

## **Maharashi Patanjali Sanskrit Sansthan Adhiniyam, 2007**

### **15 of 2007**

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# **Maharashi Patanjali Sanskrit Sansthan Adhiniyam, 2007**

**15 of 2007**

An Act to provide for the establishment and incorporation of an Institute in the State of Madhya Pradesh for the purpose of prosecution of research and comprehensive study in the field of teaching of Sanskrit and its literature, and to regulate Sanskrit education at school level and for the matters connected therewith and ancillary thereto. Be it enacted by the Madhya Pradesh Legislature in the Fifty-eighth year of the Republic of India as follows :- 1 Received the Assent of the Governor on the 5th May, 2007; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 11th May, 2007.

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

(1) This Act may be called the Maharshi Patanjali Sanskrit Sansthan Adhiniyam, 2007.

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

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

## **2. Definitions :-**

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

(a) "Chairman" means the Chairman of the Institute appointed under sub-section (1) of Section 22;

(b) "Committee" means the Committee constituted under clauses (d) and (e) of Section 6;

(c) "Director" means the Director of the Institute appointed under sub-section (1) of Section 23;

(d) "Executive Council" means the Executive Council of the Institute constituted under Section 11;

(e) "Fund" means the Fund of the Institute established under Section 25;

(f) "General Council" means the General Council of the Institute constituted under Section 7;

(g) "Institute" means the Maharshi Patanjali Sanskrit Sansthan established under Section 3;

(h) "Regulations" means the regulations made by the Institute;

(i) "School" means a State Government School and Private School including Pathshala in which education is imparted in Sanskrit;

(j) "State Government" means the Government of Madhya Pradesh.

### **3. Establishment And Incorporation Of Maharshi Patanjali Sanskrit Sansthan :-**

- (1) The State Government shall, establish by a notification, an Institute to be called the Maharshi Patanjali Sanskrit Sansthan with effect from such date as may be specified in the notification.
- (2) The headquarter of the Institute shall be at Bhopal.
- (3) The Institute shall be a body corporate by the name aforesaid and shall have perpetual succession and a common seal with power to acquire and hold property both movable and immovable, and subject to the provisions made under this Act, to transfer any property held by it and to contract and to do all other things necessary for the purpose of its constitution and may sue and be sued in its corporate name.
- (4) In suits or proceedings by or against the Institute, the pleadings shall be signed and verified by the Director or a representative appointed by him or by any person nominated by him for this purpose and all processes in such suits or proceedings shall be issued to and served on the Director.

### **4. Objectives Of Institute :-**

The objectives of the Institute shall be,--

- (i) to disseminate the knowledge, wisdom and vision presented in Sanskrit Language and Literature;
- (ii) to encourage, promote and conduct a system of School education relevant to studies of the Sanskrit Language and Literature;
- (iii) to promote interaction and co-ordination among Sanskrit Pathshalas to make the study of traditional type of Sanskrit learning more purposeful and to effect a fusion between traditional and modern systems of Sanskrit education;
- (iv) to institute career oriented courses related to Sanskrit through continuing education correspondence and distance education;
- (v) to develop course of study of Sanskrit in general and oriental Sanskrit in particular;
- (vi) to provide facilities for studies and research in Indian classical languages with special emphasis on Sanskrit;
- (vii) to develop as a centre of excellence in the field of teaching, training and research related to Sanskrit and its literature and allied branches of knowledge in Sanskrit;
- (viii) to establish Sanskrit schools for study of Sanskrit and its

literature and allied branches of knowledge in Sanskrit including oriental Sanskrit;

(ix) to develop courses of instruction related to Sanskrit education up to Uttar Madhyama (Higher Secondary) level;

(x) to develop and conduct methodologies practicable to Sanskrit education with innovations; and

(xi) to promote informal education in Sanskrit.

## **5. Powers And Functions Of Institute :-**

(1) Subject to the provisions of this Act, the Institute shall exercise the following powers and discharge the following functions, namely :--

(a) to provide for instruction including correspondence courses, teaching and learning in such branches of learning and courses of study related to Sanskrit and its literature and allied branches of knowledge, as it may think fit;

(b) to make provisions for research in Sanskrit, conduct special courses and advancement and dissemination of knowledge of Sanskrit and its literature and allied branches;

(c) to establish, maintain and manage institutions, schools, departments or specialised study centres;

(d) to grant, withdraw or, modify affiliation to Sanskrit schools or Pathshalas;

(e) to lay down the courses, of instructions for various examinations conducted by the Institute;

(f) to award certificates and other academic distinctions and titles;

(g) to hold examinations or tests and grant certificate to persons who have pursued approved courses of study in the Institute or in a school admitted to the privileges of the Institute, in such manner as may be prescribed by regulation and passed the examinations or tests prescribed by the Institute;

(h) to withdraw or cancel any certificate granted by the Institute in such manner as may be prescribed by regulation;

(i) to organise and conduct conferences, symposia, workshops, refresher courses and other programmes in furtherance of the objectives of the Institute;

(j) to maintain archives, libraries, information centres; data banks, museums and other institutions which are useful for the furtherance of the objects of the Institute;

(k) to collect, conserve, edit, publish ancient manuscripts, to reproduce valuable works of Sanskrit;

- (l) to accept donations, grants, gifts or to borrow money from the Central Government or any State Government or from any individual, association or body corporate : Provided that power to borrow money shall be exercised only after obtaining previous approval of the Government of Madhya Pradesh;
- (m) to institute, hold and manage endowments for the promotion of Sanskrit;
- (n) to institute awards, fellowship, studentships, scholarships, prizes, medals for promotion and propagation of Sanskrit;
- (o) to give financial and other assistance to institutions or individuals for the purposes which are conducive to the furtherance of the objectives of the Institute;
- (p) to inspect affiliated schools and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate infrastructure is provided therein;
- (q) to regulate the fees to be paid by the students in affiliated schools;
- (r) to cooperate with other institutions, universities, authorities or associations or any other public or private bodies in such manner and for such purpose as Institute may determine;
- (s) to develop internal financial resources of the Institute;
- (t) to make recommendations to the State Government in respect of subjects pertaining to education of Sanskrit;
- (u) to create academic, technical, administrative, ministerial and other posts with prior approval of the State Government and to make appointment thereto for the Institute;
- (v) to promote publication of literature, songs and magazines in Sanskrit for children;
- (w) to recommend text books and to publish syllabi of prescribed course of study in schools and institutions established, maintained, managed or affiliated by the Institute;
- (x) to demand and receive such fees and other charges as may be prescribed by regulations;
- (y) to adopt measures to promote physical, moral and social welfare of students in schools and institutions established, maintained, managed or affiliated by the Institute and to prescribe conditions of their hostels;
- (z) to constitute pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of the academic, administrative or other staff of the Institute, in such manner and subject to such conditions as may be

prescribed by regulations;

(aa) to make recommendations to the State Government as to the courses of instruction and syllabi of primary, middle and secondary education with a view to propagating Sanskrit education in schools; and

(ab) to do all such other acts and things as may be necessary in order to further the objectives of the Institute or which may be incidental or ancillary thereto.

## **6. Authorities Of Institute :-**

The following shall be the authorities of the Institute:--

(a) the General Council;

(b) the Executive Council;

(c) the Academic Council;

(d) the Finance Committee ; and

(e) such other Committee or bodies as may be declared by regulations to be authorities of the Institute.

## **7. General Council :-**

(1) There shall be a General Council of the Institute which shall consist of the following members, namely :--

Ex-officio Members

(i) The Chief Minister of Madhya Pradesh;

(ii) the Minister-in-charge of School Education Department, Government of Madhya Pradesh; (iii) the Minister-in-charge of Finance Department, Government of Madhya Pradesh;

(iv) the Minister-in-charge of Tribal Welfare Department, Government of Madhya Pradesh;

(v) the Minister-in-charge of Culture Department, Government of Madhya Pradesh;

(vi) the Chairman of the Institute;

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

(viii) the Principal Secretary/Secretary of Higher Education Department, Government of Madhya Pradesh;

(ix) the Principal Secretary/Secretary of Finance Department, Government of Madhya Pradesh;

(x) the Principal Secretary/Secretary of School Education Department, Government of Madhya Pradesh;

(xi) the Principal Secretary/Secretary of Tribal Welfare Department, Government of Madhya Pradesh;

(xii) the Principal Secretary/Secretary of Culture Department,

Government of Madhya Pradesh;

(xiii) the Commissioner, Public Instructions, Madhya Pradesh;

(xiv) the Commissioner, Rajya Shiksha Kendra;

(xv) Director of the Institute;

Nominated Members

(xvi) three Professors of Sanskrit from universities of Madhya Pradesh;

(xvii) three Principals or Head Masters of schools affiliated to Institute who are able to take part in discussion or debate in Sanskrit;

(xviii) six social workers who are learned in Sanskrit and are involved in propagation of Sanskrit knowledge and are able to take part in the discussion or debate in Sanskrit.

(2) The Chief Minister of Madhya Pradesh shall be the President and the Minister-in-charge of School Education, Madhya Pradesh shall be the Vice-President of the General Council.

(3).The Director of the Institute shall be the Secretary of the General Council.

(4) The members under clause (xvi) to clause (xviii) shall be nominated by the State Government.

## **8. Term Of Office Of Members Of General Council :-**

(1) Subject to the provisions of sub-sections (2) and (3), the term of office of the nominated members of the General Council shall be five years.

(2) Where a member of the General Council becomes such members by virtue of the office or post he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or, as the case may be, his nomination is withdrawn or cancelled.

(3) A member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member accepts a full time appointment in the institute or if he fails to attend three consecutive meetings of the General Council without the leave of the Chairman or acts against the interest of the Institute.

(4) A nominated member of the General Council may resign his office by a letter addressed to the Chairman of the Institute and such resignation shall take effect as soon as such resignation has been accepted by the Chairman.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination as the case may be, of a person by the respective authority entitled to make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could hold office if the vacancy had not occurred.

#### **9. Meeting Of General Council :-**

(1) The General Council shall meet at least once in a year and at least fifteen days notice shall be given for its meetings.

(2) The President shall preside over the meeting and in his absence the Vice-President shall preside over the meeting and in absence of both the President or Vice-President the members present shall elect a person from amongst themselves to preside over the meeting.

(3) One-third of the total number of members of the General Council shall form the quorum for a meeting.

(4) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the President or the person presiding over the meeting shall, in addition, have a casting vote.

(5) If urgent action by the General Council becomes necessary, the President may permit the business to be transacted by circulation of papers to the members of the General Council, and the action proposed to be taken shall not be unless agreed to by a majority of the members of the General Council and the action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

(6) A report of the working of the Institute during the previous year, together with a statement of receipts and expenditure, the balance sheet duly audited, and the financial estimate shall be presented by the Director to the General Council at its annual meeting.

#### **10. Powers And Functions Of General Council :-**

(1) Subject to the provisions of this Act and regulations of the Institute, the General Council shall be the highest decision making body which shall cause as necessary action to be taken for achievement of the Institutes objectives.

(2) Without prejudice to the generality of the above provision, the



General Council shall exercise the following powers and discharge the following functions to carry out and manage the business and affair of the Institute :--

- (a) to review the affairs and performance of the Institute from time to time;
- (b) to make and review the broad policies, programmes of the Institute and to suggest measures for the improvement and development of Institute;
- (c) to consider and approve annual report, annual budget, annual accounts and audit report of the Institute;
- (d) to act as an apex body in all matters relating to the Institute;
- (e) to make such regulations as may from time to time, be considered necessary for regulating the affairs and the management of the Institute and to alter, modify and to rescind them;
- (f) to monitor, supervise and control all the authorities, officers and bodies of the Institute;
- (g) to delegate all or any of its powers to the Chairman, the Director or any authority or committee or any sub-committee or to any one or more of its members or any employee of the Institute; and
- (h) to perform such other functions as it may deem necessary for efficient functioning and administration of the Institute.

#### **11. Executive Council :-**

- (1) Executive Council shall be the chief executive body of the Institute.
- (2) The administration, management and control of the Institute and the income thereof shall be vested with the Executive Council which shall control and administer the property and funds of the Institute.

#### **12. Membership Of Executive Council :-**

- (1) The Executive Council shall consist of the following members, namely :--
  - (i) the Chairman of the Institute.
  - (ii) the Director;
  - (iii) two members of the General Council to be nominated by the General Council;
  - (iv) the Principal Secretary/Secretary of Higher Education Department, Government of Madhya Pradesh or his nominee not

below the rank of Deputy Secretary;

(v) the Principal Secretary/Secretary of School Education Department, Government of Madhya Pradesh or his nominee not below the rank of Deputy Secretary;

(vi) the Principal Secretary/Secretary of Finance Department, Government of Madhya Pradesh or his nominee not below in the rank of Deputy Secretary;

(vii) the Commissioner, Public Instructions, Madhya Pradesh; (viii) the Commissioner, Rajya Shiksha Kendra;

(ix) two whole time teachers of the Institute, nominated by the Chairman of Institute by rotation according to seniority;

(x) the Secretary, Madhya Pradesh Board of Secondary Education;

(xi) two Principals or Head Masters of affiliated schools nominated by the Chairman of the Institute.

(2) The Chairman of Institute shall be the Chairman and the Director shall be the Secretary of the Executive Council.

### **13. Term Of Office Of Members Of Executive Council :-**

(1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(2) A member of the Executive Council other than an ex-officio member shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council, or acts against the interest of the Institute or if a member other than the Director or a member of a faculty accepts a full time appointment in the Institute.

(3) Unless their membership of the Executive Council is previously terminated as provided in sub-section (1) or (2), members of the Executive Council other than ex-officio members, shall relinquish their membership on the expiry of five years from the date on which they become members of the Executive Council.

(4) A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it is accepted by the Chairman of the Executive Council.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective

authority entitled to make the same and on the expiry of the period of the vacancy such appointment or nomination shall cease to be effective.

#### **14. Powers And Functions Of Executive Council :-**

Without prejudice to the provisions of Section 5, the Executive Council shall have the following powers and functions :--

(i) to create, abolish or classify teaching posts in the Institute and to determine the qualifications, methods of recruitment, emoluments and duties attached thereto after considering the recommendations of the Academic Council :

Provided that creation of posts shall be made only with the prior approval of the State Government;

(ii) to create administrative, ministerial and other necessary posts, and to determine the minimum qualifications, methods of recruitment and emoluments of such posts with the prior approval of State Government;

(iii) to appoint from time to time teaching and ministerial staff as may be necessary on the recommendations of the selection committees constituted by regulations for this purpose;

(iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the Institute and for that purpose to appoint such agents, as it may deem fit;

(v) to transfer or accept transfer of any movable or immovable property on behalf of the Institute;

(vi) to enter into, vary, carry out and cancel contracts on behalf of the Institute and for that purpose to appoint such agents;

(vii) to provide the buildings, premises, furniture, apparatus, equipments and other assets needed for carrying on the work of the Institute;

(viii) to decide appeals and representations of the teachers, students and employees of the Institute in accordance with the regulations;

(ix) to fix the fees, emoluments and travelling and other allowances of examiners and moderators on the recommendations of the Academic Council;

(x) to select a common seal for the Institute and to provide for the custody of the seal;

(xi) to consider the budget proposals and the proposals for re-appropriation, accounts and audit reports and submit them to the

General Council with such recommendations as it may deem fit;

- (xii) to admit schools to privileges of the Institute on the recommendation of the Academic Council subject to the provisions of the regulations and to withdraw any of the privileges;
- (xiii) to arrange for and direct the inspection of affiliated schools and to issue instructions for maintaining their efficiency and for ensuring proper conditions of education and in case of disregard of such instruction, to modify on the recommendations of the Academic Council the conditions of affiliation or taking of such other steps as deemed necessary and proper in that behalf;
- (xiv) to call for reports, returns and other information from affiliated schools;
- (xv) to recognize a member of the staff of an affiliated school as a teacher of the Institute and withdraw such recognition;
- (xvi) to constitute standing committees and sub-committees for discharging various duties and functions;
- (xvii) to consider the annual report prepared by the Director and submit it to the General Council with such modifications as it may deem fit;
- (xviii) to approve proposals of expenditure in accordance with regulations made in this behalf;
- (xix) to consider the recommendations made by the Finance Committee or the Academic Council and take appropriate decision thereon;
- (xx) to prepare regulations and submit them for the approval of the General Council; and
- (xxi) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act or are required to give effect to the provisions of this Act.

### **15. Meetings Of Executive Council :-**

- (1) The Executive Council shall meet at least once in three months.
- (2) The Chairman of the institute shall preside over a meeting of the Executive Council, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.
- (3) Six members of the Executive Council, shall form the quorum at any meeting thereof.
- (4) Each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council or, as

the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(5) The Chairman may, invite any expert in a meeting of the Executive Council but such expert shall not have any voting right.

#### **16. Academic Council :-**

The Academic Council shall be the academic body of the Institute and shall, subject to the provisions of this Act and the regulations, have power of control and general regulation of and be responsible for the maintenance of standards of instruction, education and examination of the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations and it shall have right to advise the Executive Council on all academic matters.

#### **17. Membership Of Academic Council :-**

(1) The Academic Council shall consist of the following members, namely :--

(i) the Chairman of the Institute who shall be the Chairman thereof;

(ii) three persons from amongst the educationists of repute or men of letters or learned professionals or eminent public men, who are not in the service of the Institute nominated by the Chairman in consultation with the Executive Council;

(iii) the Director, who shall be Secretary of the Academic Council;

(iv) three Principals or Head Masters of affiliated schools nominated by the Chairman; (v) two Professors of Sanskrit or universities of Madhya Pradesh nominated by Chairman in consultation with the Executive Council;

(vi) all the Heads of the Department of the Institute; (vii) two members of the teaching staff of the Institute nominated by Chairman; and

(viii) the Secretary, Madhya Pradesh Board of Secondary Education.

(2) The term of the members other than ex-officio members shall be three years.

#### **18. Powers And Duties Of Academic Council :-**

Subject to the provisions of this Act or the regulations, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely :--

- (i) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the Institute and the qualifications, emoluments and duties attached thereto;
- (iii) to make recommendations to the Executive Council on formulation, modification or revision of schemes for organisation of the faculties and expediency of abolition or sub-division of any faculty or merging of faculties;
- (iv) to submit to the Executive Council regulations for the instruction and examination of persons other than those enrolled in the Institute;
- (v) to make recommendations to the Executive Council on matters relating to promotions of research within and outside the Institute;
- (vi) to consider proposals relating to teaching and research submitted by the faculties and to make appropriate recommendation to the Executive Council;
- (vii) to advise the Executive Council on recognition certificates of other boards, institutes and determination of their equivalence in relation to the certificates of the Institute;
- (viii) to make recommendation to the Executive Council on institution of fellowship, scholarships and other distinctions;
- (ix) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;
- (x) to make recommendations to the Executive Council on awards, stipends, scholarships, medals and prizes;
- (xi) to recommend to the Executive Council, text books and syllabi for the prescribed courses of study; and
- (xii) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

### **19. Meeting Of Academic Council :-**

- (1) The Academic Council shall meet as often as may be necessary, but not less than twice during an academic year.
- (2) The Chairman of the Academic Council shall preside over the meeting of the Academic Council and in his absence, the members present shall elect a person from amongst themselves to preside

over the meeting.

(3) One half of the total number of members of the Academic Council shall form the quorum for a meeting of the Academic Council.

(4) Each member of the Academic Council shall have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council or, as the case may be, the member presiding over the meeting, shall in addition have a casting vote.

(5) If urgent action by the Academic Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the Academic Council and the action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council and the action so taken shall be intimated forthwith to all the members of the Academic Council and the papers shall be placed before the next meeting of the Academic Council for confirmation.

## **20. Finance Committee :-**

(1) There shall be a Finance Committee consisting of the following members, namely :--

(i) the Chairman of the Institute;

(ii) the Director;

(iii) two members nominated by the Executive Council from amongst its members; and

(iv) an officer each of the Finance Department and the School Education Department not below the rank of Deputy Secretary to the Government of Madhya Pradesh, to be nominated by the State Government.

(2) The Director of the Institute shall be the Secretary of the Finance Committee.

(3) The members mentioned in clause (iii) of sub-section (1) of the Finance Committee shall hold office for a period of three years.

(4) The Finance Committee shall have the following powers, duties and functions, namely :--

(i) to examine and scrutinise the annual budget of the Institute and submit it to the Executive Council and to make recommendations on financial matters to the Executive Council;

(ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

(iii) to consider the periodic statements of accounts and to review

the finances of the Institute from time to time and to consider reappropriation statements and audit reports and to make recommendations to the Executive Council;

(iv) to give its view and to make recommendations to the Executive Council on any financial matter affecting the Institute either on its own initiative or on reference from the Executive Council or the Chairman of the Institute.

(5) The Finance Committee shall meet at least once in six months and three members of the Finance Committee shall form its quorum.

(6) The Chairman of the Institute shall preside over the meetings of the Finance Committee, and in his absence the members present shall elect a person from amongst themselves to preside over the meeting.

## **21. Officers Of Institute :-**

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

(i) the Chairman of the Institute;

(ii) the Director; and

(iii) such officers as may be prescribed by the regulations.

## **22. Chairman Of Institute :-**

(1) A Sanskrit scholar of repute shall be appointed as the Chairman of the Institute by the President of General Council in accordance with the regulation made in this behalf.

(2) The Chairman shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty five years, whichever is earlier and shall, be eligible to be considered for subsequent terms subject to the upper age limit of sixty five years ;

Provided that he shall continue in office until his successor is appointed and enters upon his office, but such period shall not exceed six months.

(3) The service conditions and functions of the Chairman shall be determined by the regulation made in this regard.

(4) The Chairman shall be the principal executive and academic officer of the Institute and it shall be the duty of the Chairman to see that this Act and the regulation are faithfully observed.

(5) Notwithstanding anything contained in this Act. in any emergency, arising out of the business of the Institute which in the opinion of the Chairman requires that immediate action should be



taken, he shall take such action as he deems necessary and shall thereafter report, his action for confirmation to the Executive Council at its next meeting:

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

Provided further that this power shall not extend to matters regarding amendment in regulations or any matter relating to appointments.

(6) If in the opinion of the Chairman any proceeding of any authority, committee or other body of the Institute is likely to be prejudicial to the interest of the Institute, he shall record his reasons and refer the matter to the General Council and so inform the authority, committee or other body concerned where upon the decision concerned shall not be given effect to till the matter is decided by the General Council.

(7) If, at any time, upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the President of the General Council that the Chairman of the Institute,--

(a) has failed in performing any duty imposed on him, by or under this Act, or the regulations; or

(b) has acted in a manner prejudicial to the objectives or interests of the Institute; or

(c) is incapable of managing the affairs of the Institute, the President may, notwithstanding the fact that the term of office of the Chairman has not expired, by an order in writing, stating the reasons therein, require him to relinquish his office from such date as may be specified in the order :

Provided that no order under this sub-section shall be passed without giving or reasonable opportunity to the Chairman of showing cause against the proposed order.

(8) As from the date specified in the order passed under sub-section (7), the Chairman shall be deemed to have relinquished his office and the post shall fall vacant.

### **23. Staff Of Institute :-**

(1) Subject to such regulations, as may be made by the Institute in this behalf, with the prior approval of the State Government, the Institute shall appoint a Director, who shall hold a graduate degree in Sanskrit or an equivalent qualification as specified by regulations

and shall be able to take part in discussion or debate in Sanskrit.

(2) The Director shall act as Secretary to the Institute as well of the General Council, Executive Council, Academic Council and Finance Committee.

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the General Council, Executive Council, Academic Council or Finance Committee.

(4) Subject to such regulations as may be made by the Institute in this behalf, the Institute with the prior approval of State Government may appoint such number of other officers and employees as may be necessary for the exercise of its powers and may determine their designations, grades and qualifications, and all staff of the Institute shall hold such essential qualification particularly in Sanskrit as prescribed by regulation and shall be able to participate in discussion or debate in Sanskrit.

(5) The officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be prescribed by regulations made in this behalf.

#### **24. Payment To Institute :-**

The State Government may, from time to time, grant such sums of money to the Institute as may be deemed fit.

#### **25. Fund Of Institute :-**

(1) The Institute shall establish and maintain a Fund to be called the Fund of the Institute.

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

- (a) all moneys provided by the State Government;
- (b) any contribution or grant by the Central Government or other State Governments;
- (c) all fees and others receipts received by the Institute ;
- (d) ail moneys received by the Institute by way of gifts, donations, trust, endowment or transfers and other grant, if any;
- (e) all moneys received by the Institute in any other manner or from any other service.

#### **26. Objects To Which Fund Of Institute Shall Be Applied :-**

The fund of the Institute shall be applicable to the following objects, namely :--

- (a) to the repayment of debts incurred by the Institute for the purpose of this Act and regulations made there under;
- (b) to the expenses of any suit or legal proceedings to which the Institute is a party;
- (c) to the payment of salaries and allowances to the officers and employees of the Institute;
- (d) to the payment of any expenses incurred by the Institute in carrying out the provisions of this Act and the regulations made there under;
- (d) any other expenses incurred for the promotion, development research and training of Sanskrit education.

### **27. Accounts And Audit :-**

- (1) The accounts of the Institute shall be prepared before such date and at such intervals and in such manner as may be prescribed by regulations.
- (2) The accounts of the Institute shall be audited by the auditor appointed by the Institute and the audit fee of the auditor shall be fixed by the institute from time to time.
- (3) As soon as the accounts of the Institute are audited, the Institute shall send a copy of the audited accounts together with audit report and balance sheet to the State Government in such manner as may be prescribed by regulations.

### **28. Annual Report :-**

- (1) The Director shall prepare for every year a report of the activities of the Institute and submit it to the General Council through the Executive Council for approval.
- (2) The copies of the annual report as approved by the General Council shall be submitted to the State Government and the annual report shall be laid on the table of the Legislative Assembly as early as possible on its receipt by the State Government.

### **29. Budget :-**

- (1) The Director of the Institute shall cause to be prepared, in such form as may be prescribed by regulations, a budget in respect of the financial year next ensuing, showing the estimated receipts and

expenditure and shall submit it to the General Council through the Finance Committee and Executive Council.

(2) The General Council shall be competent to reappropriate such amounts as may be necessary from one head to another and within such heads or minor heads.

(3) The General Council may, as and when required, pass a supplementary budget in such form and by such date as may be prescribed by regulations.

### **30. Act And Proceedings Not To Be Invalidated By Vacancies :-**

No Act done or proceeding taken by the Institute, the General Council, the Executive Council or any committee or sub-committee under this Act shall be questioned on the ground merely of the reason of any existence of vacancy in or defect in the constitution, of the Institute or the General Council, or, the Executive Council or any of its authorities, committee or sub-committee.

### **31. Power Of State Government To Give Directions :-**

(1) The Institute shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.

(2) The State Government may cause an inspection or appraisal to be made by such person as it may direct, of the Institute, its buildings, laboratories, museums, workshops and equipments and of any institution maintained by the Institute or admitted to its privileges, and also of the examinations, teaching and other work conducted or done by the Institute, and cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the Institute,

(3) The person referred to in sub-section (2), shall report to the State Government, the result of such inspection, appraisal or inquiry and thereupon the State Government shall communicate such directions, as it may deem fit, to the Institute.

### **32. Returns And Informations :-**

The Institute shall furnish to the State Government such reports, returns and other information as it may require from time to time.

### **33. Authentication Of Orders And Instruments Of Institute :-**

All orders and decisions of the Institute and other instruments shall be authenticated by the signature of the Director or any other officer authorized by the Institute in this behalf.

#### **34. Protection Of Action Taken In Good Faith :-**

No suit or other legal proceedings shall lie against and no damages shall be claimed from the Institute, the authorities or any officer or employee or any other person in respect of anything which is in good faith done or intended to have been done in pursuance of this Act and regulations made there under.

#### **35. Power To Make Regulations :-**

(1) The Institute may, with the approval of the General Council, make regulations consistent with this Act to carry out the purposes of this Act and without prejudice to the generality of the foregoing power such regulations may provide for all or any of the following matters, namely :--

- (a) procedure of selection of the Chairman of the Institute to be appointed under sub-section (1) of Section 22;
- (b) terms and service conditions of the Chairman under sub-section (3) of Section 22 and Director under sub-section (1) of Section 23;
- (c) preparation of accounts under sub-section (1) of Section 27;
- (d) the manner in which the audited account and audit report shall be sent under sub-section (3) of Section 27;
- (e) preparation of budget and supplementary budget under Section 29;
- (f) the conditions of award of fellowships, scholarships, studentship, medals, prizes etc.;
- (g) the powers and functions of the Chairman and the Director under sub-section (3) of Section 22 and sub-section (3) of Section 23 respectively;
- (h) the constitution, powers and duties of authorities or committees constituted under the Act;
- (i) the imposition of penalty on candidates using unfair means or interfering in the examinations conducted by the Institute; (j) the award of certificates;
- (k) the conditions of recognition of schools for purpose of admission to the privileges of the institute, the qualifications and conditions of service of teachers and framing of a school code to ensure a minimum standard of education;

(l) the courses of studies to be laid down for all certificates;  
(m) the conditions under which candidates shall be admitted to the examinations of the Institute and shall be eligible for certificates;  
(n) the fees for admission to the examinations of the Institute;  
(o) the conduct of examinations;  
(p) the appointment of examiners and their duties and powers in relation to the examinations of the Institute;  
(q) the admission of institutions to the privileges of the Institute and the withdrawal thereof;  
(r) the appointment of officers and other employees of the Institute and the conditions of their service;  
(s) the constitution of Provident Fund for the benefit of the officers, and employees of the Institute;  
(t) the control, administration, safe custody and management in all respects of the finances of the Institute; and  
(u) all matters which by this Act are to be or may be provided for by regulations.

(2) The General Council on receiving regulations from Executive Council for approval may approve them subject to such modifications as it may think fit or return them to the Executive Council for reconsideration.

(3) All regulations made shall be published in the official Gazette.

(4) The State Government may, by notification, cancel or modify any regulation :

Provided that the Institute shall be given an opportunity of being heard before such cancellation or modification.

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

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

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

### **37. Act To Have Overriding Effect :-**

The provisions of this Act and regulations made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

### **38. Consequences To Ensur On Commencement Of This Act**

:-

As from the date of commencement of this Act, the following provisions shall have effect, namely :--

- (i) all Sanskrit Schools or Pathshalas of Madhya Pradesh imparting Sanskrit education up to Uttar Madhyama level (Higher Secondary level) and presently affiliated with the Madhya Pradesh Board of Secondary Education or Madhya Pradesh Sanskrit Board or any University of the State shall be affiliated with the Institute;
- (ii) the Madhya Pradesh Sanskrit Board shall be merged with the Institute;
- (iii) the administration of the Jivaji Vedh Shala, Ujjain and the Rajya Yog Prashikshan Kendra, Bhopal shall vest with the Institute;
- (iv) all assets and liabilities of the establishments referred to in clause (ii) and clause (iii) shall vest with the Institute;
- (v) all employees belonging to the establishments referred to in clause (ii) and clause (iii) shall be deemed to be the employees of the Institute :

Provided that the term and conditions of service of such employees shall not be modified in such a manner that it is less favourable to them :

Provided further that the Government employees posted in the establishments referred to in clause (ii) and clause (iii) shall be deemed to be posted on deputation with the Institute till their services are absorbed with their consent or they are repatriated to their parent department.