beyond the limits of the territorial jurisdiction specified in Second Schedule from time to time :

Provided that the State Government may authorise the University to associate or to admit to any of its privileges to colleges situated within the State outside the aforesaid limits in accordance with the provisions of this Act and the Statutes made thereunder :

1[Provided further that where the University provides for instruction through correspondence nothing contained in this section shall be construed to debar the University from admitting to such course of instructions students residing outside the aforesaid limits :]

2[Provided also that for imparting oriental Sanskrit education, any Sanskrit College imparting oriental Sanskrit education in Madhya Pradesh shall be affiliated either to the Awadhesh Pratapsingh University, Rewa or any other University which the State Government may notify :]

3[Provided also that the State Government may, in accordance with the rules framed in this behalf, permit any University in Madhya Pradesh to collaborate with any Institution outside the State of Madhya Pradesh or abroad for carrying out partly or wholly any of its teaching or research activities.]

(2) Notwithstanding anything contained in any other law for the time being in force, no college or educational institution situated within the territorial limits of any University shall be associated in any way or be admitted to any privileges of any other University incorporated by law in India and any such privilege granted by any such other University to any education institution within these limits prior to the date of the establishment of the University shall be deemed to be withdrawn on such establishment.

4[(2-A)-(2-D)xxx]

(3) Nothing contained in this section shall be applicable to the case of colleges or other educational institutions :-

(a) imparting instructions exclusively in agriculture and allied sciences and admitted or deemed to be admitted to the privileges of the Jawaharlal Nehru Krishi Vishwa Vidyalaya Act, 1963 (No. 12 of 1963); and

(b) imparting instructions exclusively in Music and Fine Arts or either of item and admitted or deemed to be admitted to the privileges of Indira Kala Sangit Vishwavidyalaya Act, 1956 (XIX of 1956).

5[(c) xxx]

1 Inserted by M.P. Act No. 17 of 1974.

2 Substituted by M.P. Act No. 19 of 1994.

3 Inserted by M.P. Act No. 31 of 2001.

4 Omitted by M.P. Act No. 19 of 1994

5 Omitted by M.P. Act No. 23 of 1991.

8. Prohibition Of Discrimination In All Matters Connected With University :-

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 powers or performance of functions conferred or imposed upon it by or under this Act.

9. Teaching In University :-

All recognised teaching in the University course, the authorities responsible for organizing such teaching and courses and curriculum shall be such as may be prescribed by Statutes, Ordinances or Regulations as the case may be.

10. Inspection Of University And College :-

(1) The Kuladhipati may, on his own motion, and shall on a request made by the State Government cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, museums, workshops and equipments and of any College or Institution maintained by the University or admitted to its privileges and also of the Examinations, teaching and other work conducted or done by the University and cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(2) The Kuladhipati shall, in every case, give notice of his intention to cause an inspection or inquiry to be made-

(a) to the University, if such inspection or inquiry is to be made in respect of the University, College or Institution maintained by it;

(b) to the management of the College or Institution if the inspection or inquiry is to be made in respect of a College or Institution admitted to the privileges of the University, and the University or management, as the case may be, shall be entitled to

appoint a representative who shall have to right to be present and be heard at such inspection or inquiry.

(3) Such person shall report to the Kuladhipati the result of such inspection or inquiry and the Kuladhipati shall communicate through the Kulpati to the Executive Council or the said management, as the case may be, his views with reference to the result of such inspection or inquiry and shall after ascertaining the opinion of the Executive Council or the management thereon advise the University or the management upon the action to be taken :

Provided that where an inspection or inquiry is caused on a request from the State Government, the Kuladhipati shall take action under this sub-section in consultation with State Government.

(4) The Executive Council or the management, as the case may be, shall communicate through the Kulpati to the Kuladhipati such action, if any, as it has taken or may propose to take upon the result of such inspection or enquiry and such report shall be submitted within such time as the Kuladhipati may direct.

(5) Where the Executive Council or the 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 Executive Council or the management, issue, in consultation with the State Government, such directions as he may think fit and the Executive Council or management as the case may be, shall comply therewith.

10A. Enquiry Against Kulpati, Rector Or Registrar Under The Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 :-

1[(1) Notwithstanding anything contained in Section 10, the Kuladhipati may refer to the Lokayukt or Up-Lokayukt for enquiry, any complaint or allegation against Kulpati, Rector or Registrar.

(2) On receiving the report of the Lokayukt or Up-Lokayukt, pursuant to the provisions of sub-section (1) or otherwise, the Kuladhipati may, in his discretion, take action without following the procedure laid down in sub-sections (3), (4) and (5) of Section 10, but in accordance with other relevant provisions of the Adhiniyam and the Rules or Statutes made o thereunder.]

1 Inserted by M.P. Act No. 8 of 1998.

CHAPTER 3

OFFICERS OF THE UNIVERSITY

11. Officers Of University :-

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

(i) the Kuladhipati;

- (ii) the Kulpati;
- 1[(ii-a) the Rector];
- (iii) the Deans of the Faculties;
- (iv) the Registrar;
- (v) the Dean of Students Welfare; and
- (vi) such other officers in the service of the University as may be declared by the statutes to be officers of the University.

1 Inserted by M.P. Act No. 23 of 1983.

12. Kuladhipati And His Powers :-

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

(2) The Kuladhipati shall, by virtue of his office, be the Head of the University and the President of the Court and shall, when present preside at meetings of the Court and at any convocation of the University.

(3) The Kuladhipati may,-

(a) call for any papers or information relating to the affairs of the University; and

(b) 1[for reasons to be recorded, refer any matter except a matter falling under Section 55] for reconsideration to any officer or authority of the University that has previously considered such matter.

(4) The Kuladhipati may, by an order in writing, annul,-

(a) any proceedings 2[x x x] of any officer, authority, Committee or body of the University, constituted by or under this Act, which is not in conformity with this Act, the Statutes, Ordinances or the Regulations; or

(b) any proceedings of any authority, Committee or other body which has been referred to him by the Kulpati under sub-section (7) of Section 15, if he is satisfied that such proceedings are prejudicial to the interests of the University :

Provided that before making such order he shall call upon the officer, authority, committee or body concerned to show cause why such an order should not be made and if any cause is shown within the time specified by him in this behalf he shall consider the same.

3[(4-A) Where the Kuladhipati passes an order annulling the proceedings under sub-section (4), he may make such subsequent order in relation thereto in conformity with this Act, Rules, Statutes, Ordinances or Regulations as he may deem fit in the interest of the University and the order so made shall be final.]

(5) Every proposal to confer an honorary degree shall be subject to the confirmation of the Kuladhipati.

(6) The Kuladhipati shall exercise such powers as may be conferred on him by or under this Act.

1 Substituted by M.P. Act No. 19 of 1994.

2 Omitted by M.P. Act No. 19 of 1994.

3 Inserted by M.P. Act No. 19 of 1980.

13. Appointment Of Kulpati :-

(1) The Kulpati shall be appointed by the Kuladhipati from a panel of not less than three persons recommended by the Committee constituted under sub-section (2) or sub-section (6):

Provided that if the person or persons approved by the Kuladhipati out of those recommended by the committee are not willing to accept the appointment, the Kuladhipati may call for fresh recommendations from such committee :

1[Proviso xxx]

2[Provided also that the first Kulpati of each University specified in Part II of the Second Schedule shall be appointed by the Kuladhipati after consultation with the State Government.]

(2) The Kuladhipati shall appoint a committee consisting of the following persons, namely :-

(i) one person elected by the Executive Council;

3[(ii) one person nominated by the Chairman of the University Grants Commission];

(iii) one person nominated by the Kuladhipati.

The Kuladhipati shall appoint one of the three persons to be the Chairman of the Committee.

3[(3) For constituting the committee under sub-section (2), the Kuladhipati shall, fix months before the expiry of the term of the Kulpati, call upon the Executive Council and the Chairman of the University Grants Commission to choose their nominees and if any or both of them fail to do so within one month of the receipt of the Kuladhipatis communication in this regard, the Kuladhipati may, further nominate any one or both the persons, as the case may be.

(4) No person who is connected with the University or any College shall be elected or nominated on the committee under sub-section (2).

(5) The committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Kuladhipati.

(6) If, for any reasons, the committee constituted under sub-section (2) fails to submit the panel within the period specified in sub-section (5), the Kuladhipati shall constitute another committee consisting of three persons, not connected with the University or any College, one of whom shall be designated as the Chairman. The committee so constituted shall submit a panel of three persons within a period of six weeks or such shorter period as may be specified from the date of its constitution.

(7) If the committee constituted under sub-section (6) fails to submit the panel within the period specified therein the Kuladhipati may appoint any person whom he deems fit, to be the Kulpati.

1 Omitted by M.P. Act No. 30 of 1988.

2 Inserted by M.P. Act No. 23 of 1983.

3 Substituted by M.P. Act No. 6 of 1997.

14. Emoluments And Conditions Of Service Of Kulpati, Term Of Office Of And Vacancy In The Office Of Kulpati :-

(1) The Kulpati shall be a whole time salaried officer of the University and his emoluments and other terms and conditions of service shall be prescribed by the Statutes.

1[(2) The Kulpati shall hold office for a term of four years and shall not be eligible for appointment for more than two terms :

2[Proviso x x x]

Provided 2[x x x] that notwithstanding the expiry of his term he shall continue to hold office until his successor is appointed and enters upon his office but this period shall not in any case exceed six months.

(2-A) The person holding office of the Kulpati in any university immediately before the commencement of the Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1988, shall continue to hold his office till the expiry of his term of office notwithstanding anything contained in the first proviso to sub-section (2).]

(3) If at any time upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the Kuladhipati that the Kulpati-

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

(ii) has acted in a manner prejudicial to the interests of the University; or

(iii) is incapable of managing the affairs of the University the Kuladhipati may, notwithstanding the fact that the terms of office

of the Kulpati has not expired by an order in writing stating the reasons therein, require the Kulpati to relinquish his office as from such date as may be specified in the order.

(4) No order under sub-section (3) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulpati and he is given a reasonable opportunity of showing cause against the proposed order.

(5) As from the date specified in the order under sub-section (3), the Kulpati shall be deemed to have relinquished the office and the office of the Kulpati shall fall vacant.

3[(6) In the event of the occurrence of any vacancy including a temporary vacancy in the office of the Kulpati by reason of his death, resignation, leave, illness or otherwise, the Rector and if no Rector has been appointed or if the Rector is not available, the Dean of any faculty or the senior most Professor of University Teaching Department nominated by the Kuladhipati for that purpose shall act as the Kulpati until the date on which the Kulpati appointed under sub-section (1) or sub-section (7) of Section 13, enters or re-enters, as the case may be, upon his office :

Provided that the arrangement contemplated in this sub-section shall not continue for a period of more than six months.]

1 Substituted by M.P. Act No. 30 of 1988.

2 Omitted by M.P. Act No. 6 of 1997.

3 Substituted by M.P. Act No. 19 of 1994.

15. Powers And Duties Of Kulpati :-

(1) The Kulpati shall be the principal administrative and academic officer of the University and shall in the absence of the Kuladhipati preside at the meetings of the Court. He shall be an ex-officio member and Chairman of the Executive Council and the Academic Council, member of the Court, and Chairman of such other authorities, committees and bodies of the University of which he is a member.

He shall be entitled to be present and to speak at any meeting of any authority, committee or other body of the University but shall not be entitled to vote thereat unless he is a member of the authority, committee or body concerned.

(2) It shall be the duty of the Kulpati to ensure that this Act, the Statutes, the Ordinances and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Kulpati shall have the power to convene meetings of the Court, the Executive Council, the Academic Council and of such other authorities, Committees and bodies of the University of which he is the Chairman. He may delegate this power to any other officer of the University.

(4) If in the opinion of the Kulpati any emergency has arisen which requires immediate action to be taken, the Kulpati shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter :

Provided that the action taken by the Kulpati shall not commit the University to any recurring expenditure for a period of more than three months :

Provided further that where any such action taken by the Kulpati affects any person in the service of the University such person shall be entitled to prefer, within thirty days from the date on which such action is communicated to him, an appeal to the Executive Council:

1[Provided also that the power shall not extend to matters regarding amendment in the Ordinances, Statutes, Regulations or any matter relating to 2[x x x] appointments.]

(5) On receipt of a report under sub-section (4), if the authority, Committee or body concerned does not approve of the action taken by the Kulpati it shall refer the matter to the Kuladhipati whose decision thereon shall be final.

(6) The action taken by the Kulpati under sub-section (4) shall be deemed to be the action taken by the appropriate authority until it is set-aside by the Kuladhipati on a reference made under sub-section (5) or is set-aside by the Executive Council on an appeal under the second proviso to sub-section (4).

(7) If in the opinion of the Kulpati, and proceeding of any authority, committee or other body of the University is likely to be prejudicial to the interests of the University, he shall record his reasons and refer the matter to the Kuladhipati and so inform the authority, committee or other body concerned whereupon the decision concerned shall not be given effect to till the matter is decided by the Kuladhipati under sub-section (4) of Section 12.

(8) The Kulpati shall exercise general control over the affairs of the University and shall give effect to the decisions of the authorities of the University.

(9) The Kulpati shall exercise such other powers as may be

prescribed by the Statutes, Ordinances or Regulations.

1 Inserted by M.P. Act No. 23 of 1991.

2 Omitted by M.P. Act No. 19 of 1994.

15A. Powers And Duties Of First Kulpati :-

1[It shall be the duty of first Kulpati of each university specified in Part II of the Second Schedule to constitute Court, Executive Council, Academic Council and other authorities of the University within a period of two years from the date of the establishment of the University and till the said authorities are constituted, the Kulpati shall be deemed to be the Court, Executive Council, Academic Council or such other authority, as the case may be, and shall exercise the powers and perform the duties conferred or imposed on such authorities by or under this Act:

Provided that the Kuladhipati may, if he considers it necessary or expedient so to do, appoint a committee after consultation with the State Government consisting of an educationist, an administrative expert and a financial expert to aid and advice the Kulpati in the exercise of his powers and performance of functions in lieu of each such authority.]

1 Inserted by M.P. Act No. 23 of 1983.

15B. Rector :-

1[2[(1) A Rector shall be appointed by the Executive Council on the recommendation of the Kulpati. If the Executive Council does not accept the recommendation of the Kulpati, the matter shall be referred to the Kuladhipati whose decision thereon shall be final].

(2) The Rector shall be a salaried officer of the University.

(3) Subject to the provisions of this Act, the term of office, conditions of service and emoluments of the Rector shall be such as may be prescribed by Statutes and till so prescribed, as may be determined by the Kuladhipati.

(4) The Rector shall perform such duties and exercise such powers of Kulpati as may be assigned to him by the Kuladhipati in consultation with the Kulpati and he shall perform such other duties and exercise such powers as may be prescribed by Regulations.]

1 Inserted by M.P. Act No. 23 of 1983.

2 Substituted by M.P. Act No. 30 of 1988.

15C. State University Service :-

1[(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be constituted the State University Service for the purpose of providing officers to all the Universities in the State. The State University Service shall consist of the cadre of Registrars and such cadres of other officer concerned under clause (vi) of Section 11 as the State Government may, by notification specify.

(2) The State Government may make rules for regulating the recruitment and the conditions of Service of persons appointed to the State University Service :

Provided that until the State University Service is constituted under sub-section (1) and the rules are made under this subjection, appointments to the posts of Registrars vacant on the date of commencement of the Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1980 or to the posts of other officers specified in the notification under sub-section (1) vacant on the date of publication of notification specifying the cadres of officers, as the case may be, shall be filled in by the Kuladhipati by securing the services of suitable officers on deputation.

(3) All the rules made under this section shall be laid on the table of the Legislative

Assembly.

(4) The persons holding the posts of Registrars the date appointed under sub-section (1) of the person holding the posts of officers included in the cadre specified in the notification under the said sub-section, if confirmed in the said posts before the 1st day of September, 1980, shall be permanently absorbed and included in the State University Service. The remaining persons holding the aforesaid posts on the 1st day of September, 1980 may, if found suitable after following such procedure as may be prescribed by rules, be absorbed in the State University Service either provisionally or finally. If any person is not absorbed finally in the State University Service his services shall be liable to be terminated at any time on payment of one months salary last drawn by him.

(5) Where any person referred to in the aforesaid sub-section is finally absorbed in the State University Service as provided therein the conditions of service applicable to him immediately before his absorption, shall not be changed to his disadvantage by making them less favourable to him, except that he shall be liable to transfer from one University to another.]

1 Renumbered by M.P. Act No. 23 of 1983.

16. Registrar :-

1[(1) The Registrar shall be a whole time salaried officer of the University and shall discharge his duties under the Act, subject to the general superintendence and control of the Kulpati. He shall act as the Secretary of the Court, of the Executive Council, of the Academic Council and of the Academic Planning and Evaluation Board.

(2) The Registrar shall be appointed in accordance with the provisions of Section 2[15-C] and the rules made thereunder].

3[(3) xxx]

(4) Subject to the powers of the Executive Council, the Registrar shall unless otherwise provided in the Statutes, be responsible for seeing that all moneys are expended for the purpose for which they are granted or allotted.

(5) Unless otherwise provided for by or under this Act, all contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(6) The Registrar shall exercise such powers and perform such duties as may be conferred or imposed on him, by the Statutes, the Ordinances or the Regulations :

4[Provided that the first Registrar of each University specified in Part II of the Second Schedule shall be appointed by the Kuladhipati after consultation with the State Government and shall hold office for such period not exceeding four years and on such terms and conditions as the Kuladhipati may determine.]

1 Substituted by M.P. Act No. 19 of 1980.

2 Substituted by M.P. Act No. 23 of 1983.

3 Omitted by M.P. Act No. 19 of 1980.

4 Inserted by M.P. Act No. 23 of 1983.

17. Dean Of Students Welfare :-

The Dean of Students Welfare shall be appointed by the Executive Council on the recommendation of the Kulpati.

(2) The Dean to appoint under sub-section (1) shall be a whole time salaried officer :

Provided that the Executive Council may, if it is considered necessary, appoint, on the recommendation of the Kulpati, a teacher, not below the rank of a Reader, to discharge the duties of the Dean of Students Welfare in addition to his duties as such teacher, and in such a case, the Executive Council may sanction a suitable allowance to be paid to him.

(3) The term and conditions of service and the duties and powers of the Dean of Students Welfare shall be prescribed by the Statutes.

18. Other Officers :-

The appointment of other officers of the University referred to in Section 12, shall be made in such manner and the conditions of their service and powers and duties shall be such as may be prescribed by the Statutes, Ordinances or Regulations.

18A. Section 18 Ceases To Apply On Inclusion In State University Service Of Certain Other Officers :-

1[On the inclusion of post of other officers covered under clause (vi) of Section 11 in the State University Service constituted under Section 2[15-C], the provisions of Section 18, shall cease to apply in respect of such other officers.]

1 Inserted by M.P. Act No. 19 of 1980.

2 Substituted by M.P. Act No. 23 of 1983.

CHAPTER 4

AUTHORITIES OF THE UNIVERSITY

19. Authorities Of The University :-

The following shall be authorities of the University :-

- (i) the Court;
- (ii) the Executive Council;
- 1[(ii-a) the Finance Committee];
- (iii) the Academic Council;
- (iv) the Faculties;
- (v) the Boards of Studies;

- (vi) Academic Planning and Evaluation Board;
- (vii) such other authorities as may be declared by the Statutes to be the authorities of the University.

1 Inserted by M.P. Act No. 23 of 1991

20. Constitution Of Court :-

(1) The Court shall consist of the following persons, namely :-

GROUP A

- (i) the Kuladhipati;
- (ii) the Kulpati;
- 1[(ii-a) the Rector];
- (iii) the Deans of Faculties;
- 2[(iii-a) Dean Students Welfare;
- (iii-b) Dean or Director, as the case may be, of the College Development Council;]
- (iv) the Secretary to Government of Madhya Pradesh, 3[Higher Education Department] or his nominee, not below the rank of Deputy Secretary;
- 3[(v) the Commissioner, Higher Education, Madhya Pradesh;]
- (vi) the Director of Public Instructions, Madhya Pradesh;
- (vii) the Director of Technical Education, Madhya Pradesh;
- (viii) the Chairman of the Madhya Pradesh Board of Secondary Education;
- (ix) the Mayor of the Municipal Corporation or the President of the Municipal Council, as the case may be, at the headquarters of the University.

GROUP B

- 4[(x) four Principals of affiliated colleges of the University amongst whom there shall be atleast one Lady Principal, to be elected from amongst themselves in the manner prescribed by the Statutes;]
- 4[(xi) three professors from the University Teaching Departments, elected from amongst themselves, in the manner prescribed by the Statutes;]
- 4[(xii) two professors from the affiliated colleges to be elected from amongst themselves, in the manner prescribed by the Statutes];
- 3[(xiii) two persons from amongst the Readers or Lecturers of the University Teaching Departments and three persons from amongst Assistant Professors of the affiliated Colleges to be elected from amongst themselves in the manner prescribed by the Statutes;]
- 5[(xiv) x x x]
- 6[(xv) fourteen persons, of whom atleast one shall be from the

University Teaching Departments or Schools of. Studies, to be elected by Lecturers from amongst themselves in the manner prescribed by the Statutes;]

GROUP C

4[(xvi) not more than two persons representing "Learned Professions" to be nominated by the Kuladhipati, in the manner prescribed by the Statutes;

(xvii) not more than four persons representing industry, agriculture, labour and commerce to be nominated by the Kuladhipati;

(xviii) eight members of the State Legislative Assembly to be selected by the State Legislative Assembly;

(xix) five Prerrepresentatives to be elected by the registered graduates of the University from amongst themselves;

(xx) every donor donating 7[ten lakhs rupees] or more to the University;

(xx-a) One representative from the salaried non-teaching employees of the University elected from amongst themselves as prescribed by the Statutes; and]

GROUP D

4[(xxi) three students elected by the student members of the Boards of Studies from amongst themselves;

(xxii) two students to be elected from amongst themselves by students who in the academic session immediately preceding the election have been members of teams of the University participating in the University tournaments;

(xxiii) two students to be elected from among its members by an electoral college consisting of students who are for the time being President of Students Union in the Colleges and in the University Teaching Departments.]

GROUP E

(xxiv) such members of the Executive Council who are not member under any of the foregoing items.

Explanation.-

(i) No person shall be eligible to become a member of the Court under more than one item;

(ii) not more than one person shall be elected from any University Teaching Department, School of Study or College under any one item of Group B;

8[(ii) except the representative in clause (xx-a), no salaried employee of any University or any College within the State shall be eligible to be a member under Group C;]

(vi) for purpose of Group D, student shall mean a person who-

(a) is receiving instructions or carrying on research in any of the colleges or University Teaching Department or Schools of Studies or any other institution of the University under terms and conditions laid down in the Ordinances; and

(b) has passed his Higher Secondary Examination not earlier than seven years of his Intermediate Examination not earlier than six years before the opening date of the academic session in which he seeks election :

9[Provided that where, during the period of operation of Proclamation of Emergency made by the President on the 25th June, 1975 under clause (1) of Article 352 of the Constitution of India any student had to discontinue his studies because of his detention under the Maintenance of Internal Security Act, 1971 (No. 26 of 1971), or arrest or imprisonment under the Defence and Internal Security of India Act, 1971 (No. 42 of 1971) or the Defence and Internal Security of India Rules, 1971 or under Section 107 or Section 117 or Section 151 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) and the period specified in this sub-paragraph had expired in relation to such student during such detention, arrest or imprisonment prior to the commencement of the academic year 1977-78, the provisions of this paragraph shall have effect in relation to such student as if for the words "seven years" and "six years" the words "nine years" and "eight years" were respectively substituted.]

(c) the mode of election under items (xix), (xxi), (xxii) and (xxiii) shall be such as may be prescribed by the Statutes;

(2) The term of office of members elected under Group D of subsection (1) shall be one year.

(3) The term of office of members nominated or elected, as the case may be, under Group B and Group C or included in Group E of sub-section (1) shall be coterminous with the term of the Court which shall be three years.

(4) Every donor specified in item (xxi) of sub-section (1) shall be a member of the Court during his life time :

Provided that where such donor is an undivided Hindu Family, trust, firm, company or body corporate, it shall cease to be a donor for the purposes of the membership of the Court on the expiry of a period of fifteen years from the date the donation is accepted by the University, and during the period aforesaid, the representative as may be nominated from time to time by such donor shall be deemed to be the donor.

- 1 Inserted by M.P. Act No. 23 of 1983.
- 2 Inserted by M.P. Act No. 19 of 1994.
- 3 Substituted, by M.P. Act No. 19 of 1994.
- 4 Substituted, by M.P. Act No. 23 of 1991.
- 5 Omitted by M.P. Act No. 10 of 1978.
- 6 Substituted, by M.P. Act No. 10 of 1978.
- 7 Substituted, by M.P. Act No. 31 of 2001, for the words "one lakh rupees".
- 8 Inserted by M.P. Act No. 8 of 1986.
- 9 Inserted by M.P. Act No. 10 of 1978.

21. Meetings Of Court And Quorum Thereat :-

(1) The Court shall meet at least once in a calendar year and at such intervals as may be prescribed by the Statutes.

1[(2) Twenty five members of the Court shall form the quorum :
Provided that no quorum shall be necessary for adjourned meeting.]

1 Substituted, by M.P. Act No. 23 of 1991.

22. Powers And Duties Of Court :-

Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely :-

(i) to act as an advisory body in all matters relating to the University;

(ii) to review from time to time the board policies and programmes of the University and to suggest measures for the improvement and development of the University;

(iii) to consider and pass resolutions on the annual report, the annual accounts and audit reports thereon, if any;

(iv) to consider and pass resolutions on the annual financial estimates of the University;

1[(v) xxx]

(vi) to confer on the recommendation of the Executive Council, honorary degrees and other academic distinctions;

(vii) to review the acts of the other authorities of the University save where such authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes and the Ordinances;

(viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act and the Statutes.

1 Omitted by M.P. Act No. 19 of 1994.

23. Executive Council :-

(1) The Executive Council shall be the Executive Body of the University and shall consist of the following persons, namely :-

(i) the Kulpati;

1[(i-a) the Rector];

(ii) four Deans of Faculties nominated by the Kuladhipati;

(iii) three persons elected by single transferable vote by the Court from among its members;

(iv) two Professors of the University Teaching Departments or Schools of Studies to be nominated by the Kuladhipati by rotation according to seniority;

(v) four Principals of affiliated colleges atleast two of whom shall be from colleges belonging to the State Government, to be nominated by the Kuladhipati by rotation according to seniority;

(vi) the Secretary to Government of Madhya Pradesh 2[Higher] Education Department or his nominee not below the rank of Deputy Secretary;

(vii) the Secretary to Government of Madhya Pradesh, Finance Department or his nominee not below the rank of Deputy Secretary;

3[(viii) six persons nominated by the Kuladhipati amongst whom one each shall be a person belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, out of these six persons two shall be women]:

Provided that-

(a) no salaried employee of any University or any College in Madhya Pradesh shall be eligible for election under item (i) above;

(b) no person shall be eligible for re-election for a second consecutive term under item (ii) above.

(2) Members of the Executive Council other than ex-officio members shall hold office for a period of three years :

Provided that a member of the Executive Council elected under item (iii) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the Court.

(3) Seven members of the Executive Council shall form a quorum :

1[Provided that no quorum shall be necessary for adjourned meeting.]

1 Inserted by M.P. Act No. 23 of 1983.

2 Inserted by M.P. Act No. 19 of 1994.

3 Substituted, by M.P. Act No. 1 of 2003 (w.e.f. 24-1-2003). Prior to substitution it read as under:

"(viii) two members nominated by the Kuladhipati:"

24. Powers And Duties Of Executive Council :-

Subject to the provisions of this Act, and the Statutes, Ordinances or the Regulations made thereunder, the Executive Council shall have the following powers and perform the following duties, namely :-

- (i) to hold control and administer the property funds of the University;
- (ii) to administer the funds placed at the disposal of the University for specific purposes;
- (iii) to adopt the annual accounts together with the audit report;
- (iv) to frame the annual financial estimates of the University and to place them before the Court for its consideration;
- (v) (a) to adopt the annual financial estimates after considering the suggestions of the Court, if any;
- (b) to fix the limit for the total recurring expenditure and total non-recurring expenditure for the year based on the resources of the University which in the case of productive works may include the proceeds of loans;
- (vi) subject to clause
- (v), at any time during the financial year,-
- (a) to reduce the amount of the budget grant;
- (b) to sanction the transfer of any amount within a budget grant from one head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or
- (c) to sanction the transfer of any amount not exceeding Rupees five hundred within a minor head from one subordinate head to another or from one primary unit to another;
- (vii) to borrow and lend funds on behalf of the University :
Provided that funds shall not be borrowed on the security of University property without the prior approval of the 1[State Government];
- (viii) to transfer any movable or immovable property on behalf of the University: Provided that no immovable property of the University shall, except with the prior sanction of the State Government, be transferred by way of mortgage, sale, exchange, gift or otherwise;
- (ix) to enter into, vary, carry out and cancel contracts on behalf of

the University in the exercises or performance of the powers and duties assigned to it by this Act, and the Statutes;

(x) to determine the form of, provide for the custody and regulate the use of the common seal of the University;

(xi) to lay before the 1[Commissioner, Higher Education] annually a full statement of the financial requirements of all colleges and halls;

(xii) to admit colleges to the privileges of the University on the recommendation of the Academic Council and with the previous sanction of the 1[Commissioner, Higher Education] and subject to the provisions of this Act and Statutes and to withdraw any of these privileges and to take over the management of the colleges in the manner and under conditions prescribed by the Statutes and Ordinances;

(xiii) to declare Teaching Departments of the University, Schools of Studies or Colleges as autonomous colleges :

Provided that the extent of the autonomy which each such Teaching Department of the University, School of Studies or Colleges may have and the matters in relation to which it may exercise such autonomy, shall be such as may be prescribed by the Statute.

(xiv) to make provision for building, premises, furniture, apparatus, books and other means needed for carrying on the work of the University;

(xv) to accept on behalf of the University, trusts, bequests, donations and transfers of any movable or immovable property to the University;

(xvi) to manage and regulate the finance, account and investment of the University;

(xvii) to institute and manage :-

(a) a printing, publication and translation Bureau;

(b) an Information Bureau; and

(c) an Employment Bureau;

(xviii) to make provision for-

(a) (i) Extramural teaching and research;

(ii) University extension activities;

(iii) Correspondence Courses;

(b) Physical training;

(c) Students Union;

(d) Students Welfare;

(e) Sports and atheletic activities;

(f) Social service schemes; and

(g) National Cadet Corps;

(xix) to scrutinize all proposals of the Academic Council with a view to their execution within the framework of the budget;

(xx) to institute such Professorships, Readerships, 2[x x x] Lecturerships or other teaching posts as may be proposed by the Academic Planning and Evaluation Board :

Provided that no teaching post shall be instituted without the prior approval of the 1[Commissioner, Higher Education];

1[(xxi) to create administrative, ministerial and other posts with the prior sanction of the State Government;]

(xxii) to abolish or suspend, after report from the Academic Planning and Evaluation Board thereon any Professorship, Readerships, 3[x x x] Lecturerships, or other teaching posts in the University;

(xxiii) to establish, maintain and manage colleges, teaching departments, institutions of research or specialized studies, laboratories, libraries, museums and halls;

(xxiv) to recognize halls and to provide housing accommodation for teachers of the University paid by the University;

(xxv) to arrange for and direct the inspection of affiliated colleges, recognized institutions and halls and to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and payment of adequate salaries, and, in case of disregard of such instructions, to modify on the recommendations of the Academic Council the conditions of affiliation or recognition or taking of such other steps as it deems necessary and proper in that behalf;

(xxvi) to prepare a College Code laying down therein the terms and conditions of affiliation of colleges other than Government colleges;

(xxvii) to call for reports, returns and other information from affiliated colleges, recognized institutions or halls;

(xxviii) to supervise and control the admission, residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(xxix) to recommend to the Kuladhipati the conferment of honorary degrees and academic distinctions in the manner prescribed by Statutes;

3[(xxx) to confer or withdraw degrees, diplomas, certificates and other academic distinctions in the manner prescribed by the Statutes;]

(xxxi) to institute fellowships, scholarships, studentships, exhibitions, medals and prizes;

(xxxii) save as otherwise provided by this Act, or the Statutes, to

appoint the officers other than the Kulpati, teachers and other employees of the University, to define their duties and the conditions of their service and to provide for the filling of temporary vacancies in their posts;

(xxxiii) to regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the University in accordance with the Statutes and Ordinances;

(xxxiv) to recognize a member of the staff of an affiliated College or recognized Institution as a teacher of the University and withdraw such recognition;

(xxxv) to fix remuneration of examiners and to arrange for conduct of and for publishing the results of the University examinations and other tests;

(xxxvi) to cancel examinations in the event of malpractices partially or wholly and to take action against any person or group of persons or institutions found guilty of such malpractices, including rustication of students;

(xxxvii) to take disciplinary action against students enrolled in the University, including candidates for any examinations;

(xxxviii) to take disciplinary action against staff, persons appointed as invigilators, examiners, etc.;

(xxxix) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;

(xl) to make, amend and cancel Ordinance;

(xli) to accept, reject or return to the Academic Council for consideration but not to amend, Regulations formed by the Academic Council;

(xlii) to entertain adjudicate upon and, if deemed fit to redress grievances of the employees and the students;

(xliii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act;

(xliv) to exercise all powers of the University not otherwise provided for in this Act or the Statutes and all other powers which are requisite to give affect to the provisions of this Act or the Statutes;

(xlv) to delegate by Regulations any of its powers to the Kulpati, the Registrar or such other officer of the University or a Committee appointed by it as it may deem fit.

1 Substituted, by M.P. Act No. 19 of 1994.

2 Omitted by M.P. Act No. 10 of 1978.

3 Substituted, by M.P. Act No. 23 of 1991.

24A. Finance Committee And Its Functions :-

1[(1) The Kuladhipati shall constitute a Finance Committee for each University, consisting of the following members, namely :-

2[(i) Kulpati of the University Chairman

(i-a) Registrar of the University Member Secretary.]

(ii) Finance Officer of the University;

3[(iii) Commissioner, Higher Education or his nominee not below the rank of Joint Director;]

(iv) Secretary to the Government of Madhya Pradesh Higher Education Department or his nominee not below the rank of Deputy Secretary;

(v) Secretary to the Government of Madhya Pradesh, Finance Department or his nominee not below the rank of Deputy Secretary.

(2) The Finance Committee shall control the Finances of the University.

(3) Subject to the provisions of this Act and the Statutes, Ordinances and Regulations made thereunder, the Finance Committee shall exercise the powers and perform the functions as under :-

(a) to review the Income and Expenditure of the University;

3[(b) to prepare the Annual Financial Estimates of the University before the commencement of the Financial year and place it before the Executive Council for approval and to advise amendment therein from time to time;]

(c) to sanction proposals and take decisions on the income and expenditure of the University;

(d) to get the annual accounts and the annual audit of the University completed in time and in light of the reports order appropriate directions.

2[(4) Three members shall form the quorum, out of which presence of Kulpati and one member either from clause (iv) or (v) of sub-section (1) shall be essential.]

1 Inserted by M.P. Act No. 23 of 1991.

2 Inserted by M.P. Act No. 19 of 1994.

3 Substituted, by M.P. Act No. 19 of 1994.

25. Academic Council :-

1[(1) The Academic Council shall be the academic body of the University, consisting of the following members :-

(i) Kulpati;

(ii) Rector;

2[(iii) Commissioner, Higher Education, Madhya Pradesh or his nominee not below the rank of Regional Additional Director, Higher Education];

(iv) Chairman, Madhya Pradesh Board of Secondary Education;

(v) Deans of all Faculties;

3[(v-a) Dean or Director as the case may be of the College Development Council;]

(vi) Chairman of Boards of Studies;

(vii) Heads of the Departments of the University;

(viii) Five Principals of colleges affiliated to the University among whom as far as possible at least two shall be lady Principals, nominated by the Kulpati;

(ix) Two Professors of the affiliated Colleges of the University,

nominated by the Kulpati;

(x) Three persons from Readers and Lecturers of the University and Assistant Professors of the Colleges among whom at least two shall be ladies nominated by the Kulpati.

(2) Twelve members of the Academic Council shall form the quorum :

Provided that no quorum shall be necessary for adjourned meeting.]

(3) The Academic Council shall have the power to co-opt, as members, two persons having special knowledge or experience in the subject-matter of any particular business which may come before the Council for consideration. The members so co-opted shall have all the rights of the members of the Council in regard to the transaction of the business in relation to which they may be co-opted.

(4) All the members of the Academic Council other than ex-officio members and members referred to in sub-section (3) shall hold office for a term of three years.

1 Substituted, by M.P. Act No. 23 of 1991.

2 Substituted, by M.P. Act No. 19 of 1994.

3 Inserted by M.P. Act No. 19 of 1994.

26. Powers And Duties Of Academic Council :-

(1) The Academic Council shall in addition to all other powers vested in it by this Act, the Statutes and the Ordinances have the following powers and perform the following duties, namely :-

(i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, operative teaching among colleges and institutions maintained by or admitted to the privileges of the University, valuation of research or improvements in academic standards;

(ii) to consider matter of general academic interest either on its own initiative or on a reference by a faculty or the Executive Council and to take appropriate action thereon;

(iii) to make proposals for allocating departments to the Faculties and to assign Fellows and its own members to the Faculties;

(iv) to make proposals for the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes and to make rules for their award;

(v) to consider the application for admission of an educational institution to the privileges of the University :

1[Provided that no such application shall be considered unless it is accompanied by certificate from the Commissioner, Higher Education to the effect that the establishment of the institution or the expansion of the faculties sought by the Institution has been permitted by him;]

(vi) to prescribe qualifications for recognition of persons as teachers of the University and to accord such recognition;

(vii) to make arrangements for the conduct of examinations and to appoint result committees consisting of its own member or other persons or both, as it thinks fit, to prepare the result of examinations and report such results to the Executive Council for publication;

(viii) to recognize persons eminent in any subject to guide research in that subject.

(2) The Academic Council may appoint a Standing Committee consisting of its members. The constitution, powers and functions of the said Standing Committee shall be determined by the Statutes.

1 Substituted, by M.P. Act No. 19 of 1994.

27. Faculties :-

(1) The University shall have all or any of the following Faculties, namely :-

(i) Arts;

(ii) Social Science;

(iii) Science;

(iv) Law;

(v) Education;

(vi) Engineering;

(vii) Medicine;

(viii) Ayurved;

(ix) Commerce;

(x) Such other facilities as may be prescribed by the Statutes.

(2) Each Faculty shall consist of the Dean and such other members and shall have such powers and perform such duties as may be prescribed by the Statutes.

(3) Each Faculty shall have such departments as may be assigned to it by the Ordinances.

(4) The Dean shall be appointed by the Kuladhipati on the recommendation of the Kulpati for a period of two years from amongst the Professors of the University Teaching Departments or

Schools of Studies who are teachers in the subjects assigned to the Faculty :

Provided further that if there is no Professor of the University Teaching Departments or Schools of Studies teaching of the said subjects the Dean shall be appointed from amongst the College Professors who are teachers in the said subjects :

Provided further that if there is no Professors of University Teaching Departments or Schools of Studies or College Professor or Principal teaching the said subjects, the Kuladhipati may appoint the Dean or any other Faculty to act as the Dean of the Faculty.

(5) The Dean shall be the Chairman of the Faculty and shall be responsible for the due observance of the Statutes, the Ordinances and the Regulations relating to the Faculty and for the conduct and maintenance of standards of teaching and research.

(6) The Dean shall have the right to be present and to speak at any meeting of any Boards of Studies of the Faculty but shall not have the right to vote thereat.

28. 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) Each Board shall consist of-

(i) Professors of University Teaching Departments and Schools of Studies in subjects for which the Board is constituted;

(ii) two Heads of College Departments in Colleges teaching the said subject up to the post-graduate level to be nominated by the Kulpati by rotation according to seniority;

(iii) One Reader from the University Teaching Departments and Schools of Studies teaching the said subjects to be nominated by the Kulpati by rotation according to seniority;

(iv) two Heads of Colleges Departments in college teaching the said subjects up to the degree level to be nominated by the Kulpati by rotation according to seniority;

(v) not more than two teachers in the said subjects to be nominated by the Kulpati;

(vi) one student to be appointed by the Kulpati possessing the qualifications laid down in the Statutes;

(vii) two members to be co-opted by the Board, one of whom shall be an expert from outside the University, and shall be from a recognised research institute, if any, in the subject or group of subjects for which the Board is constituted;

Explanation.-For purposes of clause (vi), student shall mean person who-

(a) is receiving instructions or carrying on research in any of the colleges of University Teaching Departments or Schools of Studies or any other institution of the University under the terms and conditions laid down in the Ordinances; and

(b) has passed his Higher Secondary Examination not earlier than seven years or his Intermediate Examination not earlier than six years before the date of his appointment.

1[Proviso x x x]

(3) The Chairman of the Board of Studies shall be nominated by the Kulpati from amongst the members of the Board referred to in clause (i) of sub-section (2) :

Provided that if there is no member under clause (i), the Chairman shall be nominated by the Kulpati from amongst the members of the Board under clauses (ii) and (iii) of sub-section (2) :

Provided also that if there is no member under clauses (i), (ii) and (iii), the Chairman shall be nominated from amongst the members of the Board under clause (iv).

(4) The term of the Board of Studies shall be three years :

Provided that the term of office of the student member of the Board shall be one year.

1 Omitted by M.P. Act No. 23 of 1991.

29. Powers And Functions Of Board Of Studies :-

1[Subject to the provisions of Section 34-A, the Board of Studies shall have such powers and perform such functions as may be prescribed by the Statutes.]

1 Substituted, by M.P. Act No. 8 of 1986.

30. Academic Planning And Evaluation Board :-

(1) Academic Planning and Evaluation Board shall consist of the following members, namely:-

(i) the Kulpati-Ex-officio Chairman;

1[(i-a) the Rector];

(ii) Deans of Faculties;

2[(ii-a) Dean or Director, Academic Planning and Evaluation Board, of the College Development Council;]

(iii) three heads of University Departments and Schools of Studies nominated by the Kulpati;

(iv) two college Professors nominated by the Kulpati;

- (v) three scholars of repute not connected with the University nominated by the Academic Council;
- (vi) two representatives of industry, agriculture and commerce nominated by the Kuladhipati.
- (2) Seven members of the Board shall form a quorum.
- (3) The term of the Academic Planning and Evaluation Board shall be three years.
- (4) The Academic Planning and Evaluation Board shall have the following powers and perform the following duties, namely :-
 - (i) to prepare the short term and long term plan of the University;
 - (ii) to consider and forward to the Executive Council with its recommendations the research projects and academic programmes proposed by the faculties and to bring about inter-faculty co-ordination for taking up projects or inter-faculty basis;
 - 3[(iii) to suggest new academic programmes to the Faculties and to do academic evaluation of affiliated colleges of the University from time to time;]
 - (iv) to make proposals for the establishment of departments, institutions of research and specialised studies, laboratories and museums;
 - (v) to make proposals for the institution of teaching posts and for prescribing the duties of such posts;
 - (vi) to evaluate from time to time the working of the University Teaching Departments, and School of Studies;
 - (vii) to evaluate periodically the progress of the Plan.

1 Inserted by M.P. Act No. 23 of 1983.

2 Inserted by M.P. Act No. 19 of 1994.

3 Substituted, by M.P. Act No. 23 of 1991.

31. Boards To Be Constituted :-

- (1) There shall be such other Boards in the University as may be prescribed by the Statutes.
- (2) The constitution, term, powers and duties of the Boards constituted under sub-section (1) shall be such as may be prescribed by the Statutes.

CHAPTER 5 **FINANCE**

32. University Fund :-

- (1) The University shall establish a Fund called the University Fund.
- (2) The following shall form part of, or be paid into, the University

Fund-

- (a) any rent, contribution or grant by Central or State Government or any body corporate;
 - (b) trusts, bequests, donations, endowment and other grants, if any;
 - (c) the income of the University from all sources including income from fees and charges;
 - (d) all others 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 Trust Act, 1882 (No. 2 of 1882), at the discretion of the Executive Council.
- (4) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declaration of trusts executed by or on behalf of the University for the administration of any trust.

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

- (1) The University Fund shall be applicable to the following objects and in the following order :
- (a) to the repayment of debts incurred by the University for the purposes of this Act and the Statutes, the Ordinances and Regulations made thereunder;
 - (b) to the upkeep of colleges, teaching departments, schools of studies established by the University, residence and halls;
 - (c) to the payment of the 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 officers and employees of the University, members of the teaching staff and the establishment employed in the colleges, the teaching departments and schools of studies maintained by the University for and in furtherance of the purposes of this Act, and the Statutes, the Ordinances and the Regulations made thereunder and to the payment of any Provident Fund Contributions, gratuity and other benefits to any such officers and employees, members of the teaching staff or the members of such establishments;
 - (f) to the payment of the travelling and other allowances of the members of the Court, Executive Council and the Academic Council and any other authorities of the University and/or the members of any Committee or Board appointed by any of the authorities of the

University in pursuance of any provision of this Act, and the Statutes, the Ordinances or the Regulations made thereunder;

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

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

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

(2) No expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year fixed by the Executive Council without the previous approval of the Executive Council.

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

CHAPTER 6

CO-ORDINATION COMMITTEE, CENTRAL BOARD OF STUDIES AND STATUTES, ORDINANCES AND REGULATIONS

34. Co-Ordination Committee :-

(1) There shall be a Co-ordination Committee consisting of the following persons, namely :-

(i) Kuladhipati;

(ii) The Kulpatris of the Universities specified in the Second Schedule;

2[(ii-a) the Rector of the University specified in the Second Schedule;]

3[(iii) Commissioner, Higher Education, Madhya Pradesh;]

(iv) 4[Principal Secretary/Secretary] to Government of Madhya Pradesh, Law Department;

(v) 4[Principal Secretary/Secretary] to Government of Madhya Pradesh, Finance Department;

(vi) Secretary to Government of Madhya Pradesh;

(vii) 4[Principal Secretary/Secretary] to Government of Madhya Pradesh, 6[Higher] Education Department;

4[(viii) The Kulpatris of the Universities constituted under any of the State Legislature.]

(2) The Kuladhipati shall be the President of the Co-ordination Committee and the 4[Principal Secretary/Secretary] to Government

of Madhya Pradesh, 6[Higher] Education Department, shall be its Secretary.

(3) On coming into force of this Act, notwithstanding the provisions of Section 36 and Section 38 the first Statutes and Ordinances shall be drawn up by the Co-ordination Committee. The First Statutes and Ordinances shall come into force from such date as the Kuladhipati may by an order specify :

Provided that the power conferred on the Co-ordination Committee to draw up the first Statutes and Ordinances shall be exercised within a period of one year from the date appointed under sub-section (3) of Section 1.

(4) The Co-ordination Committee shall exercise the following powers and discharge the following functions :-

(i) to undertake from time to time examination of the Statutes and Ordinances in force in the various Universities and suggest modifications;

(ii) to approve or reject the Statutes and Ordinances submitted by the Executive Council of the University;

(iii) to recommend to the Universities and the 3[Commissioner, Higher Education] on its own motion or on the request of any University a Teacher Exchange Programme, organization of refresher courses or any other academic programme;

(iv) to promote co-operation in academic programmes among the Universities;

(v) to consider matters of common interest to all or some of the Universities;

(vi) to frame bye-laws for the conduct of its business.

(5) The Co-ordination Committee shall meet at Bhopal or such other place and at such intervals as the Kuladhipati may determine.

1 Substituted by M.P. Act No. 27 of 1984.

2 Substituted by M.P. Act No. 23 of 1983.

3 Substituted by M.P. Act No. 19 of 1994.

4 Substituted by M.P. Act No. 6 of 1997.

5 Inserted by M.P. Act No. 19 of 1994.

6 Inserted by M.P. Act No. 6 of 1997.

34A. Central Boards Of Studies :-

1[(1) There shall be Central Boards of Studies for Foundation Course or such other subject or group of subjects as the Kuladhipati may, on the recommendation of the Co-ordination Committee, notify.

(2) The Central Board of Studies for foundation course shall consist of-

(i) one teacher of the University from each University not below the rank of a Reader of the University Teaching Department or one Professor in a College to be

nominated by the Kulpati; and

(ii) such other members not exceeding ten to be nominated by Kuladhipati,

Explanation.-The foundation course shall mean and include a course of general awareness and a course for improving competence in Hindi and English languages.

(3) The Central Board of Studies for other subject or group of subjects shall consist of-

(i) Chairman, Board of Studies of all the Universities in the subject or group of subjects for which the Central Board of Studies is to be constituted :

Provided that if any University does not have a Board of Studies in the subject or group of subjects, the Kulpati may, nominate any teacher not below the rank of a Reader in the University Teaching Department or a Professor in a College :

Provided further that if any University has more than one Board of Studies in the subject or group of subjects, Kulpati may nominate Chairman of any of the concerned Boards of Studies of the University to be a member of the Central Board of Studies;

(ii) not more than four Heads of College Departments, in Colleges teaching the said subjects upto postgraduate level, to be nominated by Kuladhipati;

(iii) not more than five Heads of College Departments in College teaching the said subjects upto degree level, to be nominated by the Kuladhipati;

(iv) not more than five experts to be nominated by the Kuladhipati on the recommendation of the 2[Commissioner, Higher Education] of which at least one shall be from outside the State and as far as possible from a prominent Research Institute, if any, in the relevant field; and

2[(v) one representative of the Commissioner, Higher Education.]

(4) The Kuladhipati shall nominate-

(i) the Chairman of the Central Board of Studies for foundation course from amongst the members referred to in clause (1) of sub-section (2); and

(ii) the Chairman of the Central Board of Studies for other subject or group of subjects from amongst the members referred to in clauses (i) and (ii) of sub-section (3).

(5) The Kuladhipati may whenever he deems necessary, delegate his powers of nomination under sub-section (2), (3) or (4) to the 2[Commissioner, Higher Education.]

(6) The constitution of the Central Board of Studies under this section shall be notified in the Gazette.

(7) The term of each Central Board of Studies shall be three years from the date of publication of the notification under sub-section (6) :

Provided that the Central Board of Studies shall continue to perform its functions and duties for a further period of six months or till the date of notification of constitution of new Central Board of Studies is published whichever is earlier.

(8) Notwithstanding anything contained in this Act or any Statute or Ordinance made thereunder, the Central Board of Studies shall exercise the following powers and discharge the following duties, namely :-

(a) subject to the approval of the Kuladhipati to prescribe the courses of study and examination, to prescribe text books and/or recommended other books for undergraduate level in the subject or group of subjects with which it deals which shall be followed in all Universities in the State :

Provided that approval to the recommendations of a Central Board of Studies shall not be withheld except on the ground that they do not fulfil the objectives set out in this section;

(b) to take steps for translation in Hindi of book in the subject with which it deals and for their publications by the Madhya Pradesh Hindi Granth Academy and such other public bodies as may be working for the same objectives;

(c) to consider and report on any matter referred to it by the Coordination Committee 2[Commissioner, Higher Education] or the Kuladhipati, as the case may be;

(d) to consult specialist, not being its member for carrying out its functions; and

(e) to perform such other functions consistent with this Act within such time as the 2[Commissioner, Higher Education] or the Kuladhipati may, by an order in writing,

require it to perform.

(9) The recommendations of the Board of Studies approved by the Kuladhipati shall come into force in respect of all Universities in the State with effect from the date as may be notified by the Kuladhipati.

(10) Any two or more Central Boards of Studies may, and on being directed by the Kuladhipati shall meet and make a joint report upon any matter which lies within the purview of both or, as the case may be, all of them.

(11) The State Government may, in consultation with the Kuladhipati, make rules for carrying out the purposes of the provisions of this section.

(12) Each Central Board of Studies shall perform its functions in such a manner as to raise the standard of education and to facilitate availability of books of high standard and quality to students at economical prices. For the purpose it shall function in collaboration with the Madhya Pradesh Hindi Granth Academy and such other public bodies as may be working for the same objectives.

(13) The Kuladhipati may at any time suspend, modify or amend any decision of a Central Board of Studies on the ground that it does not fulfil the objectives set out in this section and may direct the Board consider the matter afresh.]

1 Substituted by M.P. Act No. 8 of 1986.

2 Substituted by M.P. Act No. 19 of 1994.

35. Statutes :-

1[Subject to the provisions of this Act, and the rules made thereunder] the Statutes may provide for all or any of the following matters, namely :-

(a) the constitution, powers and duties of such bodies as may be deemed necessary to constitute from time to time;

(b) the manner of election or appointment and the term of office of the members of the bodies referred to in clause (a) including the continuance in the office of the first members, and filling of vacancies of members and all other matters relating to those bodies for which it may be necessary or desirable to provide;

(c) emoluments and other terms and conditions of service of the Kulpati, his powers and duties;

2[(c-i) the term of office, conditions of service, and emoluments of Rector and his powers and duties.]

(d) powers and duties of the Registrar, and other officers and employees of the University and the conditions of their service;

(e) the constitution of a pension or Provident Fund and the establishment of an insurance scheme and provision of gratuity and other benefits for the benefits of the officers, teachers and other employees of the University;

(f) the holding of convocation to confer degrees;

(g) conferment of honorary degrees;

(h) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(i) the establishment and abolition of Faculties, halls, colleges, Teaching Departments, Schools of Studies and institutions

maintained by the University;

(j) the conditions under which colleges, and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(k) the extent of the autonomy which the Teaching Departments of the University, Schools of Studies or Colleges may have and the matters in relation to which such autonomy may be exercised;

(l) qualifications of Professors, Readers, 3[x x x] Lecturers and other teachers in affiliated colleges and recognised institutions;

(m) the administration of endowments, and the institution of fellowships, scholarships, studentships, exhibitions, bursaries, medals, prize and other awards;

(n) the emoluments and terms and conditions of service of the officers and the emoluments and terms and conditions of service other than pay scales of teachers of the University paid by the University;

(o) the mode of determining seniority for the purpose of this Act;

(p) the maintenance of a register of registered graduates;

(q) establishment and constitution of Bureau for publication and translation in Hindi; and

(r) all other matters which by this Act are to be provided for by the Statutes.

1 Substituted by M.P. Act No. 19 of 1980.

2 Inserted by M.P. Act No. 23 of 1983.

3 Omitted by M.P. Act No. 10 of 1978.

36. Statutes How Made :-

(1) The first Statutes of the University shall be prepared by the Co-ordination Committee.

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

1[(3) The Co-ordination Committee may on receiving a proposal from the Executive Council of a University or on its own motion consider the draft of a Statute that is in the interest of either one or all the Universities;]

2[(3-A) xxx]

(4) Where a draft is proposed by the Executive Council, the Co-ordination Committee may approve of such draft and pass the Statute or reject it or return it to the Executive Council for reconsideration either in whole or in part together with any

amendment which the Co-ordination Committee may suggest.

(5) After any draft returned under sub-section (4) has been further considered by the Executive Council 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 Executive Council thereon and the Co-ordination Committee may approve or reject the Statute.

(6) The Co-ordination Committee shall not take into consideration nor the Executive Council shall propose the draft of any Statute or of any amendment of a Statute or of repeal of any Statute-

(a) 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; or

(b) affecting the conditions of admission of colleges, privileges of the University, until the Academic Council has been given an opportunity of expressing an opinion upon the proposal and such opinion shall be forwarded by the Executive Council to the Co-ordination Committee along with any draft it may propose.

(7) Where the Co-ordination Committee approve the Statutes, they shall become effective from such date as the Co-ordination Committee may specify.

1 Substituted by M.P. Act No. 23 of 1991.

2 Omitted by M.P. Act No. 23 of 1991.

37. Ordinances :-

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

(i) the admission of students to colleges, Teaching Departments, Schools of Studies and laboratories and levy of fees and their enrolment;

(ii) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, and the qualifications for the same;

(iii) the examinations leading to the degrees, diplomas and certificates of the University;

(iv) the fees to be charged for courses of study in the University and for admission to the examination, degrees and diplomas of the University;

(v) laying down conditions for appearing at examinations for degrees, diplomas, certificates and other academic distinctions;

(vi) conduct of examinations;

- (vii) the condition of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes etc.
 - (viii) the maintenance of discipline amongst the students of the University;
 - (ix) the conditions of residence of the students of Teaching Departments, Colleges, School of Studies and the levy of fees for residence in halls;
 - (x) the recognition and inspection of halls;
 - (xi) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing for them special courses of study;
 - (xii) giving of moral instructions;
 - (xiii) the management of Colleges and other institutions founded or maintained by the University;
 - (xiv) the supervision and inspection of colleges and other institutions admitted to the privileges of the University;
 - (xv) the duties, qualifications and conditions of appointment including pay scales of teachers of the University paid by the University;
 - (xvi) the duties and powers of the Boards and Committees to be appointed by the University jointly with any other University or body;
 - (xvii) the rules to be observed and enforced by affiliated colleges and recognised institutions in respect of transfer of students;
 - (xviii) the register of students to be kept by affiliated colleges and recognised institutions;
 - (xix) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xx) the rates at which travelling allowance and daily allowance shall be admissible to the members of the authorities, Committees and other bodies of the University, the examiners, the officers and staff of the University;
 - 1[(xxi) Constitution of students union and its mode;]
 - (xxii) all other matters which by this Act or the Statutes are also to be or may be provided for by the Ordinances :
- Provided that an Ordinance under item (xv) shall be subject to the provisions of Section 50.
- 1 Substituted by M.P. Act No. 19 of 1994.

38. Ordinances How Made :-

- (1) All Ordinances except the first Ordinance shall be made by the

Executive Council.

1[(2) An Ordinance made by the Executive Council shall come into force from the date on which it is approved by the Co-ordination Committee.]

1 Substituted by M.P. Act No. 23 of 1991.

39. Procedure Regarding Ordinance :-

(1) Notwithstanding anything contained in sub-section (1) of Section 38, no Ordinance shall be made by Executive Council :

(a) affecting the admission of students, or prescribing examinations to be recognised equivalent to the University Examinations or the further qualifications mentioned in sub-section (1) of Section 43 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic Council; or

(b) affecting conditions and duties of examiners and the conduct or standard of examinations except in accordance with a proposal of the Faculty or Faculties concerned and unless a draft of such ordinance has been proposed by the Academic Council; or

(c) affecting the qualifications and emoluments of teachers of the University paid by the University, unless a draft of the same has been proposed by the Academic Council.

(2) The Executive Council shall not have powers to amend any draft proposed by the Academic Council under sub-section (1) but may reject the proposal or return the draft to the Academic Council, for reconsideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(3) After any draft returned under sub-section (2) has been further considered by the Academic Council together with any amendment suggested by the Executive Council it shall be again presented to the Executive Council with a report of the Academic Council thereon and the Executive Council may then deal with the draft in such manner as it may think fit.

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Co-ordination Committee and the Co-ordination Committee may direct that such ordinance shall have effect from such date as may be specified in the direction.

40. Regulations :-

(1) The authorities, Committee, and other bodies of the University constituted by or under the Act may make regulations subject to

the provisions of this Act, the Statutes and the Ordinances :

(a) laying down the procedure to be observed at their meeting and the number of members required to form a quorum :

Provided that until regulations providing for quorum are made, the quorum to constitute a meeting of any authority, Committee or other body of the University shall be number forming the majority of the member constituting such authority, Committee or other body of the University for the time being;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and

(c) providing for all other matters solely concerning such authority, or other body or the committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority, Committee and body of the University shall make Regulations providing for the giving of notice to the members of such authority, Committee or body of the date of meetings and of the business to be considered at meetings and for keeping the minutes of the meetings.

(3) The Executive Council may modify or annul any regulations made under this section by any authority, Committee or body other than the Court:

Provided that any authority, Committee or body of the University which is not satisfied with any modification or annulment may appeal to the Co-ordination Committee whose decision in this matter shall be final.

CHAPTER 7

RESIDENCE OF STUDENTS, ENROLMENT AND DEGREES ETC.

41. Residence Of Students :-

Every student of the University shall reside in hall or elsewhere under such conditions as may be prescribed by the Statutes and Ordinances.

42. Halls :-

(1) Hall, other than those maintained by the University shall be such as may be recognised by the Executive Council on such general or special conditions as may be prescribed by the Ordinances.

(2) The Wardens and the superintending staff of the hall shall be appointed in the manner prescribed by the Statutes.

(3) The conditions of residence in hall shall be prescribed by the

Ordinances and every hall shall be subject to inspection by any authority or officer of the University authorised in this behalf by the Executive Council.

(4) The Executive Council shall have power to suspend or withdraw the recognition of any hall on the ground that it is not conducted in accordance with the conditions prescribed by the Ordinances :

Provided that no such action shall be taken without affording the managing authority of such hall an opportunity of making such representation as it may deem fit.

43. Admission To University Courses :-

(1) Students shall not be eligible for admission to a course of study for a degree unless they have passed the final examination held under the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (No. 23 of 1965), or an examination recognised in accordance with the provisions of this section as equivalent thereto and passes, such further qualifications as may be prescribed by the Ordinances and have been enrolled as students of the University.

(2) The University may with the previous sanction of the 1[Commissioner, Higher Education] recognise for the purposes of admission to a course of study for a degree as equivalent to its own degrees and any degree conferred by any other University, or as equivalent to the final examination held under the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (No. 25 of 1965), any other examination.

(3) No student shall be admitted to a course of study leading up to a degree unless he is enrolled as a student in a College, Teaching Department or School of Study :

Provided that a student shall be admitted to a course of study leading upto-

(i) a Bachelors Degree or Masters Degree in Mathematics in the Faculty of Science;

(ii) a degree in the Faculty of Arts, Faculty of Social Science or the Faculty of Commerce;

(iii) a Bachelors degree in the Faculty of Law, in the case of women student permitted by a notification under the third proviso to clause (10) of Section 6, whether such student is enrolled as a student of a college, teaching department, school of studies or not.

2[(iv) a Bachelors degree in the Faculty of Home Science.]

(4) Student who are not enrolled as members of a College, Teaching Department or School of Studies shall be non-collegiate

students of the University.

1 Substituted by M.P. Act No. 19 of 1994.

2 Inserted by M.P. Act No. 19 of 1980.

44. Appointments Of Examiners And Moderators :-

(1) Subject to the provisions of the Statutes, all Examiners and Moderators of examination questions shall be appointed by the Kulpati, in consultation with the Committee consisting of the following members :-

(i) the Dean of the Faculty concerned who shall be the Chairman of the Committee;

(ii) the Chairman of the Board of Studies concerned;

(iii) a member of the Board of Studies concerned to be nominated for the purpose by the Kulpati.

(2) If during the course of an examination any Examiner becomes for any cause, incapable of acting as such, the Kulpati shall appoint an Examiner to fill the vacancy.

45. Inspection Of Colleges And Reports :-

(1) Every College shall furnish such reports, returns and other information as the Executive Council, after obtaining the opinion of the Academic Council, may, require to enable it to judge the efficiency of the College or Institution.

(2) The Executive Council shall cause such College or Institution to be inspected from time to time by one or more competent persons authorised by the Executive Council in this behalf.

(3) The Executive Council may call upon any such College or Institution so inspected to take within a specified period, such action as may appear to it to be necessary.

46. Registered Graduates :-

1[(1)] The following persons shall, on payment of such fees as may be prescribed by the Statutes be entitled to have their names enrolled in the register of registered graduates to be maintained in such form as may be prescribed by the Statutes-

(a) any graduate of the University;

(b) any graduate of at least three years standing of any other University incorporated by Laws in India and residing within the territorial jurisdiction of the University :

Provided that a graduate registered as a registered graduate in

more than one of the Universities under the enactments repealed under Section. 2, shall within a period of six months from the date appointed under sub-section (3) of Section 1, by a declaration, in such form as may be prescribed by Statutes filed before the Registrar of any of the Universities in respect of which he fulfils the conditions laid down in clause (a) or (b) above exercise his option to be a registered graduate of such University and on exercise of such option he shall cease to be a registered graduate of all the other Universities of which he was a registered graduate before the date aforementioned :

Provided that if any such registered graduate fails to exercise the option under the preceding proviso, he shall, on the expiration of the period of six months from the date appointed under sub-section (3) of Section 1, cease to be a registered graduate of all the Universities of which he was a registered graduate

1[(2) Notwithstanding the fact that the period specified in the provisos to sub-section (1) has expired, the Kuladhipati may, if he is of the opinion that it is necessary to do in respect of any University, by order declare that the said period shall stand extended by a further period of six months from the date of expiry of the aforesaid period in respect of that University and thereupon the reference to the period of six months in the said provisos shall with respect to that University, be read and construed a reference to the period so extended.]

1 Renumbered by M.P. Act No. 17 of 1974. prior to such date.

2 Inserted by M.P. Act No. 17 of 1974.

CHAPTER 8

AUDIT

47. Annual Report :-

The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before the date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting. The Court may pass resolution thereon and communicate the same to the Executive Council. 1[The University shall, thereafter, send a copy of the annual report to the State Government and the State Government shall, as soon as may be, cause the same to be laid on the table of the State Legislative Assembly.]

1 Inserted by M.P. Act No. 23 of 1991.

48. Audit Of Accounts :-

(1) The accounts of University shall at least once every year at intervals of not more than fifteen months be audited by the Examiner of Local Fund Accounts of the State.

1[(1-a) Notwithstanding anything contained in sub-section (1), the Accountant General, Madhya Pradesh may, with the previous approval of the Governor, audit all receipts and expenditures of any University established under this Act, where the grant or loan to such University from the Consolidated Fund of the State, in a financial year is not less than rupees one crore.

(1 -b) Where the receipts and expenditure of any University is, by virtue of the fulfilment of the condition specified in sub-section (1-a), audited by the Accountant General, Madhya Pradesh in a financial year, he shall continue to audit the receipts and expenditure of that University for a further period of two years notwithstanding that the condition specified in sub-section (1-a) is not fulfilled during any of the two subsequent years.]

2[(2) The copy of the audited accounts together with the audit report shall be submitted by the Executive Council to the Court, 3[the Commissioner, Higher Education] and the State Government. The State Government shall, as soon as may be, cause the same to be laid on the table of the State Legislative Assembly.]

1 Inserted by M.P. Act No. 12 of 2009.

2 Substituted by M.P. Act No. 23 of 1991.

3 Substituted by M.P. Act No. 19 of 1994.

CHAPTER 9

APPOINTMENTS TO TEACHING POSTS IN THE UNIVERSITY

49. Appointment To Teaching Posts :-

(1) No person shall be appointed-

(i) as a Professor, Reader, 1[x x x] or Lecturer; or

(ii) to any other teaching post of the University paid by the University except on the recommendation of a committee of selection constituted in accordance with sub-section (2) :

Provided that if appointment to any of the teaching posts aforesaid is not expected to continue for more than 2[six months] and cannot be delayed without detriment to the interest of the Departmental or institution maintained by the University, the Executive Council may make such appointment without obtaining the recommendation of the committee of selection constituted under sub-section (2) but the person so appointed shall not be retained

on the same post for a period exceeding 2[six months] or appointed to another post in the service of the University except on the recommendation of the said committee of selection :

3[Provided further that any such appointment purported to have been made under the preceding proviso prior to the 13th day of February, 1974 and continuing on such date shall continue till the 30th day of June, 1974 or the filling up of the post in accordance with sub-section (5), whichever is earlier.]

(2) The members of the committee of selection shall be :-

(i) the Kulpati Chairman;

4[(i-a) xxx]

4[(ii) xxx]

5[(iii) one expert to be nominated by Kuladhipati from a panel, submitted by the Academic Council of three experts in the subject not connected with the University in any manner whatsoever;

(iv) Three subject experts, not connected with the University in any manner whatsoever to be nominated by the Kuladhipati] :

6[Provided that atleast one of the three experts shall be nominated from category of Scheduled Castes, Scheduled Tribes or Other Backward Classes. In case of non-availability of an expert from these categories, one Administrative Officer not below the rank of Commissioner, who belongs to reserved categories, shall be nominated.]

7[(v) xxx]

8[(3) Three members of the Selection Committee shall form a quorum.]

9[(4) The Committee shall investigate the merits of the various candidates, and shall recommend to the Executive Council the names, if any, of persons whom it considers suitable for the posts, arranged in order of merit:]

5[Provided that no recommendation shall be made unless at least two experts nominated under clauses (iii) and (iv) of sub-section (2) are present in the meeting in which such recommendation is to be decided upon.]

9[(5) Out of the names so recommended under sub-section (4), the Executive Council shall appoint persons in order of merit]:

Provided that where Executive Council proposes to make the appointment otherwise than in accordance with the order of merit arranged by the committee, the Executive Council shall record its reasons in writing and submit its proposal for sanction of the Kuladhipati.

1 Omitted by M.P. Act No. 10 of 1978.

- 2 Substituted by M.P. Act No. 17 of 1974.
- 3 Inserted by M.P. Act No. 17 of 1974.
- 4 Omitted by M.P. Act No. 23 of 1991.
- 5 Substituted by M.P. Act No. 19 of 1994.
- 6 Inserted by M.P. Act No. 31 of 2001.
- 7 Omitted by M.P. Act No. 19 of 1994.
- 8 Inserted by M.P. Act No. 19 of 1994.
- 9 Substituted by M.P. Act No. 23 of 1991.

49A. Promotion Of Teachers :-

1[(1) Notwithstanding anything to the contrary contained in any other provisions of this Act, a Lecturer or a Reader in the University substantively appointed under Section 49, who has put in such length of service and possesses such qualifications as prescribed in the promotion scheme formulated by the University Grants Commission, or the Ministry of Human Resources Development, Department of Education, Government of India and adopted by the State Government and the University, may be given promotion to the post of Reader or Professor, respectively.

(2) Such promotions shall be given on the recommendation of the Selection Committee constituted under sub-section (2) of Section 49 in such manner and subject to such conditions as prescribed in the promotion schemes or in the Ordinance made by the University.

(3) Nothing contained in this section shall affect the posts of the teachers of the University to be filled by direct recruitment in accordance with the provisions of Section 49.

(4) For promotion, the higher post shall be deemed to be automatically created by upgradation of the lower post and it shall be a cadre post :

Provided that the higher post shall automatically be converted into the lower post when the incumbent vacates the higher post].

1 Inserted by M.P. Act No. 6 of 1997.

50. Salaries Of Teachers Paid By University :-

The payment of the salaries to the teachers of the University paid by the University shall be in accordance with scales fixed by the Executive Council by Ordinance with the prior approval of the State Government.

CHAPTER 10

EMERGENCY PROVISIONS

51. State Government To Assume Financial Control In Certain Circumstances :-

(1) If the State Government is satisfied that owing to mal-administration or financial mis-management in the University a situation has arisen whereby financial stability of University has become insecure, it may, by a notification, declare that the finances of such University shall be subject to the control of the State

Government.

(2) Every notification issued under sub-section (1) shall, in the first instance, remain in operation for a period of one year from the date specified in the notification and the State Government may, from time to time, by a like notification, extend the period of operation by such further period as it may think fit, provided that the total period of operation does not exceed three years.

(3) During the period the notification issued under sub-section (1) remains in operation, the executive authority of the State Government shall extend to the giving of directions to the said University to observe such canons of financial property as may be specified in the direction and to the giving of such other directions as the State Government may deem necessary and adequate for the purpose.

(4) Notwithstanding anything contained in this Act, any such direction may include :-

(i) a provision requiring the submission of the budget to the State Government for sanction;

(ii) a provision requiring the University to submit every proposal involving financial implication to the State Government for sanction;

(iii) a provision requiring the submission of every proposal for revision of scales of pay and rates of allowances of the officers, teachers, and other persons employed by the University to the State Government for sanction;

(iv) a provision, requiring the reduction of salaries and allowances of all or any class of persons employed by University;

(v) a provision requiring the reduction in the number of officers, teachers and other persons employed by the University;

(vi) a provision requiring the lowering down of scales of pay and rates of allowances;

(vii) a provision in regard to such other matters as may have the effect of reducing the financial strain on the University.

(5) Notwithstanding anything contained in this Act, it shall be binding on every authority of the University and every officer of the University to give effect to the direction given under this section.

(6) Every officer of the University shall be personally liable for misapplication of any fund or property of the University as a result of non-compliance of the direction given under this section to which he shall have been a party or which shall have happened through or been facilitated by gross neglect of his duty as such officer, and the loss so incurred shall, on a certificate issued by the Secretary to

Government, Madhya Pradesh, Education Department, be recovered from such officer as an arrear of land revenue:

Provided that no action to recover the amount of loss as an arrear of land revenue shall be taken until reasonable opportunity has been given to the person concerned to furnish an explanation and such explanation has been considered by the State Government.

52. Power Of State Government To Apply Act In Modified Form With A View To Provide For Better Administration Of University In Certain Circumstances :-

(1) If the State Government on receipt of a report or otherwise, 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, without detriment to the interests of the University, and it is expedient in the interest of the University so to do, it may by notification, for reasons to be mentioned therein, direct that the provisions of Sections 13, 14, 20 to 25, 40, 47, 48, 54 and 68 shall, as from the date specified in the notification (hereinafter in this section referred to as the appointed date), apply to the University subject to the modifications specified in the Third Schedule.

(2) The notification issued under sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year from the appointed date and the State Government may, from time to time, extend the period by such further period as it may think fit so however that the total period of operation of the notification does not exceed three years.

(3) The Kuladhipati shall simultaneously with the issue of the notification appoint the Kulpati under Sections 13 and 14 as modified and the Kulpati so appointed shall hold office during the period of operation of the notification :

Provided that the Kulpati may, notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year.

(4) As from the appointed date, the following consequences shall ensue namely :-

(i) during the period of operation of the notification, this Act shall effect subject to the modifications specified in the Third Schedule;

(ii) the Kulpati, holding office immediately before the appointed date, shall notwithstanding that his term of office has not expired,

vacate his office;

(iii) every person holding office as a member of the Court, the Executive Council or the Academic Council, as the case may be, immediately before the appointed date shall cease to hold that office;

(iv) the student representatives of the University on the student consultative committee under clause (i) of sub-section (1) of Section 54 immediately before the appointed date shall cease to be members of the said committee;

(v) until the Court, Executive Council or Academic Council, as the case may be, is reconstituted in accordance with the provisions as modified, the Kulpati appointed under Sections 13 and 14 as modified shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the Court, the Executive Council or Academic Council:

Provided that the Kuladhipati may, if he considers it necessary so to do, appoint a committee consisting of an educationist, an administrative expert and a financial expert to assist the Kulpati so appointed in exercise of such powers and performance of such duties.

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable thereafter, the Kulpati shall take steps to constitute the Court, Executive Council and Academic Council in accordance with the provisions of the Act, as unmodified and the Court, Executive Council and Academic Council as so constituted shall begin to function on the date immediately following the date of expiry if the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later :

Provided that if the Court, Executive Council and Academic Council are not constituted before the expiration of the period of operation of the notification, the Kulpati shall on such expiration, exercise the powers of each of these authorities subject to prior approval of the Kuladhipati till the Court, Executive Council or Academic Council, as the case may be, is so constituted.

53. Effect On Expiration Of The Period Of Operation Of Notification Under Section 52 :-

On expiration of the period of operation of the notification issued under Section 52, the provisions of this Act, as modified in application to the University mentioned in the notification shall

cease to operate in respect thereof and the other relevant provisions of this Act shall review and continue to apply thereto :
Provided that the expiration of the operation of the notification shall not affect:-

- (a) the previous operation of, or anything done or suffered under the provisions as modified or any order made thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions as modified or any order made thereunder; or
- (c) any investigation or remedy in respect of any such right, privilege, obligation or liability as aforesaid, and such investigation or remedy may be instituted or enforced as if the modified provisions had not ceased to apply.

CHAPTER 11

STUDENT CONSULTATIVE COMMITTEE

54. Student Consultative Committee :-

(1) There shall be a State-level Student Consultative Committee consisting of the following members, namely :-

- (i) Three students representative from each University elected by the student members of the Court of that University from amongst themselves, one each from student members under items (xxii), (xxiii) and (xxiv) of Section 20 :

Provided that if the student representatives under this item do not include-

- (a) a student from the Medical Colleges in the State; or
- (b) a student from the Engineering Colleges in the State. A student each representing Medical Colleges and Engineering Colleges in the State shall be nominated by the State Government :

Provided further that if the student representatives included less than two girl students, the State Government shall nominate such number of girls students as to make their number two.

- (ii) two Kulpatis of Universities by rotation in the order in which the Universities are named in the Second Scheduled nominated by the State Government;
- (iii) two Registrars of Universities by rotation in the reverse order to that referred to in item (ii) nominated by the State Government;
- (iv) two Deans of Students Welfare or such other two officers as are incharge of students welfare in the Universities nominated by the State Government;
- (v) an officer of the 1[Higher] Education Department not below the

rank of Deputy Secretary to Government nominated by the State Government.

Explanation.-For the purpose of this sub-section, "Student" shall have meaning assigned thereto in Section 20.

(2) The member nominated under item (v) of sub-section (1) shall be the Convenor.

(3) The Committee shall elect its own Chairman for every meeting from amongst the members present.

(4) The term of the committee shall be one year and the term of office of members of the committee shall be co-terminus with the term of the committee.

(5) The committee shall have the powers to discuss and make recommendations on-

(a) the approach to Higher Education of Universities;

(b) academic programmes of general significance;

(c) organisation and programming of teaching work and examinations;

(d) extra-curricular and co-curricular activities in Colleges and Universities including organisation of Inter University competitions and Tournaments and youth festivals;

(e) student welfare activities in Universities including Health Services;

(f) work experience programmes for students;

(g) organisation of social service by students;

(h) residence and discipline of students;

(i) any other matter of interest to students in general.

(6) The Committee may-

(a) lay down a Code of Conduct for students;

(b) recommend steps for the promotion of teacher student relationship;

(c) suggest agencies and steps for resolving differences between students and the administration in educational institutions.

(7) The Committee may communicate its views on matters included in sub-sections (5) and (6) to any or all Universities, as the need be, for consideration.

1 Inserted by M.P. Act No. 19 of 1994.

CHAPTER 12

SUPPLEMENTARY PROVISIONS

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

If any question arises regarding the interpretation of any provisions of this Act or of any Statutes, Ordinance or Regulation or as to whether any person has been duly elected, 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:

1[Provided that before taking any such decision, the Kuladhipati himself or an officer nominated by him, shall give the person or persons affected thereby a reasonable opportunity of being heard.]

Explanation 2[I].-In this section, the expression "body" includes any committee constituted by or under the Act.

3[Explanation II.-In this section, the expression "appointed" does not include appointments to the salaried posts of the University.]

1 Substituted by M.P. Act No. 19 of 1994.

2 Renumbered by M.P. Act No. 23 of 1991.

3 Inserted by M.P. Act No. 23 of 1991.

56. Constitution Of Committees :-

Where any authority of the University is given power by this Act, or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons, if any, as the authority, in each case, may think fit.

57. Filling Of Casual Vacancies :-

Save as otherwise provided in this Act, all casual vacancies among the members other than ex-officio members of any authority, committee or other body of the University shall be filled, as soon as conveniently may be, by the person or body who nominated, appointed, elected or co-opted the member whose place has become vacant, and the person nominated, appointed, elected or co-opted the member whose place has become vacant, and the person nominated, appointed, elected or co-opted to a casual vacancy shall be a member of such authority, committee or body for the remainder of the term for which the person whose place he fills would have been a member.

58. Proceedings Of University And Bodies Not Invalidated By Vacancies :-

No act or proceeding of any authority, committee or body of the

University shall be invalid merely by reason of-

- (a) any vacancy in or defect in the constitution thereof; or
- (b) any defect in the election, nomination or appointment of a person acting as a member thereto; or
- (c) any irregularity in its procedure not affecting the merits of the case.

59. Conditions Of Service :-

(1) Every salaried officer and teacher of the University paid by the University shall be appointed under a written contract which shall be lodged with the University and a copy thereof furnished to the officer or teacher concerned :

1[Provided that nothing in this sub-section shall apply in respect of persons whose services are secured on deputation or who are appointed in the Service created under sub-section (1) of Section 2[15-C].

3[(2) Any dispute regarding service matters arising out of contract or otherwise between a University and any of its salaried employees shall be adjudicated upon by the Vice-Chancellor and an appeal against the Vice-Chancellors decision shall lie to the Kuladhipati, who shall decide the dispute himself or refer it to a Tribunal constituted for the purpose consisting of the following members, namely :-

- (i) a Senior Vice-Chancellor of any of the University;
- (ii) a Senior Secretary to the State Government; and
- (iii) a Senior Principal of the post-graduate college of the State.]

4[(3) xxx]

1 Inserted by M.P. Act No. 19 of 1980.

2 Substituted by M.P. Act No. 23 of 1983.

3 Substituted by M.P. Act No. 23 of 1991.

4 Omitted by M.P. Act No. 23 of 1991.

60. Pension And Provident Fund :-

(1) The University shall constitute, for the benefit of its officers, teachers, clerical staff and other employees in such manner and subject to such conditions as may be prescribed by the statutes such pension, insurance and provident fund and institute such other benefits as it may deem fit.

(2) Where any such pension, insurance or provident fund has been so constituted or where any such pension, insurance or provident fund has been constituted by a college under rules which have

been approved by the State Government, the State Government may declare that the provisions of the Provident Fund Act, 1925 (No. 19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

61. Protection Of Acts And Orders :-

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

62. Approval For Imparting Instructions :-

No person shall impart instruction in the University or in any College-

(a) unless such person possesses the qualifications laid down by the Academic Council in that behalf; and

(b) except in such subject or subjects and upto the standard for which his qualifications have been approved by the Academic Council.

63. Classification Of Teachers :-

(1) "Professor" and "Reader" mean respectively teachers appointed by the Executive Council on the scales of pay not lower than that approved for a Professor and a Reader by the University Grants Commission and accepted by the State Government and where the scale of pay approved by the University Grants Commission is higher than that approved by the State Government in this behalf then on the scale of pay as approved by the State Government.

(2) "Visiting Professor" means a Professor invited by the Executive Council for a fixed term of years or appointed by the Executive Council for a short term stipulated in the contract.

1[(3) A teacher other than Professor, Visiting Professor and Reader in any University Teaching Department or Schools of Studies shall, rank as Lecturer if appointed on a scale of pay-

(a) not lower than that approved for a Lecturer by the University Grants Commission and accepted by the State Government;

(b) lower than that approved for a Lecturer by the University Grants Commission and approved by the State Government in this behalf.]

(4) "College Professor" means a teacher appointed on the scales of

pay not lower than that approved by the State Government for a Professor in a College for professional education or in any other college imparting instructions in the subject concerned upto post-graduate level and includes a Principal of such College who proved to the satisfaction of the Academic Council that he engages himself in guiding research and teaching the subject in addition to the administrative work of the office of the Principal.

1[(5) "Reader and Lecturer" in a College, shall respectively mean person appointed as Reader or Lecturer in an affiliated College on a scale of pay not lower than that approved by the State Government for Reader or Lecturer in a College as the case may be, and the expression "Lecturer" includes the person appointed prior to the 13th day of January, 1978 as Assistant Professor].

(6) A teacher who is appointed on part-time or honorary basis in the Faculty of Law or in any other Faculty where such appointment is permitted by the Academic Council, shall rank as Lecturer.

1 Substituted by M.P. Act No. 10 of 1978.

64. Term Of Office Of Member Of Authority Of University :-

(1) Whenever in accordance with this Act, any person is to hold an office or to be a member of any authority by rotation according to seniority, such seniority in the absence of any provision to the contrary in the Act, shall be determined in accordance with the Statutes :

Provided that till the Statutes are made, the seniority in a particular cadre shall be determined by the length of continuous service in such a cadre and where the length of continuous service of two or more persons in the same cadre is the same, then "Seniority" shall be determined by seniority in age.

(2) Whenever any person becomes a member of any authority by virtue of the post or office held by him or by virtue of possessing a specified qualification, he shall forthwith cease to be a member of such authority if he ceases to hold such post or office or if he ceases to possess such qualification before the expiry of the term of his membership :

Provided that he shall not be deemed to have ceased to hold his post or office merely by reason of his proceeding on leave for a period not exceeding four months.

65. Resignation Of Member Or Officer Of University :-

(1) Any member other than an ex-officio member of the Court, the

Executive Council, the Academic Council or any other University Authority or Committee or Dean of a Faculty may resign by a letter addressed to the Registrar, and the resignation shall take effect as soon as the letter is received by the Registrar.

(2) Any officer of the University, whether salaried or otherwise, other than a Dean, may resign his office by letter addressed to the Registrar. Such resignation shall effect from the date on which the same is accepted by the authority competent to fill the vacancy.

66. Disqualifications For Being Member Of Authority :-

(1) A person shall be disqualified for being chosen, and for being a member of any of the authorities of the University :-

- (a) if he is of unsound mind;
- (b) if he is deaf, mute or suffering from any contiguous disease;
- (c) if he is undischarged insolvent;
- (d) if he has been convicted by a Court of Law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Kuladhipati and his decision thereon shall be final and no suit or other proceeding shall lie in any Court of Law against such decision.

67. Power To Remove Member From Register Of Graduates Or Any Authority Or Body Of University :-

(1) The Kuladhipati may, on the request of the Executive Council, remove the name of any person from the register of graduates and remove the name of any person from membership of any authority or body of the University if:-

- (i) he is guilty of gross misbehaviours; or
- (ii) he acts prejudicial to the interest of the University :

Provided that the Kuladhipati shall cause a preliminary enquiry to be made and if he is satisfied that a prima fake case exists, he shall serve on such registered graduate or a member of any authority or body, as the case may be, a charge sheet in writing, stating the misbehaviour or the act prejudicial to the interest of the University, as the case may be.

(2) After taking into consideration the reply to the charge-sheet submitted to him by the registered graduate or member of the authority or body of the University, as the case may be, under sub-

section (1), the Kuladhipati may, if he considers that further action is necessary, entrust the enquiry to a Tribunal consisting of a nominee of the Kuladhipati, a nominee of the Executive Council and a nominee of the accused registered graduate or member, as the case may be.

(3) The Tribunal shall after giving the accused registered graduate or member, as the case may be, an opportunity of being heard and examining such evidence as may be necessary, record its finding and forward it to the Kuladhipati.

(4) The Kuladhipati may, after considering the report of the Tribunal pass such final orders as he considers necessary :

Provided that no order shall be passed unless the accused registered graduate or member, as the case may be, has been given a reasonable opportunity to show cause as to why the proposed action should not be taken against him.

1[(5) The provisions of sub-sections (1) to (4) shall not apply where the Kuladhipati is satisfied that in the interest of the University it is not expedient to hold such enquiry and to issue any show-cause notice or to give an opportunity of being heard to any member nominated by him before the removal of such member.]

1 Inserted by M.P. Act No. 6 of 1997.

68. Removal Of Difficulties :-

If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

69. Modification Of This Act In Its Application To The University Established After 1st January, 1983 Or To Be Established At Any Time Thereafter :-

1[In its application to the University established after the 1st day of January, 1983 or to be established at any time thereafter the provisions of this Act shall be subject to the modification specified in the Fourth Schedule :

Provided that the person elected under clause (iii) of sub-section (1) of Section 23, before the commencement of the Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1988 shall continue to hold their office as members of the Executive Council

till the expiry of their term of office notwithstanding the modification specified in the said Schedule.]

1 Inserted by M.P. Act No. 30 of 1988.

SCHEDULE 1

THE FIRST SCHEDULE

[See Section 2 (i)]

ENACTMENTS REPEALED

1. The University of Saugar Act, 1946 (No. 16 of 1946).
2. The Madhya Bharat Vikram University Act, 1955 (No. 18 of 1955).
3. The Jabalpur University Act, 1956 (No. 22 of 1956).
4. The Ravishankar University Act, 1963 (No. 13 of 1963).
5. The Indore University Act, 1963 (No. 14 of 1963).
6. The Jiwaji University Act, 1963 (No. 15 of 1963).
7. The Awadhesh Pratap Singh Vishwa Vidyalaya Adhiniyam, 1968 (No. 22 of 1968).
8. The Bhopal Vishwa Vidyalaya Adhiniyam, 1970 (No. 28 of 1970).

SCHEDULE 2

THE SECOND SCHEDULE

[See Section 2 (ii)]

1[PART I

S.No.	Name of the University	Headquarters	Territorial Jurisdiction
(1)	(2)	(3)	(4)
Area comprised within the limits of the revenue districts.			
1.	Dr. Hari Singh Gour Vishwavidyalaya, Sagar	Sagar	Sagar, Tikamgarh, Chhatarpur, Panna, Chhindwara and Damoh.
2.	Vikram Vishwavidyalaya, Ujjain	Ujjain	Ujjain, Ratlam, Mandsaur, Shajapur and Dewas.
3.	Rani Durgawati Vishwavidyalaya, Jabalpur	Jabalpur	Jabalpur, Mandla, Seoni, Balaghat and Narsinghpur.
4.	Pt. Ravishankar Shukla Vishwavidyalaya, Raipur	Raipur	Raipur, Durg, Rajnandgaon and Bastar.
5.	Devi Ahilya Vishwavidyalaya, Indore	Indore	Indore, Jhabua, Dhar, Khargone (West Nimar) and Khandwa (East Nimar).
6.	Jiwaji Vishwavidyalaya, Gwalior	Gwalior	Gwalior, Bhind, Morena, Shivpuri, Guna and Datia.
7.	Awadhesh Pratap Singh Vishwavidyalaya, Rewa	Rewa	Rewa, Satna, Sidhi and Shahdol.
8.	Barkatullah	Bhopal	Bhopal. Sehore.

	Vishwavidyalaya, Bhopal		Raisen, Vidisha, Hoshangabad, Rajgarh and Betul.]
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2[Construction of references to Ravishankar University.-

All Notifications, Orders, Rules, Byelaws, Statutes, Ordinances, Regulations, Certificates, Degrees, Diplomas or any other document whatsoever issued, made or prescribed under any enactment which immediately before the commencement of the Madhya Pradesh Vishwavidyalaya (Sanskodhan) Adhiniyam, 1992 were in force or otherwise shall be construed as if references therein to the Ravishankar University were references to the Pandit Ravishankar Shukla University.]

3[PART II

Name of the University Headquarters Territorial jurisdiction

Guru Ghasidas Vishwavidyalaya Bilaspur Areas comprised within the limits of revenue districts of Bilaspur, Raigarh and Surguja.]

1. Substituted by M.P. Act No. 28 of 1995.

2. Inserted by M.P. Act No. 5 of 1992.

3 Inserted by M.P. Act No. 23 of 1983.

SCHEDULE 3

THE THIRD SCHEDULE

[See Section 52]

1. Sections 13 and 14.-

For Sections 13 and 14 substitute :-

"14. The Kulpati-Kulpati shall be appointed by the Kuladhipati in consultation with the State Government and may be removed by the Kuladhipati in the like manner."

2. Sections 20, 21, 22 and 23.-

For Sections 20, 21, 22 and 23 substitute:

"20. Constitution of Court.-

(1) The Courts shall consist of the following :

(i) the Kuladhipati;

(ii) the Kulpati;

1[(ii-a) the Rector;]

(iii) the Mayor of the Municipal Corporation, or the President of the Municipal Council, as the case may be, at the headquarters of the University;

(iv) the Secretary to the Government of Madhya Pradesh 2[Higher] Education Department;

(v) the Commissioner of the Division in which the headquarters of the University is situate;

(vi) the Collector of the District in which the headquarters of the University is situate;

(vii) the Chairman, Board of Secondary Education, Madhya Pradesh.

(viii) Ten members including not more than three representatives of students to be nominated by the Kuladhipati;

(ix) Two members to be nominated by the State Government;

(x) Three representatives of the Legislative Assembly to be elected by the Legislative Assembly from amongst its members and pending such election to be nominated by the Speaker.

The term of all members of the Court other than representatives of students under clause (viii) of the sub-section (1) shall be co-extensive with the period of operation of the notification issued under Section 52 and the term of the representative of students shall be one year from the date of his nomination or till the expiration of the period of operation of the notification whichever is earlier.

Explanation.-For the purpose of clause (viii) of sub-section (1), the expression Student shall have the meaning assigned to the expression in sub-section (2) of Section 28.

"21. Meeting of Court.-

(1) The Court shall, on a date fixed by the Kulpati, meet once a year at a meeting of the Court.

(2) The Kulpati may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than one-third of the members of the Court, convene a special meeting of the Court as early as possible.

(3) Ten members of the Court shall form a quorum.

"22. Functions of Court.-

The Court, shall be an advisory body and shall :-

(a) advise the State Government in respect of such matters as may be referred to it for advise;

(b) advise any authority or body of the University in respect of such matters as may be referred to it by such authority or body;

(c) to confer degrees, diplomas and other academic distinction on the recommendation of the Executive Council;

(d) perform such other duties and exercise such other powers as may be assigned to it by or under this Act or the Statutes and Ordinances made thereunder or by the State Government.

"23. Executive Council.-

(1) Subject to the control of the State Government, the Executive Council shall be the executive body of the University and shall notwithstanding anything contained in this Act, consist only of the following persons, namely :-

(i) the Kulpati;

1[(i-a) the Rector;]

(ii) six members to be nominated by the Kuladhipati from among eminent public men and educationists.

(2) The term of all members of the Executive Council shall be co-extensive with the period of operation of the notification issued under Section 52.

(3) Four members of the Executive Council shall form a quorum."

3. Section 24.-

Re-number Section 24 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert-

"(2) The Executive Council shall, in the exercise of the powers and the performance of duties under sub-section (1), be subject to the control of the State Government.

(3) Notwithstanding anything contained in this Act, the annual accounts and the financial estimates shall be considered by the State Government who may communicate its views to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit and inform the State Government when no action is taken, of its reasons therefor."

4. Section 25.-

For Section 25, substitute :-

"25. Academic Council.-

(1) The Academic Council shall be the Academic Body of the University consisting of the following members, namely :

(i) the Kulpati;

1[(i-a) the Rector;]

(ii) 2[Commissioner, Higher Education], Madhya/Pradesh;

(iii) The Chairman, Board of Secondary Education, Madhya Pradesh;

(iv) two members to be nominated by the Kuladhipati;

- (v) ten Principals of the Colleges to be nominated by the Kuladhipati;
 - (vi) heads of University Teaching Department;
 - (vii) five teachers other than those mentioned in (iv) and (v) above to be nominated by the Kuladhipati.
- (2) The term of the nominated members of the Academic Council shall be co-extensive with the period of operation of the notification issued under Section 52.
- (3) Ten members of the Academic Council shall form a quorum."

5. Section 40.-

In Section 40, for sub-section (3), substitute-

"(3) Subject to the control of the State Government, the Executive Council may modify or annul any regulation made under this section by any authority or body."

6. Section 47.-

For Section 47 substitute-

"47. Annual Reports.-The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the State Government on or before such date as may be prescribed by Statutes."

7. Section 48.-

In Section 48, for sub-section (2), substitute-

"(2) The accounts when audited, shall be published in Gazette and copy of the accounts together with the audit report shall be submitted by the Executive Council to the 3[Commissioner, Higher Education] and the State Government."

8. Section 54.-

In sub-section (1) of Section 54 after the second proviso, insert:-

"Provided that if in respect of any University notification has been issued under Section 52, then during the period of operation of such notification the student representatives on the Court of such University during such period of operation shall be the members of the Committee".

9. Section 67.-

For Section 67, substitute :-

"Removal from membership of the University.-

The Kuladhipati may, in consultation with the State Government remove any person from the membership of any authority or other body of the University if such person is guilty of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons withdraw any degree or diploma conferred, or granted to any person by the University :

Provided that no action shall be taken under this section against any person except after giving him a reasonable opportunity of being heard with regard to the proposed action."

1. Inserted by M.P. Act No. 23 of 1983.

2. Inserted by M.P. Act No. 19 of 1994.

3. Substituted by M.P. Act No. 19 of 1994.

SCHEDULE 4

THE FOURTH SCHEDULE

[See Section 69]

In Section 23 :-

(i) In sub-section (1),-

(a) Clause (iii) shall be omitted;

(b) the existing proviso shall be omitted; and

(ii) Proviso to sub-section (2) shall be omitted."

2Transitory Provision.-

On the commencement of this Act, the following consequences shall ensue, namely

:-

(a) all Colleges within the territorial jurisdiction of the Guru Ghasidas Vishwavidyalaya which immediately prior to the commencement of this Act were admitted to the privileges of the Ravishankar University shall be deemed to be admitted to the privileges of the Guru Ghasidas Vishwavidyalaya;

(b) notwithstanding anything contained in the principal Act or the Statutes, Ordinances or Regulations made thereunder,-

(i) any student of a college situate within the territorial limits of the Guru Ghasidas University and affiliated to the Ravishankar University; or

(ii) any other student, who immediately prior to the date of coming into force of this Act was studying or was eligible, as the case may be, for any examination of the Ravishankar University shall be permitted to complete his course in preparation therefor, and the Guru Ghasidas Vishwavidyalaya shall provide for such period, not exceeding three years, and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Ravishankar University.

(c) notwithstanding anything contained in the Principal Act, the first Kulpati shall for a period of two years from the date of commencement of this Act, have the following powers, namely:-

(i) to constitute provisional authorities and bodies and on their recommendations to issue instructions of general or special nature as the circumstances may require for the conduct of the work of the University;

(ii) subject to the control of the State Government to make such financial arrangements as may be necessary to enable the Principal Act or any part thereof to be brought into operation;

(iii) with the sanction of the Kuladhipati to make such appointment as may be necessary to enable the Principal Act or any part thereof to be brought into operation;

(iv) with the previous sanction of the Kuladhipati, to appoint committee, as he may think fit, to discharge such of his function as he may direct; and

(v) generally to exercise all or any of the powers conferred on the Executive Council by the Principal Act,

(d) any order passed by the Kulpati in exercise of the powers conferred by items (i), (iii) and (iv) of clause (c) shall cease to have effect after the expiry of the period of two years from the commencement of this Act.

(e) (i) notwithstanding anything contained in the Principal Act, but subject to provisions of this section, the Statutes, Ordinances or Regulations in force and as applicable to Ravishankar University, shall apply "mutatis mutandis" to Guru Ghasidas University.

(ii) The Kulpati of Guru Ghasidas Vishwavidyalaya for the purpose of making such changes in the Statutes, Ordinances or Regulations referred to in clause (i), as he may deem necessary or expedient, provide by order in writing that the Statutes, Ordinances or Regulations as aforesaid shall have effect subject to such modifications or adaptations, whether by way of additions, omissions or changes and from such date as the said Kulpati may specify therein.

Special provision.-

(1) Section 8 of M.P. Act No. 30 of 1988 is as follows :-

"Construction of references to Bhopal University.-All Notifications, Orders, Rules, Byelaws, Statutes, Ordinances, Regulations, Certificates, Degrees, Diplomas or any other document whatsoever issued, made or prescribed under any enactment which immediately before the commencement of the Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1988 were in force or otherwise shall

be construed as if references therein to the Bhopal University were references to the Barakatullah University."

(2) Section 2 of the M.P. Act No. 10 of 1983 is as under :-

"Change of name of University of Saugar, Jabalpur and Indore.-

On and after the commencement of this Act, the Universities mentioned in column (1) of the table below shall be known by the names specified in the corresponding entry in column (2) thereof.

TABLE

Existing name of the University Name by which the University shall be known.

The University of Saugar Doctor Harisingh Gour Vishwavidyalaya, Sagar

The University of Jabalpur Rani Durgavati Vishwavidyalaya, Jabalpur

The University of Indore Devi Ahilya Vishwavidyalaya, Indore

and any reference to the University of Saugar, the University of Jabalpur or the University of Indore, as the case may be, in any enactment for the time being in force or anything made or any rule, order, notification, bye-laws, statute, ordinance or in any indenture, instrument or other document shall be construed as a reference to the name of the respective University as shown in column (2) of the said table.

1. Inserted by M.P. Act No. 30 of 1988.

2. Inserted by M.P. Act No. 23 of 1983.