The Indira Kala Sangit Vishwavidyalaya Adhiniyam (Sanshodhan) Adhiniyam, 2005

Act 8 of 2002

Keyword(s):
Academic Council, Music, Faculty, Teacher, University

Amendments appended: 12 of 2005, 17 of 2019
CHHATTISGARH ADHINITYAM
(No. 8 of 2002)

INDIRA KALA SANGIT VISHVAVIDYALAYA (SANSODHAN) ADHINITYAM, 2002

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CHHATTISGARH ADHINIYAM
(No. 8 of 2002)

INDIRA KALA SANGIT VISHWAVIDYALAYA (SANSHODHAN)
ADHINIYAM, 2002.

An Act to amend Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956.

Be it enacted by the Chhattisgarh Legislature in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indira Kala Sangit Vishwavidyalaya (Sanshodhan) Adhiniyam, 2002 (No. 8 of 2002).

(2) This Act shall come into force on such date as the State Government may, by notification, appoint in official Gazette.

2. In section 3 of the Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956), (hereinafter may be called the Principal Act), the word "Kuladhipati", "Kulapati" and "Adhyacharya" shall be substituted respectively in place of the word "Kulapati", "UpKulapati" and "Adhyacharya" and the word "PratiKulapati" and "Koshadhyaksha" shall be omitted respectively.

3. Following section 3(A) shall be inserted after section 3 of the Principal Act, namely:—

(1) The word "Kuladhipati", "Kulapati" and "Kuladhishachiv" shall be substituted respectively in place of the word "Kulapati", "UpKulapati" and "Adhyacharya" wherever they occur in the Principal Act.

(2) the word "PratiKulapati" and "Koshadhyaksha" shall be omitted wherever they occur in the Principal Act.

4. Section 11 of the Principal Act shall be omitted.

5. Section 16 of the Principal Act shall be omitted.

6. Section 17 of the Principal Act shall be omitted.

7. Following section shall be inserted after the section 17 of the Principal Act, namely:—

(1) 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 Kulapati;

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

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

(iii) is incapable of managing the affairs of the university the Kuladhipati may, notwithstanding the fact that the terms of the office of the Kulapati has not expired, by an order in writing stating the reasons therein, require the Kulapati to relinquish his office as from such date as may be specified in the order.
(2) No order under sub-section (1) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulapatii and he is given a reasonable opportunity of showing cause against the proposed order.

(3) As from the date specified in the order under sub-section (1), the Kulapatii shall be deemed to have relinquished the office and the office of the Kulapatii shall fall vacant.

Amendment of Section 21. University Court.

8. Section 21 of the Principal Act shall be omitted and following section shall be substituted in its place; namely:—

The University Court shall be constituted subject to the provisions of the Statutes.

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

(1) to act as an advisory body in all matters relating to the university;

(2) to review from time to time the broad Policies and Programmes of the university and to suggest measures for the improvement and development of the university;

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

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

(5) to exercise such other Powers and Perform such other duties as may be conferred or imposed upon it by this Act and the Statutes.

Insertion of Section 54.

Power of State Government to apply Act in modified form with a view to provide for better administration of university in certain circumstances.

9. Following section shall be inserted after the section 53 of the Principal Act; namely:—

(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 university cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the university, and it is expedient in the interest of the university so to do, it may by notification, for reasons to be mentioned in it, direct that the provisions of section 12, 12-A, 17, A, 21, 22, 23, 24, 25 and 27 shall, as from the date specified in the notification (thereinafter in this section referred to as the appointed date), apply to the university subject to notified orders of the State Government.

(2) The notification issued under sub-section (1) (thereinafter 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 Kulapatii shall, in consultation with the State Government, simultaneously with the issue of the notification, appoint the Kulapatii under Sub-section (1) and shall remove the Kulapatii in the like manner. The Kulapatii so appointed shall hold office during the period of operation of the notification:
Provided that the Kulapati 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) this Act shall have effect subject to the notified order of the State Government;

(ii) the Kulapati, holding office immediately before the appointed date, shall notwithstanding that his terms of office not expired, vacate his office;

(iii) every person holding office as a member of the Sabha, the Karyakarini Samiti or the Shiksha Samiti, as the case may be, immediately before the appointed date shall cease to hold that office;

(iv) until the Sabha, Karyakarini Samiti or Shiksha Samiti, as the case may be, reconstituted, the Kulapati appointed under Section 54 (3) shall exercise the Powers and Perform the duties conferred or imposed by or under this Act, on the Vishwavidyalaya Sabha, Karyakarini Samiti or Shiksha Samiti;

Provided that the Kuladhapatni may, if considers it necessary so to do, appoint a Committee Consisting of an educationist, an administrative expert and a financial expert to assist the Kulapati 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 Kulapati shall take steps to constitute the Vishwavidyalaya Sabha, Karyakarini Samiti and Shiksha Samiti accordance with the provisions of the Act, as unmodified and the Vishwavidyalaya Sabha, Karyakarini Samiti and Shiksha Samiti as so constituted shall begin to function on the date immediately following the date of expiry if the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later;

Provided that if the Sabha, Karyakarini Samiti and Shiksha Samiti are not constituted before the expiration of the period of operation of the notification, the Kulapati shall on such expiration exercise the powers of each of these authorities subject to prior approval of the Kuladhapatni till the Sabha, Karyakarini Samiti or Shiksha Samiti as the case may be, is so constituted.

10. Following section shall be inserted after the new inserted section 54 of the Principal Act; namely:

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 university 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 therein;

Provided that the expiration of the operation of the notification shall not affect:

(e) Previous operation of, or any thing 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.
CHHATTISGARH ACT
(No. 12 of 2005)

THE INDIRA KALA SANGIT VISHWAVIDYALAYA ADHINIYAM (SANSHODHAN) ADHINIYAM, 2005

An Act to amend Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956).

Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth year of the Republic of India as follows:

1. (1) This Act may be called the Indira Kala Sangit Vishwavidyalaya (Sanshodhan) Adhiniyam, 2005.

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

2. In this Act unless the context otherwise requires:

"Principal Adhiniyam" means the Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956).

3. For section 12 of the Principal Adhiniyam, following shall be substituted namely:

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

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

(i) One person elected by the Karyakarini Samiti;

(ii) One person nominated by the Chairman of the University Grants Commission;

(iii) One person nominated by the Kuladhipati.

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

(3) For constituting the committee under sub-section (2), the Kuladhipati shall, six months before the expiry of the term of the Kulapati, call upon Karyakarini Samiti and the Chairman of the University Grants Commission to choose their nominees and if any or both of them fail to do so within one month of the receipt of the communication in this regard, the Kuladhipati may, nominate any as nominee for the committee.

(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 not less than 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.

Amendment of Section 12-A.

for section 12-A of the Principal Adhiniyam the following section shall be substituted namely —

(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 he shall cease to hold office on attaining the age of 65;

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) The person holding office of the Kulpati in the Vishwavidyalaya immediately before the commencement of this Sanshodhan Adhiniyam shall continue to hold his office till the expiry of his term of office notwithstanding anything contained in the proviso to sub-section (2).

(4) 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 Kuladhisachiva and if no Kuladhisachiva has been appointed or if the Kuladhisachiva is not available, the Adhishthata of any faculty or the senior most professor of Vishwavidyalaya teaching department nominated by the Kuladhipati for that purpose shall act as the Kulpati until the date on which the Kulpati appointed under sub-section (1) or sub-section (7) of section 12, enters or re-enters as the case may be upon his office:

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

Amendment of Section 12-B.

5. Section 12-B of the Principal Adhiniyam shall be omitted.

Amendment of Section 13.

6. For section 13 of the Principal Adhiniyam, following shall be substituted namely —

(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 Karyakarini Samiti and of the Vidya Parishad and Chairman of the Vitta Samiti and Chairman of such other authorities, committees and bodies of the Vishwavidyalaya or which he is a member. He shall be entitled to present and to speak at any meeting of any authority, committee or other body of the Vishwavidyalaya but shall not be entitled to vote thereat unless he is a member of such authority, committee or body.
(2) It shall be the duty of the Kulapati 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 Kulapati shall have the power to convene meetings of the Karyakarini Samiti, the Vidya Parishad 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 Kulapati any emergency has arisen which requires immediate action to be taken, the Kulapati shall take such actions as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter:

Provided that the action taken by the Kulapati shall not commit the Vishwavidyalaya to any recurring expenditure for a period of more than three months;

Provided further that wherever any such action taken by the Kulapati 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 karyakarini Samiti;

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) of the authority, committee or body concerned does not approve the action taken by the Kulapati, Kulapati shall refer the matter to the Kuladhhipati whose decision thereon shall be final.

(6) The action taken by the kulapati under sub-section (4) shall be deemed to be the action taken by the appropriate authority until it is set aside by the Kuladhhipati on a reference made under sub-section (5) or is set aside by the Karyakarini Samiti on an appeal under the Second proviso to sub-section (4).

(7) If in the opinion of the Kulapati, 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 reasons and refer the matter to the kuladhhipati and so inform the authority, committee or other body concerned whereupon the decision concerned shall not be given effect to till the matter is decided by the Kuladhhipati under sub-section (6) of section 10.

(8) The Kulapati 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 Kulapati shall exercise such other power as may be prescribed by the Statutes, Ordinance and Regulations.

7. Entry (1) of Section 20 of the Principal Adhiniyam shall be omitted.

8. Section 21 of the Principal Adhiniyam shall be omitted.

9. In the Indira Kala Samiti Vishwavidyalaya Adhiniyam, 1956 (No. XIX of 1956) for the words "Vishwavidyalaya Sabha" or "Sabha" wherever they occur the words "Karyakarini Samiti" shall be substituted.
Amendment of Section 22.

10. For Section 22 of the Principal Adhiniyam the following section shall be substituted, namely:

Karyakarini Samiti.

(1) The Karyakarini Samiti shall consist of the following persons namely:

(i) The Kulapati,

(ii) The Kuladhisachiv, if any,

(iii) The successor of the founders of the Vishwavidyalaya,

(iv) The Adhishrharas,

(v) Two principal, other than adhishrharas of colleges to be appointed by the Kuladhipati by rotation according to seniority.

(vi) One Professor, and if there is no Professor, one Reader to the Vishwavidyalaya Teaching Department shall be appointed by the Kuladhipati by rotation according to seniority.

(vii) The Secretary, Higher Education or his representative, not below the rank of Dy. Secretary.

(viii) Two persons nominated by the Kuladhipati.

(ix) Four members of the Chhattisgarh Vidhan Sabha, nominated by the rajya vidhan Sabha.

(2) The term of office of persons becoming members of the Karyakarini Samiti under items : (v), (vi), (vii) and (ix) shall, subject to Section 52 of the Adhiniyam, be 3 years.

(3) Five members inclusive of the Chairman shall form a quorum.

Amendment of Section 26.

Powers and duties of authorities of the Vishwavidyaya, save that of Karyakarini Samiti.

11. For section 26 of the Principal Adhiniyam the following shall be substituted, namely:

Subject to the provisions of this adhiniyam the constitution, powers and duties of the authorities of the Vishwavidyalaya, save that of the Karyakarini Samiti shall be prescribed by the Statutes.

Amendment of Section 32.

Statutes how made.

12. For Section 32 of the Principal Adhiniyam the following shall be substituted, namely:

(1) The Karyakarini Samiti may, from time to time, make, amend or repeal any statute in the manner hereinafter.

(2) The Kulapati may propose to the Karyakarini Samiti the draft of any Statute to be passed by the karyakarini Samiti, and such draft shall be considered by the Karyakarini Samiti at its next meeting.

(3) The Karyakarini Samiti may approve of any such draft as is referred to in subsection (2) and pass the Statute or reject it or return it to the kulapati for reconsideration either in whole or in part, together with any amendments which the karyakarini Samiti may suggest.

Provided that the kulapati shall not propose the draft of any Statute or of any amendment of a Statute affecting the powers or constitution of any existing authority of the Vishwavidyalaya until such authority has been given an opportunity
of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Karyakari Samiti.

(4) After any draft returned under sub-section (3) has been further considered by the Kulapati together with any amendment suggested by the Karyakarini Samiti, it shall be again presented to the Karyakarini Samiti with a report of Kulapati thereon and the Karyakarini Samiti may then deal with the draft in any way it thinks fit.

(5) Every 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.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 571]
रायपुर, शनिवार, विनांक 7 सितम्बर 2019 — भाष्यपाल 16, शताब्दी 1941

बिधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नवा रायपुर अटल नगर

अटल नगर, विनांक 7 सितम्बर 2019

क्रमांक 9200/डि. 162/21-अ/प्राल/छ. ग./19 — छत्तीसगढ़ विधान सभा का समान्तरित अधिनियम जिस पर विनांक 16-08-2019 को राज्यपाल की अनुमति प्राप्त हो चुकी है, इत्यादि सरकारी छात्रावीर की जानकारी के लिए प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आवेदनात्मक,
मनोज कुमार ठाकुर, अतिरिक्त सचिव.
छत्तीसगढ़ अधिनियम
(क्रमांक 17 लाख 2019)

ईंटिरा कला संगीत विश्वविद्यालय (संशोधन) अधिनियम, 2019

ईंटिरा कला संगीत विश्वविद्यालय अधिनियम, 1956 (क्र. 19 लाख 1956) को और संशोधित करने हेतु अधिनियमः.

भारत गणराज्य के तत्त्वबीं वर्ष में छत्तीसगढ़ विधानसभा द्वारा निर्मितिहित रूप में यह अधिनियमित होः-

संक्षेप नाम तथा प्रारंभ। 1. (1) यह अधिनियम ईंटिरा कला संगीत विश्वविद्यालय (संशोधन) अधिनियम, 2019 कहलायेगा।

(2) यह राजपत्र में इसके प्रकाशण की तारीख से प्रभावित होगा।

पारा 12-क का संशोधन। 2. छत्तीसगढ़ ईंटिरा कला संगीत विश्वविद्यालय अधिनियम, 1956 (क्र. 19 लाख 1956) में, पारा 12-क में, उप-पारा (4) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जायेगा, अथवा:

“(4) कुलपति का पद उसकी मृत्यु, व्यापार, अबकाज, समस्ता या अन्य रूप या अन्य निर्देश बिना कारण द्वारा हो जाने की वजह में, इसमें अधिकारी निर्देश भी निर्मितिहित है, कुलपतिपति और यदि कोई कुलपतिपति नियुक्त नहीं किया गया है या यदि कुलपतिपति उपस्थित नहीं है तो राज्य शासन की अनुशंसा पर, कुलपतिपति द्वारा उस प्रमोजण के लिये नाम निर्मितिहित किया गया जिसकी संकल्पना का संकल्पनशक्ति या विश्वविद्यालय संशोधन विभाग का कोई विशेष ध्वनि या राज्य सरकार के विशेष संचित से अन्य तर का कोई अधिकारी कुलपति के रूप में उस तारीख तक कार्य करेगा जिस पर कोई कुलपति, जो ऐसी निर्देश भरने के लिए पारा 12 की उप-पारा (7) के अधीन नियुक्त किया गया है, यथास्थिति, अपना पद ग्रहण या पुनः पद ग्रहण नहीं कर लेता है:

पारा 12 इस उप-पारा में अनुसंधान व्यवस्था ३: मास से अधिक की कालावधि के लिये जारी नहीं होगी।”

अद्यन नगर, विनांक 7 सितम्बर 2019

क्रमांक 9200/डि. 162/21-भ/प्रान्त, छ. म/19, भारत के संविधान के अनुसार 348 के खंड (3) के अनुसार में इस विभाग की संस्करण्ण अधिसूचना विनांक 7-9-2019 का अंकर्ज अनुच्छेद राज्यपाल के प्राधिकार से एवंहारा प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आवेदनाराय, मनीष कुमार ठाकुर, अतिरिक्त सचिव.
CHHATTISGARH ACT
(No. 17 of 2019)

THE INDIRA KALA SANGIT VISHWAVIDYALAYA (SANSHODHAN) ADHINIYAM,
2019

An Act to further amend the Indira Kala Sangit Vishwavidyalaya Adhiniyam, 1956
(No. XIX of 1956).

Be it enacted by the Chhattisgarh Legislature in the Seventieth Year of the
Republic of India, as follows :-

1. (1) This Act may be called the Indira Kala Sangit Vishwavidyalaya (Sanshodhan)
Act, 2019.

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

2. In Chhattisgarh Indira Kala Sangit Vishwavidyalaya Act, 1956 (No. XIX of 1956), in
Section 12-A, for sub-section (4), the following shall be substituted, namely :

“(4) In the event of occurrence of any vacancy in the office of the Kulapati by
reason of his death, resignation, leave, illness or otherwise including a
temporary vacancy, the Rector and if no Rector has been appointed or if the
Rector is not available then on recommendation of the State Government, the
Dean of any faculty or the Senior most Professor of the University Teaching
Department or any Officer not below the rank of Special Secretary to the State
Government to be nominated by the Kuladhpati for that purpose shall act as
the Kulapati until the date on which Kulapati is appointed, for filling such
vacancy, under sub-section (7) of Section 12 enters or re-enters, as the case
may be, upon his office:

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