



The Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997

Act 33 of 1997

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**THE KAVI KULAGURU KALIDAS SANSKRIT VISHVAVIDYALAYA
(UNIVERSITY) ACT, 1997.**

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MAHARASHTRA ACT No. XXXIII OF 1997.¹

[THE KAVI KULAGURU KALIDAS SANSKRIT VISHVAVIDYALAYA [UNIVERSITY] ACT, 1997]

[This Act received the assent of the Governor on 26th May 1997, assent first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 28th May 1997.]

An Act to establish a Sanskrit University in the State of Maharashtra.

WHEREAS it is well established that Sanskrit language and literature is the repository of the ancient Indian Wisdom;

AND WHEREAS the special value and importance of the Sanskrit language in the growth and development of Indian languages and its unique contribution towards the cultural unity of the country is also now well recognised;

AND WHEREAS to explore, cherish and propagate the universal values of the Sanskrit literature and to effect a progressive synthesis of ancient Indian wisdom with modern 'science-culture' for creation of an enlightened society;

AND WHEREAS for the reasons aforesaid it is necessary to enact a law for establishing a Sanskrit University; It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called *the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997.* Short
title and
commence-
ment.
- (2) It shall come into force on such date² as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "academic service unit" means university academic staff college, computer centre, university printing press, or any other unit providing specialised services for the promotion of any of the objectives of the university;

(2) "adjunct professor", "adjunct reader" or "adjunct lecturer" means a person from any university, college, institute or research centre of learning in Sanskrit or any other allied field, industry, trade, agriculture, commerce, defence or any other field who is so designated during the period of collaboration or association with the university;

(3) "affiliated college" means a college which has been granted affiliation by the university;

(4) "authorities" means the authorities of the university as specified by or under this Act;

(5) "bodies" means the bodies of the university formed by the respective authorities;

(6) "collaboration" means collaborative academic activity of the university with other universities, academic institutions (local, regional, national or international), research institutions and organisations (research), agriculture, industry trade, commerce and defence);

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1997, Extraordinary, Part V, Page 263.

² 18th September 1997 (*vide* G. N. 5 K. E. 1097/(90/97)-UNI 2, dated the 18th September 1997.)

(7) "college" means a college conducted by the university, or affiliated to the university;

(8) "conducted college" means a college maintained and managed by the university;

(9) "department" means a department teaching a particular subject or a group of subjects in a college as prescribed in the Statute;

(10) "Director" means a head of an institution including a centre, or a school of the university as designated by the *Vyavasthapana Parishad*;

(11) "Director of Higher Education", "Director of Medical Education and Research", "Director of Ayurved", "Director of Physical Education and "Director of Technical Education" means respectively, Director of Higher Education, Maharashtra State, Director of Medical Education and Research, Maharashtra State, Director of Ayurved, Maharashtra State and Director of Physical Education, Maharashtra State, Director of Technical Education, Maharashtra State;

(12) "Head of the University Department" means a teacher so designated by the *Kulaguru* who shall be principally responsible for the teaching and research in the department;

(13) "higher education" means the pursuit of knowledge, beyond learning at the stage of school education;

(14) "hostel" means a place of residence for the student of the university or affiliated college provided, maintained or recognised by the university;

(15) "institution" means an academic institution of higher learning, not being a college, associated with and admitted to the privileges of the university;

(16) *Kuladhipati*, *Kulaguru* and *Sama-Kulaguru* means, respectively, the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the university;

(17) "local managing committee" means a committee constituted for a college under the provisions of this Act;

(18) "management" means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Bombay Public Trusts Act, 1950 (or any society registered under the Societies Registration Act, 1860) under the management of which one or more colleges or recognised institutions or other institutions are conducted and admitted to the privileges of the university;

Provided that, in relation to any college or institution established or maintained by the Central Government or the State Government or a local authority like a *Zilla Parishad*, municipal council or the municipal corporation, it means, respectively, the Central Government or the State Government or *Zilla Parishad* or the municipal council or the municipal corporation, as the case may be;

(19) "Other Backward Classes" means and includes persons belonging to such classes or groups within such classes as adopted by the State Government to be the other backward classes;

(20) "*Pathshala*" means a *Pathshala* recognised by the Government of Maharashtra, other State Governments or the Central Government;

(21) "Post-graduate department" means a department in a college or institution of higher learning, research or specialised studies, recognised to be so by the university and imparting post-graduate instruction or guidance for research;

(22) "prescribed" means prescribed by Statutes or Ordinance or Regulations or rules, as the case may be, made under this Act;

(23) "Principal" means a head of college, specialised educational institution post-graduate centre or other recognised institution duly approved by the university;

(24) "recognised institution" means an institution of higher learning, research or specialised studies, other than an affiliated college, and recognised to be so by the university;

(25) "registered graduate" means a graduate of a university registered or deemed to be registered by or under this Act with the university;

(26) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of Maharashtra under article 341 of the Constitution of India;

(27) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under articles 342 of the Constitution of India residing in any part of the State of Maharashtra and, for the purposes of this Act, includes Denotified and Nomadic Tribes;

(28) "School" means a school of studies maintained by the university;

(29) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and Regulations of the university made under this Act;

(30) "teacher" means full-time approved professor, associate professor, assistant professor, reader, lecturer, librarian, Director or Instructor of Physical Education in any university department or conducted or affiliated college, or recognised institution, school or *Pathashala* in the university;

(31) "university" means the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) incorporated under section 3 of this Act;

(32) "university department" means a department established and maintained by the university;

3 of
1956.

(33) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;

(34) "university institution" means a centre, a school, or an institute established and maintained by the university;

(35) "university teacher" means a teacher appointed by the university.

CHAPTER II.

THE UNIVERSITY

3. (1) The *Kuladhipati* (Chancellor), the *Kulaguru* (Vice-Chancellor), the members of the *Vyavasathapana Parishad* (Management Council) the members of the *Vidvat Parishad* (Academic Council), for the time being holding office as such and all persons who may hereafter be appointed or elected as such officers or as members are hereby constituted and declared to be a body corporate by the name of "the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University)" and shall have perpetual succession and a common seal and may by that name sue and be sued.

(2) The headquarter of the university shall be at Ramtek, District Nagpur.

(3) The university shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the university, and to contract and do all other things necessary for the purposes of this Act:

Provided that, no such lease, sale or transfer of any immovable property shall be made without the valuation made thereof by the approved valuer appointed by the university and without the prior consent of the State Government.

Jurisdiction
and
admission to
privileges of
university.

4. (1) The territorial limits, within which the powers conferred upon the university by this Act shall be exercised, shall comprise the State of Maharashtra :

Provided that, the university may, subject to such conditions and restrictions as it and the State Government may think fit to impose, admit any college, institution or research centre established beyond the territorial limits within or without India, to the privileges of the university, with the approval of the State Government and wherever necessary, the Central Government :

Provided further that if a university, the jurisdiction of which is not restricted to any State or area, wishes to establish a centre or other unit of research in the university area, it may do so with the sanction of the university and the State Government.

(2) Save as otherwise provided by or under this Act, any privilege enjoyed by any educational institution within the area of another university in the State before the date on which this Act comes into force, shall not be withdrawn, without the permission of the State Government.

(3) The university may, in the interest of learning in Sanskrit, start or conduct a college or research institution or a *pathashala* in any territory outside the State of Maharashtra, with the approval of the Government concerned.

(4) No educational institution affiliated to or recognised by the university shall be associated in any way with, or seek admission to any privileges of, any other university established by law, except with the permission of the university and the State Government.

University
open to all.

5. (1) No citizen of India shall be excluded from any office of the university or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession, or political or other opinion :

Provided that, the university may maintain, accredit or recognise any college or institution exclusively for women, or reserved for women.

(2) The university shall adopt Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment of different posts of teachers and non-teaching officers and employees and for the purpose of admission of students in the affiliated or conducted colleges, university departments, university institutions, or recognised institutions, or schools and *pathashalas*.

(3) The university shall adopt the general policy by the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government from time to time.

6. The objects of the Sanskrit Vishwavidyalaya (University) shall be—

Objects of
University.

(1) to rejuvenate, cherish and disseminate the universal values, knowledge, wisdom and vision presented in Sanskrit language and literature and establish a progressive synthesis between ancient Indian wisdom and modern scientific thought in harmony with the needs of today and tomorrow;

(2) to develop and promote a system of education which aims at refining human sensitivities and perceptions that contribute to national cohesion, a scientific temper and independence of mind and spirit with special emphasis on—

(a) sublime relationship between the teacher and the taught (*Guru-Shishya*)

Parampara—the noble Indian tradition indicative of a sense of deep gratitude and reverence towards *Acharyas* who conferred the bliss of fulfilment on their disciples in pursuit of learning, in quest of Truth);

(b) innovative methods of studies and experimentation in which true spirit of curiosity search for knowledge (*Jigyasha*) and self discipline (*Svayam-Shasana*) are fundamental components; and

(c) development of faculties, not only of empirical and rational views but also of higher levels of consciousness that unifies the two;

(3) to encourage and promote innovation, research and discovery in all fields of Sanskrit learning which aims at linking the past with the present and enables the nation to meet the challenges of the future;

(4) to develop as a Light House to imbibe the integrated (holistic) vision of life through inter-disciplinary approach; and impart this vision to the teachers community and key-persons working in other fields for reawakening and regeneration of India;

(5) to prepare bands of *Acharyas* imbued with wisdom and vision of the *Veda*-who are equally well conversant with *Shad-darshnas*, Western philosophy and modern 'science culture' to champion the cause of India's Mission in the world;

(6) to create and develop facilities for the comparative study of religion, philosophy and sciences in the Vedaic, Buddhist, Jain and Avestan literature;

(7) to prepare and conduct special courses to integrate the *Ayurveda* with modern medicine, the *Vastu Shastra* with modern architecture,

the *Arthashastra* with modern economics and political science, the *Vyakarana* with modern philology and linguistics, and so on;

(8) to introduce and conduct a foundation course in Sanskrit for those who are desirous of learning Sanskrit; and design special courses like 'Communicative Sanskrit', 'Wit and wisdom in Sanskrit', 'Sweetness and Light in Sanskrit', 'Arts and Architecture in Sanskrit', 'the Vedic vision', 'the Ayurveda and health awareness', 'Sanskrit as a computer language' etc. for popularising Sanskrit language and literature;

(9) to provide facilities for advanced studies and research in *Pali*, *Prakrit*, *Ardhamagadhi* and other Indian classical languages; and also other classical languages like Greek, Latin, Avestan, Old Persian, etc. and foreign languages like English, French, German, Russian, Chinese, Japanese, Tibetan, etc. and encourage comparative study of these languages along with Sanskrit;

(10) to promote better interaction and co-ordination among Sanskrit *Pathashalas* to make the study of traditional type of Sanskrit teaching-learning more purposeful, and to effect a fusion between traditional and modern systems of Sanskrit education;

(11) to prepare and publish learning-teaching materials (including audio-visual materials) relevant to the studies;

(12) to undertake projects, organise all such other activities and programmes as may be necessary for the attainment of all or any of the objectives of the university.

Powers and
duties of
university.

7. The university shall have the following powers and perform the following duties, namely:—

(1) to provide for instruction, teaching and training in such branches of learning and courses of study as the university may, from time to time, determine;

(2) to make provision for research and for the advancement and dissemination of knowledge, and generally to cultivate and promote the studies in Sanskrit and other branches of learning and culture and their inter disciplinary areas;

(3) to make provision to enable the conducted and affiliated colleges and recognised institutions to undertake specialised studies;

(4) to organise, maintain and manage university departments, laboratories, libraries, museums and equipments for teaching and research;

(5) to establish, maintain and manage departments and institutions of research, of specialised studies or of academic services unit;

(6) to establish, maintain and manage colleges, institutions, hostels, health centres, auditoria and gymnasiums;

(7) to provide for establishment, on the university campus, of autonomous institutions like inter-university centres, research laboratories, modern instrumentation centres and centres of learning, set up by the University Grants Commission, Central Government or State Government, which may be used by a university or college or group of universities or colleges :

Provided that, in the case of any industry or any non-Government organisations availing themselves of such facility of a university or such organisations providing the facility to a university, prior approval of the State Government shall be obtained by the university;

(8) to provide for establishment of sub-campuses for serving a group of affiliated colleges, and also to provide for and maintain common resources centres in such sub-campuses in the form of libraries, laboratories, computer centres, and such other like centres of learning;

(9) to create posts of *sanchalakas*, principals, professors, readers, lectures and other teaching or non-vacation academic posts with appropriate designation required by the university and to prescribe their qualifications and make appointments thereto;

(10) to appoint or recognise persons as adjunct professors, adjunct readers, adjunct lecturers, visiting professors, visiting fellows of the university for specified periods;

(11) to create non-teaching skilled, administrative, organisational, ministerial and other posts and prescribe their qualifications and payscales and to make appointments thereto;

- (12) to facilitate mobility of teachers within the university and to other universities with the consent of the teacher concerned;
- (13) to prescribe the courses of instruction and studies for the various examinations leading to specific degrees and diplomas or certificates;
- (14) to make provision, wherever feasible, in the university departments, affiliated colleges, institutions, recognised institutions, and schools, for survey and collection of statistics, data and other particulars relevant to various developmental activities including State and National plans, evaluation of the developmental schemes with the participation of the students as a part of their curricular activities;
- (15) to supervise, control and regulate admission of students for various courses of study in university departments, conducted and affiliated colleges, institutions, schools and recognised institutions;
- (16) to guide teaching in colleges by deputation of teachers from a pool of teachers of the university and supplement teaching in affiliated colleges, schools and *Pathashalas* for improving their standards;
- (17) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examinations or by other tests or otherwise;
- (18) to hold examinations and confer degree and post-graduate degrees and award diplomas and certificates and other academic distinctions on persons as prescribed;
- (19) to hold examinations, confer degrees, diplomas and certificates to, and provide for lectures, instruction and training for external students, and the students under correspondence and distance education, open university and continuing education courses;
- (20) to confer honorary degrees or other academic distinctions as prescribed;
- (21) to lay down the conditions of affiliation of colleges and recognition of institutions taking into account the credibility of the management and the norms of academic performance of colleges, faculties and subjects, as may be laid down, from time to time, and satisfy itself by periodical assessment;
- (22) to admit to the privileges of the university, affiliated colleges, institutions, and *Pathashalas* not maintained by the university and withdraw all or any of those privileges and recognise hostels not maintained by the university and withdraw such recognition, temporarily or permanently;
- (23) to monitor and evaluate the academic performance of affiliated colleges, recognised institutions, schools, and *Pathashalas* for affiliation and periodical accreditation;
- (24) to inspect, wherever necessary, affiliated colleges, recognised institutions, and *Pathashalas* through suitable machinery established for the purpose, and take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, workshop and other academic facilities are provided for;
- (25) to hold and manage trusts and endowments, and institute and award fellowships, travelling fellowships, scholarships studentship, medals and prizes for teachers and students of the university colleges, schools and *Pathashalas* ;
- (26) to fix, demand and receive or recover such fees and other charges as prescribed ;

(27) to supervise, control and regulate the conduct and discipline of the students of the students of the university, affiliated colleges, institutions, recognised institutions, schools, *Pathashalas* and hostels;

(28) to provide for mobility of students from formal to non-formal stream and *vice-versa*;

(29) to provide facilities for revision or inservice courses for teachers of the university, colleges, schools, *Pathashalas* and institutions;

(30) to make arrangements for promoting welfare of the employees of the university;

(31) to co-ordinate and regulate teaching and research in the affiliated colleges, schools, *Pathashalas* and recognised institutions;

(32) to provide for periodical assessment of the performance of teachers and non-teaching employees of the colleges, schools, *Pathashalas*, institutions and university as prescribed;

(33) to regulate and provide for attendance of the teachers on the premises of the university, colleges, institutions, schools and *Pathashalas* during teaching hours and beyond teaching hours, as prescribed and to prohibit teachers from taking or conducting private tuition or private coaching classes;

(34) to provide for conduct and discipline rules for teaching and non-teaching staff and the enforcement thereof;

(35) to prescribed code of conduct for managements;

(36) to establish, maintain and manage, wherever necessary,—

(a) a printing and publication department;

(b) university extension boards;

(c) information bureaus;

(d) such other activities as may be necessary and possible to fulfil the objectives of the university;

(37) to co-operate or collaborate with any other university, institution, authority or organisation for research and advisory services and for such purpose, to enter into appropriate arrangement with other universities, institutions, authorities, or organisations to conduct certain courses as the situation may demand;

(38) to rescind affiliation granted to colleges;

(39) to borrow funds for the purposes of the university on the security of the property of the university, with the prior permission of the State Government;

(40) to explore the possibilities of augmenting the resources of the university by exploring innovating activities such as research and development, consultancy, raining programmes and providing services for different clients from and collaboration with industry, trade or any other non-government organisations;

(41) to recommend to the State Government to take over, in the public interest, the management of an affiliated college, institution, school or *Pathahala* in case Where irregularities or commissions or omissions of criminal nature by the management of such college, institution, school or *Pathashala* are *Prima facie* evident to the committee of enquiry appointed by the university;

(42) to undertake academic collaboration programmes with universities and institutions abroad, with the prior approval of the State Government;

(43) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;

(44) to lay down for teachers and university teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the university, may be necessary in academic matters;

(45) to undertake development programmes in higher education, research, consultancy- based projects and training programmes for outside agencies, by charging fees, so as to generate resources;

(46) to undertake production and publication of textbooks;

(47) to undertake production and publication of anthologies, reference books and learned research work;

(48) to do all such other acts and things as may be necessary for, or incidental or conducive to, the attainment of all or any of its objects;

(49) to comply with and carry out any directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities of the university.

8. (1) Without prior approval of the State Government, the university shall not,—

Control of
State
Government.

(a) create new posts of teachers, officers or other employees;

(b) revise the pay, allowances, post retirement benefits and other benefits of its teachers, officers and other employees;

(c) grant any special pay, allowance or other extra remuneration of any description whatsoever, including *ex gratia* payment or other benefits having financial implications, to any of its teachers, officers or other employees;

(d) divert any earmarked funds received from the State Government for any purpose other than that for which it was received;

(e) transfer by sale or lease immovable property;

(f) incur expenditure on any development work from the funds received from the State Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received;

(g) take any decision regarding affiliated colleges resulting in increased financial liability, direct or indirect, for the State Government.

(2) The university shall be competent to incur expenditure from the funds received from,—

(a) various funding agencies without any share or contribution from the State Government;

(b) fees for academic programmes stated on self-supporting basis;

(c) contributions received from the individuals, industries, institutions, organisations or any person whosoever, to further the objectives of the university;

(d) contributions or fees for academic or other services offered by the university;

(e) development fund, if any, established by the university;
for the purpose of—

(i) creation of posts in various categories for specific period;

(ii) granting pay, allowances and other benefits to the posts created through its own funds provided those posts are not held by such persons, who are holding the posts for which Government contribution is received;

(iii) starting any academic programme on self-supporting basis;

(iv) incurring expenditure on any development work, without referring the matter for approval of the State Government :

Provided there is no financial liability, direct or indirect, immediate or future on the State Government.

(3) The State Government may in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards, by notification in the *Official Gazette*, prescribe a Standard Code providing for the classification, manner and mode of selection and appointment, absorption of teachers and employees rendered surplus, reservation of posts in favour of members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the university and the teachers and other employees in the affiliated colleges and recognised institutions (other than those managed and maintained by the State Government, Central Government and the local authorities). When such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances, Regulations and Rules made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.

(4) In case of failure of the university to exercise powers or perform duties specified in section 7 or where the university has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by the State Government, the State Government may, on making such enquiry as it may deem fit, issue a directive to the university for proper exercise of such powers or performance of such duties or comply with the order; and it shall be the duty of the university to comply with such direction.

(5) The State Government may carry out test audit or full audit of the accounts of the university, college, school or institution regularly at such intervals as the State Government may deem fit.

CHAPTER III.

OFFICERS OF THE UNIVERSITY

(A) The *Kuladhipati* (Chancellor)

Kuladhipati and his powers. 9. (1) The Governor of Maharashtra, for the time being, shall be the *Kuladhipati* of the university and the *Kuladhipati*, by virtue of his office, shall be the Head of the university.

(2) The *Kuladhipati*, when present, shall preside over the Convocation of the university and may issue direction to the *Kulaguru* to convene the meeting of any authority of the university for specific purposes, whenever necessary, and the *Kulaguru* shall submit the minutes of such meeting to the *Kuladhipati* for his perusal.

(3) The *Kuladhipati* may call for such information and record relating to any affairs of the university and issue such directions thereupon as he may deem fit in the interest of the university and the authorities and officers of the university shall comply with such directions.

(4) The *Kuladhipati* may, after taking report in writing from the *Kulaguru*, suspend or modify any resolution order or proceedings of any authority, body, committee or officer which, in his opinion, is not in conformity with this Act, Statutes, Ordinances, or Regulations made thereunder, or is not in the interest of the university and the university authority, body, committee and officer shall comply with the same :

Provided that, before making any such order, the *Kuladhipati* shall call upon the university, authority, body, committee or, as the case may be, officer to show cause why such an order should not be made, and if any cause is shown, within the time fixed by the *Kuladhipati*, he shall consider the same and wherever he deems it necessary, after consulting the State Government, decide the action to be taken in the matter, and his decision shall be final.

(5) Where, in the opinion of the *Kuladhipati*, the conduct of any elected or nominated or appointed or co-opted member is detrimental to the smooth functioning of university or any authority or body or committee, he may, after giving such member an opportunity to offer his explanation in writing and after considering such explanation, if any, and satisfy himself that it is necessary so to do, suspend or disqualify such member for such period as he may deem fit.

(6) The *Kuladhipati* shall exercise such other powers and perform such other duties as may be conferred upon or vested in him by or under this Act.

(B) Other Officers of the university

10. The following shall be the other officers of the university, namely :—

Other
officers of
University.

- (1) the *Kulaguru* (the Vice-Chancellor);
- (2) the *Sama-Kulaguru* (the Pro-Vice-Chancellor);
- (3) the *Adhishthata* (Dean of Faculty);
- (4) the *Kulasachiva* (the Registrar);
- (5) the *Pariksha-Niyantaka* (the Controller of Examination);
- (6) the *Sanchalaka, Niyojana Vikas Mandala* (the Director, Board of planning and Development);
- (7) the *Granthapala* (the Librarian of the University Library);
- (8) the *Vitta-Lekha Adhikari* (the Finance and Accounts officer);
- (9) the *Sanchalaka, Vistara Seva Mandala* (the Director, Board of Extension services);
- (10) the *Sanchalaka, Chhatra-Kalyan* (the Director of Students' Welfare);
- (11) such other officers in the services of the university as may be prescribed by Statutes.

11. (1) There shall be a *Kulaguru* appointed as provided in section 12 who shall be the principal executive and academic officer of the university and *ex-officio* *Adhyaksha* of the *Vyavsthapna-Parishad, Vidvat-Parishad, Pariksha Mandala, Vitta Lekha Samiti, and Vistara Seva Mandala* and shall preside in the absence of the *Kuladhipati* at any convocation for conferring degrees.

Kulaguru
and Sama-
Kulaguru.

(2) The *Sama-Kulaguru* shall be appointed as provided in section 13 and the *Sama-Kulaguru* shall be responsible for the duties allotted to him specifically by the *Kulaguru*. He shall preside over the meeting of the authorities of the university in the absence of the *Kulaguru*.

12. (1) The *Kulaguru* shall be appointed by the *Kuladhipati* in the manner stated hereunder :—

Appoint-
ment of
Kulaguru.

(a) There shall be a committee consisting of the following members to recommend suitable names, for appointment of *Kulaguru*, namely:—

- (i) The Secretary, incharge of Higher and Technical Education;
- (ii) A nominee of the University Grants Commission;

- (iii) One person nominated by the *Kuladhipati* ;
- (iv) One renowned Sanskrit scholar nominated by the *Vyavsthapana Parishad*;
- (v) One person nominated by the *Vidvat-Parishad*;
- (b) The members nominated shall be the persons who are not connected with the university or any college or any recognised institution of the university;
- (c) *Kuladhipati* shall nominate one of them as the Chairman of the committee ;
- (d) The quorum for the meeting of the committee shall be three.

(2) The process of preparing a panel shall be at least three months before the probable date of occurrence of the vacancy of the *Kulaguru* and shall be completed within the time limit fixed by the *Kuladhipati*. The *Kuladhipati*, however, may extend such time limit if in the exigency of the circumstances, it is necessary so to do, however, the period so extended shall not exceed three months in the aggregate.

(3) The committee shall recommend a panel of not less than three suitable persons other than members of the committee for the consideration of the *Kuladhipati* for being appointed as the *Kulaguru*. The names shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability for each person included in the panel.

(4) The *Kuladhipati* may appoint one of the persons included in the panel to be the *Kulaguru* :

Provided, however, that if the *Kuladhipati* does not approve any of the persons so recommended, he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.

(5) The person appointed as the *Kulaguru* shall, subject to the terms and conditions of his contract of service, hold office for a period of five years from the date on which he enters upon his office or till attaining the age of sixty-five years whichever is earlier.

(6) The person appointed as the *Kulaguru* shall hold a lien, if any, on the post in which he is confirmed prior to the appointment.

(7) In any of the following circumstances, the existence whereof shall solely be judged by the *Kuladhipati*, namely :—

- (a) where the committee appointed under sub-section (1) is unable to recommend any name within the time limit specified by *Kuladhipati*;
- (b) where the vacancy occurs in the office of the *Kulaguru* because of death, resignation or otherwise, and it cannot be conveniently and expeditiously filled in accordance with the provisions of the sub-section (1) to (4);
- (c) where the vacancy in the office of the *Kulaguru* occurs temporarily because of leave, illness or other causes;
- (d) where the term of *Kulaguru* has expired; or
- (e) where there is any other emergency,

the *Kuladhipati* may appoint any suitable person, to act as the *Kulaguru* for a term not exceeding six months, in the aggregate as he may specify in his order :

Provided that, the person so appointed shall cease to hold such office on the date on which the person appointed as the *Kulaguru* in accordance with the provisions of sub-section (1) to (4) assumes office or the *Kulaguru* resumes office.

(8) The *Kulaguru* shall be a full-time salaried officer of the university and shall receive such salary and allowances as may be determined by the State Government. In addition he shall be entitled to free furnished residence, a motor car for his use (including its maintenance, repairs and fuel required therefor), with the service of a chauffeur free of charge.

(9) Such sumptuary allowance shall be placed at the disposal of the *Kulaguru*, as the State Government may approve.

(10) If a person receiving an honorarium from the consolidated fund of the State, or if a principal of an affiliated college or a recognised institution or a university teacher is appointed as *Kulaguru*, his terms and conditions of service shall not be altered to his disadvantage during his tenure as *Kulaguru*.

(11) Notwithstanding anything contained in the foregoing sub-sections, the person referred to in sub-section (6) shall stand retired from his original post in accordance with the terms and conditions of services of that post.

(12) The *Kulaguru* may, by writing under his signature addressed to the *Kuladhipati*, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of his resignation by the *Kuladhipati* or from the date of expiry of the said notice period, whichever is earlier.

(13) The *Kulaguru* may be removed from his office if the *Kuladhipati* is satisfied that the incumbent,—

- (a) has become insane and stands so declared by a competent court ;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an undischarged insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging duties due to protracted illness or physical disability ;
- (e) is a member of, or be otherwise associated with, any political party or any organisation which takes part in politics, or is taking part in or subscribing in aid of, any political movement or activity.

Explanation.—For purposes of this sub-clause, whether any party is a political party, or whether any organisation takes part in politics or whether any movement or activity falls within the scope of this sub-clause, the decision of the *Kuladhipati* thereon shall be final:

Provided that *Kulaguru* shall be given a reasonable opportunity to show cause by the *Kuladhipati* before taking recourse for his removal under clauses (d) and (e).

13. (1) The *Kuladhipati* shall, in consultation with the *Kulaguru*, appoint a *Sama-Kulaguru* for the university. Manner of
appointment
of
Sama-
Kulaguru.

(2) The *Sama-Kulaguru* shall be a person who has held post of professor, reader or a principal of college or designated reader or an institution, having not less than ten years teaching experience.

(3) The term *Sama-Kulaguru* shall be co-terminus with the term of office of the *Kulaguru* or till he attains the age of sixty-five years, whichever is earlier.

(4) The *Sama-Kulaguru* shall be a full-time salaried officer of the university, and the pay and allowances admissible to him as well as the terms and conditions of his service shall be such as may be determined by the State Government.

(5) When the office of the *Sama-Kulaguru* falls vacant or when the *Sama-Kuloguru* is, by reasons of illness or absence or any other cause, unable to perform the duties of his office, the *Kuladhipati*, upon the recommendation of the *Kulaguru* may appoint a suitable person qualified to be appointed as *Sama-Kulaguru*, to officials as *Sama-Kulaguru*, till the *Sama-Kulaguru* resumes office, or a new *Sama-Kulaguru* assumes duties, as the case may be.

Powers and duties of Kulaguru. 14. (1) The *Kulaguru* shall be the principal academic and executive officer of the university responsible for the development of academic programmes of the university. He shall oversee and monitor the administration of the academic programmes and general administration of the university to ensure efficiency and good order of the university.

(2) He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the university, but shall not be entitled to vote thereat unless he is the chairman or member of that authority or body.

(3) The *Kulaguru* shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers it necessary so to do.

(4) The *Kulaguru* shall ensure that directions issued by the *Kuladhipati* are strictly complied with or, as the case may be, implemented.

(5) It shall be the duty of the *Kulaguru* to ensure that the provisions of the Act, Statutes, Ordinances and Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are not inconsistent with the Act, Statutes, Ordinances or Regulations are properly implemented.

(6) The *Kulaguru* may defer implementation of a decision taken or a resolution passed by any authority, body or committee of the university if, he is of the opinion that the same is not consistent with the provisions of the Act, Statutes, Ordinances or Regulations or that such decision or Resolution is not in the interest of the university and at the earliest opportunity refer it back to the authority, body or committee concerned for reconsideration in its next meeting with reasons to be recorded in writing. If differences persist, he shall within a week, giving reasons, submit it to the *Kuladhipati* for decision and inform about having done so to the members of the authority, body or committee concerned. After receipt of the decision of the *Kuladhipati*, the *Kulaguru* shall take the action as directed by the *Kuladhipati* and inform the authority, body or committee concerned accordingly.

(7) If there are reasonable grounds for the *Kulaguru* to believe that there is an emergency which requires immediate action to be taken, he shall take such action, as he thinks necessary, and shall at the earliest opportunity, report in writing the grounds for his belief that there was an emergency, and the action taken by him, to such authority or body as would, in the ordinary course, have dealt with the matter. In the event of a difference arising between the *Kulaguru* and the authority or body whether there was in fact an emergency or on the action taken (where such action does not affect any person in the service of the University), or on both, the matter shall be referred to the *Kuladhipati* whose decision shall be final :

Provided that, where any such action taken by the *Kulaguru* affects any person in the service of the university, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the *Kuladhipati*.

(8) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but no Statutes, Ordinances or Regulations are made in that behalf the *Kulaguru* may, for the time being, regulate matter by issuing such directions as he thinks necessary, and shall, at the earliest opportunity thereafter, place them

before the *Vyavasthapan Parishad* or other authority or body concerned for approval. He may, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf.

(9) The *Kulaguru* shall be the appointing and the disciplinary authority for the university teachers on the recommendation of the Selection Committee constituted for the said purpose.

(10) The *Kulaguru* shall be appointing and disciplinary authority for officers of the university of the rank of Assistant *Kulasachiva* and of the rank equivalent thereto and above.

(11) As the chairman of the authorities or bodies or committees of the university the *Kulaguru* shall be empowered, to suspend a member from the meeting of the authority, body or committee for persisting to obstruct or stall the proceedings or for indulging in behaviour unbecoming of a member, and shall report the matter accordingly, to the *Kuladhipati*.

(12) The *Kulaguru* shall place before the *Vyavasthapan Parishad* a report of the work of the university periodically as provided under the Acts.

(13) The *Kulaguru* shall exercise such other powers and perform such other duties as may be conferred upon him by or under the Act.

(14) (a) The *Kulaguru* shall have the authority to cause an inspection to be made by such person or persons or body of persons as he may direct, of the university, its buildings, laboratories, libraries, museums, workshops and equipment and of any institution, affiliated, conducted college, school, *Pathashala*, hall or hostel maintained or recognised by the university, and of the examinations, teachings and other work conducted by or on behalf of the university, and to cause an inquiry to be made in a like manner regarding any matter connected with the administration or finance of the university, affiliated college or recognised institutions :

Provided that, the *Kulaguru* shall, in the case of affiliated college or recognised institution, give notice to the management of such affiliated college or recognised institution, or *pathashala* of his intention to cause an inspection or an inquiry to be so made :

Provided further that, the management shall have right to make such representation to the *Kulaguru* as it thinks necessary before such inspection or inquiry is made;

(b) after considering such representation, if any made, the *Kulaguru* may cause such inspection or inquiry to be made or may drop the same ;

(c) in the case of management when an inspection or inquiry has been caused to be made, the management, shall be entitled to appoint a representative, who shall have the right to be present and of being heard at such inspection or inquiry ;

(d) the *Kulaguru* may, if the inspection or inquiry is made regarding any college or institution admitted to the privileges of the university, communicate to the management the result of such inspection or inquiry;

(e) the management shall communicate to the *Kulaguru* such action, if any, as it proposes to take or has been taken by it;

(f) where the management does not, within the time fixed by the *Kulaguru*, take action to his satisfaction, the *Kulaguru* shall place before the *Vyavasthapan Parishad* the inspection or inquiry report and explanation furnished or representation made by the management, for its consideration.

Adhishthata. 15. (1) There shall be an *Adhishthata* (Dean) for each *Sankaya* (faculty). He shall be an academic officer of the university and responsible for implementation of the academic policies approved by the *Vidvat Parishad* in respect of academic development, maintenance of standards of teaching and research and training of teachers within his *Sankaya*.

(2) The *Adhishthata* of every *Sankaya* shall be nominated by the *Kulaguru* from the teachers, as prescribed.

(3) The *Adhishthata* shall hold the office for a period of five years.

(4) The *Adhishthata* shall be responsible for the academic development of the *Sankaya* and shall ensure proper implementation of the decisions of the *Vyavasthapan Parishad* (Management Council), *Vidvat-Parishad* (Academic Council), the *Niyojana-Vikasa Mandala* (Board of University Planning and Development), the *Pariksha Mandala* (Board of Examinations) in respect of his *Sankaya* and the decisions of the *Sankaya* and the *Adhyayana Mandalas* (Boards of Studies) under his purview.

(5) The *Adhishthata* shall enquire, on being directed by the *Vidvat-Parishad*, into any malpractice related to any academic programme in his faculty by a university department, affiliated or conducted college or recognised institution or school or *Pathashala* and report the findings to the *Vidvat-Parishad*.

Sanchalaka of Niyojana and Vikasa Mandala. 16. (1) The *Sanchalaka, Niyojana-Vikasa Mandala* (Director, Board of Planning and Development) shall be nominated by the *Kulaguru*, from amongst teachers of the university, institution of departments or principals.

(2) The *Sanchalaka* shall be,—

(a) the principal academic planning and academic audit officer for the academic development programmes, including post-graduate teaching, research and extension programmes and collaborative programmes of the university;

(b) along with *Niyojana-Vikasa Mandala* responsible to conduct academic audit of university departments or institutions, recognised institutions, post-graduate centres and affiliated colleges;

(c) responsible for ensuring that the decisions of the Board for long-term and short-term development plans of the university and its affiliated colleges in their academic programmes are duly processed and implemented through relevant authorities, bodies, committees and officers;

(d) the principle liaison officer with the external funding agencies for generating funds for the collaborative and development programmes of the university and monitor their proper utilisation;

(e) responsible for establishing liaison for fostering and promoting collaboration between the university, colleges, schools and *pathashala* and national and international institutions and scientific, industrial and commercial organisations;

(f) responsible for submitting an annual report on the progress achieved in different developmental and collaborative programmes to the *Kulaguru* who shall place the same before the *Vidvat-Parishad*.

Kulasachiva, appointment and duties. 17. (1) The *Kulasachiva* (Registrar) shall be appointed by the *Kulaguru* on the recommendation of a selection committee constituted for the purpose.

(2) The *Kulasachiva* shall be the Chief Administrative Officer of the university. He shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the *Kulaguru*.

(3) Appointment of the *Kulasachiva* shall be for a term of five years and he shall be eligible for reappointment. The qualifications and experience for the purpose of selection of the *Kulasachiva* shall be as laid down by the University Grants Commission and approved by the State Government :

Provided that no person shall hold office of the Registrar beyond the age of sixty years.

(4) When the office of the *Kulasachiva* falls vacant or when the *Kulasachiva* is, by reason of illness or absence or any other cause, unable to perform the duties of his office for a period not exceeding six months, the *Kulaguru* shall appoint a suitable person to officiate as the *Kulasachiva* until a new *Kulasachiva* resumes duty, as the case may be.

(5) The *Kulasachiva* shall act as *Sachiva* of *Vyavasthapana Parishad*, the *Vidvat Parishad* and such other authorities, bodies and committees as prescribed by or under this Act.

(6) The *Kulasachiva* shall be the appointing and the disciplinary authority of the employees of the university other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officer holding posts equivalent thereto or above. An appeal by a person aggrieved by the decision of the *Kulasachiva* may be preferred within thirty days from the date of communication of such decision, to the *Kulaguru*.

(7) Subject to the decisions of the authorities of the university, the *Kulasachiva* shall have the power to enter into agreements, sign documents and authenticate records on behalf of the university.

(8) The *Kulasachiva* shall be the custodian of the records, the common seal and such other property of the university as the *Vyavasthapana Parishad* may, commit to his charge.

(9) The *Kulasachiva* shall prepare and update the Handbook of the Statutes, Ordinance and Regulations approved by the authorities, bodies or committees from time to time, and make them available to all the respective members of the authorities and officers of the university.

(10) The *Kulasachiva* shall receive complaints and suggestions in regard to the improvement of administration and consider them for appropriate action.

(11) The *Kulasachiva* shall exercise such other powers and perform such other duties as provided by or under this Act or assigned to him, from time to time, by the *Kulaguru*.

18. (1) (a) The *Pariksha Niyantaka* shall be appointed by the *Kulaguru* on the recommendations of a selection committee constituted for the purpose; Pariksha
Niyantaka.

(b) The *Pariksha Niyantaka* shall be the principal officer-in-charge of the conduct of examinations and tests of the university and declaration of their results. He shall discharge his functions under the superintendence, direction and guidance of the *Pariksha Mandal*. He shall be a full-time salaried officer of the university and shall work directly under the control of the *Kulaguru*;

(c) His appointment shall be for a term of five years, and he shall be eligible for re-appointment. The qualifications and experience for the purpose of section of the *Pariksha Niyantaka* shall be such as may be prescribed.

(2) The *Pariksha Niyantaka* shall be the *Sadasya-Sachiva* (Member-Secretary) of the *Pariksha Mandala* (Board of Examinations) and of the committees appointed

by the board except the committees constituted under section 30(5) (a) for appointment of paper-setters, examiners and moderators. He shall be responsible for prompt and proper implementation of their decisions.

(3) Without prejudice to the generality of the provisions of sub-section (1) (b), the *Pariksha Niyantaka* shall be responsible for making all arrangements necessary for holding examinations and tests and declaration of results. It shall be his responsibility :—

- (a) to prepare and announce in advance the calendar of examinations;
- (b) to arrange for printing of question papers;
- (c) to arrange to get performance of the candidates at the examinations properly assessed, and process the results;
- (d) to arrange for the timely publication of results of examinations and other tests;
- (e) to postpone or cancel examinations, in part or in whole, in the event of malpractices or if the circumstances so warrant, and take disciplinary action or initiate any civil or criminal proceedings against any person or a group of persons or a college or an institution alleged to be committed malpractices;
- (f) to take disciplinary action on the recommendation of Disciplinary Action Committee against the candidates, paper setters, examiners, moderators, or any other persons connected with examinations and found guilty of malpractices in relations to the examinations;
- (g) to review, from time to time, the results of university examinations and forward reports thereon to the *Pariksha Mandala*.

(4) The *Pariksha Niyantaka* shall exercise such other powers and perform such other duties as may be prescribed or assigned to him, from time to time, by the *Pariksha Mandala*.

Granthapala,
appointment and
duties.

19. (1) The *Granthapala* shall be full time salaried officer of the university. He shall work directly under the control of the *Kulaguru*.

(2) The *Granthapala* shall be appointed by the *Kulaguru* on the recommendations of a Selection Committee constituted for the purpose. His qualifications, emoluments and terms and conditions of services shall be as recommended by the University Grants Commission and approved by the State Government.

(3) When the office of the *Granthapala* falls vacant, or when the *Granthapala* is, by reason of illness or absence or any other cause unable to perform the duties of his office, such duties shall be performed for the time being by such persons as the *Kulaguru* may appoint, for the purpose, for a period not exceeding six months or until a new *Granthapala* is appointed, or the *Granthapala* resumes his duties, whichever is earlier.

(4) The *Granthapala* shall be responsible for the development, modernisation, upkeep and management of the university, library or libraries and shall be responsible for collections and preservation of manuscripts, and offer his help and advice in this respect to the librarians or libraries of affiliated college or recognised institutions, school and *Pathashalas*.

(5) The *Granthapala* shall be custodian of all books, periodicals, manuscripts, journals and library equipment, and shall ensure that no irregularities take place and that the books, periodicals, manuscripts, journals and library equipment are not lost. He shall cause periodical verification of stock. He shall have the right to advise the university on all matters including those for mobilising additional resources to meet the developmental expenditure of the university, library or libraries.

(6) The *Granthapala* shall be the *Sadasya-Sachiva* of the *Granthalaya Samiti* and shall ensure proper implementation of the decisions taken by the *Granthalaya Samiti*.

20. (1) (a) The *Vitta-Lekha-Adhikari* shall be the principal finance, accounts and audit officer of the university. He shall be full time salaried officer and shall work directly under the control of the *Kulaguru*; Vitta-Lekha Adhikari.

(b) The *Vitta-Lekha Adhikari* shall be appointed by the *Vyavasthapana Parishad* either by nomination or by obtaining the services of a suitable officer on deputation from the Government of India or the State Government.

(2) The *Vitta-Lekha Adhikari* shall be the *Sadasya-Sachiva* of the *Vitta-Lekha Samiti*. He shall have the right to be present, speak and otherwise take part in the proceedings of the *Vyavasthapana Parishad* on matters which have financial implications but shall not be entitled to vote.

(3) The *Vitta-Lekha Adhikari* shall maintain minutes of the meetings of *Vitta-Lekha Samiti* and the sub-committees appointed by the *Vitta-Lekha Samiti*.

(4) The *Vitta-Lekha Adhikari* shall be responsible for presenting the annual budget, statement of accounts and audit reports, to the *Vitta-Lekha Samiti*, and to the *Vyavasthapana Parishad*.

(5) The duties of the *Vitta-Lekha Adhikari* shall be to,—

(a) exercise general supervision over the funds of the university, and shall advise the *Kulaguru* as regards the finances of the university;

(b) hold and manage the funds, property and investments, including trust and endowed property, for furthering any of the objects of the university;

(c) ensure that the limits fixed by the university for recurring and non-recurring expenditure for a year are not exceeded, and that allocations are expended for the purposes for which they are granted or allotted;

(d) keep watch on the state of the cash and bank balances and of investments;

(e) keep watch on the progress of collection of revenue and advise the *Kulaguru* on the methods to be employed for collection;

(f) have the accounts of the university audited regularly;

(g) ensure that the registers of buildings, land, equipment and machinery are maintained up-to-date and that the stock taking of equipments and other consumable material in all offices, colleges, workshops and stores of the university is conducted regularly;

(h) propose to the *Kulaguru* that explanation be called for unauthorised expenditure or other financial irregularities, from any academic member of university;

(i) propose to the *Kulasachiva* that explanation be called from any non-academic member for unauthorised expenditure or irregularities in any particular case, and recommend disciplinary action against the persons at fault;

(j) call for from any office, centre, laboratory, college, department of the university or university institution, for any information and returns that he thinks necessary for the proper discharge of his financial responsibilities; and

(k) exercise such other powers, perform such other duties, and discharge such other financial functions as are assigned to him by the *Kulaguru* or are prescribed by the Ordinances;

(l) ensure conduct of internal audit.

21. (1) *Sanchalaka, Chhatra Kalyana* shall be nominated by the *Kulaguru*, from *Sanchalaka*, amongst the teachers. The emoluments, terms and conditions of service and powers *chhatra* and duties shall be as prescribed by the Acts. He shall work directly under the *kalyana* control of the *Kulaguru*.

(2) The *Sanchalaka* shall hold office for a term of two years and shall be eligible or re-appointment.

Sanchalaka,
Vistar Seva
Mandal. 22. (1) The *Sanchalaka Vistar Seva Mandala* shall be a full time salaried academic officer and shall be appointed by the *Kulaguru* on the recommendation of a selection committee, consisting of—

- (a) the *Kulaguru—Adhyaksha*;
- (b) two experts in the field of extension services in *Sanskrit* nominated by the *Vyavasthapana Parishad*;
- (c) one nominee of the *Vistar Seva Mandal*.

(2) The emoluments and terms and conditions of service of the *Sanchalaka* shall be prescribed by the Ordinances.

(3) The *Sanchalaka* shall be the *Sadasya Sachiva* of the *Vistar Seva Mandal* and shall be responsible or organisation and co-ordinating various extension programmes in *Sanskrit* and allied subjects under the overall guidance and advice of the Board. He shall prepare annual report of the extension service of the university for the approval of the Board and for submission to the *Vyavasthapana Parishad*.

(4) The *Sanchalaka, Vistar Seva Mandal* shall work directly under the control of *Kulaguru*.

Officers,
members of
authorities,
bodies and
employees of
university as
public
servant. 23. All salaried officers, members of the authorities committees or bodies, teachers of the university and other employees of the university, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

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CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

Authorities
of university. 24. The following shall be the authorities of the university, namely :—

- (1) the *Vyavasthapana Parishad* (the Management Council);
- (2) the *Vidvat-Parishad* (the Academic Council);
- (3) the *Sankaya* (Faculties);
- (4) the *Adhyayan Mandala* (the Boards of studies);
- (5) the *Pariksha Mandala* (the Board of examinations);
- (6) the *Niyojana-Vikas Mandala* (the Board of Planning and Development of the university);
- (7) the *Vistar Seva Mandal* (the Board of extension services);
- (8) such other bodies of the university as are designated by the statutes to be the authorities of the university.

Vyavastha-
pana
Parishad. 25. (1) The *Vyavasthapana Parishad* shall be the principal executive authority to manage, lay down policy and formulate Statutes and Ordinances, administer the affairs of the university and shall carry out such duties which are not specifically assigned to any other authority.

(2) It shall consist of the following members, namely :—

- (i) *Kulaguru—Adhyaksha (Ex-officio)*;
- (ii) *Sama-Kulaguru—Sadasya (Ex-officio)*;

- (iii) one *Adhishthata* as prescribed by Statutes;
- (iv) one person nominated by the *Kuladhipati* preferably from amongst the members of the *Sanskrit Sthai Samiti* the Government of Maharashtra;
- (v) one member of the Maharashtra Legislative Assembly to be nominated by the Speaker of the Maharashtra Legislative Assembly;
- (vi) one member of the Maharashtra Legislative Council to be nominated by the chairman of the Maharashtra Legislative Council;
- (vii) the Secretary, Higher Education or his nominee not below the rank of Deputy Secretary (*Ex-Officio*);
- (viii) the Director of Higher Education or his nominee not below the rank of Joint Director of Higher Education (*Ex-officio*);
- (ix) one Head of the University Department as prescribed by statutes;
- (x) one Head of a college, institute, or *Pathashala* as prescribed by statutes;
- (xi) one teacher from the University Departments as prescribed by statutes;
- (xii) one teacher who is not principal from amongst the teachers of the affiliated colleges and recognised institutions with ten years teaching experience as prescribed by statutes;
- (xiii) one *Adhyaksha* of *Adhyayan Mandala* as prescribed by statutes;
- (xiv) one member of the *Vidvat-Parishad* nominated by the *Kulaguru*;
- (xv) *Sanchalaka*—*Niyojana-Vikasa Mandala* (*Ex-officio*).

(3) The *Kulasachiva* of the university shall be *ex-officio* Secretary of the *Vyavasthapanana Parishad*, but shall not have the right to vote.

(4) The *Vitta-Lekha Adhikari* and the *Pariksha Niyantaka* shall be permanent invitees of the *Vyavasthapanana Parishad*, but they shall have no right to vote.

(5) There shall be not less than four meetings of the *Vyavasthapanana Parishad* in a year and the rules of procedure for conduct of business to be followed at a meeting including the quorum at the meeting and such other matters in relation to meetings as may be necessary shall be such as may be *Prescribed*.

26. The *Vyavasthapanana Parishad* shall exercise the following powers and perform the following duties, namely :—

- (1) make such provisions, as may enable colleges, institutions, schools and *Pathshalas* to undertake specialised studies, and where necessary or desirable, organise and make provision for common laboratories, libraries, museums and equipments for teaching and research;
- (2) establish departments, colleges, schools, institutions of higher learning, research and specialised studies, on the recommendation of the *Vidvat-Parishad*;
- (3) make, amend or repeal Statutes and Ordinances;
- (4) hold, control and arrange for administration of assets and properties of the university;
- (5) consider and approve the budget estimates prepared by the *Vitta-Lekha Samiti* with its own modifications, if any;
- (6) enter into, vary, carry out and cancel contracts on behalf of the university;
- (7) determine the forms of common seal for the university, and provide for its custody and use;
- (8) accept, on behalf of the university, trusts, bequests, donations and transfer of any moveable or immovable property to the university;

Powers and duties of Vyavasthapanana Parishad.

(9) transfer by sale, or otherwise, any moveable property on behalf of the university;

(10) borrow, lend or invest funds on behalf of the university as recommended by the *Vitta-Lekha Samiti*;

(11) lay down policy for administrating funds at the disposal of the university for specific purposes;

(12) provide buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the university;

(13) confer honorary degrees and academic distinctions, institute and confer such degrees, diplomas, certificates, honorary degrees and other academic distinctions as recommended by the *Vidvat-Parishad* and arrange for convocation for conferment of the same, as prescribed by the Ordinances;

(14) institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, awards, medals and prizes, and prescribe rules therefor in accordance with the Regulations made in this behalf;

(15) make Regulations for collaboration with other universities, institutions and organisations for mutually beneficial academic programmes on the recommendation of the *Niyojana-Vikasa Mandala*;

(16) create posts of university teachers and non-vacation academic staff on the recommendation of the *Vidvat-Parishad* as and when required;

(17) lay down by Statutes, on the basis of qualification and terms and condition of service and other guidelines approved by the State Government from time to time, and the procedure for appointment of university teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;

(18) create posts of officers and other employees of the university;

(19) lay down by Statutes the procedures for appointment of officers and other employees of the university, qualifications, mode of recruitment, pay scales, terms and conditions of service including conduct, discipline and their duties;

(20) prescribe by Statutes procedure for appointment of teachers officers and other employees in all institutions and colleges, schools and *Pathashalas* affiliated to the university, terms and conditions of their service and rules and procedures for their appointments;

(21) prescribe fees and other charges;

(22) prescribe honoraria, remunerations and fees and travelling and other allowances for paper-setters, examiners and other examination staff, visiting faculty and for such other services rendered to the university;

(23) receive and consider report of the working of the university from the *Kulaguru* periodically as provided by the Ordinances;

(24) Consider and Approve the academic calendar of the university as per the Statutes, and guidelines from the University Grants Commission for next academic year before the expiry of the current academic year;

(25) consider the perspective plan for the academic development of the university, prepared by the *Niyojana-Vikasa Mandala*;

(26) assess and approve the feasibility of proposals from the *Vidvat-Parishad* for academic programmes;

(27) consider and adopt the annual report, annual accounts and audit report;

(28) cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges, institutions, schools and *Pathshalas* or department of the university;

(29) delegate, any of its powers, except the power to make, amend or repeal Acts, to the *Kulaguru* or such officer or authority of the university or a committee appointed by it, as it thinks fit;

(30) approve the budget estimate prepared by the *Vitta-Lekha Samiti*.

27. (1) The *Vidvat-Parishad* shall be responsible for laying down the academic policies in regard to maintenance and improvement of standards of teaching, research, collaboration programmes in academic matters and evaluation of workload of the teachers.

(2) It shall consist of the following members, namely :—

(a) the *Kulaguru—Adhyaksha*;

(b) the *Sama-Kulaguru*;

(c) the *Adhishthatas* of the *Sankayas*;

(d) the *Adhyakshas* of the *Adhyayana Mandalas*;

(e) the *Sanchalaka* of the *Vistara Seva Mandala*;

(f) one principal each of the conducted or affiliated college, institutions or *Pathshalas* to be nominated by rotation as prescribed by statutes;

(g) one professor from amongst the professors in the university departments or institutions, nominated by the *Kulaguru*;

(h) one teacher representing each faculty to be co-opted by the *Vidvat-Parishad* from amongst the teachers having not less than 10 years' teachers experience, other than principals of colleges, Heads of university departments and Heads of recognised institutions as prescribed by statutes;

(i) one head of an academic services unit of the university, nominated by the *Kulaguru*;

(j) two scholars nominated by the *Kuladhipati* from amongst the Sanskrit institution in the State;

(k) two eminent *Sanskrit* scholars nominated by the *Kulaguru*;

(l) the Director of Higher Education, Maharashtra State of his nominee not below the rank of Joint Director Higher Education or his nominee;

(m) Honorary *Sanskrit* Organisar, if any of the Government of Maharashtra.

(3) The *Kulasachiva* shall act as the Secretary of the *Vidvat-Parishad*, but shall have no right to vote.

(4) The *Vidvat-Parishad* shall meet at least twice a year.

28. (1) The *Vidvat-Parishad* shall be the principal academic authority of the university and shall be responsible for regulating and maintaining the standards of teaching, research and examinations in the university.

Powers
and duties
of Vidvat-
Parishad.

(2) Without prejudice to the generality of the foregoing provisions, the *Vidvat-Parishad* shall exercise the following powers and perform the following duties, namely :—

(a) recommend in the *Vyavasthapan-Parishad* regarding institution of degrees, diplomas, certificates and other academic distinctions;

(b) recommend to the *Vyavasthapana-Parishad* to make, amend or repeal Acts on issue related to academic matters;

(c) make, amend or repeal Regulations on matters specified in section 48 of this Act.

(d) allocate subjects to the faculties;

(e) make proposals for the establishment of conducted colleges, schools departments, institutions of higher learning research and specialised studies, academic services units, libraries, laboratories and museums in the university;

(f) consider and make recommendations regarding new proposal for creation of professorships, associate professorships, readerships, lectureships and non-vocational academic staff required by the university;

(g) recommend to the State Government or otherwise of the qualifications as prescribed by the University Grants Commission for different categories of teachers and non-vocational academic staff, and for a particular post in these categories, whether in the university or in any affiliated college or a recognised institution, and prescribed additional qualifications, if any;

(h) make proposals to the *Vyavasthapana Parishad* for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prices and make regulation for their award;

(i) prescribe qualifications and norms for appointment of papersetters, examiners, moderators and others, concerned with the conduct of examinations;

(j) appoint committees to review periodically the utility and practicability of the existing courses of study and the desirability or necessity of reviewing or modifying them in the light of new knowledge or changing social requirements;

(k) make proposal for the conduct of interfaculty and area or regional studies common facilities, such as hobby centres, museums, etc;

(l) prescribe norms for recognition of any member of the staff of an affiliated college or recognised institution as a teacher of the university;

(m) prescribe norms for granting affiliation, continuation of affiliation, extension of affiliation to colleges, and recognition, continuation of recognition to institutions of Sanskrit learning and research or specialised studies;

(n) grant affiliation to colleges or institutions in accordance with the provisions of the Statutes, Ordinances and Regulations;

(o) accord recognition to institutions of *Sanskrit* learning, research or specialised studies as prescribed;

(p) make proposals to the *Vyavasthapana-Parishad* to prescribe fees and other charges;

(q) generally, advice the university on all academic matters and submit to the *Vyavasthapana-Parishad* feasibility reports on academic programmes;

(r) exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act, the Statutes, Ordinances and Regulations.

Pariksha
Mandala. 29. (1) The *Pariksha Mandala* shall be the authority for conducting the examinations and making policy decisions in regard to organising and holding examinations, improving the system of examination, appointing the papersetters, examiners, moderators and also prepare the schedule of dates of holding examinations and declaration of the results. The *Pariksha Mandala* shall also oversee and regulate the conduct of examinations in the institutions, colleges, *Pathashalas* and university departments.

(2) The *Pariksha Mandala* shall deal with all the matters in relation to examination and shall hear and decide the complaint received pertaining to any matter arising out of conduct of examinations.

(3) The *Pariksha Mandalas* shall consist of the following members, namely:—

- (a) *Kulaguru*, Chairman;
- (b) *Sama-Kulaguru*, if any;
- (c) the *Adhishthatas* of the *Sankaya*;
- (d) one head of university department, not below the rank of Reader, nominated by the *Kulaguru*;
- (e) one principal other than *Adhishthata* nominated by the *Vidvat-Parishad*;
- (f) one teacher other than the head of departments or principals, nominated by the *Vidvat-Parishad*;
- (g) Director of High Education; or his nominee not below the rank of Joint Director;
- (h) *Pariksha Nyantraka*, Member-Secretary.

30. (1) The *Pariksha Mandala* shall ensure proper organisation of reexaminations and tests of the university, including moderation, tabulation and the declaration of results. Powers and duties of Pariksha Mandala.

(2) The *Mandala* shall meet at least once in each academic terms.

(3) In particular and without prejudice to the generality of duties as mentioned in sub-section (1), the *Mandala* shall exercise the following duties, namely:—

- (a) to appoint papersetters, examiners and moderators from amongst the persons included in the panels prepared by the respective *Adhyayana Mandala* and, where necessary, having regard to the recommendations made by the committee under clause (b) of sub-section (6) remove them or debar them;
- (b) to undertake, exercise and experiment in examination reforms;
- (c) to exercise such other powers in relation to examinations as may be assigned to it by or under the Ordinance.

(4) In case of any emergency requiring immediate action to be taken, the *Adhyaksha* of the *Mandala* or any other officer or person authorised by him in that behalf, shall take such action as he thinks fit and necessary, and shall report at the next meeting of the *Manadala* the action taken by him.

(5) (a) In order to appoint papersetters, examiners and moderators, the *Pariksha Mandala* shall constitute committee, for every subject consisting of,—

- (i) the *Sama-Kulaguru*, if any, *Adhyaksha*;
- (ii) the *Adhishthata* of the concerned *Sankaya*;
- (iii) the *Adhyaksha* of the concerned *Adhyayana Mandala*;
- (iv) one member of the *Adhyayana Mandala* nominated by it from amongst its members;

(b) The *Pariksha Nyantraka* shall act as Secretary of such committees;

(c) The committees shall prepare lists of persons for various examinations and tests, from amongst persons, included in the panels to be prepared by the *Adhyayana Mandala*; and shall submit them to the *Pariksha Mandala*, which shall then appoint papersetters, examiners and moderators, and where necessary referees;

(d) The committee shall obtain three sets of question papers in sealed covers in the respective subject. The *Adhyaksha* of the committee shall draw at random one of such sealed covers containing question papers. This sealed cover with seals intact shall then be sent to the press.

(6) (a) In order to investigate and take disciplinary action for malpractices and lapses on the part of candidates, papersetters, examiners, moderators, referees, teachers or any other person connected with the conduct of examinations, *Pariksha Mandala* shall constitute a committee of not more than five persons of whom one shall be Chairman;

(b) Such a committee shall submit its report and recommendations to the *Pariksha Mandala* which shall take disciplinary action in the matter as it deems fit.

(7) The *Pariksha Mandala* shall prepare the financial estimates for incorporation in the budget of the university and shall submit the same to the *Vitta-Lekha Adhikari*.

(8) The *Mandala* shall arrange for strict vigilance during the conduct of the examinations so as to avoid use of unfair means by the students, teachers, invigilators, supervisors, etc.

Sankaya. 31. (1) The *Sankayas* (Faculties) shall be the principal academic co-ordinating authorities of the university in respect of studies and research in relation to the subjects included in the faculty, and also in respect of studies and research in multi-faculties.

(2) The university shall have such faculties as are prescribed by the Statutes.

(3) A faculty shall be constituted, divided, combined with or abolished, only with the approval of the *Vidvat-Parishad* and as prescribed by the Statutes.

(4) The faculty shall comprise of such subjects as are prescribed by the Statutes.

(5) the faculty shall consist of the following members—

(a) the *Adhishthata* of the faculty *ex-officio* Chairman, to be nominated by the *Kulaguru* from amongst the Professor or the Readers having not less than ten years' teaching experience;

(b) Chairman of each *Adhyayana Mandala*, for the subjects comprised in the faculty;

(c) three members of each *Adhyayana Mandala*, to be nominated by the *Adhishthata*.

Powers
and duties
of Sankaya.

32. The *Sankaya* shall have the following powers and duties, namely :—

(a) to consider and report on any matter referred to it by the *Vyavasthapana Parishad*, *Vidvat-Parishad*, or *Niyojana-Vikasa Mandala*;

(b) to consider and approve recommendations of the *Adhyayana Mandalas* in the faculty, and matters related to more than one *Adhyayana Mandalas* not affecting any other faculty and recommend to the *Vidvat-Parishad* for action as it thinks fit;

(c) to consider and recommend to the *Vidvat-Parishad*, the academic matters within its purview, which effect any other faculty or faculties or which involve administrative or financial implications;

(d) to consider and recommend to the *Vidvat-Parishad* establishment of new courses, inter-disciplinary courses and short-term training programmes, referred to it by the Boards of Studies;

(e) to make recommendations to the *Vidvat-Parishad* in respect of the requirements regarding the conduct of postgraduate or undergraduate instruction, teaching, research and training in the university institutions or departments, affiliated colleges and recognised institutions, schools and *Pathashalas*;

(f) to ensure that guidelines and rules framed for the following matters by the *Vidvat-Parishad* are implemented, namely :—

(i) long-term curriculum development;

- (ii) faculty development;
- (iii) teaching or learning material development;
- (iv) research in educational matters with particular reference to colleges.
- (g) to plan and organise inter-departmental and inter-faculty programmes in consultation with the *Adhyayana Mandala*, other faculties, and *Niyojana-Vikasa Mandala*;
- (h) to recommend to the academic staff college and the *Vidvat-Parishad* regarding organisation of refresher and orientation course for teachers of affiliated colleges and university departments especially for the revised or newly introduced or inter-disciplinary courses of studies;
- (i) to prepare and submit the annual report of the functioning of the faculty to the *Kulaguru*;
- (j) to consider any other academic matter which may be referred to it.

33. (1) There shall be an *Adhyayana Mandala* (Board of Studies) for every subject or group of subjects, as prescribed. Adhyayana.
mandalas.

(2) The *Adhyayana Mandala* shall consist of,—

(a) the Head of the university department or institution in the relevant subjects:

Provided that, where there is no university department in the subject, the *Mandala* shall at its first meeting co-opt the Head of the Department from an affiliated college having postgraduate teaching in that subject.

(b) three Heads of Departments in affiliated and conducted college as prescribed.

(3) The *Mandata*, at its first meeting, shall co-opt,—

(a) one teacher having not less than ten years teaching experience from amongst the teachers in the university Department who is not a Head of the Department;

(b) one teacher having not less than ten years teaching experience, from amongst the teachers of affiliated or conducted colleges having teaching in the subject;

(c) one teacher having not less than ten years teaching experience, from amongst the teachers of the affiliated *Pathashalas*.

(4) The Chairman of the *Mandala* shall be nominated by the *Kulaguru* from amongst its members.

34. The *Adhyayana Mandala* shall have the following powers and duties, namely :— Powers and
duties of
Adhyayana
mandala.

(a) to recommend, upon reference to it by the *Vyavasthapana Parishad* or *Vidvat-Parishad* or the *Sankaya* concerned or otherwise, the courses of study in the subject or group of subjects within its purview;

(b) to recommend books, including text-books, supplementary reading, reference books and other material for such courses of study;

(c) to recommend to the *Vidvat-Parishad* for its approval the preparation and publication of selections or anthologies or writing or work of authors and other masters as well as material consequent to curriculum development by the teachers of the university for its introduction in the syllabi of the courses of study under the purview of the Board in accordance with the Regulations made by the *Vidvat-Parishad* in that respect;

(d) to advise the *faculty* or *faculties* concerned regarding improvements in the courses of study;

(e) to recommend names of suitable persons for inclusion in the panels for appointment of paper-setters, examiners and moderators at the university examinations in the subject by the *Pariksha Mandala*;

(f) to recommend to the *Pariksha Mandala*, names of persons suitable for appointment as referees for evaluation of theses and dissertations and for conduct of *viva-voce* examinations, wherever prescribed, for awarding postgraduate, doctorate and higher degrees;

(g) to suggest organisation of orientation and refresher courses in the subject;

(h) to prepare requirements in respect of teaching of the subject at various levels in respect of teachers and their qualifications, library, laboratory equipment and consumables for formulating the norms and requirements for granting affiliation or extension or continuation of affiliation to colleges and for granting recognition or extension or continuation of recognition to institutions by the university.

Vistara Seva Mandala. 35. (1) There shall be a *Vistara Seva Mandala* (Board of Extension Services) of the university to oversee the various academic and extension programmes of the university. The *Mandala* shall consist of,—

(a) The *Kulaguru—Adhyaksha*;

(b) three persons, engaged in the field of extension services in Sanskrit who are residents within the university area, nominated by the *Kulaguru*;

(c) the Director of Higher Education or his nominee not below the rank of Deputy Director;

(d) one of the Station Directors of All India Radio (*Akashvani*) in the university area, to be nominated by the *Kulaguru* in consultation with the Central Government;

(e) *Sanchalaka, Vistara Seva Mandala—Sadasya-Sachiva*.

(2) The *Mandala* shall meet at least twice a year.

(3) The *Mandala* shall prepare an annual programme of its activities and shall review the same periodically.

Powers, functions and duties of authorities. 36. The constitution, powers and the functions or duties of the authorities of the university, not laid down by any of the provisions of this Act shall be as prescribed by statutes.

Term of office of members of authority. 37. Save as otherwise provided by or under the provisions of this Act, the term of office of the nominated, appointed or co-opted members of any authority shall be five years from the date of its first meeting, irrespective of the date on which a member enters upon his office.

Cessation of membership. 38. Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, appointed, nominated or co-opted as an officer of university or a member of any of the authorities or bodies of the university by virtue of his being eligible to be so appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the university or a member of such an authority or a body as soon as he ceases to belong to such category and shall be deemed to have vacated his office as such officer or member.

Disqualification for membership of authority. 39. A person shall be disqualified for being a member of any of the authorities of the university, if he—
(a) is of unsound mind and stands so declared by a competent court;
(b) is an undischarged insolvent;
(c) has been convicted of any offence involving moral turpitude;

(d) is conducting, or engaging himself in, private tuitions or private coaching classes;

(e) has been punished for indulging in, or promoting, unfair practices in the conduct of any examination in any form anywhere.

40. Save as otherwise provided by or under the provisions of this Act, each authority of the university while acting and exercising its powers and discharging its functions or duties assigned to it by or under the provisions of this Act shall have the exclusive jurisdiction to deal with and decide the matters assigned to it. Conclusi-
veness of
decision of
authority.

41. (1) A member, other than an *ex-officio* member, may resign by writing under his signature. A nominee of the *Kuladhipati* may resign by addressing to the *Kuladhipati* and any other member may resign by addressing to the *Kulaguru*. The person shall cease to be a member upon his resignation being accepted by the *Kuladhipati* or the *Kulaguru*, as the case may be. Resignation
of member-
ship.

(2) If a person nominated, appointed or co-opted to an authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and he shall cease to be a member from the date of the third such meeting in which he has remained absent.

42. (1) Save as otherwise provided by this Act, all matters with regard to the conduct of meetings of the authorities, bodies or committees, if any, constituted by the university or any authority shall be such as may be prescribed. Meeting of
authorities.

(2) A meeting of an authority or body shall be convened on the date determined by the *Adhyaksha* by a notice issued by its *Sadasya-Sachiva*.

(3) Except as otherwise provided, the quorum for a meeting shall ordinarily be one-third of the number of the sitting members. If there is no quorum, the meeting shall be adjourned by the *Adhyaksha* to a specific time on the same day on a letter date and no quorum shall be necessary for such adjourned meeting.

(4) Where no provision is made by or under this Act for an *Adhyaksha* to preside over a meeting of any authority or body of the university or when the *Adhyaksha* so provided for is absent and no provision is made for any other person to preside, the members present shall elect a person from amongst themselves to preside at the meeting.

(5) Save as otherwise provided all times, questions, matters or proposals on the agenda shall be decided by a majority of votes of members present. In case of equality of votes, the *Adhyaksha* shall have a casting vote. The *Sachiva*, if not a member, shall have right to participate in the deliberations but shall not have the right to vote.

43. (1) When any vacancy occurs in the office of a member, other than an *ex-officio* member of any authority or other body of the university before the expiry of his normal term, the vacancy shall be filled, as soon as may be, by nomination of a person by the *Kulaguru* on the basis of seniority as prescribed. Filling casual

(2) The person so nominated shall be a person who is otherwise, eligible to be a member of the said authority or body from the same category. The person so nominated shall hold office only so long as the member in whose place he has been nominated, would have it, if the vacancy had not occurred.

CHAPTER V

THE STATUTES ORDINANCE AND REGULATIONS.

Statutes. 44. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (1) conferment of honorary degrees and holding convocation;
- (2) the establishment and maintenance of the university departments, institutions, conducted colleges, institutions, of higher learning, research or specialised studies and hostels;
- (3) the powers and duties of the officers of the university;
- (4) the powers and duties of the authorities of the university;
- (5) the principals governing the seniority and service conditions of the employees of the university;
- (6) the provision for disqualifying members of the authorities, bodies or committees of the universities;
- (7) abolition of university departments or institutions and conducted colleges;
- (8) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, including periodic assessment of teachers, officers and other employees of the university and the affiliated colleges, schools and *Pathashalas* (except those colleges or institutions maintained by the State or Central Government or a local authority), the provisions of pension, gratuity and provident fund, the manner of termination of their services, as approved by the State Government;
- (9) application of funds of the university for furtherance of the objects of the university;
- (10) norms of affiliation of colleges or of withdrawing the affiliation of the colleges;
- (11) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organisations;
- (12) provision of reservation of adequate number of posts of teachers, officers and the employees of the university, affiliated colleges, recognised institutions, schools and *Pathashalas*, for members of the Scheduled Casts and Scheduled Tribes, and Other Backward Classes in accordance with the policy of the State Government;
- (13) number of working days, number of actual days of instruction, holidays other than Sundays, vacation and terms in academic year;
- (14) disciplinary action against defaulting teachers, officers and other employees of the university, affiliated colleges, recognised institutions, schools and *Pathashalas* other than the colleges or institutions, schools and *Pathashalas*, managed and maintained by the State Government or Central Government of local authorities;
- (15) the taking over or transferring, in public interest, of the management of a college or institution by the university and the conditions for such taking over or transferring, subject to the approval of the State Government;
- (16) any matter which is to be prescribed or which is necessary to give effect to the provisions of this Ordinance.

45. (1) The Statutes may be made, amended or repealed by the *Vyavasthapana Parishad* in the manner hereinafter provided. Statutes
how made.

(2) The *Vyavasthapana Parishad*, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the university in regard to any draft Statute which is before it for consideration:

Provided that, where any such draft Statute pertains to academic matters, it shall obtain the opinion of the *Vidvat-Parishad* before considering the same.

(3) Every Statute passed by the *Vyavasthapana Parishad* shall be submitted to the *Kuladhipati* who may give or withhold his assent thereto or send it back to the *Vyavasthapana Parishad* for reconsideration.

(4) No Statute passed by the *Vyavasthapana Parishad* shall be valid or shall come into force until assented to by the *Kuladhipati*.

(5) Notwithstanding anything contained in the foregoing sub-section, the *Kuladhipati* either *suo motu* or on the advice of the State Government, may, direct the university to make provisions in the Statutes in respect of any matter specified by him and if the *Vyavasthapana Parishad* fails to implement such a direction within sixty days of its receipt, the *Kuladhipati* may, after considering the reasons, if any, communicated by the *Vyavasthapana Parishad* for its inability to comply with such direction, make or amend the Statutes suitably.

46. Subject to the conditions prescribed by or under this Act, the *Vyavasthapana Parishad* may make Ordinances to provide for all or any of the following matters, namely :— Ordinances
and their
subject
matter.

(1) the conditions under which students shall be admitted to course of study for degree, diplomas, certificates and other academic distinctions;

(2) the fees to be charged for enrolment of students for attending such courses in the university and colleges (including the tuition fees and hostel charges, which shall, as far as possible, be uniform for the colleges situated in the same local area, for admission to the examinations leading to degrees, diplomas, certificates and other academic distinctions, and for registration of graduates;

(3) the conditions of residence, conduct and discipline of the students of the university, and the action to be taken against them for breach of discipline of misconduct, including the following :—

(a) use of unfair means at an examination, or abatement thereof;

(b) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the university;
or

(c) disorderly or otherwise objectionable conduct, whether within or outside the university ;

(4) the qualifications and classification of teachers in university departments, colleges and recognised institutions, schools and *pathashalas*;

(5) the conditions governing the appointment and duties of examiners;

(6) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;

(7) the recognition of teachers of the university and the conditions subject to which persons may be recognised as qualified to give instructions in the university departments, colleges and recognised institutions, schools and *pathashalas*;

(8) the inspection of colleges, recognised institutions, schools, *pathashalas*, halls and hostels;

(9) the recognition of halls and hostels;

(10) the mode of execution of contracts or agreements for, or on behalf of the university;

(11) the rules to be observed and enforced by colleges and recognised institutions regarding transfer of students;

(12) all other matters which, by or under this Act or the Statutes, are to be, or may be provided by Ordinances; and

(13) generally, all matters for which provision is, in the opinion, of the *Vyavasthapana Parishad*, necessary for the exercise of the powers conferred or the performance of the duties imposed, on the *Vyavasthapana Parishad* by or under this Act, or the Statutes.

Ordinances and their making. 47. (1) The *Vyavasthapana Parishad* may make, amend or repeal Ordinances in the manner hereinafter provided.

(2) No Ordinance concerning the matters referred to in clauses (i) to (vii) of the last preceding section, or any other matter connected with the maintenance of the standards of teaching and examinations within the university, shall be made by the *Vyavasthapana Parishad* unless a draft thereof has been proposed by the *Vidvat-Parishad*.

(3) The *Vyavasthapana Parishad* shall not have the power to amend any draft proposed by the *Vidvat-Parishad* under sub-section (2), but may reject or return it to the *Vidvat-Parishad* for reconsideration, in part or in whole, together with any amendments which the *Vyavasthapana Parishad* may suggest.

(4) All Ordinances made by the *Vyavasthapana Parishad* shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the *Kuladhipati* within two weeks. The *Kuladhipati* shall have the power to direct the *Vyavasthapana Parishad*, within four weeks of the receipt of the Ordinance, to suspend its operation, and he shall, as soon as possible, inform the *Vyavasthapana Parishad* of his objection to it. He may, after receiving the comments of the *Vyavasthapana Parishad*, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Regulations. 48. (1) Subject to the conditions prescribed by or under this Act, and the approval of the *Vyavasthapana Parishad*, the *Vidvat-Parishad*, may make Regulations consistent with this Act, the Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, the Statutes or Ordinances, are to be or may be provided and for all other matters solely concerning itself.

(2) Any authority or body may, subject to the previous approval of the *Vyavasthapana Parishad*, make rules, consistent with this Act, the Statutes, Ordinances and Regulations, for—

(a) giving notice of the dates and hours of its meetings and of the business to be conducted thereat;

(b) regulating the procedure at its meeting and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;

(c) providing for all matters solely concerning such authority or body.

(3) Such rules be submitted to the *Vyavasthapana Parishad*, which may amend or annual them in such manner as it thinks proper, after ascertaining and considering the view of the authority or body making them.

CHAPTER VI

ADMISSIONS, EXAMINATIONS AND OTHER MATTERS

RELATING TO STUDENTS.

49. Subject to the reservation policy of the State Government for the Scheduled Admission. Castes, Scheduled Tribes and Other Backward Classes, admissions to all courses in the university departments and affiliated colleges shall be made on the basis of competitive merit in accordance with the rules, if any, made by the State Government and published in the *Official Gazette*, or by the university and published in the university *gazette* by the university :

Provided that, where model rules have been framed by the State Government in the interest of students throughout the State, the university shall adopt the same and such rules shall be published in the university *Gazette* or the *Official Gazette* as the case may be at least six months before the start of any academic session which shall begin not later than first of August every year :

Provided further that, having regard to the maintenance of discipline, the authority concerned shall have the power to refuse admission to a student.

50. At the beginning of each academic term and in any case not later than 30th Schedule of October of every calendar year, the university shall prepare and publish a schedule of examinations for each and every course conducted by itself or by any affiliated college, or institution within its jurisdiction and shall strictly adhere to the schedule. Examinations.

Explanation.—“ Schedule of Examinations ” means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations

Provided however that, in case the university is unable to follow this schedule due to reasons and circumstances beyond its control it shall, as soon as practicable, submit a report to the *Kuladhipati* and to the State Government incorporating the detailed reasons for making a departure from the published Schedule.

51. The university shall strive to declare the results of every examination Declaration of conducted by it within thirty days from the last date of the examination for that particular course and shall in any case declare the results latest within forty-five days thereof. results.

Provided however that, if for any reasons whatsoever the university is unable to finally declare the results of the examination within the aforesaid period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the *Kuladhipati* and to the State Government.

52. No examination or the results of an examination shall be held invalid only for the reasons that the university has not followed the schedule as stipulated in sections 50 and 51, as the case may be. Examinations not invalid, for non-compliance with Schedule.

53. The university shall frame appropriate Statutes, Ordinances and Regulations to ensure that the students selected to represent their classes, colleges or the university, as the case may be, for sports, culture and all other activities are selected entirely on the basis of merit, through open merit competition alone and on no other basis. Sports and extra curricular activities.

CHAPTER VII

SAMITIS (COMMITTEE)

Granthalaya Samiti, (Library Committee). 54. (1) (a) There shall be a *Granthalaya Samiti* for administering, organising and maintaining the libraries and library services of the university. It shall consist of the following members, namely :—

- (i) the *Kulaguru—Adhyaksha*;
- (ii) one *Adhishthata* of faculties, nominated by the *Kulaguru*;
- (iii) one head of the university institutions, or departments, nominated by the *Kulaguru*;
- (iv) one teacher, nominated by the *Vidvat-Parishad*, from amongst its members;
- (v) the *Kulasachiva*;
- (vi) the *Granthapala—Sachiva*.

(b) All members of the *Granthalaya Samiti*, other than *ex officio* members, shall hold office for a period of five years.

(c) The duties of the *Samiti* shall be as follows, namely :—

- (i) to provide for proper organisation and functioning of the library, documentation services and updating the stock of books;
- (ii) to provide for modernisation and improvement of library and documentation services;
- (iii) to recommend to the *Vyavasthapana Parishad* fees and other charges for the use of library services by students and others;
- (iv) to prepare the annual budget and proposals for development of the library for approval of the *Vitta-Lekha Samiti*;
- (v) to submit the annual report on the functioning of the library;
- (vi) to form a sub-committee for preservation of manuscripts and other historical documents under the guidance of the *Kulaguru*.

Vitta Lekha Samiti (Finance and Accounts Committee). (2) (a) There shall be a *Vitta-Lekha Samiti* consisting of the following members, namely :—

- (i) the *Kulaguru—Adhyaksha*;
- (ii) the *Sama-Kulaguru*;
- (iii) one person, nominated by the State Government, not below the rank of a Deputy Secretary;
- (iv) the Director of Accounts and Treasuries or his representative, not below the rank of Joint Director of Accounts and Treasuries;
- (v) two persons, nominated by the *Vyavasthapana Parishad* from amongst its members;
- (vi) two persons, nominated by the *Vidvat-Parishad* from amongst its members;
- (vii) the *Vitta-Lekha Adhikari—Sachiva*;

(b) The quorum for a meeting of the committee shall be five;

(c) All members of the committee other than *ex officio* member, shall hold office for a term of five years;

(d) the *Samiti* shall meet at least four times a year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the provisions available;

(e) The annual statement of accounts and the financial estimated (budget) of the university, prepared by the *Vitta-Lekha Adhikari* shall be laid before the *Vitta-Lekha Samiti* for consideration and recommendation, and for submission thereafter to the *Vyavasthapana Parishad* for such action as it thinks fit.

- (f) The budget shall be prepared in the following three distinct parts :—
- (i) maintenance;
 - (ii) development: and
 - (iii) independent project or scheme or collaborative programmes grants;
- (g) The *Samiti* shall perform the following additional functions and duties, namely :—
- (i) recommend to the *Vyavasthapana Parishad* the limits for the total recurring and non-recurring expenditure for the year, based on the income and resources of the university, including the proceeds of loans for productive work;
 - (ii) recommend to the *Vyavasthapana Parishad* productive investment and management of university assets and resources;
 - (iii) explore the possibilities of, and resort to, augmenting further the resources for the development of the university;
 - (iv) take necessary steps to have the university accounts audited by auditors appointed by the *Vyavasthapana Parishad*;
 - (v) advise the *Vyavasthapana Parishad* on matters related to the administration of the property and the funds of the university;
 - (vi) ensure proper implementation of the State Government's orders issued from time to time, in respect of financial matters;
 - (vii) advise on financial matter referred to it by the *Vyavasthapana Parishad*, *Vidvat-Parishad* or any of the authority, body or committee or any officer of the university;
 - (viii) report to the *Kulaguru* any lapse or irregularity in financial matters which comes to its notice who may take suitable prompt actions after assessing the seriousness of the matter or refer it to the *Vyavasthapana Parishad*;
- (h) The other powers and duties of the *Samiti* and the procedure at its meetings shall be such as may be prescribed;
- (i) The annual accounts of the university, colleges and institutions shall be open for audit by the auditors appointed by the State Government.
- (3) (a) There shall be *Kraya Samiti* for dealing with all matters pertaining to all purchases of the university, in respect of such items where individual cost of each item exceeds rupees one lakh at a time; Kraya
Samiti
(Purchase
Committee).
- (b) The *Kraya Samiti* shall consist of the following members, namely :—
- (i) the *Kulaguru—Adhyaksha*;
 - (ii) three heads of the university institutions or departments, nominated by the *Kulaguru*;
 - (iii) two *Sadasyas* nominated by the *Vyavasthapana Parishad*, from amongst its *Sadasyas*;
 - (iv) the *Kulasachiva*;
 - (v) the *Vitta-Lekha Adhikari*;
- (c) The *Vitta-Lekha Adhikari* shall ordinarily act as the *Sachiva* of the *Kraya Samiti*. *Vitta-Lekha Adhikari* during his absence, the *Kulasachiva* shall act as the *Sachiva* of the *Samiti*;
- (d) The *Kraya Samiti* shall invite the heads of the university, institutions or departments for which the purchase is to be made;
- (e) All members of the *Samiti*, other than *ex officio* members shall hold office for a period of two years;
- (f) The powers and duties of the *Samiti* shall be such as may be prescribed.

Samitis for Vidya Seva Anubhaga (Academic Service Unit). (4) (a) Each *Vidya Seva Anubhaga* of the university shall have a *Samiti* whose principal responsibility shall be to organise, oversee and maintain the services under its charge;

(b) The *Samiti* of such unit shall consist of the following members, namely :—

- (i) the *Kulaguru—Adhyaksha*;
- (ii) the *Adhishtata* nominated by *Adhishtatas* from amongst themselves;
- (iii) not more than three heads of university institutions or departments making use of the services of the unit, nominated by the *Vidvat-Parishad*;
- (iv) one nominee of the funding agency for the unit, if any;
- (v) one expert having special knowledge of the concerned academic services, other than the employees of the university, nominated by the *Kulaguru*;
- (vi) Head of the concerned *Vidya Seva Anubhaga—Sachiva*.

(c) The term of office of the nominated members shall be five years;

(d) The powers and duties of the *Samiti* shall be as prescribed;

(e) The *Samiti* shall meet at least twice a year.

Vastu Rachana Samiti (Building and Construction committee). (5) (a) The *Vastu Rachana Samiti* shall consist of the following members, namely :—

- (i) the *Kulaguru—Adhyaksha*;
- (ii) *Adhikshaka Abhiyanta*, Public Works Department or his nominee;
- (iii) one *Vastu Visharada* nominated by the *Vyavasthapan Parishad*;
- (iv) one member of the *Vidvat-Parishad* nominated by the *Kulaguru*;
- (v) *Kulasachiva*;
- (vi) the *Vitta-Lekha Adhikari*;
- (vii) *Pramukha Abhiyanta* of the University—*Sadasya-Sachiva*;

(b) The powers and duties of the *Samiti* shall be as prescribed.

Vishvavidyalaya Chhatra Kalyana Samiti (Students' Welfare Committee). (6) The *Chhatra Kalyana Samiti* shall consist of the following members, namely :—

- (i) the *Kulaguru—Adhyaksha*;
- (ii) the *Sama Kulaguru—Upadhyaksha*;
- (iii) one student representative from each department of the university who has shown academic merit at the preceding degree examination and engaged in the full-time studies in the university nominated by the *Sama Kulaguru*;
- (iv) two lady students nominated by the *Kulaguru*;
- (v) two representatives of students from Scheduled Castes or Scheduled Tribes and Other Backward Classes nominated by rotation by the *Kulaguru*;
- (vi) *Sanchalak Chhatra Kalyana—Sadasya-Sachiva*

Every meeting of the *Chhatra Kalyana Samiti* shall be presided over by the *Kulaguru* or *Sama Kulaguru* in absence of the *Kulaguru*, and shall be attended by such officers as may be required. The *Samiti* shall meet at least once in every three months.

Upaklesha Nivarana Samiti (Grievances Committee). (7) (a) There shall be *Upaklesha Nivarana Samiti* in the university to deal with grievances of teachers and other employees of the university. The *Upaklesha Nivarana Samiti* shall consist of the following members, namely :—

- (i) The *Sama Kulaguru—Adhyaksha*;
- (ii) Four members of the *Vyavasthapan Parishad* nominated by the *Vyavasthapan Parishads* from amongst themselves;
- (iii) The *Kulasachiva—Sadasya-Sachiva*;

(b) The *Kulasachiva* shall not have a right to vote.

(c) It shall be lawful for the *Upaklesha Nivarana Samiti* to entertain and consider grievances or complaints which are not within the jurisdiction of the Tribunal. The *Upaklesha Nivarana Samiti* shall hear and settle grievances as far as may be practicable within six months and report to the *Vyavasthapana Parishad* to take such action as it deems fit and the decisions of the *Vyavasthapana Parishad* on such reports shall be final.

CHAPTER VIII

TEACHERS AND EMPLOYEES OF THE UNIVERSITY

55. (1) (a) All appointments to the teaching and non-teaching post created by Selection or under this Act shall be made strictly on merit and merit alone. Seventy per cent. and of these appointments, department wise, shall be under a contract in writing for a appointment of university fixed tenure of not more than five years. Every such appointment shall be renewable teachers. at the option of the university and such renewal shall be treated as a fresh appointment.

(b) Subject to the provisions of this Act, Statutes and Ordinances, the *Kulaguru* shall, till the University Grants Commission's scheme of recruitment becomes operative, appoint a university teacher according to the order of merit and recommendations made by the Selection Committee.

(2) The Selection Committee for making recommendations for appointment of university teachers shall consist of the following members, namely :—

(a) the *Kulaguru*, or the *Sama-Kulaguru* upon directions of the *Kulaguru-Adhyaksha*;

(b) one person, nominated by the *Kulaguru*;

(c) the *Adhishthata* of the *Sankaya* concerned;

(d) the Head of the university department or head of the concerned institution;

(e) at least three experts, nominated by the *Vyavasthapana Parishad* out of a panel of not less than six names of experts not connected with the university, recommended by the *Vidvat-Parishad*, who have special knowledge of the subject for which the teacher is to be selected;

(f) one person belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, nominated by the *Kulaguru* :

Provided that, a Head, referred to in clause (d), who is a reader shall be of a cadre higher than the post for which the selections are being made :

Provided further that, for the post of a Professor the person in clause (d) shall be a Professor.

(3) The *Kulasachiva* shall act as the *Sachiva* of the Committee.

(4) Every post of a university teacher, to be filled by selection, shall be duly and widely advertised, according to the draft approved by the *Kulaguru*, together with particulars of the minimum and additional qualifications, as prescribed, the emoluments and number of posts to be filled, the number of posts which are reserved for the members of the Scheduled Castes or Scheduled Tribes or Other Backward Classes and reasonable time, to be determined by the *Kulaguru*, shall be allowed within which the applicants may, in response to the advertisement, submit their applications.

(5) The date of the meeting of every selection committee shall be so fixed as to allow a notice of at least thirty days of such meeting, being given to each member, and the particulars of each candidate shall be sent to each member of the selection committee so as to reach him at least seven days before the date of meeting.

(6) The quorum to constitute a meeting of every selection committee shall be four members, of whom at least two shall be persons nominated under clause (e) of sub-section (2) :

Provided that, for the post of professor, the Selection Committee may in preference to the candidates who have applied and appeared before it, recommend for appointment, with all the requisite details, the name of any other person who may not have applied or appeared before it, but who is duly qualified and has to his credit exceptionally high academic achievements or proficiency in the specialisation or has extraordinary academic contribution, to be recorded in writing.

(7) If, on petition by any person directly affected or *suo motu*, the *Kuladhipati*, after making or having made such inquiries or obtaining or having obtained such explanations, including explanations from the teachers having obtained such explanations, including explanations from the teachers whose appointments are likely to be affected, as may be or may have been necessary, is satisfied that the appointment of a teacher of the university, made by any authority or officer of the university at any time was not in accordance with the law at that time in force, the *Kuladhipati*, may, by order, notwithstanding anything contained in the contract relating to the conditions of service of such teacher, direct the *Kulaguru* to terminate his appointment after giving him one month's notice or one month's salary in lieu of such notice, and the *Kulaguru* shall forthwith comply and take steps for a fresh selection to be made. The person whose appointment has been so terminated shall be eligible to apply again for the same post.

(8) Any order made by the *Kuladhipati*, under the last preceding sub-section, shall be final and a copy of the order shall be served on the teacher concerned by the *Kulaguru* within three days from its receipt.

(9) It shall be the duty of the *Kulaguru* to ensure that no payment whatsoever is made to any person, by way of salary or allowances, from the funds of the university, for any period after the termination of his services, and any authority or officer authorising or making any such payment shall be liable to reimburse the amount so paid to the university.

Filling temporary vacancies of university teachers. 56. Where an appointment is to be made on a temporary vacancy of a teacher of the university, the appointment shall be made, if the vacancy is for a period of more than one year, on the recommendation of the selection committee in accordance with the provisions of the last preceding section :

Provided that, if the *Kulaguru* is satisfied that, in the interest of teaching, it is necessary to fill in the vacancy immediately, he may make the appointment of a person duly qualified, for a period not exceeding one year in the first instance on the recommendation of a Local Selection Committee constituted as follows, and shall inform the *Vyavasthapan Parishad* of such appointments :—

- (i) the *Kulaguru*—*Adhyaksha*;
- (ii) the *Adhishthata* of the faculty concerned;
- (iii) the head of the department concerned; and
- (iv) one expert nominated by the *Kulaguru*, except that, where the head of the department is also the *Adhishthata* the *Kulaguru*, shall nominate two persons instead of one.

57. The selection committee for selection of principals of conducted colleges or Appointment sanchalakas or heads of university institutions or Post-Graduate Centres or Sub- and selection of principals of principals of conducted colleges. Centres maintained by the university, shall consist of the following, namely :—

(a) the *Kulaguru—Adhyaksha*;

(b) one nominee of the *Kulaguru*;

(c) two experts, nominated by the *Vyavasthapana Parishad* and one expert nominated by the *Vidvat-Parishad*, who are not connected with the university.

58. (1) (a) There shall be a selection committee for making recommendations of suitable candidates for appointment to the posts of—

Selection committees for officers and employees of university.

(i) *Kulasachiva*;

(ii) *Pariksha Niyantaka*;

(iii) *Vitta-Lekha Adhikari*;

(iv) *Pradhana Granthapala*;

(b) The selection committee shall consist of—

(i) the *Kulaguru*, or the *Sama-Kulaguru* upon the direction of the *Kulaguru, Adhyaksha*;

(ii) two members nominated by the *Vyavasthapana Parishad*, from amongst its members;

(iii) a *Adhishthata*, not being a member of the *Vyavasthapana Parishad*, nominated by the *Kulaguru*;

(iv) two experts having special knowledge in the field related to the post to be filled, who are not connected with the university, and affiliated college or recognised institution, nominated by the *Kulaguru*;

(v) one person belonging to Scheduled Castes or Scheduled Tribes, or Other Backward Classes, nominated by the *Kulaguru*;

(vi) the *Kulasachiva* shall act as *Sadasya Sachiva* of the selection committee, except where he himself is a candidate for the post.

(2) The selection committee for and mode of, appointment of other officers of the university shall be such as may be prescribed.

(3) The selection committee for and mode of, appointment for principals, teachers and other employees of affiliated college shall be such as may be prescribed.

(4) The management of any affiliated college, shall before proceeding to fill in vacancies of teachers and other employees in accordance with the prescribed procedure shall ascertain from the university and the *Sanchalaka* of Higher Education whether there is any suitable person available on the list of surplus persons maintained by the university for absorption in other colleges and in the event of such person being available the management shall appoint that person.

59. In addition to the *Samities* constituted under this Act, the authorities of the Other university may appoint *Samities* with suitable terms and reference for any specific *Samities*. task, and such *Samities* shall consist of members of the same authority constituting such a *Samities* and also of such other persons as that authority may nominate.

60. The university and College Tribunal constituted for the Nagpur University Tribunal. shall be the Tribunal for the purposes of the university and the colleges affiliated to, or the institutions and the *pathashalas* recognised by, the university.

CHAPTER IX

PERMISSION, AFFILIATION AND RECOGNITION

Conditions
for affiliation
and recogni-
tion.

61. (1) The management applying for affiliation or recognition, and management whose college or institution, or *pathashala* has been granted affiliation or recognition, shall give and comply with the following undertaking,—

(a) that the provisions of the Act and Statutes, Ordinances and Regulations thereunder and the Standing Orders and directions of the university shall be observed;

(b) that there shall be a separate Local Managing Committee provided for an affiliated college as provided by section 65.

(c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the university and the State Government from time to time;

(d) that there shall be suitable and adequate physical facilities such as buildings laboratories, libraries, books, equipment required for teaching and research, hostels, gymnasium, as may be prescribed;

(e) that the financial resources of the college or institution or *pathashala* shall be such as to make due provision for its continued maintenance and working;

(f) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and recognised institutions or *pathashalas* and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as prescribed by the university and which shall be sufficient to make due provision for courses of study, teaching or training or research efficiently;

(g) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the university;

(h) that the directions and orders issued by the *Kuladhipati*, *Kulaguru* and other officers of the university in exercise of the powers conferred on them under the provisions of the Act, Statutes, Ordinances and Regulations shall be complied with;

(i) that there shall be no change or transfer of the management without previous permission of the university;

(j) that the college institution or *pathashala* shall not be closed without previous permission of the university.

(k) that in the event of disaffiliation or derecognition or closure of the college or institution under section 71 all the assets of the college, institution or *pathashala* including building and equipment which have been constructed or created out of the amount paid as grant-in-aid by the State Government or the University Grants Commission shall vest in the State Government.

Procedure
for
permission.

62. (1) The university shall prepare a perspective plan for educational development for the location of institutions of higher learning in a manner ensuring equitable distribution of facilities for Higher Education having due regard, in particular, to the needs of unserved and under developed areas within the jurisdiction of the university. Such plan shall be prepared by the *Niyojana Vikas Mandala* and shall be placed before the *Vidvat-Parishad* and shall be updated every five years.

(2) No application for opening a new college or institution of higher learning, which is not in conformity with such plan, shall be considered by the university.

(3) The managements seeking permission to open a new college or institution of higher learning shall apply in the prescribed form to the *Kulasachiva* of the university before the last day of October of the year preceeding the year from which the permission is sought.

(4) All such applications received within the aforesaid prescribed time-limit, shall be scrutinised by the *Niyojana Vikas Mandala* and be forwarded to the State Government on or before the last day of December of the year, with such recommendations, duly supported by relevant reasons, as are deemed appropriate by the *Niyojana Vikas Mandala*.

(5) Out of the applications recommended by the university, the State Government may grant permission to such colleges or institutions, as it may consider right and proper in its absolute discretion, taking into account the State Government's budgetary resources, the suitability of the managements seeking permission to open new colleges or institutions and the State level priorities with regard to location of institutions of higher learning :

Provided, however, that in exceptional cases and for the reasons to be recorded in writing any application not recommended by the university may be approved by the State Government for starting a new college or institution of higher learning.

(6) No application shall be entertained directly by the State Government for the grant of permission for opening new college or institutions of higher learning.

63. (1) On receipt of the permission from the State Government under section Procedure 62, the *Vidvat-Parishad* of the university shall consider grant of first time affiliation for affiliation to the new college by following the prescribed procedure given in sub-section (2) and after taking into account whether and the extent to which the stipulated conditions have been fulfilled by the college. The decision of the *Vidvat-Parishad* in this regard shall be final.

(2) For the purpose of considering the application for the grant of affiliation the *Vidvat-Parishad* shall cause an inquiry by a committee constituted for the purpose by it.

(3) The *Vidvat-Parishad* shall decide,—

- (a) whether affiliation should be granted or rejected;
- (b) whether affiliation should be granted in whole or part;
- (c) subjects, courses of study, the number of students to be admitted;
- (d) conditions, if any, which may be stipulated while granting or for granting the affiliation.

(4) The *Kulasachiva* shall communicate the decision of the *Vidvat-Parishad* to the Management with a copy to the Director of Higher Education, and if the application for affiliation is granted, alongwith an intimation regarding—

- (a) the subjects and the courses of study approved for affiliation;
- (b) the number of students to be admitted;
- (c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) The procedure referred to in section 62 shall apply, *mutatis mutandis*, for the permission to open new courses, additional faculties, new subjects and additional divisions.

(6) No student shall be admitted by the college unless the first time affiliation has been granted by the university to the college.

(7) The procedure referred to in sub-sections (1) to (4) shall apply *mutatis mutandis*, for the consideration of, continuation of affiliation, from time to time.

Procedure of recognition of institutions and pathashala. 64. (1) The management of an institution actively conducting research or specialised studies for a period of not less than five years, and seeking recognition shall apply to the *Kulasachiva* of the university, with full information regarding the following matters, namely :—

- (a) the constitution and personnel of the management;
- (b) the subjects and courses of study for which recognition is sought;
- (c) the accommodation, equipment and the number of students for whom provision has been made ;
- (d) the staff, permanent, visiting and honorary, of the institution, recognised for guiding research or recognisable for the purpose by the university; their experience, evidence of research work carried out at the institution, publications reports, monographs, books published by the institution;
- (e) the fees levied, or proposed to be levied, and the provisions made for capital expenditure on buildings, equipment and for the continued maintenance and efficient working of the institution.

(2) Before considering such an application, the *Niyojana Vikasa Mandala* may call for any further information which it thinks necessary.

(3) If the *Niyojana Vikasa Mandala* decides to consider the application, it may direct a local inquiry to be made by the competent person or persons having specialised knowledge in the subject or field concerned. After considering the report of such inquiry, and making such further inquiry, as it may think necessary, the *Niyojana Vikasa Mandala* shall submit to the *Vidvat-Parishad* the proposal to grant or reject the application, in part or in whole.

(4) The *Vidvat-Parishad* shall after considering the proposal submitted by the said *Mandala*, may, either grant or reject it. The decision of the *Vidvat-Parishad* in the matter shall be final and binding.

(5) Procedure for the recognition of *Pathashalas* shall be as follows, namely :—

The management of a *Pathashalas* actively engaged in teaching Sanskrit, for a period of not less than two years, and seeking recognition shall apply to the *Kulasachiva* of the university with full information regarding the following matters, namely :—

- (a) the institution and personnel of the management;
- (b) the subject and courses of study for which the recognition is sought;
- (c) the accommodation, equipments and the number of students for whom provision has been made;
- (d) the staff permanent, visiting and honorary, with their qualifications and other relevant details regarding publication, etc.;
- (e) the fees levied or proposed to be levied and the provisions made for capital expenditure on buildings, equipments and for the continued maintenance of the *pathashala*;

(f) before considering such an application the *Niyojana Vikasa Mandala* may call for any further information which it thinks necessary;

(g) if the *Niyojana Vikasa Mandala* decides to consider the application it may appoint a local committee to examine the proposal carefully. After considering the report of the committee the *Niyojana Vikasa Mandala* shall forward its recommendations to the *Vidvat-Parishad* to grant or reject the application in part or in whole;

(h) the *Vidvat Parishad* shall after considering the proposal submitted by the *Niyojana Vikasa Mandala* may either grant or reject it and inform the *Vyavasthapan Parishad* accordingly.

65. (1) There shall be a separate local managing committee for every affiliated college or institution, consisting of the following members, namely :—
- (a) President or Chairman of the management—Chairman;
- (b) Secretary of the management or his nominee;
- (c) three local members representing different fields of the area nominated by the management;
- (d) three teachers, of the college or institution as per seniority by rotation;
- (e) one non-teaching employee, other than Class IV as per seniority by rotation from amongst elected by the non-teaching employees of the college or institution;
- (f) Principal *Saddasya-Sachiva*.

Local managing or advisory committee of an affiliated college, institution.

(2) For a college or institution managed and maintained by the Government or local authority, the local advisory committee shall consist of the following members, namely :—

- (i) Joint Director or Deputy Director nominated by the Director of Higher Education;
- (ii) three persons representing different fields or activities, nominated by the Director of Higher Education;
- (iii) three teachers, nominated by the teachers of the college or institution;
- (iv) one representative of non-teaching employee of the college or institution other than Class IV employees;
- (v) Principal—*Sadasya-Sachiva*.

(3) The local managing or advisory committee shall meet at least twice a year.

(4) The members elected or nominated shall have a term of three years.

(5) The powers and duties of the local managing or advisory committee shall be to,—

- (a) prepare the budget and financial statements;
- (b) recommend to the management the creation of the teaching and other posts ;
- (c) determine the programme of instruction and internal evaluation and to discuss the progress of studies in the college;
- (d) make recommendations to the management for the improvement of the standard of teaching in the college;
- (e) formulate proposals of new expenditure not provided for in the college budget;
- (f) advise the principal regarding the intake capacity of various classes, preparation of time-tables, distribution of the available teaching work-load and such other matters relating to the internal management of the college and discipline of the college students as may be referred to it by the principal, from time to time;
- (g) consider and make recommendations on the inspection report, if any;
- (h) consider and make recommendations on the report of the local inquiry committee, if any;
- (i) prepare the annual report on the work done by committee for the year ending on the 30th June and submit the same to the management, the *Vyavasthapan Parishad*, of the university and to the *Sanchalaka*;
- (j) perform such other duties and exercise such other powers as may be entrusted by the management and the university.

Continuation of affiliation or recognition. 66. The affiliated college, recognised institution or *pathashala* may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily six months prior to the date of expiry of such affiliation or recognition. The university shall follow the procedure prescribed in the Statutes so far as applicable for grant of continuation.

Extension of affiliation or recognition. 67. The affiliated college or recognised institution or *pathashala* may apply for affiliation or recognition for additional courses of study. The university shall follow the procedure as prescribed in sections 61, 63 and 64 as may be applicable.

Permanent affiliation and recognition. 68. The affiliated college or recognised institution or *pathashala* with at least six years standing as an affiliated or recognised institution or *Pathashala* may apply for permanent affiliation or recognition. The *Niyojana Vikasa Mandala* shall consider and scrutinise the application and make recommendation to the *Vidvat-Parishad*. If the *Vidvat Parishad* is satisfied that the affiliated college or recognised institution or *Pathashala* has fulfilled all the conditions of affiliation or recognition satisfactorily and has attained high academic and administrative standards as prescribed by the university, from time to time the *Vidvat-Parishad* shall grant permanent affiliation or recognition to the college or institution or *pathashala*, as the case may be.

Inspection of colleges and recognised institutions, and pathashalas. 69. (1) Every affiliated college and recognised institution and *pathashala* shall furnish such reports, returns and other particulars as the university may require for enabling it to judge the academic standards and standards of academic administration of the college or recognised institution.

(2) The *Kulaguru* shall cause every university department or institution, affiliated college, recognised institution or *pathashala* to be inspected, at least once in every three years, by one or more Samitis appointed by him in that behalf which shall consist of the following members, namely :—

(a) the *Sanchalaka*, *Niyojana Vikasa Mandala* or an *Adhishthata* nominated by the *Kulaguru-Adhyaksha*;

(b) one expert, not connected with the university, nominated by the *Vidvat-Parishad*;

(c) one expert, to be nominated by the *Vyavasthapana Parishad* :

Provided that, no such member shall be connected with the management of the college, the institution or *pathashala* concerned.

(3) The Samiti shall submit its report to the *Kulaguru* for his consideration and for further action as may be necessary under sub-section (14) of section 14.

Withdrawal of affiliation or recognition. 70. (1) If an affiliated college or recognised institution or *pathashala* fails to comply with the conditions of affiliation or recognition as provided in section 61 or to allow the local managing or advisory committee as provided in section 65 to function properly or to take action as per direction issued under the Act or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the university or the standards laid down by it, the *Niyojana Vikasa Mandala* may issue a notice to the management to show cause as to why the privileges conferred on the college or recognised institution or *pathashala* by affiliation or recognition should not be withdrawn in part or in whole or modified.

(2) The *Niyojana Vikasa Mandala* shall mention the grounds on which it proposes to take the above mentioned action and shall send a copy of the notice to the principal of the college, or head of recognised institution or *pathashala*. It shall also specify in the notice, the period being a period which shall not be less than thirty days within which the management should file its written statement in reply to the notice.

(3) On receipt of such written statement or on expiry of the period specified in the notice issued under sub-section (1), the *Niyojana Vikasa Mandala* shall place before the *Vidvat-Parishad*, the notice and the written statement, if any, or without the motion for withdrawal or modification of such privileges.

(4) The *Vidvat-Parishad* shall having regard to the interest of students in the colleges or recognised institutions or *pathashala*, recommend to the *Kulaguru* the action to be taken in this behalf and the *Kulaguru* shall, thereafter, proceed to implement the recommendations.

71. (1) No management of a college or recognised institution or *pathashala* shall be allowed to close down the college or recognised institution or *pathashala* without prior permission of the State Government and the university. Closure of the college or recognised institution or *pathashala*.

(2) The management desirous of closing down the college or recognised institution or *pathashala* shall apply to the university on or before the first day of August of the preceding year, stating fully the grounds for closure, and pointing out the assets in the form of buildings and equipment, their original cost, the prevailing market value and the grants so far received by it either from the University Grants Commission, the State Government or from public funding agencies.

(3) On receipt of such an application, the *Vidvat-Parishad* shall cause to make enquiries as it may deem fit, to assess and determine whether the college or recognised institution or *pathashala* be permitted to effect the closure. The *Vidvat-Parishad* may examine whether the closure should be avoided by providing necessary assistance or taking over of the college, institution or *pathashala* by the university or transferring it to another management.

(4) If the *Vidvat-Parishad* decides to recommend the closure, it shall prepare and submit to the *Vyavasthapan Parishad*, a report on the extent of damages or compensation to be recovered from the management and whether the assets created utilising the funds provided by the University Grants Commission, the State Government or other public funding agencies, be transferred to the university or the management and the payment of compensation to the teachers and the staff retrenched.

(5) The *Vidvat-Parishad* shall, with prior concurrence of the *Vyavasthapan Parishad* and approval of the State Government then decide whether the affiliated college or recognised institution or *pathashala* be permitted the closure.

(6) If the university decides to take over the college or recognised institution or *Pathashala* or transfer the same to another management, the procedure to be followed shall be such as may be prescribed.

(7) The procedure to effect the closure shall be in phases so as to ensure that the students already admitted to the college or recognised institution or *pathashala* are not affected, and that the first year shall be closed first and no new admissions shall be such as may be prescribed.

CHAPTER X

ENROLLMENT, DEGREES AND CONVOCATIONS.

Postgraduate teaching and research. 72. All post graduate instruction, teaching, training and research shall normally be conducted within the university area by the university, affiliated colleges and the recognised institutions and *pathashala* in the manner prescribed.

Enrollment of students. 73. A person to be enrolled as a student of the university shall possess such qualifications and fulfill such conditions as may be prescribed.

Disciplinary powers and discipline among students. 74. (1) All powers relating to discipline and disciplinary action in relation to the students of the university, shall vest in the *Kulaguru*.

(2) The *Kulaguru* may, by order, delegate, all or any of his powers under the Act as he deems fit, to such other officers as he may nominate in that behalf.

(3) The *Kulaguru* may in exercise of his powers, by order, direct that any student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in a college, institution or department of the university for a specified period, or be punished with fine, not exceeding three hundred rupees, or be debarred from taking an examination or examinations conducted by the department, college or institution maintained by the university for a specified period not exceeding five years or that the result of the student or students concerned in the examination in which he or they have appeared be cancelled :

Provided that, the *Kulaguru* shall give reasonable opportunity to the student concerned of being heard, if expulsion is for a period exceeding one year.

(4) Without prejudice to the powers of the *Kulaguru*, the principals of conducted colleges, heads of university institutions and the heads of departments of the university shall have authority to exercise all such powers over the students in their respective charge as may be necessary for the maintenance of proper discipline.

(5) The *Kulaguru* shall, subject to the approval of the *Vyavasthapana Parishad*, make rules of discipline and proper conduct for students of the university which shall also apply to the students of all its conducted colleges and university department or institutions and every student shall be supplied with a copy of such rules.

(6) The principals of the colleges and heads of the institutions, maintained by the university, may frame such supplementary rules of discipline and proper conduct, not inconsistent with the rules made by the *Kulaguru*, as they think necessary and every student shall be kept informed of such supplementary rules.

(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the *Kulaguru* and the other officers and authorities or bodies of the university and the authorities or bodies of the conducted colleges and institutions, and shall observe and abide by the rules made by the *Kulaguru* in that behalf and in so far as they may apply, the supplementary rules made by the principals of conducted colleges and heads of university institutions.

(8) All powers relating to disciplinary action against students of an affiliated college or recognised institution or *pathashala* not maintained by the university, shall vest in the principal of the affiliated college or head of the recognised institution or *pathashala*, and the provisions of the foregoing sub-sections including the rules, if any, made thereunder, shall *mutatis mutandis* apply to such colleges, institutions, *pathashala* and students therein.

75. (1) The *Vyavasthapana Parishad* may institute and confer such degrees, diplomas, certificates and the academic distinctions as may be recommended by the *Vidvat-Parishad*. Degrees,
diplomas,
certificates
and
distinctions.

(2) The *Kuladhipati* may, on the recommendation of the *Vyavasthapana-Parishad* and the *Vidvat-Parishad*, supported by a majority of not less than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of members of each such authority, withdraw the degree or diploma or certificate or any other academic distinction permanently or for such period as the *Kulaguru* thinks fit, if such a person is convicted by a court of law for any offence involving moral turpitude, No such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

76. (1) The *Vyavasthapana Parishad* may consider and approve the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public services, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting of the *Vyavasthapana Parishad*, being not less than one-half of its total membership : Honorary
degree.

Provided that, the *Vyavasthapana Parishad* shall not entertain or consider any proposal in that behalf without the *Kulaguru* having obtained the previous approval of the *Kuladhipati*.

77. The convocation of the university shall be held at least once during an academic year in addition to special convocation if any in the manner as prescribed. Convocation.

78. (1) Subject to the provisions of sub-section (2), the persons who are graduates of the university shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the university. Registered
graduates.

(2) A person who—

(a) is of unsound mind and stands so declared by a competent court ;

(b) is an undischarged insolvent ;

(c) is convicted for an offence involving moral turpitude ;

(d) is a registered graduate of any other university established by law in the State of Maharashtra ;

shall not be qualified to have his name entered in the register of graduates.

(3) Every person who intends to be registered graduate shall make an application to the *Kulasachiva* in such form and make payment of such fees as are prescribed by the statutes.

(4) The *Kulaguru* shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate. If any question arises whether a person is entitled to have his name entered in the register of graduate or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the *Kulaguru* after making such inquiry as he thinks fit and his decision shall be final.

Removal of name from register of graduates. 79. The *Kuladhipati* may, on the recommendation of the *Vyavasthapak Parishad*, supported by a majority of not less than two-thirds of its members present at its meeting, such majority comprising not less than one-half of its members, remove the name of any person from the register of graduates for such period as the *Kuladhipati* thinks fit, if such person has been convicted by a court for any offence which, in the opinion of the *Vyavasthapana Parishad*, is a serious offence involving moral turpitude.

CHAPTER XI

UNIVERSITY FUNDS, ACCOUNTS AND AUDIT.

Annual financial estimates. 80. (1) The annual financial estimates (budget) of the university for ensuing financial year shall be prepared by the *Vitta-Lekha Adhikari* under the direction of the *Vitta-Lekha-Adhikari Samiti*, at least two months before the commencement of the financial year.

(2) The *Vitta-Lekha-Adhikari* shall thereafter forward copies of financial estimates as approved by the *Vyavasthapana Parishad* to the State Government.

(3) The financial year of the university shall be the same as that of the State Government.

University funds. 81. (1) The university shall establish the following funds, namely:—

(a) General Fund;

(b) Salary Fund;

(c) Trust Fund;

(d) Development and Programme Fund;

(e) Contingency Fund;

(f) any other fund which, in the opinion of the university, is deemed necessary to establish.

(2) The following shall form part of, or be paid in to the General Fund,—

(a) non-salary contribution or grant received from the State Government or Central Government or University Grants Commission;

(b) all incomes of the university from any source whatsoever, including income from fees and charges;

(c) any sums borrowed from the banks or any other agency, with the permission of the State Government;

(d) sums received from any other source or agency.

(3) The Salary Funds shall consist of all amounts received from the State Government, Central Government or University Grants Commission towards full or part payment of the salary and allowances. No amount from this fund shall be utilised for the purposes other than payment of salary and allowances.

(4) All income or moneys from trusts, bequests, donations, endowments, subventions and similar grants shall form the Trust Fund.

(5) (a) The Development and Programme Fund of the university shall consist of all infrastructure development grants received from the State Government, all contributions made by the University Grants Commission for development and research grants received from other fundings agencies of the Central Government, United Nations and its affiliates, other international agencies, industry, banks and financial institutions or any person;

(b) No amount from this fund shall be appropriated to any other funds of the university or expanded for any other purpose;

(c) The Development and Programme Fund shall be utilised in the manner consistent with the object of the programmes for which a suitable code will be adopted to include the guidelines of the funding agency on expenditure and audit, to be granted and approved by the *Vyavasthapana parishad*.

(6) The university shall have and maintain a Contingency Fund under a separate head of the university accounts which shall be used only for the purposes of meeting any unforeseen expenditure.

(7) Surplus money at the credit of these funds, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time, be deposited in the bank as directed by the *Vyavasthapana Parishad*.

Explanation.—For the purposes of this sub-section, the expression “ bank ” means,—

23 of 1955. (i) the State Bank of India constituted under the State Bank of India Act, 1955 ;

38 of 1959. Act, 1959 ; (ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks)

5 of 1970. Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 40 of 1980. 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980.

2 of 1934. 2 of the Reserve Bank of India Act, 1934, or being such a bank as may be approved by the State Government. (iv) any other bank, being a Scheduled Bank as defined in clause (e) of section

82. (1) The accounts of the university shall be audited at least once every year and in any case within six months of the close of the financial year by the auditors appointed by the *Vyavasthapana Parishad* from amongst the firms of Chartered Accounts whose partners have no interest in any of the authorities or affairs of the university. Annual accounts and audit.

(2) The audited accounts shall be published by the university and a copy thereof together with the copy of the auditor's report, shall be submitted to the *Kuladhipati*, State Government and, on receipt of such audited accounts the *Vyavasthapana Parishad* shall consider and pass such resolution thereon as it thinks fit.

(3) The State Government may conduct the test audit or full audit of the accounts of the university at regular intervals by the auditors appointed by the State Government.

83. The Annual report of the university shall be prepared and published by the university and such report as approved by the *Vyavasthapana Parishad* shall be submitted to the *Kuladhipati* and the State Government. Annual Report.

CHAPTER XII

MISCELLANEOUS.

84. (1) It shall be the duty of every authority or body and officer of the university to ensure that the interest of the university are duly safeguarded. Authorities and officers responsible for damages.

(2) If it is found that a damage or loss has been caused to the university by any action on the part of any authority or body or officer of the university not in conformity with the provisions of this Act, Statutes, Ordinances or Regulations, except

when done in good faith, or any failure so as to act in conformity thereof, by wilful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or body or concerned members thereof, jointly or severally, or from the officer concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.

Membership of State Legislature and of Parliament. 85. (1) A teacher of the university or a private college or *pathashala* shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as member of the Legislative Assembly or of the Legislative Council of the State or of Parliament.

(2) A teacher elected or nominated as a member of the Legislative Assembly or of the Legislative Council of the State or of Parliament shall be entitled to treat the period of his membership of the Legislative Assembly or of the Legislative Council or Parliament as on leave without pay and allowances.

(3) A teacher referred to in sub-section (2) shall also be entitled to count the period of his membership of the Legislative Assembly or of the Legislative Council of the State or of Parliament or the purpose of pension, seniority and increments.

Questions regarding interpretation and disputes regarding constitution of university, authority or body, etc. 86. If any question arises regarding the interpretation of any provision of this Act, or of any Statutes, Ordinance, Regulation or Rule, or whether a person has been duly elected or appointed or nominated or co-opted or is entitled to be member of any authority or body of the university, the matter may be referred on petition by any person or body directly affected, or *suo motu* by the *Kulaguru* to the *Kuladhipati*, who shall after taking such advice as he thinks necessary, decide the question, and his decision shall be final.

Protection of acts and orders. 87. All acts and orders done or passed in good faith by the university, or any of its officers, authorities or bodies, shall subject to the other provisions of this Act, be final ; and accordingly , no suit or other legal proceedings shall be instituted against, or maintained, or damages claimed from, the University or its officers, authorities or bodies for anything done or passed, or purporting to have been done or passed in good faith and in pursuance of the provisions of this Act and the Statutes, Ordinance, Regulations and Rules.

Delegation of powers. 88. Subject to the provisions of this Act and the Statutes, any officer or authority of the university may, by order, delegate his or its powers, except the powers to make Statutes, Ordinances; Rules and Regulations to any other officer or authority under his or its control, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

Acts and proceedings not invalid merely on ground of defect in constitution, vacancies, irregularity in procedure, etc. 89. No act or proceeding of the *Vyavasthapana Parishad* or *Vidvat-Parishad* or any other authority or any body or committee of the university including a committee appointed by the *Kulaguru* for the appointment of a *Kulaguru* shall be deemed to be invalid at any time merely on the ground that—

(a) any of the members of any such authority, body or committee are not elected, appointed, nominated or co-opted or for any other reason are not available to take office at the time of the constitution or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more vacancies in the offices of members thereof;

(b) there is any irregularity in the procedure of any such authority, body or committee not affecting, the merits of the matter under consideration, and the validity of such act or proceeding shall not be questioned in any court or before any authority or officer merely on any such ground.

CHAPTER XIII

ESTABLISHMENT OF THE SANSKRIT UNIVERSITY.

90. Notwithstanding anything contained in the provisions of this Act the first *Kulaguru*, the first *Sama Kulaguru*, the first *Kulasachiva* the first *Vitta-Lekha Adhikari* and other officers, shall be appointed by the State Government and their terms and conditions of service shall be specified by the State Government. They shall hold office for a period of five years or till the appointments are made in accordance with the provisions of this Act, whichever is earlier.

91. Notwithstanding anything contained in the provisions of this Act, the State Government shall constitute the first *Vyavasthapan Parishad*, the *Vidvat-Parishad* and the *Niyojana Vikas Mandala* and the *Sadasya* of such authority shall hold office until the authorities are constituted in accordance with the relevant provisions of this Act.

92. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक २४]

गुरुवार, जून २५, २००९/आषाढ ४, शके १९३१

[पृष्ठे ९, किंमत : रुपये २०.००

असाधारण क्रमांक ४६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University, the Maharashtra Universities and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Act, 2009 (Mah. Act No. XIV of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIV OF 2009

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 25th June 2009).

An Act further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997.

WHEREAS both Houses of the State Legislature were not in session ;
AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take

immediate action further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra University (Amendment) Ordinance, 2009, on the 24th March 2009 and the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Ordinance, 2009, on the 25th May 2009 ;

Mah. XX
of 1989.
Mah.
XXII of
1989.
Mah.
XXXV
of 1994.
Mah.
XXXIII
of 1997.
Mah. Ord.
IV of 2009.
Mah. Ord.
IX of 2009.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University, the Maharashtra Universities and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Act, 2009.

(2) (i) Sections 2 to 9 and 14 to 17 of this Act shall be deemed to have come into force on the 25th May 2009; and

(ii) Sections 10 to 13 of this Act shall be deemed to have come into force on the 24th March 2009.

CHAPTER II

AMENDMENTS TO THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989.

Amendment
of section
10 of Mah.
XX of 1989.

2. In section 10 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (hereinafter, in this Chapter, referred to as "the Open University Act"), for sub-section (1), the following sub-sections shall be substituted, namely :—

Mah.
XX of
1989.

"(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely :—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma* Award in the field of education ;

(ii) the *Principal Secretary of Higher and Technical Education* Department or any officer not below the rank of *Principal Secretary to Government*, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Board of Management and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette*;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee;

(c) The members nominated shall be the persons who are not connected with the University;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.

(1A) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(1B) The term of the Vice-Chancellor, his emoluments and other conditions of service, shall be such as may be prescribed by the Statutes.

(1C) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(1D) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership by his own example;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(1E) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(1F) If the Chancellor does not approve of any of the persons recommended under sub-section (1C), he may constitute the Committee if he deems fit and call for fresh recommendations.”

Insertion of section 15A in Mah. XX of 1989.

3. After section 15 of the Open University Act, the following section shall be inserted, namely:—

Power of Government to specify eligibility conditions for being member of any authority of University.

“15A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University.”

Amendment of section 21 of Mah. XX of 1989.

4. In section 21 of the Open University Act, in clause (a), for the words “the manner of appointment of the Vice-Chancellor, the term of his appointment” the words “the term of appointment of the Vice-Chancellor” shall be substituted.

Amendment of section 27 of Mah. XX of 1989.

5. In section 27 of the Open University Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The State Government shall cause the audited annual accounts of the University, received by it, to be laid before each House of the State Legislature.”

Amendment of section 28 of Mah. XX of 1989.

6. In section 28 of the Open University Act, after sub-section (3), the following sub-section shall be added, namely:—

“(4) The State Government shall cause the annual report of the University, received by it, to be laid before each House of the State Legislature.”

Amendment of Second Schedule to Mah. XX of 1989.

7. In the Second Schedule appended to the Open University Act, in paragraph 1, clauses (2) and (3) shall be deleted.

CHAPTER III

AMENDMENTS TO THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL UNIVERSITY ACT, 1989.

Amendment of section 12 of Mah. XXII of 1989.

8. In section 12 of the Dr. Babasaheb Ambedkar Technological University Act, 1989 (hereinafter, in this Chapter, referred to as “the Technological University Act”),—

Mah. XXII of 1989.

(1) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:—

“(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder:—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely:—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma* Award in the field of education;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Executive Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette* ;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee ;

(c) The members nominated shall be the persons who are not connected with the University ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.

(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(3) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(3A) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be a distinguished technologist ;

(b) be an eminent academician or an administrator of high caliber ;

(c) be able to provide leadership by his own example ;

(d) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(e) possess such educational qualifications and experience as may be specified by the Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(3B) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(3C) If the Chancellor does not approve the name of any of the persons so recommended by the committee constituted under sub-section (1), he may call for fresh recommendation.” ;

(2) in sub-section (7), for the word, brackets and figure " sub-section (2) " the word, brackets and figure " sub-section (1) " shall be substituted.

Insertion of section 22A in Mah. XXII of 1989.

9. After section 22 of the Technological University Act, the following section shall be inserted, namely :—

Power of Government to specify eligibility conditions for being member of any authority of University.

" 22A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University."

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA UNIVERSITIES ACT, 1994.

Amendment of section 12 of Mah. XXXV of 1994.

10. In section 12 of the Maharashtra Universities Act, 1994 (hereinafter, in this Chapter, referred to as "the Maharashtra Universities Act"),—

Mah. XXXV of 1994.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(a) There shall be a committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely :—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma Award* in the field of education ;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Management Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette* ;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee ;

(c) The members nominated shall be the persons who are not connected with the university or any college or any recognised institution of the university ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.”;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(3A) A person recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership by his own example ;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the State Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(3B) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.”.

11. After section 24 of the Maharashtra Universities Act, the following section shall be inserted, namely :—

Insertion of section 24A in Mah. XXXV of 1994.

“24A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being elected or nominated as a member of any authority of the university.”.

Power of Government to specify eligibility conditions for being member of any authority of university.

12. In section 103 of the Maharashtra Universities Act, after sub-section (2), the following sub-section shall be inserted, namely :—

Amendment of section 103 of Mah. XXXV of 1994.

“(2A) The State Government shall cause the audited annual accounts of the university, received by it, to be laid before each House of the State Legislature.”.

13. Section 104 of the Maharashtra Universities Act shall be re-numbered as sub-section (1) thereof ; and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

Amendment of section 104 of Mah. XXXV of 1994.

“(2) The State Government shall cause the annual report of the university, received by it, to be laid before each House of the State Legislature.”.

CHAPTER V

AMENDMENTS TO THE KAVI KULAGURU KALIDAS SANSKRIT
VISHVAVIDYALAYA (UNIVERSITY) ACT, 1997.

Amendment
of section
12 of Mah.
XXXIII of
1997.

14. In section 12 of the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997* (hereinafter, in this Chapter, referred to as "the Sanskrit University Act"),—

Mah.
XXXIII
of
1997.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The *Kulaguru* shall be appointed by the *Kuladhipati* in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the *Kuladhipati* for appointment of *Kulaguru*, namely :—

(i) a member nominated by the *Kuladhipati*, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma Award* in the field of education;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government;

(iii) a renowned *Sanskrit* Scholar or the Director of Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the *Vyavasthapana Parishad* and the *Vidvat Parishad*, jointly, in the manner specified by the State Government by an order published in the *Official Gazette* ;

(b) The member nominated by the *Kuladhipati* shall be the Chairman of the Committee ;

(c) The members nominated shall be the persons who are not connected with the university ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present." ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the *Kuladhipati* for being appointed as the *Kulaguru*. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(3A) A person for being recommended by the Committee for appointment as a *Kulaguru* shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership, by his own example ;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the Government, by an Order published in the *Official Gazette*, in consultation with the *Kuladhipati*.

(3B) The eligibility conditions and the process for recommendation of names for appointment as *Kulaguru* shall be given wide publicity to ensure the recommendation of most suitable candidates.”.

15. After section 24 of the *Sanskrit University Act*, the following section shall be inserted, namely :—

Insertion of section 24A in Mah. XXXIII of 1997.

“24A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the *Kuladhipati*, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the university.”.

Power of Government to specify eligibility conditions for being member of any authority of university.

16. In section 82 of the *Sanskrit University Act*, after sub-section (2), the following sub-section shall be inserted, namely :—

Amendment of section 82 of Mah. XXXIII of 1997.

“(2A) The State Government shall cause the audited annual accounts of the university, received by it, to be laid before each House of the State Legislature.”.

17. Section 83 of the *Sanskrit University Act* shall be re-numbered as sub-section (1) thereof ; and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

Amendment of section 83 of Mah. XXXIII of 1997.

“(2) The State Government shall cause the annual report of the university, received by it, to be laid before each House of the State Legislature.”.

18. (1) The Maharashtra Universities (Amendment) Ordinance, 2009 and the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Ordinance, 2009, are hereby repealed.

Repeal of Mah. Ord. IV of 2009 and Mah. Ord. IX of 2009 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any order issued) under the corresponding provisions of the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Mah. Ord. IV of 2009. Mah. Ord. IX of 2009. Mah. Ord. XX of 1989. Mah. Ord. XXII of 1989. Mah. Ord. XXXV of 1994. Mah. Ord. XXXIII of 1997.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ४]

बुधवार, जानेवारी ११, २०२३/पौष २१ शके १९४४

[पृष्ठे ७, किंमत : रुपये २७.००

असाधारण क्रमांक ६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Act, 2022 (Mah. Act No. VI of 2023), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2023.

(First published, after having received the assent of the Governor in the "*Maharashtra Governments Gazette*", on the 11th January 2023).

An Act further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 and the Maharashtra Public Universities Act, 2016.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that
 Mah. XX circumstances existed which rendered it necessary for him to take immediate
 of 1989. action further to amend the Yashwantrao Chavan Maharashtra Open
 Mah. University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya*
 XXXIII (University) Act, 1997 and the Maharashtra Public Universities Act, 2016,
 of 1997. for the purposes hereinafter appearing ; and, therefore, promulgated the
 Mah. VI Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas*
 of 2017. *Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities
 Mah. Ord. XIII of (Amendment) Ordinance, 2022 (Mah. Ord. XIII of 2022), on the 24th November
 2022. 2022 ;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title
and
commencement.

1. (1) This Act may be called the Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 24th November 2022.

CHAPTER II

AMENDMENTS TO THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989.

Amendment
of section 10
of Mah. XX of
1989.

2. In section 10 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (hereinafter, in this Chapter, referred to as “the Open University Act”),—

Mah. XX
of 1989.

(1) in sub-section (1),—

(a) in clause (a),—

(i) for the words “a Committee” the words “a search-cum-selection committee” shall be substituted;

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

“(i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) a member to be nominated by the Chairman, University Grants Commission;”;

(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the committee shall be persons who are not connected in any manner with the University or any college or any recognized institution of the University;”;

(c) in clause (d), the word “three” shall be deleted ;

(2) in sub-section (1D),—

(a) for clause (a), the following clauses shall be substituted, namely :—

“(a) be a person possessing highest level of competence, integrity, morals and institutional commitment ;

(a-1) be a distinguished academician, with a minimum of ten years of experience as a Professor in any university or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership;”;

(b) in clause (d), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

(3) after sub-section (1F), the following sub-section shall be inserted, namely :—

“ (1G) If a person selected by the Chancellor does not take over the charge of the post of Vice- Chancellor, the Chancellor may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.”.

3. For section 10A of the Open University Act, the following section shall be substituted, namely :—

Substitution of section 10A of Mah. XX of 1989.

“10A. It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Board of Management. The Board of Management shall, on the recommendation of the Vice-Chancellor, appoint a Pro-Vice-Chancellor for the University. The Pro-Vice-Chancellor shall be appointed for such terms and on such emoluments and other conditions of services and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.”.

Pro-Vice-Chancellor.

CHAPTER III

AMENDMENTS TO THE KAVI KULAGURU KALIDAS SANSKRIT VISHVAVIDYALAYA (UNIVERSITY) ACT, 1997.

Mah. XXXIII of 1997. 4. In section 12 of the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 (hereinafter, in this Chapter, referred to as “the *Sanskrit Vishvavidyalaya* (University) Act”),—

Amendment of section 12 of Mah. XXXIII of 1997.

(1) in sub-section (1),—

(a) in clause (a),—

(i) for the words “a Committee” the words “a search-cum-selection committee” shall be substituted;

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

“(i) a member nominated by the *Kuladhipati*, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely :—

(iv) a member nominated by the Chairman, University Grants Commission;”;

(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the committee shall be persons who are not connected in any manner with the university or any college or any recognised institution of the university;”;

(c) in clause (d), the word “three” shall be deleted;

(2) in sub-section (3A),—

(a) for clause (a), the following clauses shall be substituted, namely :—

“(a) be a person possessing highest level of competence, integrity, morals and institutional commitment;

(a-1) be a distinguished academician, with a minimum of ten years of experience as a Professor in any University or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership;”;

(b) in clause (d), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

(3) in sub-section (4),—

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, if a person selected by the *Kuladhipati* does not take over the charge of the post of the *Kulaguru*, the *Kuladhipati* may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee:”;

(b) in the existing proviso, for the words “Provided, however, that” the words “Provided further that,” shall be substituted.

Amendment
of section 13
of Mah.
XXXIII of
1997.

5. In section 13 of the *Sanskrit Vishvavidyalaya* (University) Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) It shall be the prerogative of the *Kulaguru* to recommend a person to be the *Sama-Kulaguru* to the *Vyavasthapanā Parishad*. The *Vyavasthapanā Parishad* shall, on the recommendation of *Kulaguru*, appoint a *Sama-Kulaguru* for the university.”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA
PUBLIC UNIVERSITIES ACT, 2016.

Mah. VI
of 2017.

6. In section 11 of the Maharashtra Public Universities Act, 2016 (hereinafter, in this Chapter, referred to as “the Public Universities Act”),—

Amendment
of section 11
of Mah. VI of
2017.

(1) in sub-section (3),—

(a) in clause (a),—

(i) for the words “a committee” the words “a search-cum-selection committee” shall be substituted;

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

“(i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely :—

“(iv) a member nominated by the Chairman, University Grants Commission;”;

(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the committee shall be persons who are not connected in any manner with the university concerned or any college or any recognized institution of that university;”;

(c) in clause (d), the word “three” shall be deleted;

(d) in clause (f),—

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

“(i) be a person possessing highest level of competence, integrity, morals and institutional commitment ;

(i-a) be a distinguished academician, with a minimum of ten years of experience as a Professor in any University or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership ;”;

(ii) in sub-clause (iv), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

(2) in sub-section (4),—

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“ Provided that, if a person selected by the Chancellor does not take over the charge of the post of the Vice-Chancellor, the Chancellor may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.”;

(b) in the existing proviso, for the words “Provided that,” the words “Provided further that,” shall be substituted.

Amendment
of section 13
of Mah. VI of
2017.

7. In section 13 of the Public Universities Act, for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Management Council. The Management Council shall, on the recommendation of the Vice-Chancellor, appoint a Pro-Vice-Chancellor for the university.”.

Amendment
of section 109
of Mah. VI of
2017.

8. In section 109 of the Public Universities Act,—

(1) in sub-section (3), after clause (g), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, with a view to extend the dates of making application for seeking Letter of Intent for opening new college or institution of higher learning, scrutiny of application by the Board of Deans and forwarding the same to the State Government and grant of Letter of Intent by the State Government, for the academic year 2023-2024, the day or dates referred to in clauses (a), (c) and (d) of sub-section (3) as specified in column (2) of the Table given below, shall be read as day or dates as provided in column (3) of the said Table :—

TABLE

Clauses	Day or dates provided in existing provision	Day or dates provided for Academic Year 2023-24
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the Letter of Intent is sought.	on or before 15th January 2023
(c)	on or before 30th of November of the year in which such application is received by the university.	on or before 28th February 2023
(d)	on or before 31st January of the immediately following year after the recommendations of the university.	on or before 1st April 2023.”;

(2) in sub-section (4), after clause (d), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, with a view to extend the date of making application for seeking permission to start a new course of study, subjects, faculties, additional divisions or satellite centers for the academic year 2023-24, the day or date referred to in clause (a) of sub-section (4) as specified in column (2) of the Table given below, shall be read as day or date as provided in column (3) of the said Table :—

TABLE

Clause	Day or date provided in existing provision	Day or date provided for Academic Year 2023-24
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the permission is sought.	on or before 15th January 2023.”.

CHAPTER V

MISCELLANEOUS.

Mah. Ord. XIII of 2022. **9.** (1) The Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Ordinance, 2022, is hereby repealed. Repeal of Mah. Ord. XIII of 2022 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Yashwantrao Chavan Maharashtra Open University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 and the Maharashtra Public Universities Act, 2016, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Acts, as amended by this Act. Mah. XX of 1989. Mah. XXXIII of 1997. Mah. VI of 2017.