

Rajiv Gandhi Proudhyogiki Vishwavidyalaya Adhiniyam, 1998

13 of 1998

[23 May 1998]

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Rajiv Gandhi Proudhyogiki Vishwavidyalaya Adhiniyam, 1998

13 of 1998

[23 May 1998]

An Act to establish and incorporate a University of Technology for the purpose of ensuring systematic, efficient and qualitative education in engineering and technological subjects including Architecture and Pharmacy at Degree and Diploma level and to provide for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Forty-ninth year of the Republic of India as follows : 1. Received the assent of the Governor on 23rd May, 1998, assent first published in M.P. Gazette (Extraordinary), dated 11th June, 1998.

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) The Act may be called the Rajiv Gandhi Proudhyogiki Vishwavidyalaya Adhiniyam, 1998.
- (2) It extends to the whole of the State 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--

- (i) "Vishwavidyalaya" means the Rajiv Gandhi Proudhyogiki Vishwavidyalaya;
- (ii) "Executive Council" means the Executive Council of the Vishwavidyalaya;
- (iii) "Academic Council" means the Academic Council of the Vishwavidyalaya;
- (iv) "Faculty" means Faculty of the Vishwavidyalaya;
- (v) "Board of Studies" means the Board of Studies of the Vishwavidyalaya;
- (vi) "Kuladhipati" means the Kuladhipati of the Vishwavidyalaya;
- (vii) "Kulpati" means the Kulpati of the Vishwavidyalaya;
- (viii) "School of Studies" means an Institution maintained by the Vishwavidyalaya as a place of higher learning and research;
- (ix) "Department" means a Department of studies and includes a Centre of Studies;
- (x) "College or Polytechnic" means an Institution maintained by, or admitted to the privileges of the Vishwavidyalaya by or under the provisions of this Act;
- (xi) "Autonomous College or Polytechnic" means an Institution declared as Autonomous Institution by the Executive Council in accordance with the provisions of this Act;
- (xii) "Affiliated College or Polytechnic" means an Institution admitted to the privileges of the Vishwavidyalaya in accordance with the provisions of this Act and the Statutes;
- (xiii) "Principal" means the head of the College or Polytechnic and includes, where there is no Principal, the person for the time being duly appointed to act as Principal;
- (xiv) "Head of a Vishwavidyalaya Department" means the head of the Teaching department maintained by the Vishwavidyalaya for imparting instructions to the students of the Vishwavidyalaya and includes the Director or Principal of any college or institute maintained by the Vishwavidyalaya for the promotion of research or for imparting instructions to the students;
- (xv) "Head of College or Polytechnic Department" means the head of any department of a College or Polytechnic;
- (xvi) "Teachers of the Vishwavidyalaya" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instructions of conducting research, with the approval of the Academic Council in the Vishwavidyalaya or any College,

Polytechnic or any Institution maintained or recognised by the Vishwavidyalaya;

(xvii) "Persons connected with the Vishwavidyalaya" means an employee of the Vishwavidyalaya or a College or a Polytechnic or a member of any authority or body of the Vishwavidyalaya or of the Management of the College or Polytechnic;

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

(xix) "Statutes, Ordinances and Regulations" means the Statutes, Ordinances and Regulations of the Vishwavidyalaya;

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

(xxi) "Hostels" means a unit of residence or of corporate life for the students of the Vishwavidyalaya, or of a college or of an Institution provided, maintained or recognised by the Vishwavidyalaya;

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

(xxiii) "Scheduled Castes" means the Scheduled Castes as specified in relation to this State under Article 341 of the Constitution of India;

(xxiv) "Scheduled Tribes" means the Scheduled Tribes as specified in relation to this State under Article 342 of the Constitution of India;

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

(xxvi) "Vidhan Sabha" means Madhya Pradesh Vidhan Sabha;

(xxvii) "VYAPAM" means Vyavasayik Pariksha Mandal, Madhya Pradesh, Bhopal;

(xxviii) "Board" means Madhya Pradesh Board of Technical Education;

(xxix) "Court" means the Court of the Vishwavidyalaya;

(xxx) "All India Council for Technical Education" means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987 (No. 52 of 1987).

CHAPTER 2

THE VISHWAVIDYALAYA

3. Incorporation Of Vishwavidyalaya :-

(1) The Kuladhipati and the first Kulpati of the Vishwavidyalaya and the first members of the Court, Executive Council and of the Academic Council thereof shall constitute the Vishwavidyalaya and the Vishwavidyalaya so constituted shall be a body corporate by the name of the Rajiv Gandhi Proudhyogiki Vishwavidyalaya.

(2) The Vishwavidyalaya 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 Vishwavidyalaya 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 purposes of the Vishwavidyalaya and to contract and do all other things necessary for purpose of this Act.

(4) The headquarters of the Vishwavidyalaya shall be at Bhopal.

4. Objects :-

The Vishwavidyalaya shall inter alia have the following main objectives :--

(a) to provide a system of Technical Education capable of responding to the changing requirements of technical manpower;

(b) to bring about qualitative improvement in teaching and learning process;

(c) to provide congenial environment for Consultancy, Continuing education and Research and Development activities;

(d) to develop strong links with industry for mutual benefits;

(e) to provide necessary help to the Institutions to encourage entrepreneurship amongst students;

(f) to maintain live contract with alumni and develop alumni sponsored programmes.

5. Powers Of Vishwavidyalaya :-

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

(1) to provide for instructions in such branches of learning as the Vishwavidyalaya may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(2) to provide instruction including correspondence and such other

courses to such person as are not members of the Vishwavidyalaya as it may determine :

Provided that the Vishwavidyalaya shall not provide instructions through correspondence save with the previous sanction of the State Government;

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

(4) to establish, maintain and manage colleges, polytechnics teaching departments, schools of studies, centres of studies, hostels and guest houses;

(5) (a) to institute Professorships, Readerships, Lecturerships and any other academic or teaching posts required by the Vishwavidyalaya and to appoint persons to such posts in accordance with the provisions of this Act;

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

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

(7) to recognise persons eminent in any subject to guide research in that 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 Vishwavidyalaya 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 or diploma of the Vishwavidyalaya unless such person, if he had offered a subject for such examination for which a course of practical work is prescribed, has completed such work in a college or polytechnic of the Vishwavidyalaya and produces a certificate of such completion from the Head of the Teaching Department or School of Studies or the Principal of the College or Polytechnic;

(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 Vishwavidyalaya, as the Vishwavidyalaya may determine;

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

(16) to declare a Teaching Department of the Vishwavidyalaya, School of Studies, or Colleges or Polytechnics as Autonomous Colleges or Polytechnics :

Provided that the extent of the autonomy which such teaching department of the Vishwavidyalaya, School of Studies or Colleges or Polytechnics 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 or Polytechnics recognised by the Vishwavidyalaya;

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

(19) to inspect College or Polytechnics or 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 interests of the weaker sections of the people and, in particular of the Scheduled Castes, the Scheduled Tribes, and the Other Backward Classes;

(21) to provide to the teachers and alumni of the Vishwavidyalaya facilities of refresher and vocational courses;

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

(23) to make provisions for--

(a) Extra-mural teaching and extension service;

(b) Correspondence Course;

(c) Sports and athletic activities;

(d) Social service scheme;

(e) National Cadet Corps;

(f) Students Union;

(24) to provide for training for competitive examinations for service under the Union or the State Government and such other training as may contribute to national development.

(25) to institute and manage--

(a) Information Bureau;

(b) Employment Bureau;

(c) Printing and Publication Department;

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

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

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

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

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

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

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

(33) with the prior approval of the State Government to borrow on the security of Vishwavidyalaya property on money for the purposes of the Vishwavidyalaya;

(34) to determine standards for admission to the Vishwavidyalaya which may include examination, evaluation or any other method of testing wherever lists of selected candidates are not provided by the "VYAPAM";

(35) to make special arrangements in respect of women students as the Vishwavidyalaya may consider desirable;

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

(37) 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 Vishwavidyalaya.

6. Jurisdiction :-

(1) The Jurisdiction of the Vishwavidyalaya shall extend to the whole of the State of Madhya Pradesh :

1[Provided also that the State Government may, in accordance with the rules framed in this behalf, permit the Vishwavidyalaya, 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, any College or Polytechnic or Institution imparting education in Engineering and technological subjects including Architecture and Pharmacy and situated within the limits of the area specified under sub-section (1) shall, with effect from such date as may be notified in this behalf by the State Government, be deemed to be associated with and admitted to the privileges of the Vishwavidyalaya and shall cease to be associated with other University or Board in the manner prescribed by Statute or Regulation.

(3) Nothing contained in this section shall apply in case of--

(a) the Colleges or Polytechnics or Institutions which have not been approved by the All India Council for Technical Education and the Government of Madhya Pradesh;

(b) the Colleges or Polytechnics or Institutions imparting instructions exclusively in Agriculture and allied sciences and admitted or deemed to be admitted to the privileges of Agricultural Universities of the State;

(c) teaching department of any University already engaged in teaching engineering and technological subjects including Architecture and Pharmacy.

(4) The Research and Development work being carried out in Colleges or Polytechnics or Institutions which have been admitted to the privileges of the Vishwavidyalaya shall be co-ordinated and integrated into the activities of the Vishwavidyalaya with effect from such date or dates as may be fixed by the mutual consent of the Vishwavidyalaya and concerned Colleges or Polytechnics or Institutions.

1. Inserted by M.P. Act No. 17 of 2003.

7. Prohibition Of Discrimination In All Matters Connected With Vishwavidyalaya :-

It shall not be lawful for the Vishwavidyalaya to impose any test or condition whatsoever relating to religion, caste, sex, place of birth

or other opinion in order to entitle any person--

(a) to hold any office in the Vishwavidyalaya; or

(b) to be a member of any authority of the Vishwavidyalaya; or

(c) to be appointed or admitted as a teacher; or

(d) to be admitted to any degree, diploma or other academic distinctions or course of study or to qualify for any degree, diploma or other academic distinction; or

(e) to enjoy or exercise any privileges of the Vishwavidyalaya or benefit thereto; or

(f) to donate funds for creation of endowment :

Provided that the Vishwavidyalaya may subject to the previous sanction of the State Government, maintain any College or Polytechnic or Institution exclusively for women either for education, instruction or residence or reserve for women or members of Scheduled Castes or Scheduled Tribes or Other Backwards Classes seats for the purposes of admission as students in any College or Polytechnic or Institution maintained or controlled by the Vishwavidyalaya :

Provided further that nothing in this Section shall be deemed to require the Vishwavidyalaya to admit to any course of study students larger in number than, or with academic or other qualifications lower than those prescribed in the Statutes or Ordinances.

8. Teaching In Vishwavidyalaya :-

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

9. Inspection Of Vishwavidyalaya :-

(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 Vishwavidyalaya, its building, laboratories, museums, workshops and equipment and of any College or Polytechnic or Institution maintained by the Vishwavidyalaya or admitted to its privileges, and also of the Examinations, teaching and other work conducted or done by the Vishwavidyalaya and cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the Vishwavidyalaya Colleges or Polytechnics 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 Vishwavidyalaya, if such inspection or inquiry is to be made in respect of the Vishwavidyalaya College or Polytechnic or Institution maintained by it;

(b) to the management of the College or Polytechnic or Institution if the inspection or inquiry is to be made in respect of a College or Polytechnic or Institution admitted to the Privileges of the Vishwavidyalaya and the Vishwavidyalaya or management, as the case may be, shall be entitled to appoint a representative who shall have the 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 Vishwavidyalaya 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 the 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 inquiry 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 with.

CHAPTER 3

OFFICERS OF THE VISHWAVIDYALAYA

10. Officers Of The Vishwavidyalaya :-

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

- (i) the Kuladhipati;
- (ii) the Kulpati;
- (iii) the Rector;
- (iv) the Deans of the Faculties;
- (v) the Registrar;
- (vi) the Dean of Students Welfare; and
- (vii) such other officers in the service of the Vishwavidyalaya as may be declared by the Statutes to be officers of the Vishwavidyalaya.

11. Kuladhipati And His Powers :-

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

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

(3) The Kuladhipati may--

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

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

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

(a) any proceedings of any officer, authority, committee or body of the Vishwavidyalaya constituted by or under this Act, which is not in conformity with this Act, Statutes, Ordinances or 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 14, if he is satisfied that such proceedings are prejudicial to the interest of the Vishwavidyalaya :

Provided that before making such order he shall call upon the office, 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.

(5) 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 Vishwavidyalaya and the order so made shall be

final.

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

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

12. Appointment Of Kulpati :-

(1) The Kulpati shall be appointed by the Kuladhipati from a panel of not less than three distinguished persons in the field of technical education 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 :

Provided further that the first Kulpati 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;

(ii) One person nominated by the Chairman of the All India Council of Technical Education.

(iii) One person nominated by the Kuladhipati.

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

(3) For constituting the committee under sub-section (2), the Kuladhipati shall, six months before the expiry of the term of the Kulpati, call upon the Executive Council and the Chairman of the All India Council of Technical Education to choose their nominees and if any or both of them fail to do so within one month of the receipt of the Kuladhipatis communications 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 Vishwavidyalaya 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 Vishwavidyalaya 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.

13. Emoluments And Conditions Of Service Of Kulpati, Terms Of Office Of And Vacancy In The Office Of Kulpati :-

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

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

Provided 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.

(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 interest of the Vishwavidyalaya; or

(iii) is capable of managing the affairs of the Vishwavidyalaya, (the Kuladhipati) may notwithstanding the fact that the term 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.

(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 Rector is not available, the Dean of any faculty 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 12 enters or re-enters, as the case may be, upon office :

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

14. Powers And Duties Of Kulpati :-

(1) The Kulpati shall be the principal administrative and Academic Officer of the Vishwavidyalaya. He shall be an ex officio member and Chairman of the Executive Council and the Academic Council, and Chairman of such other authorities, committees and bodies of the Vishwavidyalaya 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 Vishwavidyalaya, but shall not be entitled to voted 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 Executive Council, the Academic Council and of such other authorities, committees and bodies of the Vishwavidyalaya of which he is the Chairman. He may delegate this power to any other officer of the Vishwavidyalaya.

(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 earlier 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 Vishwavidyalaya 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 Vishwavidyalaya, 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 :

Provided also that this power shall not extend to matters regarding amendment in the Ordinances, Statutes, Regulations or any matter relating to appointments.

(5) On receipt of a report under sub-section (4) if the authority, committee or body concerned does not approve 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, any proceeding of any authority, committee or other body of the Vishwavidyalaya is likely to be prejudicial to the interest of the Vishwavidyalaya, he shall record his reason and refer the matter to the Kuladhipati and also inform the authority, committee or other body concerned shall not be given effect to till the matter is decided by the Kuladhipati under sub-section (4) of Section 11.

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

(9) The Kulpati shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

15. Powers And Duties Of The First Kulpati :-

It shall be the duty of the first Kulpati of the Vishwavidyalaya to constitute Court Executive Council, Academic Council and Other Authorities of the Vishwavidyalaya within a period of two years from the date of establishment of the Vishwavidyalaya and till the said authorities are constituted, the Kulpati shall be deemed to be the 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 and an

administrative expert to aid and advise the Kulpati in the exercise of his powers and performance of functions in lieu of each such authority.

16. The Rector :-

(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 Vishwavidyalaya.

(3) Subject to the provisions of this Act, the term of office, conditions of service and emoluments of the Rector shall be 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 other powers as may be prescribed by Regulations.

17. Recruitment Through Technical Education Service :-

1[The post of Registrar and such other cadres or other officers shall be filled from the officers of the Madhya Pradesh Technical Education (Gazetted) Service. In case of non-availability of such officers, the post shall be filled in by the Kuladhipati by securing the services of suitable officers on deputation.]

1. Substituted by M.P. Act No. 17 of 2003.

18. The Registrar :-

(1) The Registrar shall be a whole-time salaried officer of the Vishwavidyalaya 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 17 :

Provided that the first Registrar of the Vishwavidyalaya 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.

(3) 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.

(4) 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 Vishwavidyalaya.

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

19. Dean Of Students Welfare :-

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

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

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

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

20. Other Officers :-

The Appointment of other employees of the Vishwavidyalaya not covered by Section 17 shall be made in such manner and the conditions of their service shall be such as may be prescribed by the Statutes, Ordinances and Regulations.

CHAPTER 4

AUTHORITIES OF THE VISHWAVIDYALAYA

21. Authorities Of The Vishwavidyalaya :-

The following shall be the authorities of the Vishwavidyalaya, namely :--

(i) the Court;

(ii) the Executive Council;

- (iii) the Finance Committee;
- (iv) the Academic Council;
- (v) the Faculties;
- (vi) the Board of Studies;
- (vii) the Academic Planning and Evaluation Board;
- (viii) such other authorities as may be declared by the statutes to be the authorities of the Vishwavidyalaya.

22. Constitution Of Court :-

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

Group -- A

- (i) the Kuladhipati;
- (ii) the Kulpati;
- (iii) the Rector;
- (iv) the Dean of Faculties;
- (v) the Secretary in charge of the Manpower Planning Department of the Government of Madhya Pradesh;
- (vi) the Commissioner of Higher Education, Madhya Pradesh;
- (vii) the Director of Technical Education, Madhya Pradesh;
- (viii) Chairman of the Madhya Pradesh Board of Secondary Education;
- (ix) Chairman of the VYAPAM;
- (x) one nominee of the All India Council for Technical Education;
- (xi) Director, Technical Teachers Training Institute, Bhopal;
- (xii) Dean of Students Welfare.

Group -- B

- (xiii) One Professor, one Reader and one Lecturer from Vishwavidyalaya Teaching Department/School of Studies/ Centres of Studies to be elected from amongst themselves in the manner prescribed by the Statute;
- (xiv) One Principal, one Professor, one Reader and one Lecturer from affiliated colleges to be elected from amongst themselves in the manner prescribed by the statute;
- (xv) Two Principals, two Heads of Department and two Lecturers from affiliated Polytechnics to be elected from amongst themselves in the manner prescribed by the Statute.

Group -- C

- (xvi) Director General, Madhya Pradesh Council of Science and Technology, Bhopal;
- (xvii) Director, Regional Research Laboratory Council for Scientific and Industrial Research, Bhopal;

- (xviii) Chairman, Institution of Engineers (India) Madhya Pradesh State Centre, Bhopal;
- (xix) Three Deans of Faculty of Engineering to be nominated by the Kuladhipati;
- (xx) Two members of the Vidhan Sabha to be elected by the Vidhan Sabha;
- (xxi) Three representatives to be elected by the registered graduates of the Vishwavidyalaya from amongst themselves;
- (xxii) Every donor donating 1[ten lakh rupees] or more to the Vishwavidyalaya;
- (xxiii) Two representatives of the Associations of Commerce and Industries to be nominated by the State Government;
- (xxiv) One representative from the salaried non-teaching employees of the Vishwavidyalaya elected from amongst themselves in the manner prescribed by the Statutes.

Group -- D

- (xxv) Two students elected by the student members of the Board of studies from amongst themselves;
- (xxvi) Two students to be elected from amongst themselves by students who in the academic session immediately proceeding the election have been members of teams of the Vishwavidyalaya participating in the University tournaments.

Group -- E

- (xxvii) Such members of the Executive Council who are not members under any of the foregoing groups--

Explanation.-- (i) No person shall be eligible to become a member of the Court under more than one time.

(ii) Not more than one person shall be nominated from any Vishwavidyalaya Teaching Department, School of Studies or College under any one item of Group B.

(iii) For the purposes of Group D, Student shall means a person who--

(a) is receiving instructions or carrying on research in any of the Colleges or Vishwavidyalaya Teaching Department or School of Studies or any other institution of the Vishwavidyalaya under the terms and conditions laid down in the Ordinances; and (b) has passed his class 12th examination of 10+2 scheme not earlier than six years before the opening date of the academic session in which he seeks election. Further, he has passed each of the examinations from 12th onwards in single attempt.

(2) The terms of office of members elected under Group-D of sub-section (1) shall be one year.

(3) The terms 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 coterminus with the term of the Court which shall be three years.

(4) Every donor specified in clause (xxi) of sub-section (1) shall be a member of the Court for 7 years from the date the donation is accepted by the Vishwavidyalaya 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. Substituted by M.P. Act No. 17 of 2003.

23. 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.

(2) One third of the members of the Court shall form the quorum.

24. 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 Vishwavidyalaya;

(ii) to review from time to time the broad policies and programmes of Vishwavidyalaya;

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

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

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

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

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

25. Executive Council :-

The Executive Council shall be the Executive body of the Vishwavidyalaya and shall consist of the following, namely :--

- (i) The Kulpati; Chairman
 - (ii) The Secretary incharge--of Manpower Planning Department, Government of Madhya Pradesh; Member
 - (iii) The Secretary incharge of Finance Department, Government of Madhya Pradesh; Member
 - (iv) Chairman of the VYAPAM; Member
 - (v) Secretary incharge of Higher Education Department, Government of Madhya Pradesh; Member
 - (vi) four principals of affiliated colleges or polytechnics or institutions to be nominated by the Kuladhipati by rotation, according to seniority; Member
 - (vii) all Dean of Faculties; Member
 - (viii) two Professors from the Vishwavidyalaya teaching departments/affiliated Colleges or Institutions to be nominated by the Kuladhipati, by rotation, according to seniority; Member
 - (ix) two Heads of Department from affiliated polytechnics to be nominated by the Kuladhipati, by rotation according to seniority; Member
 - (x) Director, Technical Education, Madhya Pradesh; Member
 - (xi) The Chairman All India Council for Technical Educations Central Region Committee, Bhopal; Member
 - (xii) two known industrialists with technical and managerial experience to be nominated by the Kuladhipati; Member
 - (xiii) an educationist in the field of technical education from any national technical institution to be nominated by the Kuladhipati; Member
 - 1[(xiii-a) three persons nominated by the Member Kuladhipati amongst whom one each shall be a person belonging to Scheduled Castes, Scheduled Tribes and General Category out of these three persons one shall be a woman];
 - (xiv) Registrar; Member/Secretary.
 - (2) The members of the Executive Council other than ex officio members shall hold office for a period of three years.
 - (3) One third of the members of the Executive Council shall form the quorum :
- Provided that no quorum shall be necessary for adjourned meeting.
1. Inserted by M.P. Act No. 17 of 2003.

26. Powers And Duties Of Executive Council :-

- (1) Subject to the provisions of this Act, and the Statutes, Ordinances and Regulations made thereunder, the Executive

Council shall be the Supreme authority and shall have the following powers and perform the following duties namely :--

(i) to hold, control and administer the property and funds of the Vishwavidyalaya;

(ii) to administer the funds placed at the disposal of the Vishwavidyalaya for specific purposes;

(iii) to adopt the annual accounts together with the audit report;

(iv) to prepare the annual financial estimates of the Vishwavidyalaya and to place them before the Court for its consideration;

(v) (a) to adopt the annual financial estimates after considering 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 Vishwavidyalaya 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 budgeted 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 exceeding rupees five thousand 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 Vishwavidyalaya :

Provided that funds shall not be borrowed on the security of Vishwavidyalaya property without the prior approval of the Manpower Planning Department, Government of Madhya Pradesh;

(viii) to transfer any movable or immovable property on behalf of the Vishwavidyalaya :

Provided that no immovable property of the Vishwavidyalaya shall, except with the prior sanction of the State Government be transferred by way of mortgages, sale, exchange, gift or otherwise;

(ix) to enter into, vary, carry out and cancel contracts on behalf of the Vishwavidyalaya in the exercise 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 Vishwavidyalaya;

(xi) to lay before the Manpower Planning Department of Government of Madhya Pradesh annually a full statement of the financial requirements of all Colleges and hostels;

(xii) to admit Colleges or Polytechnics to the privileges of the

Vishwavidyalaya on the recommendation of the Academic Council and subject to the provisions of this Act and Statutes and to withdraw any of the privileges and to take over the management of the College or Polytechnic in the manner and under conditions prescribed by the Statutes and Ordinances;

(xiii) to declare Teaching Department of the Vishwavidyalaya, Schools of Studies or Colleges or Polytechnic as autonomous College or Polytechnic :

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

(xiv) to make provision for building, premises, furniture, apparatus, books and others means needed for carrying on the works of the Vishwavidyalaya;

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

(xvi) to manage and regulate the finances, accounts and investments of the Vishwavidyalaya;

(xvii) to institute and manage :

(a) a Printing and Publication Bureau;

(b) an Information Bureau;

(c) an Employment Bureau;

(xviii) to make provisions for;

(a) (i) Extra-mural teaching and research;

(ii) Vishwavidyalaya Extension Activities;

(iii) Correspondence courses;

(b) Students Union;

(c) Students Welfare;

(d) Sports and athletic activities;

(e) Social Service Scheme; and

(f) National Cadet Corps;

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

(xx) to institute such Professorships, Readerships, 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 Manpower Planning Department of Government of Madhya Pradesh;

- (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 Professorships, Readerships, Lecturerships, or other teaching posts in the Vishwavidyalaya;
- (xxiii) to establish, maintain and manage Colleges or Polytechnics teaching Departments institutions of research of specialised studies, laboratories, libraries, museums and hostels;
- (xxiv) to recognize hostels and to provide housing accommodation for teachers of the Vishwavidyalaya;
- (xxv) to arrange for and direct the inspections of affiliated colleges, recognised institutions, Polytechnics and hostels 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 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 and Polytechnics;
- (xxvii) to call for reports, returns and other information from affiliated colleges, recognised institutions or polytechnics or hostels;
- (xxviii) to supervise and control the admission, residence, conduct and discipline of the students of the Vishwavidyalaya and to make arrangements for promoting their health and general welfare;
- (xxix) to recommend to the Kuladhipati the conferment of Honorary degree and academic distinctions in the manner prescribed by the Statutes;
- (xxx) to confer or withdraw degrees, diplomas, certificates and other academic distinctions in the manner prescribed by the Statutes;
- (xxx i) 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 Vishwavidyalaya, to define their duties and the conditions of their service and to provide for the filling up of temporary vacancies;
- (xxxiii) to regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the Vishwavidyalaya in accordance with the Statutes and Ordinances;

- (xxxiv) to recognise a member of the staff of an affiliated or recognised institution as a teacher of the Vishwavidyalaya and withdraw such recognition;
- (xxxv) to fix remuneration of examiners and to arrange for the conduct of and for publishing the results of the Vishwavidyalaya 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 Vishwavidyalaya, including candidates for any examination;
- (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 Ordinances;
- (xli) to accept, reject or return to the Academic Council for consideration, but not to amend, regulations framed 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 Vishwavidyalaya not otherwise provided for in this Act or the Statutes and all other powers which are requisite to give effect 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 Vishwavidyalaya or a Committee appointed by it as it may deem fit.

27. Finance Committee :-

- (1) The Kuladhipati shall constitute a Finance Committee for the Vishwavidyalaya consisting of the following members, namely :--
 - (i) Kulpati;
 - (ii) Registrar of the Vishwavidyalaya;
 - (iii) Finance Officer of the Vishwavidyalaya;
 - (iv) Secretary incharge of Manpower Planning Department, Government of Madhya Pradesh or his nominee not below the rank of Deputy Secretary;

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

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

(3) Subject to the provisions of this Act and the Statute, 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 Vishwavidyalaya;

(b) to prepare the Annual Financial Estimates of Vishwavidyalaya before the commencement of the financial year and place it before 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 Vishwavidyalaya;

(d) to get the annual accounts and the annual audit of the Vishwavidyalaya completed in time and, in the light of the report, order appropriate directions.

(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.

28. Academic Council :-

(1) The Academic Council shall be the Academic body of the Vishwavidyalaya consisting of the following members, namely :--

(i) Kulpati;

(ii) Rector;

(iii) Director, Technical Education, Madhya Pradesh;

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

(v) Dean of Faculties;

(vi) Chairman of Board of Studies;

(vii) Heads of the Departments of the Vishwavidyalaya;

(viii) Four Principals, two from affiliated Colleges and two from affiliated Polytechnics to be nominated by the Kulpati, by rotation, according to seniority;

(ix) Two Professors from affiliated colleges of the Vishwavidyalaya to be nominated by the Kulpati; by rotation, according to seniority;

(x) Two Readers from the Vishwavidyalaya Teaching Departments amongst whom one shall be a lady teacher nominated by Kulpati, by rotation, according to seniority;

(xi) Registrar of Vishwavidyalaya. Member Secretary.

(2) One-third of the 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.

29. 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 Vishwavidyalaya and to give directions regarding methods of instruction, co-operative teaching among colleges and polytechnics maintained by or admitted to the privileges of the Vishwavidyalaya, valuation of research or improvements in academic standards;

(ii) to consider matters 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) (a) to make proposals for allocating departments to the Board of Studies;

(b) to assign fellows and its own members to the faculty; (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 Vishwavidyalaya :

Provided that no such application shall be considered unless the institution has been approved by the All India Council for Technical Education and the State Government.

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

(vii) to make arrangement for the conduct of examinations and to

appoint result committees or other persons or both, as it thinks fit, to prepare the result of examinations and report such result to the Executive Council for publication;

(viii) to recognise 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.

30. Faculties :-

(1) The Vishwavidyalaya shall have one or more faculties 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 Vishwavidyalaya Teaching Departments or Schools of Studies or College Professors who are teachers in the said subject :

Provided that if there is no Professor of the Vishwavidyalaya Teaching Departments or Schools of Studies teaching the said subject, the Dean shall be appointed from amongst the Professors of affiliated colleges who are teachers in the said subject.

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

31. Board Of Studies :-

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

(2) Each Board shall consist of such persons as may be prescribed by the Statutes.

32. Powers And Functions Of Board Of Studies :-

The Board of Studies shall have such powers and perform such functions as may be prescribed by the Statutes.

33. Academic Planning And Evaluation Board :-

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

- (i) The Kulpati ex-officio Chairman;
- (ii) The Rector;
- (iii) Dean of Faculties;
- (iv) Three Heads of Vishwavidyalaya Departments and Schools of Studies nominated by Kulpati;
- (v) Three College Professors nominated by the Kulpati;
- (vi) Three scholars of repute not connected with the Vishwavidyalaya;
- (vii) Three Heads of Departments nominated by the Kulpati;
- (viii) Two representatives of Industry nominated by the Kuladhipati.

(2) One-third of the members of the Board shall form a quorum.

(3) The terms 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 Vishwavidyalaya;
- (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 on inter-faculty basis;
- (iii) to suggest new academic programmes of the Faculties and to do academic evaluation of affiliated colleges and polytechnics of the Vishwavidyalaya 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 Vishwavidyalaya Teaching Departments, and Schools of Studies;
- (vii) to evaluate periodically the progress of the plan.

34. Board To Be Constituted :-

(1) There shall be such other Boards in the Vishwavidyalaya as may be prescribed by the Statutes.

(2) The Constitution, term, powers and duties of the Board constituted under sub-section (1) shall be such as may be prescribed by the Statutes.

CHAPTER 5 **FINANCES**

35. Vishwavidyalaya Funds :-

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

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

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

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

(c) the income of the Vishwavidyalaya from all sources including income from fees and charges;

(d) all other sums received by the Vishwavidyalaya.

(3) The Vishwavidyalaya Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934) or invested in securities authorised by the Indian Trusts Act, 1882 (No. 1 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 Vishwavidyalaya by any declaration of trust executed by or on behalf of the Vishwavidyalaya for the administration of any trust.

36. Objects To Which Vishwavidyalaya Fund May Be Applied :-

(1) The Vishwavidyalaya Fund shall be applicable to this following objects, and in the following order :--

(a) to the repayment of debts incurred by the Vishwavidyalaya for the purpose of this Act and Statutes, the Ordinances and Regulations made thereunder;

(b) to the upkeep of Colleges, teaching departments, Schools of Studies established by the Vishwavidyalaya, residence and hostels;

(c) to the payment of the cost of audit of the Vishwavidyalaya

Fund;

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

(e) to the payment of salaries and allowances of the officers and employees of the Vishwavidyalaya, members of the teaching staff and the establishment employed in the colleges maintained by the Vishwavidyalaya 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 establishment;

(f) to the payment of the travelling and other allowances of the members of the Executive Council, the Academic Council and any other authorities of the Vishwavidyalaya or the members of any Committee or Board appointed by any of the authorities of the Vishwavidyalaya in pursuance of any provision of this Act, and the Statutes, the Ordinances and 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 Vishwavidyalaya in carrying out the provisions of this Act, and the Statutes, Ordinances and the Regulations made thereunder;

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

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

CHAPTER 6

STATUTES, ORDINANCES AND REGULATIONS

37. Statutes :-

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;

(d) the term of office, conditions of Service and emoluments of Rector and his powers and duties;

(e) powers and duties of the Registrar and other officers and employees of the Vishwavidyalaya and the conditions of their service;

(f) the constitution of a Pension or Provident Fund and the establishment of an insurance scheme and provision of gratuity and other benefits for the benefit of the officers of the Vishwavidyalaya;

(g) the holding of convocation to confer degrees;

(h) conferment of honorary degree;

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

(j) the establishment and abolition of faculties, hostels, teaching departments, schools of studies Colleges and Polytechnics maintained by the Vishwavidyalaya;

(k) the conditions under which Colleges may be admitted to the privileges of the Vishwavidyalaya and withdrawal of such privileges;

(l) the extent of the autonomy which the teaching departments of the Vishwavidyalaya, School of Studies or Colleges or Polytechnics may have and the matters in relation to which such autonomy may be exercised;

(m) qualifications of Professors, Readers, Lecturers and other teachers in affiliated Colleges and recognized institutions;

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

(o) the emoluments and terms and conditions of services of the officers and the emoluments and terms and conditions of service other than pay scales of teachers of the Vishwavidyalaya paid by the Vishwavidyalaya;

(p) the mode of determining seniority of the purpose of this Act;

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

(r) establishment and constitution of Bureau for publications, and;

(s) all other matters which, by this Act, are to be provided for the

Statutes.

38. Statutes How Made :-

(1) The first Statutes with regard to matters set out in Section 37 shall be made by the State Government and a copy thereof shall be laid on the Table of the Legislative Assembly.

(2) The Executive Council may, from time to time make new or additional Statutes and may amend or repeal the Statutes in the manner hereinafter in this Section provided.

(3) The Academic Council may propose to the Executive Council the draft of any new statute or amendment of any existing Statutes to be passed by the Executive Council and such draft shall be considered by the Executive Council at its next meeting :

Provided that the Academic Council shall not propose the draft of any Statutes or of any amendment of a Statute affecting the status, power or constitution of any existing authority of the Vishwavidyalaya until such authority has been given an opportunity to express its opinion upon the proposal and any opinion so expressed shall be considered by the Executive Council.

(4) The Executive Council may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendment which it may suggest.

(5) Any member of the Executive Council may propose to the Executive Council the draft of any new Statute or amendment to existing Statute and the Executive Council may either accept or reject the proposal if it relates to a matter not falling within the purview of the Academic Council. In case such draft relates to a matter which is within the purview of the Academic Council, the Executive Council shall refer it for consideration to the Academic Council which may either report to the Executive Council that it does not approve the proposal, which shall then be deemed to have been rejected by the Executive Council or submit the draft to the Executive Council in such form as the Academic Council may approve and the provisions of the section shall apply in the case of draft so submitted as they apply in the case of a draft proposed to the Executive Council by the Academic Council.

(6) The new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Kuladhipati who may sanction, disallow or remit it for further

consideration.

39. 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, Polytechnics and laboratories and levy of fees and their enrolment;
- (ii) the degrees, diplomas, certificates and other academic distinctions to be awarded by the Vishwavidyalaya, and the qualifications for the same;
- (iii) the examination leading to the degrees, diplomas and certificates of the Vishwavidyalaya;
- (iv) the fees to be charged for courses of study in the Vishwavidyalaya and for admission to the examinations, degrees and diplomas of the Vishwavidyalaya;
- (v) Laying down conditions for appearing at examinations for degrees, diplomas, certificates and other academic distinctions;
- (vi) conduct of examinations;
- (vii) the condition of award of fellowships, scholarships, studentships, exhibitions, medals and prizes etc.;
- (viii) the maintenance of discipline amongst the students of the Vishwavidyalaya;
- (ix) the conditions of residence of the students, teaching departments, schools of studies and the levy of fees for residence in hostels;
- (x) the recognition and inspection of hostels;
- (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, Polytechnics and other institutions founded or maintained by the Vishwavidyalaya;
- (xiv) the supervision and inspection of Colleges, Polytechnics and other institutions admitted to the privileges of the Vishwavidyalaya;
- (xv) the duties, qualifications and conditions of appointment including pay scales of teachers of the Vishwavidyalaya paid by the Vishwavidyalaya;
- (xvi) the duties and powers of the Board and Committees to be appointed by the Vishwavidyalaya jointly with any other Vishwavidyalaya or body;

(xvii) the rules to be observed and enforced by affiliated Colleges, Polytechnics and recognised institutions in respect of transfer of students;

(xviii) the register of students to be kept by affiliated Colleges, Polytechnics and recognised institutions;

(xix) the mode of execution of contracts or agreements by or on behalf of the Vishwavidyalaya;

(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 Vishwavidyalaya, the examiners, the officers and staff of the Vishwavidyalaya;

(xxi) constitution of students union and its mode of election thereto; and

(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 52.

40. Ordinances How Made :-

- (1) All ordinances except the first Ordinance shall be made by the Executive Council.
- (2) An Ordinance made by the Executive Council shall come into force from the date on which it is approved by the Kuladhipati.

41. Procedure Regarding Ordinances :-

- (1) Notwithstanding anything contained in sub-section (1) of Section 40, no ordinance shall be made by the Executive Council--
 - (a) affecting the admission of students, or prescribing examinations to be recognized as equivalent to the Vishwavidyalaya Examinations or the further qualifications mentioned in subsection (1) of Section 45 for admission to the degree or diploma courses of the Vishwavidyalaya 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 Vishwavidyalaya paid by the Vishwavidyalaya, 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 present 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 Kuladhipati and the Kuladhipati may direct that such Ordinance shall have effect from such date as may be specified in the direction.

42. Regulations :-

(1) The authorities, committees and other bodies of Vishwavidyalaya constituted by or under this 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 Vishwavidyalaya shall be the number forming the majority of the members constituting such authority, committee or other body by the Vishwavidyalaya, 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 Vishwavidyalaya 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 meeting :

Provided that any authority, committee or body of the Vishwavidyalaya which is not satisfied with any modification or annulment may appeal to the Kuladhipati whose decision in this

matter shall be final.

CHAPTER 7

RESIDENCE OF STUDENTS, ENROLMENT AND DEGREES ETC.

43. Residence Of Students :-

Every Student of the Vishwavidyalaya shall reside in hostel or elsewhere under such conditions as may be prescribed by the Statutes and Ordinances.

44. Hostels :-

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

(2) The wardens and the Superintending Staff of the hostel shall be appointed in the manner prescribed by the Statutes.

(3) The conditions of residence in hostel shall be prescribed by the Ordinances and every hostel shall be subject to inspection by the authority or officer of the Vishwavidyalaya authorised in this behalf by the Executive Council.

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

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

45. Admission To Vishwavidyalaya Courses :-

(1) Students shall not be eligible for admission to a course of study for a degree or diploma unless they have passed the final examination or 10th examination respectively 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 an equivalent thereto and possess such further qualifications as may be prescribed by the Ordinance.

(2) The Vishwavidyalaya may with the previous sanction of the State Government recognise for the purpose of admission to a course of study for a degree or diploma as equivalent to its own degree or diplomas and any degree or diploma conferred by any other University or Board or as equivalent to the final examination

held under the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (No. 23 of 1965), any other Examination and have been enrolled as student of the Vishwavidyalaya.

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

46. Appointment 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, an examiner becomes, for any course, incapable of acting as such, the Kulpati shall appoint an examiner to fill the vacancy.

47. Inspection Of Colleges And Polytechnics And Reports :-

(1) Every college or polytechnic 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 institution.

(2) The Executive Council shall cause such institution to be inspected from time to time by one or more competent person 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.

48. Registered Graduates A Diploma Holders :-

Only graduate or diploma holders of the Vishwavidyalaya shall on payment of such fees as may be prescribed by the Statutes to be entitled to have their names enrolled in the register of Registered Graduates or Diploma holders to be maintained in such form as may be prescribed by the Statutes.

49. Annual Reports :-

The annual report of the Vishwavidyalaya shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such 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.

The Vishwavidyalaya 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.

50. Audit Of Accounts :-

(1) The Accounts of the Vishwavidyalaya 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.

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

CHAPTER 9

APPOINTMENT TO TEACHING POSTS IN THE VISHWAVIDYALAYA

51. Appointment To Teaching Posts :-

(1) No person shall be appointed--

(i) as a Professor, Reader, or Lecturer; or

(ii) to any other teaching post of the Vishwavidyalaya paid by the Vishwavidyalaya 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 six months and cannot be delayed without detriment to the interest of the department of institution maintained by the Vishwavidyalaya, 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 six months or appointed to

another post in the service of the Vishwavidyalaya except on the recommendation of the said committee of selection.

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

(i) the Kulpati, Chairman;

(ii) one expert to be nominated by the Kuladhipati from a Panel submitted by the Academic Council of three experts in the subject not connected with the Vishwavidyalaya in any manner whatsoever;

(iii) three subject experts not connected with the Vishwavidyalaya in any manner whatsoever to be nominated by the Kuladhipati :

1[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.]

(iv) Secretary in charge of the Manpower Planning Department, Government of Madhya Pradesh.

(3) Three members of the selection committee shall form the quorum.

(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 the order of merits :

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

(5) Out of the names so recommended under sub-section (4) the Executive Council shall appoint persons in order of merit.

1. Inserted by M.P. Act No. 17 of 2003.

52. Salaries Of Teachers Paid By Vishwavidyalaya :-

The payment of salaries to the teachers of the Vishwavidyalaya paid by the Vishwavidyalaya 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

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

(1) If the State Government is satisfied that owing to maladministration or financial mismanagement in the Vishwavidyalaya a situation has arisen whereby financial stability of the Vishwavidyalaya has become insecure, it may by notification, declare that the finances of the Vishwavidyalaya shall be subject to the control of the State Government.

(2) Every notification issued 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) remain in operation, the executive authority of the State Government shall extend to the giving of directions to the said Vishwavidyalaya to observe such canons of financial propriety 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 sanctions;

(ii) a provision requiring the Vishwavidyalaya to submit every proposal involving financial implications 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 Vishwavidyalaya 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 the Vishwavidyalaya;

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

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

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

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

this section.

(6) Every officer of the Vishwavidyalaya shall be personally liable for misapplication of any fund or property of the Vishwavidyalaya 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 of Madhya Pradesh, Manpower Planning 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.

54. Powers Of State Government To Apply Act In Modified Form With A View To Provide For Better Administration Of Vishwavidyalaya In Certain Circumstances :-

(1) If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the Vishwavidyalaya cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the Vishwavidyalaya and it is expedient in the interest of the Vishwavidyalaya so to do, it may by notification, for reasons to be mentioned, therein, direct that the provisions of Sections 12, 13, 22 to 28, 42, 49, 50 and 69 shall as from the date specified in the notification (hereinafter in this Section referred to as the appointed date) apply to the Vishwavidyalaya.

(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 12 and 13 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) the Kulpati, holding office immediately before the appointed date, shall notwithstanding that his term of office has not expired, vacate his office;

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

(iii) 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 12 and 13 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 of 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.

55. Effect On Expiration Of The Period Of Operation Of Notification Under Section 54 :-

On expiration of the period of operation of the notification issued under Section 54, the provisions of this Act, as modified in application to the Vishwavidyalaya mentioned in the notification

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

(a) previous operation of or anything done or suffered under the provisions as modified in 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

SUPPLEMENTARY PROVISIONS

56. Dispute As To Constitution Of Vishwavidyalaya Authorities And Bodies :-

If any question arises regarding the interpretation of any provisions of this Act or any Statutes, Ordinances or Regulations 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 Vishwavidyalaya, the matter shall be referred to Kuladhipati whose decision thereon shall be final :

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.-- In this section, the expression--

(a) "body" includes any committee constituted by or under this Act;

(b) "appointed" does not include appointments to the salaried posts of the Vishwavidyalaya.

57. Constitution Of Committees :-

Where any authority of the Vishwavidyalaya 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.

58. Filling Of Causal 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 Vishwavidyalaya shall be filled, as soon as conveniently may be, by the persons or the body who 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 term for which the person whose place he fills would have been a member.

59. Proceedings Of Vishwavidyalaya And Bodies Not Invalidated By Vacancies :-

No act or proceeding of any authority, committee or body of the Vishwavidyalaya shall be invalid merely by reason of--

- (a) any vacancy in or defect in the constitution thereof;
- (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.

60. Conditions Of Service :-

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

(2) Any dispute regarding service matters arising out of contract or otherwise between the Vishwavidyalaya and any of its salaried employees shall be adjudicated upon the Kulpati and an appeal against the Kulapatis 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 engineering institution of the State.

61. Pension And Provident Fund :-

The Vishwavidyalaya 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 benefit as it may deem fit.

62. Protection Of Action Taken In Good Faith :-

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

63. Approval For Imparting Instructions :-

No person shall impart instruction in the Vishwavidyalaya or 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.

64. Classification Of Teachers :-

(1) Professors, Readers and Lecturers in Colleges and Lecturers and Heads of Departments in Polytechnics fulfilling the academic and other qualifications and conditions of experience laid down by the All India Council for Technical Education (AICTE) and drawing pay in the AICTE pay scales or that approved by the State Government shall be recognised as Professors. Readers, Heads of Departments and Lecturers of the Vishwavidyalaya, Principals of Colleges with a minimum 15 years teaching experience of minimum degree level in concerned subjects and drawing salary of the Principal approved by the State Government shall be recognised as Professor by the Vishwavidyalaya.

(2) Visiting Professor means a Professor invited by Executive Council for a short term of not more than 6 months as stipulated in the contract.

(3) A teacher who is appointed on part time basis in any institution shall not be given recognition by the Vishwavidyalaya.

65. Terms Of Office Of Members Of Authority Of The Vishwavidyalaya :-

(1) Wherever 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 provisions to the contrary in the Act, shall be determined in accordance with the Statutes :

Provided that, till the Statutes are made, the seniority in 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) Whoever 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 qualifications 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.

66. Resignation Of Member Or Officers Of Vishwavidyalaya :-

(1) Any member other than an ex officio member of the Court, Executive Council, the Academic Council, or any other Vishwavidyalaya Authority or Committee of 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 Vishwavidyalaya, whether salaried or otherwise, other than a Dean may resign his office by a letter addressed to the Registrar. Such resignation shall take effect from the date on which the same is accepted by the Authority competent to fill the vacancy.

67. Disqualifications For Being Member Of Authority :-

(1) A person shall be disqualified for being chosen as, and for being a member of any of the Authorities of the Vishwavidyalaya--

- (a) if he is of unsound mind; or
- (b) if he is deaf, mute or suffering from any contagious disease; or
- (c) if he is an undischarged insolvent; or
- (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 has 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.

68. Power To Remove Member From Register Of Graduates Or Diploma Holders Or Any Authority Or Body Of The Vishwavidyalaya :-

(1) The Kuladhipati may, on the request of the Executive Council, remove the name of any person from the register of graduate or diploma holders and remove the name of any person from membership of any authority or body of the Vishwavidyalaya, if--

(i) he is guilty of gross misbehaviour; and

(ii) he acts prejudicial to the interest of the Vishwavidyalaya :
Provided that the Kuladhipati shall cause a preliminary enquiry to be made and if he is satisfied that prima facie case exists, he shall serve on such registered graduate or diploma holder 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 Vishwavidyalaya, 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 Vishwavidyalaya, 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 diploma holder or member, as the case may be.

(3) The Tribunal shall after giving the accused registered graduate or diploma holder or members, as the case may be, an opportunity of being heard and examining such evidence as may be necessary, record its findings 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 diploma holder 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.

69. Removal Of Difficulties :-

If any difficulty arises as to the first constitution or reconstitution of

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