

**Direction No. 5 of 2019**

(Issued under provision of section 12(8) of the Maharashtra Public Universities Act, 2016)

**RULES OF PROCEDURE FOR CONDUCT OF BUSINESS AT MEETINGS OF THE SENATE DIRECTION, 2019.**

(As per Section 71(5) of the Maharashtra Public Universities Act, 2016.)

**Whereas,** the Maharashtra Public Universities Act, 2016 has come into force with effect from 1<sup>st</sup> March 2017 (hereinafter referred to as the Act).

**AND**

**Whereas,** the Act has repealed the Maharashtra Universities Act, 1994 with effect from 1<sup>st</sup> March 2017

**AND**

**Whereas,** the Act has been made applicable to the Gondwana University, Gadchiroli with effect from 1<sup>st</sup> March 2017;

**AND**

**Whereas,** the Senate is the authority of the university as per provision made under section 26(1) of the Act;

**AND**

**Whereas,** constitution of the Senate is provided under provision of section 28(2) of the Act;

**AND**

**Whereas,** section 28(4) of the Act provides that the Senate shall meet at least twice a year on the date to be fixed by the Chancellor. One of the meetings shall be the annual meeting.

**AND**

**Whereas,** section 71(5) of the Act provides that the Rules of procedure for conduct of business at the meetings of the authorities of the university shall be the subject matter of the Statute;

**AND**

**Whereas,** the Senate being an authority of the University, the business at the meetings of the Senate is required to be regulated by the Rules of procedure for conduct of business at the meetings to be prescribed under the Statute;

**AND**

**Whereas**, Statute No. 1 of 2001 in respect of "Statute to provide for the procedure to be followed at the meeting of the Senate" which was assented to by the Hon. Chancellor from 3<sup>rd</sup> March 2001 vide letter No. CS/NU/STT/43/00/B/(3923)/590, dated 5<sup>th</sup> March 2001 was in existence in the university ;

**AND**

**Whereas**, the provisions made under Statute No. 1 of 2001 were not consistent with the provisions made under the Maharashtra Public Universities Act, 2016

**AND**

**Whereas**, making of new Statute was time consuming process;

**AND**

**Whereas**, the meeting of the Senate was to be convened;

**AND**

**Whereas**, procedure for conduct of business at meetings of the senate was to be prescribed for regulating the meetings of the senate;

**AND**

**Whereas**, to conduct the business at the meetings of the senate, the Vice-Chancellor had issued Direction No. 1 of 2018 in respect of 'Rules of procedure for conduct of business at meetings of the Senate Direction, 2018', under provision of sub-section (8) of section 12 of the Maharashtra Public Universities Act, 2016, on 15/01/2018;

**AND**

**Whereas**, Direction No. 1 of 2018, mentioned at above, was amended by Direction No. 4 of 2018, issued on 26/02/2018;

**AND**

**Whereas**, it is provided under the proviso of section 12 (8) of the Maharashtra Public Universities Act, 2016 that Direction issued by the Vice-Chancellor is required to be converted into the Statute within six months of issuing of such Direction, failing which the said Direction shall automatically lapse;

**AND**

**Whereas**, Direction No. 1 of 2018 automatically lapsed on 14-07-2018;

**AND**



**Whereas, Direction No. 1 of 2018** was converted into the Draft Statute and was placed before the Management Council meeting held on 11-03-2018 vide item No. 4 on the agenda of the meeting having Draft Statute No. 2 of 2018 which was accepted by the Management Council and was recommended for consideration of the Senate;

**AND**

**Whereas,** Draft Statute No. 2 of 2018, recommended by the Management Council to the Senate, was considered by the Senate in its meeting held on 27-03-2018 vide item no. 6 on the agenda of the Senate meeting and the Senate resolved to pass the said Draft Statute for its onward submission to the Hon'ble Chancellor under provision of Sub-Section (4) of Section 72 of the Maharashtra Public Universities Act, 2016;

**AND**

**Whereas,** Draft Statute No. 2 of 2018 was submitted to the Honorable Chancellor Vide letter No. G.U./Regi./9218/2018 dated 12/11/2018, under provision of sub-section (4) of section 72 of the Maharashtra Public Universities Act, 2016, for his assent thereto;

**AND**

**Whereas,** Draft Statute No. 2 of 2018 was not assented to by the Honorable Chancellor that is because it could not consider valid and could not come into force in the light of provision made under sub-section (5) of section 72 of the Maharashtra Public Universities Act, 2016;

**AND**

**Whereas,** for conveying the special meeting of the Senate for conducting the elections/nominations by the Senate to the different authorities of the university Direction No. 25 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Senate Direction, 2018 was issued by the Vice-Chancellor, on 15/07/2018, under provision of section 12 (8) of the Maharashtra Public Universities Act, 2016;

**AND**

**Whereas,** as per provision made under the proviso of section 12 (8) of the Maharashtra Public Universities Act, 2016, Direction No. 25 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Senate Direction, 2018 automatically lapsed after completion of six months from the date of issuance of the said Direction;

**AND**



**Whereas**, annual meeting of the Senate in the year 2019 is required to be conveyed for which legislation, in respect of Rules of procedure for conduct of business at meetings of the Senate, is required;

**AND**

**Whereas**, Desk officer, Higher and Technical Department in Government of Maharashtra Vide letter No. गोंविग-२०१८/प्र.क्र.१४६/विशि-२, दि. ११/०१/२०१९ addressed to अवर सचिव (शैक्षणिक), राज्यपालांचे सचिव यांचे कार्यालय, राजभवन, मलबार हिल, मुंबई-३५, has communicated the status of Draft Statute No. 2 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Senate Statute, 2018 as mentioned below :-

“The said draft statute need not be approved because framing of the uniform statute relating to this matter by the State Government is in process.”

**AND**

**Whereas**, uniform statute relating to the matter is not yet received from the State Government.

**Now**, therefore, I, Dr. N. V. Kalyankar, Vice-Chancellor, Gondwana University, Gadchiroli in exercise of the powers vested in me under provision of Section 12(8) of the Maharashtra Public Universities Act, 2016 (Maharashtra Act No.VI of 2017), do hereby issue following Directions: -

1. This Direction may be called “Rules of Procedure for conduct of business at meetings of the Senate Direction, 2019.”
2. This Direction shall come into force with effect from the date of its issuance.
3. In this Direction, unless the context otherwise required: -
  - (i) “Act” means the Maharashtra Public Universities Act, 2016;
  - (ii) “Chancellor” means the Governor of Maharashtra and the Head of the University as per section 9(1) of the Act;
  - (iii) “Vice-Chancellor” means a person so appointed as the Vice-Chancellor as per Section 11(4) of the Act;
  - (iv) “Pro-Vice-Chancellor” means a person so appointed as the Pro-Vice-Chancellor as per Section 13(6) of the Act;
  - (v) “Senate” means the Senate duly constituted as per Section 28(2) of the Act;
  - (vi) “Management Council” means the Management Council duly constituted as per Section 30 (4) of the Act;



- (vii) "Registrar" means a person so appointed as Registrar as per Section 14 (3) of the Act;
  - (viii) "Principal" means a teacher who is duly approved as a Principal by the University;
  - (ix) "Management" means a management as defined in Section 2(37) of the Act;
  - (x) "Authorities" means the authorities of the University as specified in Section 26 of the Act;
  - (xi) "Bodies" means the bodies of the University formed by the respective authorities;
  - (xii) "Conducted College" means a college maintained and Managed by the University;
4. (a) The Senate shall meet at least twice a year on the date to be fixed by the Chancellor in accordance with the provision of section 28(4) of the Act. The meeting to be held in the month of February/March every year shall be the Annual Meeting of the Senate. The second meeting of the Senate shall be convened within a period of eight months from the date of its Annual Meeting.
- (b) The Vice-Chancellor may convene an Emergent/special Meeting of the senate to consider any matter or matters within its purview.
- (c) The Vice-Chancellor shall, upon a requisition in writing signed by not less than one-third of the total number of the members of the Senate, convene a Requisition meeting of the Senate to consider any particular matter or matters within its purview. When such a requisition is made, the Vice-Chancellor shall within three days from the date of receipt of the notice is or not within the purview of the Senate. When the Vice-Chancellor decides that matter(s) stated in the requisition meeting notice is in the purview of the Senate, then he shall, within seven days from the date of receipt of the Requisition meeting notice, direct the Registrar to convene such meeting, giving notice required as per para 11 (a) of this Direction.
5. (a) At every meeting, if it is a part of the business to be transacted, it shall be taken in the following order, unless the meeting by a special vote, otherwise determines-
- (i) The election of the Chairman, if required, as provided for under para 6 of this Direction.
  - (ii) Confirmation and then Counter signing of the minutes of the previous meeting or the adjourned meeting by the Chairman as the case may be;



- (iii) Action taken report on the minutes of the previous meeting, including an adjourned meeting, if any;
- (iv) Deferred and postpone item(s) of the previous meeting(s);
- (v) The election/nomination by the Senate on any Authority/Body/Statutory Committee as per the provisions of the Act and such other appropriate Acts, if it is a part of the business to be transacted at the meeting;
- (vi) Interpellations;
- (vii) Consideration of the Annual Financial Estimates and /or proposals for supplementary grants, if any
- (viii) Consideration of the Annual Financial Report and resolution thereon, if any'
- (ix) Consideration of Annual Accounts of the University and the conducted college(s) and the Audit Report and resolutions thereon, if any;
- (x) Consideration of proposals for making, amending and repealing Statute and proposals recommending amendments to the Act, if any;
- (xi) Consideration of the new academic programmes consistent with the social requirement in higher education, to review current academic programmes and collaborative programmes and to suggest measures for the improvement and development of the University at the Annual meeting of the Senate.
- (xii) Consideration of reports of Committee(s) appointed by the Senate;
- (xiii) Any business and motion(s)/Resolution(s) of which due notice has been given.
- (xiv) Consideration of any other matter required to be dealt with by the Senate under the Act/Statute(s) Ordinance (s)/Regulation(s).
- (xv) Any matter referred to the Senate by any Authority(s)/Body(s)/ Committee(s) of the University.
- (xvi) Any motion for a change in the order of business, provided that such motion shall not affect the order hereinabove indicated or given priority to any items of business over the items mentioned in (i) to (ix) above or any of them



- (b) The agenda of the meeting convened under section 28(4) of the Act shall subject in the provisions of the para 5 (a) of this Direction, be settled by the Vice-Chancellor, and his decision in respect of the inclusion of any matter in the agenda of the meeting shall be final;
- (c) Where an Emergent meeting is convened by the Vice-Chancellor, the agenda shall be settled by him and his decision shall be final;
- (d) Where the requisite number of member of the Senate submit a requisition for a meeting, the agenda for such requisition meeting shall be the subject mentioned in the requisition;

Provided that requisitioned for a Requisitioned meeting shall clearly and precisely specify the matter to be discussed and it shall be in the form of a resolution. The provisions of sub-paras (b) and (c) of para 15 of this Direction shall apply to such resolutions.

- 6. The Chancellor shall preside over the Senate and in his absence the Vice-Chancellor shall preside

If both, the Chancellor and the Vice-Chancellor, are absent from any meeting, then the Pro-Vice-Chancellor, if any, shall preside over the meeting

Provided that if the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor are absent for any meeting, then the members present shall elect a Chairman for that meeting only.

- 7. The Chairman may temporarily vacate the chair, if he so desires during the meeting. The Pro-Vice-Chancellor, if present, shall preside over the meeting. In case of absence of the Pro-Vice-Chancellor, the Vice-Chancellor shall nominate a Member present to be the Chairman during his absence as working Chairman, who shall exercise all such rights and powers vested with the Chairman.

- 8. One -third of the total number of members of the Senate (inclusive of the Chairman) shall form a quorum for the meeting.

- 9. (a) If the quorum is not present fifteen minutes after the advertised time of the meeting, the Chancellor or Vice-Chancellor or Pro-Vice-Chancellor as the case may be, if present, and if all the three are absent, the registrar shall adjourn the meeting to such hour on the same date or to such date and hour as he may specify;

(b) Such adjournment shall be recorded by the Registrar and signed by the Chancellor or the Vice-Chancellor or the Pro-Vice-Chancellor as the case may be, if present and if all the three are absent, by the Registrar himself;



(c) No quorum shall be necessary for an adjourned meeting.

(d) No business shall be transacted at the meeting of the Senate unless at least Twenty members including the chairman are present in the meeting.

10. If at any meeting including the adjourned meeting, during the process of business, any member calls attention to the presence of less members than required as per para 9(d) of this Direction, in the meeting, the Chairman shall adjourn the meeting forthwith.

11. (a) A minimum of thirty-five days' notice of the date, time and venue of the meeting shall be given by the Registrar.

Provided that in case of an Emergent meeting such previous notice shall be given as the circumstances in each case may permit.

Provided further that in case of a Requisitioned meeting at least Fifteen days' notice of the date, time and venue of the meeting shall be given by the Registrar.

(b) The requisite notice shall be dispatched by the Registrar to all members of the Senate and shall further be published by being posted on the notice board of Registrar's office.

12. Votes of thanks, message(s) of congratulation(s) or condolence(s), addressee (s) and other matter(s) of like nature may be moved from the Chair or by member with the permission of the Chair without previous notice.

13. (a) At the Annual meeting, the Management Council shall cause to be presented the Annual Report, the audited annual accounts of the University and the conducted college together with a copy of the Audit Report and financial statements for the ensuing year;

(b) The financial shall include the accounts of the previous year and the revised estimates of the current year.

(c) Any member desiring to raise any discussion on the Annual Report, the audited annual accounts and Audit Report or the financial statements, shall give three clear days' notice of the point of discussion. Any resolution arising out of such discussion shall require no notice.

(d) At Annual meeting, the Senate shall consider the new academic programmes consistent with the social requirement, to review current academic/collaborative programmes(s) and to suggest measures for the improvement and development of the University.

14. (a) Where at a meeting a member of the Senate desires to propose for the consideration of the Senate suo moto the draft of any Statute, he shall



give notice to the Registrar of his intention to do so and forward, together with the notice, a copy of the draft of the Statute he desires to propose;

Provided that the Senate before considering the same shall obtain the opinion of the Management Council.

**(b)** The period of notice shall be the same as prescribed for the notice of a resolution in para 15 (a) of this Direction.

**15. (a)** Subject to the provisions of Section 13(c) of this Direction, a member who wishes to move a resolution at the meeting of the Senate shall give Twenty-three clear days' notice of his intention to do so to the Registrar and shall together with the notice submit a copy of the resolution which he wishes to move. The Vice-Chancellor may in his discretion allow to be entered on agenda any resolution received beyond time:

Provided that no member shall give notice of more than two resolutions for any meeting;

Provided further that where a member gives notice of more than two resolutions, the Vice-Chancellor shall direct the inclusion of the first two admissible resolutions in the serial order indicated in the notice given by the member.

**(b)** Before entering a resolution on the agenda of the meeting, the Vice-Chancellor shall decide upon the admissibility of a resolution

**(c)** A resolution to be admissible

**(i)** shall relate to matter which is primarily concern of the University.

**(ii)** shall be expressed clearly and precisely and shall raise substantially one definite issue;

**(iii)** shall not contain arguments, inference, imputation, ironical expressions or defamatory statement;

**(iv)** shall not refer to any matter of fact, on which a judicial decision is pending, or to a matter pending before any Statutory Tribunal or Statutory Authority performing any judicial function, or any commission or court of enquiry or any authority appointed to enquire into or investigate a matter concerning the University;

**(v)** shall not refer to the character or conduct of any person except in his official or public capacity.



16. (a) The Vice-Chancellor shall decide the admissibility of a resolution as per para 15(c) of this Direction and may disallow any resolution which in his opinion does not comply with any of the conditions specified therein;

Provided that the Vice-Chancellor may give an opportunity to the member concerned to amend it.

(b) The decision of the Vice-Chancellor on the admissibility of a resolution shall be final and reason(s) for disallowing a resolution(s) shall be communicated by the Registrar to the concerned member Ten day before the date of meeting.

17. When any resolution relates to a matter, the consideration of which at the first instance, properly appertains to another authority or body of the University, the Vice-Chancellor may refer it to the appropriate authority or body for consideration and the opinion of that authority or body shall be placed before the Senate at its next meeting.

18. The Registrar shall, at least Fifteen clear days before the date of the meeting other than the Emergent meeting, dispatch to each member an agenda paper along with the enclosures showing the business to be brought before the meeting and resolution admitted by the Vice-Chancellor, if any, and the names of the proposers of the resolutions.

Provided that in case of an Emergent meeting, agenda paper(s) and relevant enclosure(s) shall be dispatched to each member along with the notice of the Emergent Meeting.

19. Any proposal before the meeting may be amended: -

(i) by leaving out a word or words; or

(ii) by leaving out a word or words in order to add or insert other word or words; or

(iii) by adding or inserting a word or words.

20. (a) Notice of an amendment to a resolution shall reach the Registrar ten clear days before the day of the meeting, and the Registrar shall, five clear days before the day of the meeting, forward to each member the amendment(s) which are in order.

(b) An amendment to be in order shall: -

(i) not constitute a direct negative to the original resolution;

(ii) be relevant to and within the scope of the resolution to which it is moved.



- (iii) not substantially raise a question already disposed of by the meeting or be inconsistent with any resolution already passed by the same meeting.
  - (c) The Chairman of the meeting shall, before permitting an amendment to be moved, decide the admissibility of the amendment in accordance with sub-para (b) above, and the decision of the Chairman shall final.
- 21.** No amendments of which due notice has not been given shall be moved to a resolution unless: -
- (i) the Chairman rules it to be in order as arising out of the debate; and permission to move the amendment is given by a majority of the members present.
- 22.** All questions as to whether proper notice of a resolutions or an amendment(s) has been given shall be decided by the Vice-Chancellor and his decision shall be final.
- 23.** No business other than that contained in the agenda paper shall be transacted at a meeting except with the consent of the Chairman of the meeting and the permission is granted to introduce it by the majority of the members present.
- 24.** Every resolution which has been admitted and every amendment thereto, must be moved and seconded, otherwise it shall drop.
- 25.** (a) When resolution has been moved and seconded, it shall be stated from the Chair, all amendments to such resolution shall then be moved, seconded and stated from the Chair. The amendments shall take in such order as the Chairman may determine.
- (b) The seconder of a resolution or of the amendment, may reserve his speech with the permission of the Chairman.
  - (c) After the resolution and all amendments are stated, the debate may proceed on the original motion and the amendment or amendments together and no further amendment shall be received except with the permission of the Chair.
- 26.** (a) The mover of a resolution shall have a right of reply to the debate.
- (b) When the Chairman has ascertained that no other member entitled to address the meeting desires to speak, the mover of the original resolution may reply upon the whole debate.
  - (c) No member shall speak on the resolution after the mover has completed his reply.



- 27.** The Chairman may at any stage in the proceeding, explain the scope and effect of a motion or amendment. He may also, at the conclusion of a debate sum up the debate, if he so desires.
- 28. (a)** At any time after a resolution has been moved, any member who considered that sufficient discussion has taken place on the resolution may move a closure motion that the question be now put for vote and the Chairman, on such motion being moved, shall put it to vote without any discussion
- (b)** If the motion is carried the Chairman shall call upon the mover for his reply to the resolution and shall then put the motion and amendment, if any, to vote.
- (c)** When a closure motion has been negative, no other motion of that nature shall be brought forward until after the lapse of what the Chairman shall deem a reasonable time.
- 29.** No member shall speak for more than ten minutes when proposing a motion or an amendment, or for more than five minutes when seconding or speaking to a motion or an amendment or when replying. These time limits may be reduced by the Chairman at his discretion.
- 30. (a)** The member who first rises to speak at the conclusion of a speech, has the right to be heard. When two or more members rise to speak at the same time, the Chairman shall decide who shall speak first.
- (b)** Except as hereafter provided, a member who has spoken to a motion or to an amendment or amendments, as the case may be, is not at liberty to speak again unless permitted by the Chairman.
- 31. (a)** Any member without notice or without its being included on the agenda may move any of the following dilatory motions: -
- (i)** to dissolve the meeting;
  - (ii)** to adjourn the meeting;
  - (iii)** to adjourn the debate;
  - (iv)** to change the order of business;
  - (v)** to refer any matter to any authority of the University;
  - (vi)** to appoint a Committee;
- (b)** The mover of a dilatory motion shall have no right to reply.
- (c)** A motion "that this meeting be now dissolved" or "that this meeting be now adjourned to (some specified date and hour)" may be moved at any time as a distinct question put, not as an amendment, nor so as to interrupt a speech.
- (d)** If a motion for dissolution is carried, the business before the meeting shall drop.