

Direction No. 7 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 MANAGEMENT COUNCIL 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 1st March 2017 (hereinafter referred to as the Act);

AND

Whereas, the Act has repealed the Maharashtra Universities Act, 1994 with effect from 1st March 2017;

AND

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

AND

Whereas, the Management Council is the authority of the university as per provision made under section 26(2) of the Act;

AND

Whereas, constitution of the Management Council is provided under provision of section 30(4) of the Act;

AND

Whereas, section 30(2) of the Act provides that the Management Council shall meet not less than four times in a year;

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 Management Council being an authority of the University, the business at the meetings of the Management Council is required to be

regulated by the Rules of procedure for conduct of business at the meeting to be prescribed under the Statute;

AND

Whereas, Clause(l) of sub-section(2) section 147 of the Maharashtra Public Universities Act, 2016 provides that statutes made under the Maharashtra Universities Act, 1994 in respect of the university shall, in so far as they are not inconsistent with the provisions of the Maharashtra Public Universities Act, 2016 continue to be in force and be deemed to have been made under the Maharashtra Public Universities Act, 2016, in respect of Gondwana University, Gadchiroli, until they are superseded or modified by the statute made under the Maharashtra Public Universities Act, 2016 ;

AND

Whereas, Statute No. 2 of 2001 in respect of “statute to provide for the procedure to be followed at the meeting of the Management Council” made by the Nagpur University, Nagpur, as per the provision of the Maharashtra Universities Act, 1994 which was assented to by the Hon. Chancellor from 3rd March 2001 vide letter No. CS/NU/STT/43/00/B/(3923)/590 dated 5 the March 2001 is in existence in the university which was made applicable to the Gondwana University, Gadchiroli from the date of its establishment;

AND

Whereas, some provisions made under statute No. 2 of 2001 are inconsistent with the provisions of the Maharashtra Public Universities Act, 2016;

AND

Whereas, statute No. 2 of 2001 is required to be amended for removing the inconsistency appearing in its provision with the provisions of the Maharashtra Public Universities Act,2016;

AND

Whereas, the process and procedure of amending statute No. 2 of 2001 is time consuming;

AND

Whereas, the meeting of the Management Council of the university was required to be conveyed.

AND

Whereas, Direction No. 15 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Management Council Direction, 2018 was issued by the Vice-Chancellor on 18/06/2018, under provision of section 12 (8) of the Maharashtra Public Universities Act, 2016;

AND

Whereas, Direction No. 15 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Management Council Direction, 2018 could not be converted into the Statute as provided under the proviso of section 12 (8) of the Maharashtra Public Universities Act, 2016 within a period of six months from the date of its issuance that is from 18/06/2018;

AND

Whereas, Direction No. 15 of 2018 in respect of Rules of procedure for conduct of business at meetings of the Management Council Direction, 2018 automatically lapsed in the light of provision made under the proviso of sub-section (8) of section 12 of the Maharashtra Public Universities Act, 2016;

AND

Whereas, meetings of the Management Council is required to be convened;

AND

Whereas, legislation regarding Rules of procedure for conduct of business at meetings of the Management Council is required to be prescribed.

Now, therefore, I, Dr. N. V. Kalyankar, Vice-Chancellor, Gondwana University, Gadchiroli, in exercise of the powers vested in me under provision of sub-Section (8) of section 12 of the Maharashtra Public Universities Act, 2016, do hereby issue the following Directions: -

1. This Direction may be called "Rules of Procedure for conduct of business at meetings of the Management Council 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 requires: -
 - (i) "Act" means the Maharashtra Public Universities Act, 2016.
 - (ii) "Authority" means an authority of the University as specified by or under section 26 of the Act.
 - (iii) 'Bodies' means Bodies of the University formed by the respective authorities.
 - (iv) "Chancellor" means the Governor of Maharashtra as per Section 9 (1) of the Act.
 - (v) 'clear days' means excluding first and last day under consideration.

- (vi) 'Dean of each faculty' means a person appointed as Dean of the faculty concerned by the Vice-Chancellor under provision of section 15(2) of the Act.
 - (vii) 'Director of Board of Examinations and evaluation' means a person appointed by the Vice-Chancellor as Director of Board of Examinations and evaluation under provision of section 17(3) of the Act.
 - (viii) "Emergent Meeting" means an Emergent Meeting convened by the Registrar, under the directions from the Vice-Chancellor for consideration of such matter(s) as have been construed emergent by giving such previous notice as the circumstances in each case may permit.
 - (ix) "Finance & Accounts Officer" means the Finance and Accounts Officer appointed by the Vice-Chancellor under provision of Sub-section (4) of section 18 of the Act.
 - (x) "Management Council" means the Management Council duly constituted as per Section 30 (4) of the Act.
 - (xi) "Pro-Vice Chancellor" means a person so appointed by the Chancellor as per section 13(6) of the Act.
 - (xii) "Registrar" means a person so appointed as a Registrar as per Section 14(3) of the Act.
 - (xiii) "Regular meeting" means regularly convened meeting by the Registrar, under the directions from the Vice-Chancellor by giving at least Twenty one days' notice.
 - (xiv) "Requisitioned Meeting" means a Requisitioned Meeting convened by the Registrar, under the directions from the Vice-Chancellor on receipt of a requisition in form of a resolution signed by not less than one third members of the Management Council.
 - (xv) "Vice-Chancellor" means a person so appointed as the Vice-Chancellor as per Section 11(4) of the Act.
4. The meeting of the Management Council shall be convened by the Registrar under the orders of the Vice-Chancellor.

Provided that the Vice-Chancellor may convene an Emergent meeting of the Management Council to consider any matter(s) within its purview.

Provided further that the Vice-Chancellor shall, upon a requisition in writing signed by not less than one third of the number of sitting members of the Management Council, convene a requisition meeting of the Management Council to consider any particular matter or matter within its purview. When such a requisition is made, the Vice-Chancellor shall within three days from the date of receipt of the notice first decide whether particular matters(s) stated in the Requisition Meeting notice is or not within the purview of the Management Council. When the Vice-Chancellor

decides that the matter(s) stated in the Requisition meeting notice is in the pervue of the Management Council, 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 5 (ii) of this Direction.

5. (i) The Registrar shall be the member secretary of the Management Council, who shall issue notice(s) of the meeting(s), record faithfully the minutes of the proceedings and discharge such other functions and duties as are required to be performed by the Secretary of the Management council.

(ii) A minimum of Twenty-one 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 circumstances in each case may permit;

Provided further that in case of Requisition meeting 10 days' notice of the date, time and venue of the meeting shall be given by the Registrar.

6. The Agenda papers along with all relevant enclosures shall be dispatched Ten clear days before the actual date of the meeting other than an Emergent Meeting/Requisition meeting.

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

7. No business shall be transacted at a meeting other than that specified in the Agenda.

Provided that only at the Regular Meeting any business, not specified in the Agenda may be brought forwarded by any member with the permission of the chair and the majority of members present at the meeting.

8. (a) The Vice-Chancellor shall preside over every meeting of the Management Council.

Provided that if the Vice-Chancellor is absent, the Pro-Vice Chancellor, if any, shall preside over the meeting.

Provided further that in absence of both the Vice-Chancellor and the Pro Vice-Chancellor, the Members present shall nominate the Chairperson from amongst themselves limited to that meeting.

(b) The Vice-Chancellor 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 the absence of the Pro Vice-Chancellor, the Vice-Chancellor shall nominate the member present to be the Chairperson during his absence as working Chairperson, who shall exercise all such rights and powers vested with the Chairperson.

9. At every Regular meeting, if it is a part of the business to be transacted, it shall be taken in the following order, unless the meeting, by special vote, otherwise determines: -

- (i) Nomination of the Chairperson, if require, as provided under para 8(a) of this Direction.
- (ii) Confirmation and then counter signing of the minutes of the previous meeting or adjourned meeting by the Chairperson, as the case may be.
- (iii) Action Taken Report (S) on the Minute(s) of the Previous Meeting including an Adjourned Meeting, if any.
- (iv) Deferred and postponed items of the previous meeting(s).
- (v) Election/Nomination by the Management Council 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) Consideration of the Annual Financial Estimate (Budget) and/ or proposals for supplementary Grants, If any as received from finance and accounts committee.
- (vii) Consideration of the Annual Accounts of the University/Conducted College(s) and the Audit Report and resolution thereon, if any.
- (viii) Consideration of the Annual Report and resolution thereon, if any.
- (ix) Consideration of a Six monthly report of the Registrar on the development activities of the university.
- (x) Consideration of proposals for making, amending and repealing Statute(s)/Ordinance(s)/Regulation(s).
- (xi) Consideration of a draft of the Contract(s) to enter into /to amend/to carry out/to cancel on behalf of the university.
- (xii) Consider to review and deliberate on short and long term reforms in academic research and development activities, finances, management and governance that are taking place at the national and global level with a view to allow them to percolate into the university.
- (xiii) Consider to decide upon the operative mechanism for the reforms that would be recommended by the commission in all the domains of the university.
- (xiv) Consider to make such provisions, as may enable colleges and institutions to undertake specialized studies and courses, and where necessary or desirable, organize and make provision for common laboratories, libraries, museum and equipment for teaching and research.
- (xv) Consider to establish departments, colleges, schools, centers, institutions of higher learning, research and specialized studies, on the recommendation of the Academic Council.
- (xvi) Consider to determine the form of common seal for the university and provide for its use;

(xvii) Consider to accept, on behalf of the university the transfer of any trusts, bequest, donations and transfer of any movable, immovable and intellectual property to the university;

(xviii) Consider to transfer by sale or lease or contract any immovable property to other organization with the prior permission of the State Government.

Provided that, any immovable property may be permitted to be used for the specific period, for the purpose of providing essential physical facilities for accomplishment of objects of the university, such as bank, canteen, post office, mobile towers etc. without prior approval of the State Government.

(xix) Consider to create immovable assets in the form of land building and other infrastructure out of reserve funds, for its campus and sub-campus.

(xx) Consider to borrow, lend or invest funds on behalf of the university as recommended by the Finance and Accounts Committee.

(xxi) Consider to lay down policy for administering funds at the disposal of the university for specific purposes;

(xxii) Consider to provide buildings, premises, furniture equipment and other resources needed for the conduct of the work of the university.

(xxiii) Consider to recommend the conferment of honorary degrees and academic distinctions.

(xxiv) Consider to institute and confer such degrees, diplomas, certificates and other academic distinctions as recommended by the Academic Council and arrange for convocation for conferment of the same, as provided by the Ordinances.

(xxv) Consider to institute, fellowship, travelling fellowship, scholarship, exhibitions, awards, medals and prizes, and prescribe regulations for their award;

(xxvi) Consider to make regulations for collaborations with other universities, institutions and organizations for mutually beneficial academic programmes recommended by the Board of Deans.

(xxvii) Consider to create posts of university teachers and non-vacation academic staff from the funds of the university and from the funds from other funding agencies, on the recommendations of the Academic Council, as and when required, and prescribe their qualifications, experience and pay-scale;

(xxviii) Consider to create Posts of officers, non-teaching skilled, administrative, ministerial staff and other posts from the funds of the university and from the funds received from other funding

agencies, as and when required, and prescribe their qualifications, experience and pay-scales;

- (**xxxix**) Consider to prescribe honoraria, remuneration, fees, travelling and other allowances for paper-setters and other examination staff, visiting faculty, and fees or charges for any other services rendered to the university;
- (**xxxx**) Consider to recommend to the Academic Council the comprehensive perspective plan and annual plan for the location of colleges and institutions of higher learning as prepared by the Board of Deans;
- (**xxxxi**) Consider to confer autonomous status on university departments, university institutions, affiliated, colleges and recognized institutions on the recommendations of the Academic Council, as per the Statutes;
- (**xxxii**) Consider to assess and approve proposals for academic programmes received from the Academic Council;
- (**xxxiii**) Consider to cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges, institutions or departments of the university;
- (**xxxiv**) Consider to delegate, any of its powers, except the power to make, amend or repeal Statutes and Ordinances, to the Vice-Chancellor or such officer or authority of the university or a committee appointed by it, as it thinks fit;
- (**xxxv**) Consider to define the functions, duties, powers and responsibilities of non-teaching employees in the university, in respect of the posts created from the funds of the university and from the funds received from other funding agencies;
- (**xxxvi**) Consider to deal with the cases related to the violation of prescribed fees according to the provisions of the Maharashtra Educational Institutions (Prohibition of Capitation fee) Act, 1987 and other relevant Acts;
- (**xxxvii**) Consider to accept donations, gifts and other forms of financial support from alumni, philanthropists, industries and other stakeholders and prescribe the procedure to be followed by the university for accepting such donations, gifts, etc;
- (**xxxviii**) Consider to impose penalties upon the erring colleges or recognized institutions after following the procedure laid down by the Statutes;
- (**xxxix**) Consider to recommend to the State Government through the Vice-Chancellor to appoint an Administrative Board for the affiliated college to run the management of such college in case of disputes regarding the management of such colleges, till the dispute is statutorily resolved. The constitution of this board and

the process of its appointment shall be as prescribe by the Statutes. The decision of the State Government in this regard shall be final and binding;

- (l) Consider to develop and adopt students; charter.
 - (li) Consideration of the items recommended by the Academic Council;
 - (lii) Consideration of the items recommended by the Board of Deans;
 - (liii) Consideration of the items other than Annual Financial Estimate (Budget) and the Audited Accounts of the University, recommended by the Finance and Accounts Committee;
 - (liv) Consideration of the Reports of the committee(s) constituted by the Management Council;
 - (lv) Consideration of resolution(s) moved by the Member(s) of the Management Council with a due notice.
 - (lvi) Consideration of any matter referred to the Management Council by the Statutory Authority(s)/Body(s)/Committee(s) as prescribed in the Act or the Committees appointed by the Authorities or Bodies of the University.
 - (lvii) Consideration of any other matter required to be dealt with by the Management Council under the Act/Statutes(s)/Ordinance(s)/Regulation(s).
- 10.** Proposition(s)/Resolution(s) to be laid before the meeting for its consideration by any member(s) must be received in the Registrar's Office Fifteen clear days before the date of a meeting other than the Emergent/Requisition meeting.
- Provided that votes of thanks, message(s) of Congratulation(s) or Condolence(s), address(s) and any other matter(s) of like nature may be moved from the chair or a member with the permission of the chair without previous notice.
- 11.** A meeting may be adjourned to any day in order to complete unfinished business/agenda. Notice of such Adjourned Meeting shall be sent to all the members.
- 12.** (i) All actions of authority done and all questions arising before the meeting shall be decided by the majority of the members present and voting thereon at the meeting.
- (ii) The Chairperson shall have a vote and casting vote.
- 13.** (i) Not less than one Third of the number of sitting members of the Management Council shall form a quorum.
- (ii) If the quorum is not present, fifteen minutes after the advertised time of the meeting, the Vice-Chancellor or the Pro Vice-Chancellor as the case may be, if present, and if both 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.

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

(iv) No quorum shall be required for the adjourned meeting.

14. There shall be not less than four meetings of the Management Council in a year.
15. The minutes of the Proceedings of every meeting of the Management council shall be drawn by the Secretary and Counter signed by the Chairperson.
16. The paras related to the admissibility of resolution(s) moved by, the member, the discussion to be held on the matter(s) at the meeting, nomination(s) made on any Authority(s)/ Body(s)/Committee(s) by the Management Council shall be regulated by the chairperson in accordance with the various paras laid down in the Direction/Statute providing for the Rules of procedure for conduct of business at meetings of the senate, in so far as they are applicable.
17. Statute No. 2 of 2001 in respect of Statute to provide for the procedure to be followed at the meeting of the Management Council made by the Nagpur University, Nagpur as per provision of the Maharashtra Universities Act, 1994 which was assented to by the Hon'ble Chancellor from 3rd March 2001 shall stand repealed with effect from 18/06/2018 that is the date of issuance of Direction No. 15 of 2018.

Gadchiroli.

Date : 7/12/2019

(Dr. N. V. Kalyankar)
Vice-Chancellor