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**THE MAHATMA GANDHI
ANTARRASHTRIYA HINDI
VISHWAVIDYALAYA ACT, 1996**

(3 OF 1997)

**GOVERNMENT OF INDIA
Ministry of Law and Justice**

THE MAHATMA GANDHIAN TARRASHTRIYA HINDI VISHWA VIDYALAYA
ACT, 1996

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THE SCHEDULE.

**THE MAHATMA GANDHI ANTARRASHTRIYA HINDI
VISHWAVIDYALAYA ACT, 1996**

No. 3 OF 1997

[8th January, 1997.]

An Act to establish and incorporate a teaching University for the promotion and development of Hindi language and literature, through teaching and research, with a view to enabling Hindi to achieve greater functional efficiency and recognition as a major international language and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, and the Statutes made hereunder, unless the context otherwise requires,—

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

Short title and
commence-
ment.

Definitions.

- (c) "Board of Studies" means the Board of Studies of the University;
- (d) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;
- (e) "Court" means the Court of the University;
- (f) "Department" means a Department of Studies and includes a Centre of Studies;
- (g) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;
- (h) "employee" means any person appointed by the University, and includes teachers and other staff of the University;
- (i) "Executive Council" means the Executive Council of the University;
- (j) "Finance Committee" means the Finance Committee of the University;
- (k) "Hall" means a unit of residence or of corporate life for the students of the University, or of an Institution maintained by the University;
- (l) "Institution" means an academic institution, not being a College, maintained by the University;
- (m) "recognised Institution" means an institution of higher learning recognised by the University;
- (n) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (o) "School" means a School of Studies of the University;
- (p) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University for the time being in force;
- (q) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any Institution maintained by the University and are designated as teachers by the Ordinances;
- (r) "University" means the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya established and incorporated as a University under this Act.

Establishment
of the
University.

3. (1) There shall be established a University by the name of "Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya".

(2) The headquarters of the University shall be at Wardha.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya".

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objects of the
University.

4. The objects of the University shall be to promote and develop Hindi language and literature in general and, for that purpose, to provide for instructional and research facilities in the relevant branches of learning; to provide for active pursuit of comparative studies and research in Hindi and other Indian languages; to create facilities for development and dissemination of relevant information in the country and abroad; to offer programmes of Research, Education and Training in areas like translation, interpretation and linguistics

for improving the functional effectiveness of Hindi; to reach out to Hindi scholars and groups interested in Hindi abroad and to associate them in teaching and research and to popularize Hindi through distance education system.

5. The University shall have the following powers, namely:—

Powers of the University.

(i) to provide for instructions in the relevant branches of learning and to make provision for the advancement and dissemination of knowledge for furtherance of its objects;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on, persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(iii) to organise and to undertake extra-mural studies, training and extension services;

(iv) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(v) to provide for facilities through distance education system to such persons as it may determine;

(vi) to institute Professorships, Readerships, Lecturerships and other teaching or academic positions, required by the University and to appoint persons to such Professorships, Readerships, Lecturerships or other teaching or academic positions;

(vii) to recognise, with the prior approval of the Visitor, an institution of higher learning, within or outside India for such purposes as the University may determine and to withdraw such recognition;

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

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

(x) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purposes as the University may determine;

(xi) to establish, with the prior approval of the Visitor, such campuses, special centres and specialised laboratories, within or outside India, as are, in the opinion of the University, necessary for the furtherance of its objects;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to establish and maintain Institutions and Halls;

(xiv) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xv) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xvi) to make special arrangements in respect of the residence, discipline and teaching of women students as the University may consider desirable;

(xvii) to appoint on contract or otherwise visiting Professors, Emeritus Pro-

fessors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(xviii) to confer autonomous status on a Department, in accordance with the Statutes;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

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

(xxv) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xxvi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

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

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University open to all classes, castes and creeds.

7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

Residence of students.

8. The University shall, primarily, be a residential University:

Provided that the requirements of residence shall be regulated in such manner as may be prescribed by the Ordinances.

The Visitor.

9. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including any Institution managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and of an Institution and also of the examinations, teaching and other work conducted or

done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University or Institutions.

(4) The Visitor shall, in every matter referred to in sub-section (2), give notice of his intention to cause an inspection or inquiry to be made to the University and the University shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any Institution address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate, through the Vice-Chancellor, to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

10. The following shall be the officers of the University:—

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) the Deans of Schools;
- (5) the Registrar;
- (6) the Finance Officer;
- (7) the Librarian; and
- (8) such other officers as may be declared by the Statutes to be officers of the University.

Officers of the
University.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes. The Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the University.

(3) The Chancellor shall, if present, preside at the convocation of the University held for conferring degrees and the meetings of the Court.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matters:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

The Pro-Vice-Chancellor.

13. The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Deans of Schools.

14. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar.

15. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Finance Officer.

16. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Librarian.

17. The Librarian shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

18. The manner of appointment and powers and duties of the other officers of the University shall be prescribed by the Statutes.

Authorities of the University.

19. The following shall be the authorities of the University:—

- (1) the Court;
- (2) the Executive Council;
- (3) the Academic Council;

(4) the Board of Studies;

(5) the Finance Committee; and

(6) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Court.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(c) to perform such other functions as may be prescribed by the Statutes.

21. (1) The Executive Council shall be the principal executive body of the University. The Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, exercise general supervision over the academic policies of the University. The Academic Council.

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

23. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes. The Board of Studies.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes. The Finance Committee.

25. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes. Other authorities of the University.

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

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, filling up of vacancies of members and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for specific period for undertaking a joint project;

- (f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;
- (g) the principles governing the seniority of service of the employees of the University;
- (h) the procedure for arbitration in cases of dispute between employees or students and the University;
- (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
- (j) the conferment of autonomous status on an Institution or a Department;
- (k) the establishment and abolition of Schools, Departments, Centres, Halls and Institutions;
- (l) the conferment of honorary degrees;
- (m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (n) the institution of fellowships, scholarships, studentships, medals and prizes;
- (o) the delegation of powers vested in the authorities or officers of the University;
- (p) the maintenance of discipline among the employees and students;
- (q) all other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how to be made.

27. (1) The first Statutes are those set out in the Schedule.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council:

Provided further that the Executive Council shall not consider to make, amend or repeal any Statute relating to the matters provided under clauses (j) and (k) of section 26 except with the prior approval of the Visitor.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of

its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

28. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to make Ordinances.

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them;
- (j) the appointments and emoluments of employees other than those for whom provision has been made in the Statutes;
- (k) the establishment of Centres of Studies, Board of Studies, Special Centres, Specialised Laboratories and other Committees;
- (l) the manner of co-operation and collaboration with other Universities, Institutions and other agencies including learned bodies or associations in India or abroad;
- (m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;
- (o) the management of Institutions established by the University;
- (p) setting up of a machinery for redressal of grievances of employees; and
- (q) all other matters which, by this Act or the Statutes, are to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

29. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Regulations.

Annual report.

30. (1) The annual report of the University shall be prepared under the direction of the Executive Council which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects, and shall be submitted to the Visitor on or before such date as may be prescribed by the Statutes.

(2) A copy of the annual report, as prepared under sub-section (1) shall also be submitted to the Central Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

Annual accounts:

31. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observation shall be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, who shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

Conditions of service of employees.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examination of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal.

34. Every employee or student of the University or Institution shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be

prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of Institution, as the case may be, and thereupon, the Executive Council may confirm, modify or reverse the decision appealed against.

35. (1) The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Provident and pension funds.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Disputes as to constitution of University authorities and bodies.

37. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

Constitution of Committees.

38. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of casual vacancies.

39. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities or bodies not invalidated by vacancies.

40. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

41. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof of University record.

1 of 1872.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power for n move difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

43. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor shall be appointed by the Visitor and the said officer shall hold office for a term of five years;

(b) the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;

(c) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(d) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members respectively who shall be nominated by the Visitor and they shall hold office for a term of three years;

(e) the first Academic Council shall consist of not more than twenty-one members who shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy had not occurred.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but not retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

THE SCHEDULE

(See section 27)

THE STATUTES OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

Provided that if the Visitor does not approve of any of the persons so recommended he may call for fresh recommendations from the Executive Council.

(2) The Chancellor shall hold office for a term of three years and shall be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

The Vice-Chancellor

2. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2):

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel.

(2) The Committee referred to in clause (1) shall consist of three persons, none of whom shall be an employee of the University or an institution associated with the University, or a member of the Executive Council or Academic Council or of any other authority of the University. Out of the three persons, two shall be nominated by the Executive Council and one by the Visitor and the nominee of the Visitor shall be the convenor of the Committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, and he shall not be eligible for re-appointment:

Provided that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him or till his successor is appointed and enters upon his office, whichever is earlier.

(5) Notwithstanding anything contained in clause (4) a person appointed as Vice-Chancellor shall, if he attains the age of sixty-five years during the term of his office or any extension thereof, retire from office.

(6) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) The Vice-Chancellor shall be paid a monthly salary and allowances other than house rent allowances at the rates fixed by the Central Government from time to time:

Provided that if he assumes office after retiring on superannuation from a pensionable post, his salary and allowances shall be reduced by the gross amount of his pension prior to commutation or the payment of pension shall be held in abeyance until he relinquishes office:

Provided further that if he assumes office after retiring on superannuation from a non-pensionable post, his salary and allowances shall be reduced by the gross amount equivalent of retirement benefits availed of by him on superannuation:

Provided also that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(ii) The Vice-Chancellor shall be entitled to use rent free furnished residential accommodation maintained by the University.

(iii) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Executive Council with the approval of the Visitor from time to time:

Provided that where an employee of the University or an Institution or of any other University or any college or Institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(iv) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council.

(v) The Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half yearly instalments of fifteen days each on the 1st day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service.

(vi) In addition to the leave referred to in sub-clause (v), the Vice-Chancellor shall also be entitled to half pay leave at the rate of twenty days for each completed year of service. This half pay leave may also be availed of as commuted leave on full pay on medical certificate. When commuted leave is availed, twice the amount of half pay leave shall be debited against half pay leave due.

(7) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior-most professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor attends to the duties of his office as the case may be.

Powers and duties of the Vice-Chancellor

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall in the absence of the Chancellor preside at the convocations held for conferring degrees and the meetings of the court.
- (2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.
- (3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.
- (4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.
- (5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.
- (6) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the court, the Executive Council, the Academic Council and the Finance Committee.

Pro-Vice-Chancellor

4. (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of the Pro-Vice-Chancellor in addition to his own duties as a Professor.

- (2) The term of office of the Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that the Pro-Vice-Chancellor whose term of office has expired shall be eligible for reappointment:

Provided further that, in any case, the Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years.

- (3) The emoluments and other terms and conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed by the Executive Council from time to time.

- (4) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf from time to time and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

Registrar

5. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Registrar shall retire on attaining the age of sixty years:

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the officer shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, other than teachers and academic staff, as may be specified in the Ordinances, to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon concluding of the inquiry make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be *ex officio* Secretary of the Court, the Executive Council, the Academic Council and the Boards of Studies, but shall not be deemed to be a member of any of these authorities.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charges;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council, the Boards of Studies and of any Committees appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council the Academic Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) to arrange for and superintend the examinations of the University in accordance with the manner prescribed by the Ordinances;

(f) to supply to the Visitor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers-of-attorney and verify pleadings or depute his representative for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time by the Executive Council or the Vice-Chancellor.

The Finance Officer

6. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Executive Council from time to time:

Provided that a Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year whichever is earlier.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be *ex officio* Secretary of the Finance Committee but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

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

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Special Centres, Specialised Laboratories and Institutions;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Centre, Laboratory or Institution any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

Deans of Schools of Studies

7. (1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor from among the Professors in the School for a period of three years and he shall be eligible for reappointment:

Provided that a Dean on attaining the age of sixty years shall cease to hold office as such:

Provided further that if at any time there is no Dean in a School, the Vice-Chancellor, Pro-Vice-Chancellor or a Dean authorised by the Vice-Chancellor in this behalf, shall exercise the powers of the Dean of the School.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Board of Studies or Committees of the School as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

Heads of Departments

8. (1) In the case of Departments which have more than one Professor the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors.

(2) In the case of Departments where there is no Professor or there is only one Professor, the Executive Council shall have the option to appoint, on the recommendation of the Vice-Chancellor, either the Professor or a Reader as the Head of the Department:

Provided that it shall be open to a Professor or Reader to decline the offer of appointment as the Head of the Department.

(3) A person appointed as the Head of the Department shall hold office as such for a period of three years and shall be eligible for reappointment.

(4) A Head of a Department may resign his office at any time during his tenure of office.

(5) A Head of a Department shall perform such duties as may be prescribed by the Ordinances.

Proctor

9. (1) The Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) The Proctor shall hold office for a term of two years and shall be eligible for reappointment.

Librarian

10. (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

(2) The Librarian shall exercise such powers and perform such duties and shall have such emoluments, terms and conditions of service as may be prescribed by the Executive Council.

The Court

11. Ten members of the Court shall form a quorum for a meeting of the Court.

The Executive Council

12. Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Powers and functions of the Executive Council

13. (1) The Executive Council shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers and other academic staff and Principals of Institutions maintained by the University;

Provided that no action shall be taken by the Executive Council in respect of the number, qualifications and the emoluments of teachers and academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary and Principals of Institution maintained by the University on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;

(iv) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(v) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances.

(vi) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(vii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendations of the Finance Committee;

(viii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time as it may think fit or in the purchase of immovable property in India with the like powers of varying such investment from time to time;

(ix) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(x) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xi) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiii) to appoint examiners and moderators and, if necessary, to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xiv) to select a common seal for the University and provide for the custody and use of such seal;

(xv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xvi) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Deans, the Registrar or the Finance Officer or such other employee or authority of the University or to a committee appointed by it as it may deem fit;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for inviting Writers-in-Residence and determine the terms and conditions of such invitations;

(xix) to provide for the appointment of Visiting Professors, Emeritus Professors; Consultants and Scholars and determine the terms and conditions of such appointments; and

(xx) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act, or the Statutes.

The Academic Council

14. Ten members of the Academic Council shall form quorum for a meeting of the Academic Council.

Powers and Functions of the Academic Council

15. Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instructions, co-ordinating teaching among the Institutions and evaluation of research or improvement in academic standards;

(b) to bring about inter-School co-ordination, to establish or appoint committees or boards, for taking up projects on an inter-School basis;

(c) to consider matters of general academic interest either on its own initiative or on a reference by a School or the Executive Council and to take appropriate action thereon; and

(d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

Schools of Studies and Departments

16. (1) The University shall have the following Schools of Studies, namely:—

(i) School of Language;

(ii) School of Literature;

(iii) School of Culture; and

(iv) School of Translation and Interpretation.

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council and shall hold office for a period of three years.

(3) The powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Each School shall consist of such Departments as may be assigned to it by the Ordinances:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(b) Each Department shall consist of the following members, namely:—

(i) Teachers of the Department;

(ii) Persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

17. (1) Each Department shall have a Board of Studies.

(2) The constitution of the Board of Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) Subject to the overall control and supervision of the Academic Council, the functions of the Board of Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances—

(a) courses of studies and appointment of examiners for Post-graduate courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of post-graduate teaching and research:

Provided that the above functions of a Board of Studies shall during the period of three years immediately after the commencement of the Act, be performed by the Department.

Finance Committee

18. (1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) three persons nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee other than *ex officio* members, shall hold office for a term of three years.

(4) The Finance Committee shall meet at least twice every year to examine the accounts and to scrutinise proposals for expenditure.

(5) All proposals relating to creation of posts, and those items which have not been included in the Budget should be examined by the Finance Committee for consideration and comments and thereafter submitted to the Executive Council.

(6) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(7) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which in the case of productive works, may include the proceeds of loans).

Selection Committees

19. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer, Librarian and Principals of Institutions.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table shall consist of the Vice-Chancellor, Pro-Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:—

TABLE

1	2
Professor	<p>(i) The Dean of the School concerned.</p> <p>(ii) The Head of the Department concerned if he is a Professor.</p> <p>(iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.</p>
Reader / Lecturer	<p>(i) the Dean of the School concerned.</p> <p>(ii) The Head of the Department concerned.</p> <p>(iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Reader or a Lecturer will be concerned.</p>
Registrar, Finance Officer	<p>(i) Two members of the Executive Council nominated by it.</p> <p>(ii) One person not in the service of the University nominated by the Executive Council.</p>

1	2
Librarian	<p>(i) Two persons not in the service of the University, who have special knowledge of the subject of the Library Science / Library Administration to be nominated by the Executive Council.</p> <p>(ii) One person not in the service of the University, nominated by the Executive Council.</p>
Head of the Institution	<p>Three persons not in the service of the University of whom two shall be nominated and one by the Academic Council for their special by the Executive Council knowledge of, or interest in, a subject in which instruction is being provided by the Institution.</p>

Note: 1. Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

2. The Professor to be nominated shall be Professor concerned with the speciality for which the selection is being made and that the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or in his absence, the Pro-Vice-Chancellor shall preside the meetings of a Selection Committee:

Provided that the meetings of the Selection Committee shall be fixed after prior consultation with the subject to the convenience of Visitor's nominee and the persons nominated by the Executive Council under clause (2):

Provided further that the proceedings of the Selection Committee shall not be valid unless—

(a) where the number of Visitor's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of Visitor's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The meeting of Selection Committee shall be convened by the Vice-Chancellor or in his absence by the Pro-Vice-Chancellor.

(5) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(6) If the Executive Council is unable to accept the recommendations made by a Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:

(i) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interest of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than one year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in case sudden vacancies of teaching posts caused by death or any other reasons, the Dean may, in consultation with the Head of the Department concerned make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(iii) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee of a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

Special mode of appointment

20. (1) Notwithstanding anything contained in Statute 19, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so appoint him to the post.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Appointment for a fixed tenure

21. The Executive Council may appoint a person selected in accordance with procedure laid down in Statute 19 for a fixed tenure on such terms and conditions as it deems fit.

Committees

22. (1) Any authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

(2) Any such Committees appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing.

Terms and conditions of service and code of conduct of the teachers, etc.

23. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

Terms and conditions of service and code of conduct of other employees

24. All the employees of the University other than the teachers and other academic staff of the University, shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Seniority list

25. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may frame from time to time.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may on his own motion and shall at the request of any such person submit the matter to the Executive Council whose decision thereon shall be final.

Removal of employees of the University

26. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor in the case of the teacher or member of the academic staff and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion that the circumstances or the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employee, the Executive Council in respect of teachers and other academic staff, and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff, or as the case may be, other employee on ground of misconduct.

(3) Save as aforesaid, the Executive Council or as the case may be, the appointing authority shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months notice or on payment of three months salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary degrees

27. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency the Executive Council may on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of degrees, etc.

28. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance of discipline among students of the University

29. (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to a Proctor and to such other officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline, and taking such action as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for specific period, or be not admitted to a course or courses of study in an Institution or Department of the University for stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, Institution or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Heads of Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such powers over the students in their respective Institutions, Schools and teaching Departments as may be necessary for the proper conduct of such Institutions, Schools and teaching Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes.

Convocations

30. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Acting Chairman of meetings

31. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Resignation

32. Any member other than an *ex officio* member, of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualification

33. (1) A person shall be disqualified for being chosen as, and for being a member of any of the authorities of the University:—

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

Residence condition for membership and office

34. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other bodies

35. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Ordinances how made

36. (1) The first Ordinances made under sub-section (2) of section 28 may be amended, repealed or added to at any time by the Executive Council in the manner specified below.

(2) No Ordinance in respect of the matters enumerated in section 28, other than the one enumerated in clause (m) of sub-section (1) thereof, shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2) but may reject the proposal or return the draft to the Academic Council for re-consideration either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Executive Council about his objection to the proposed Ordinance. The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance and his decision shall be final.

Regulations

37. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations;

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceeding of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

Delegation of powers

38. Subject to the provisions of the Act and the Statutes any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

महात्मा गांधी अन्तरराष्ट्रीय हिन्दी विश्वविद्यालय

(वर्धा में संसद के अधिनियम के आधार पर भारत सरकार द्वारा स्थापित)

नयी दिल्ली, फरवरी 6, 2002

अधिसूचना

क्रमांक: 55-1/02/म.ग.अ.हि.वि.

महात्मा गांधी अन्तरराष्ट्रीय हिन्दी विश्वविद्यालय के अधिनियम, 1996 (1997 का 3) की धारा 27 के उपबंध 5 में कुलाध्यक्ष के रूप में उल्लिखित अपने अधिकार का उपयोग करते हुए भारत के राष्ट्रपति ने विश्वविद्यालय के परिनियमों के वर्तमान परिनियम-12 में 'कार्यकारिणी परिषद्' शीर्षक के अन्तर्गत कुछ संशोधनों/संलग्नकों को स्वीकृति प्रदान की है। कुलाध्यक्ष महोदय द्वारा स्वीकृत संशोधित परिनियम 12 अब इस प्रकार पढ़ा जाए:-

'कार्यकारिणी परिषद्:-

12.1 कार्यकारिणी परिषद् के निम्नलिखित सदस्य होंगे:-

- (i) कुलपति;
- (ii) प्रतिकुलपति;
- (iii) कुलपति द्वारा नियुक्त विद्या-संस्थानों के विद्याध्यक्षों में से दो सदस्य जिनकी नियुक्ति चक्राधार पर वरिष्ठतानुसार होगी;
- (iv) कुलपति द्वारा नियुक्त विश्वविद्यालय द्वारा स्थापित संस्थाओं के प्रधानों में से दो, जिनकी नियुक्ति चक्राधार पर वरिष्ठतानुसार होगी;
- (v) कुलपति द्वारा वरिष्ठतानुसार नियुक्त एक आचार्य, जो चक्राधार पर विद्याध्यक्ष के बनेगा;
- (vi) कुलपति द्वारा नियुक्त एक उपाचार्य, जिसकी नियुक्ति चक्राधार पर वरिष्ठतानुसार होगी;
- (vii) कुलपति द्वारा नियुक्त एक सहाचार्य, जिसकी नियुक्ति चक्राधार पर वरिष्ठतानुसार होगी;
- (viii) दो सभासद, जिनका नामांकन कुलाध्यक्ष महोदय करेंगे लेकिन उनमें से न तो विश्वविद्यालय का कर्मचारी या छात्र होगा और न ही विश्वविद्यालय द्वारा मान्यता प्राप्त या उसके किसी सहयोगी संस्थान का कर्मचारी या छात्र होगा;
- (ix) कुलाध्यक्ष द्वारा नामांकित छह सदस्य जोकि हिन्दी भाषा, साहित्य, संस्कृति और अनुवाद एवं निर्वहन क्षेत्रों में लेखक या विद्वान के रूप में गणमान्य हों; और
- (x) कुलाध्यक्ष द्वारा नामांकित एक विशेषज्ञ, जोकि सूचना एवं सम्प्रेषण तकनीकी के क्षेत्र से होंगे।

2. कृणपनि और प्रतिकुलपति को छोड़कर कार्यकारिणी परिषद् के समस्त सदस्यों का कार्यकाल तीन वर्ष का होगा।
3. कार्यकारिणी परिषद् की बैठक के लिए छह सदस्यों का कोरम होगा।"

६.
(अशोक वाजपेयी)
कुलपति

प्रबंधक
भाग्य सरकार प्रेम
फरगदावाद।

क्रमांक: 55(2-6)/02/म.ग.अ.हि.वि.

नयी दिल्ली, फरवरी 6, 2002

सूचनार्थ प्रतिलिपि प्रेषित:

1. श्री आर.डी. सहाय, उपसचिव, मानव संसाधन विकास मंत्रालय, माध्यमिक एवं उच्चतर शिक्षा विभाग: शास्त्री भवन, नयी दिल्ली-110001 को उनके कार्यालय पत्र संख्या एफ.26/2002 डेस्क(यू) दिनांक 13 जनवरी 2002 के संदर्भ में।
2. श्री वरुण मित्रा, निदेशक, राष्ट्रपति सचिवालय, राष्ट्रपति भवन, नयी दिल्ली-110001
3. सचिव, विश्वविद्यालय अनुदान आयोग, बहादुरशाहजफर मार्ग, नयी दिल्ली-110002
4. प्रतिकुलपति, महात्मा गांधी राष्ट्रीय हिन्दी विश्वविद्यालय, उमरी गाँव, काठियावाड़, राजस्थान
5. सचिव, राष्ट्रीय हिन्दी विश्वविद्यालय, ए-1/1, सेक्टर-एच, अलीगंज.
6. कार्यालय प्रति।

जी.एल.उम्पल
(जी.एल.उम्पल)
उपवित्ताधिकारी

THROUGH FAX

No.F.26-21/2001-Desk(U)
Government of India
Ministry of Human Resource Development
(Deptt. of Secondary & Higher Education)

New Delhi, December 28, 2001

To

The Vice Chancellor,
Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya,
16, 2nd Floor, Sri Fort Road,
New Delhi - 110 049.

Sub: Amendments/additions to Statute 12 of the Statutes of the Mahatma Gandhi
Antarrashtriya Hindi Vishwavidyalaya. New Delhi-

Sir.

In response to your letter No. F.36-10/01/MGAHV dated 12th November, 2001 I am directed to say that in exercise of the power conferred on him by the proviso to Sub-Section (5) of Section 27 of the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996 the President of India, in his capacity as the Visitor of the Vishwavidyalaya, has been pleased to accord his approval to certain amendments/additions to the existing Statute 12 captioned 'Executive Council' of the Statutes of the said Vishwavidyalaya. The amended Statute 12 approved by the Visitor will read as under:

The Executive Council

12.(1) The Executive Council shall consist of the following members, namely:-

- (i) Vice Chancellor;
- (ii) Pro-Vice Chancellor;
- (iii) Two members from among Deans of Schools of Studies, by rotation according to seniority, to be appointed by the Vice Chancellor;
- (iv) Two Heads of Institutions established by the University by rotation according to seniority to be appointed by the Vice Chancellor;

1+2+2

4+142

- ✓ (v) One professor who is not a Dean by rotation according to seniority, to be appointed by the Vice Chancellor;
- ✓ (vi) One Reader, by rotation according to seniority, to be appointed by the Vice Chancellor;
- ✓ (vii) One Lecturer, by rotation according to seniority, to be appointed by the Vice Chancellor;

(viii) Two members of the Court, none of whom shall be an employee or a student of the University or an Institution recognized by or associated with the University, to be nominated by the Visitor;

240+1=9

(iv) Six persons of distinction as writers or scholars of Hindi language, Literature, Culture or Translation and Interpretation to be nominated by the Visitor; and

(v) One expert on Information & Communication Technology to be nominated by the Visitor.

2. All the members of the Executive Council, other than the Vice Chancellor and Pro-Vice Chancellor, shall hold office for a term of three years.
3. Six members of the Executive Council shall form a quorum for a meeting of the Executive Council."

2. Receipt of this letter may kindly be acknowledged.

(R.D. Sahay)
Deputy Secretary to the Govt. of India



MAHATMA GANDHI ANTARRASHTRIYA HINDI VISHWAVIDYALAYA

(Established by Parliament by Act No. 3 of 1997)

P.B.No.16, Panchteela, Umari, Wardha-442001 (Maharashtra)

Ph (07152) 230907 Ph-fax: (07152) 230903

e-mail : hindiuni@del3.vsnl.net.in, website : www.hindivishwa.org

Anup Keshavdeo Pujari
Registrar

No. Est./954/2008/MGAHV

Date : 15/07/2008

NOTIFICATION

As per the letter no. F.26-3/2008-Desk(U) of the Ministry of Human Resource Development, Department of Higher Education dated 4th June, 2008, the Hon'ble Visitor of this university has approved a fresh Statute no.- 39 in the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996, which is given below:

"Any dispute or difference whatsoever arising between the parties out of or relating to the construction, meaning, scope, operation or effect of this contract or the validity or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of MGAHV Council of Arbitration and the award made in pursuance thereof shall be binding on the parties."


(Anup Keshavdeo Pujari)

CC

1. Shri Prem Kumar, Under Secretary, Department of Higher Education, MHRD, New Delhi
2. Secretary, UGC, New Delhi
3. Director, President Secretariat, President House, New Delhi
4. Office of the Hon'ble Vice Chancellor, MGAHV
5. Office of the Registrar, MGAHV
6. Office of the Finance Officer, MGAHV
7. Office of the Dy. Registrar (Academic), MGAHV
8. Office of the Dy. Registrar (Administration & Establishment), MGAHV
9. Office of the Examination, MGAHV
10. Head-In-Charge, School of Literature, MGAHV
11. Dean, School of Language, MGAHV
12. Dean, School of Translation & Interpretation, MGAHV
13. Dean, School of Culture, MGAHV
14. Department of Ahimsa & Peace Study
15. Department of Women Study, MGAHV
16. Department of Mass Communication, MGAHV
17. Dean, Student Welfare, MGAHV
18. Dr. Babasaheb Ambedkar Dalit & Tribal Study Center, MGAHV
19. Mahatma Gandhi Fuji Guruji Peace Study Center, MGAHV
20. Center of Adult & Continuing Education, MGAHV
21. Distance Education Programme, MGAHV
22. Department of Official Language, MGAHV
23. PRO Office, MGAHV
24. PIO Office, MGAHV
25. LILA, MGAHV
26. Publication Department, MGAHV
27. International Hindi Museum/Archives, MGAHV
28. Central Library, MGAHV
29. All Hostels, MGAHV
30. All Notice Board, MGAHV
31. Related file

Registered

No.F.26- 3/2008-Desk(U)
Government of India
Ministry of Human Resource Development
(Deptt. of Higher Education)

New Delhi, the 4th June, 2008.

To

✓ The Registrar,
Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya
Panchteela,
Wardha-442001.

Subject: Incorporation of a fresh Statute No. 39 in the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996.

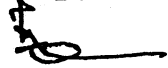
Sir,

I am directed to refer to the then Vice Chancellor's letter No. VC/1348/2008-MGAHV, dated 17th January, 2008 regarding incorporation of a fresh Statute No. 39 in the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996 regarding arbitration, which reads as under:-

"Any dispute or difference whatsoever arising between the parties out of or relating to the construction, meaning, scope, operation or effect of this contract or the validity or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of M.G.A.H.V. Council of Arbitration and the award made in pursuance thereof shall be binding on the parties."

2. The proposal was examined in this Ministry and referred to the Hon'ble Visitor for her assent to the proposed Statute. The Hon'ble Visitor has approved the proposal regarding incorporation of a fresh Statute No. 39 in the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996.

Yours faithfully,



(Prem Kumar)
Under Secretary
Tel.No. 23384412

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27/6

158
प्रसा/प.आ.क्र. 16/6/08
दिनांक

(Under Section 32(5) of the University Statutes)

ARBITRATION CLAUSE

The Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya recommends to all parties desirous of making reference to arbitration by M.G.A.H.V., the use of the following arbitration clause in writing in their contracts :

"Any dispute or difference whatsoever arising between the parties out of or relating to the construction, meaning, scope, operation or effect of this contract or the validity or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of M.G.A.H.V. Council of Arbitration and the award made in pursuance thereof shall be binding on the parties."

DEFINITIONS

Rule 1

- (i) These rules may be called the "Rules of Arbitration of M.G.A.H.V. Council of Arbitration."
- (ii) These rules shall apply where parties have agreed in writing that (a) a dispute has arisen or (b) a dispute which may arise between them in respect of defined legal relationship whether contractual or not, shall be settled under the Rules of Arbitration.

Rule 2

In these rules, the following words have the following meanings:

- i. "Arbitral Tribunal" means an arbitrator or arbitrators appointed for determining a particular dispute or difference.
- ii. "Arbitral Award" includes an interim award.
- iii. "Committee" means the Arbitration Committee of the M.G.A.H.V. as provided for hereinafter.
- iv. "M.G.A.H.V." means the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya.
- v. "Governing Body" means the Executive Council.
- vi. "Guidelines" means the guidelines for arbitrators and the parties to arbitration for expeditious conduct of the arbitration proceedings, given in the Annexure to these Rules.
- vii. "International Commercial Arbitration" means an arbitration relating to disputes arising out of legal relationships, whether contractual or not, considered as commercial under the law in force in India and where at least one of the parties is
- a. an individual who is a national of, or habitually resident in, any country other than India; or
 - b. a body corporate which is incorporated in any country other than India; or
 - c. a company or an association or a body of individuals whose central management and control is exercised in any country other than India, or
 - d. the Government of a foreign country.

- viii "Party" means a party to an arbitration agreement. It shall include any individual, firm, company, Government, Government organisation or Government Undertaking.
- ix "Panel" means the Panel of Arbitrators maintained by the M.G.A.H.V..
- x "Registrar" means the Registrar for the time being appointed by the Committee and includes such other persons as the Committee may nominate for carrying out the duties of the Registrar under these rules.
- xi "Rules" means the Rules of The M.G.A.H.V..
- xii "Rules of Conciliation" means the Rules of Conciliation of M.G.A.H.V..
- xiii "Fast Track Arbitration" means arbitration in accordance with Rule 23.
- xiv Words importing the singular number include, where the context admits or requires, the plural number and vice versa.

ARBITRATION COMMITTEE

Rule 3

As given in the Act of M.G.A.H.V.

RULES APPLICABLE

Rule 4

Any dispute relating to any commercial matter including shipping, sale, purchase, banking, insurance, building construction, engineering, technical assistance, know-how, patents, trade marks, management consultancy, commercial agency, or labour, arising between two or more parties or a party or parties in India and a party or parties in a foreign country, or between foreign parties who agree or have agreed for arbitration, or under the Rules of M.G.A.H.V., shall be determined and settled in accordance with these Rules.

Rule 5

If one or both of the parties to a dispute, which is referred to arbitration, belong to a country or countries other than India, in the absence of an agreement by the Parties on the substantive law to be applied, it will be determined by the arbitral tribunal. The procedural law shall be the laws of India and parties shall be deemed to have submitted to the jurisdiction of the Courts in India.

INTERPRETATION OF THE RULES

Rule 6

The decision of the Committee on any question relating to interpretation of these rules or any procedural matter there under shall be final and binding on the parties.

Rule 7

- (i) Any Party wishing to commence arbitration proceedings under these rules (Claimant) shall give a notice of request for arbitration to the Registrar of M.G.A.H.V..
- (ii) The notice of request (application) for arbitration to the Registrar shall be accompanied by:-
 - a the names and full addresses of the parties to the dispute.
 - b statement of the claim and facts supporting the claim, points at issue and relief or remedies sought with other details of the claimant's case.
 - c original or duly certified copies of the arbitration agreement, any contract or agreement out of or in connection with which the dispute has arisen and such other documents and information relevant or relied upon
 - d The Arbitration shall be deemed to have commenced on the day the application for arbitration, and statement of claim are received in the office of the M.G.A.H.V..

Rule 8

If any Court makes an order directing that an arbitration be held under these Rules, in addition to the documents listed in Rules 15, the order of that Court or a copy thereof shall accompany the application for arbitration.

Rule 9

- a Before deciding on the acceptability of an application for arbitration, the Registrar may ask the parties for further information and particulars of their claims.
- b Similarly, if any information or particulars regarding the arbitration agreement furnished by claimant with the application for arbitration are found to be incorrect or false, at any time subsequently, the Registrar shall have a like power to reject the application for arbitration.
- c Any Party aggrieved by the decision of the Registrar, in accepting or rejecting an application for arbitration as above, may apply to the Court for suitable directions.

DEFENCE STATEMENT

Rule 10

- a On receipt of the application together with the claim statement, the Registrar shall send to the other party (respondent) a copy of the claim statement and attached documents and ask such other party to furnish within thirty days or within any extended date, a defence statement setting out his case accompanied by all documents and information in support of or bearing on the matter.

- b* Any communication sent by the Registrar under Registered Post to the Respondent on the address appearing in the Arbitration Agreement/the contract between the parties, as per the information supplied to the Council, will be deemed to be duly served on the Respondent, if it is delivered to the addressee personally or at his place of business, habitual residence or mailing address last known, even if the Respondent refuses to accept the said communication or if it is returned to the Council by the postal authorities as unclaimed by the said party. The Registrar may proceed further with the arbitration proceedings as per the rules as if such communication had been duly served on the concerned party. The Registrar may in such cases make an additional communication to the Parties by Registered Letter or by other means which may provide a record of attempts to deliver it.
- c* A copy of the defence statement and all appended documents, if any, shall be sent to the Claimant for information.
- d* The communication is deemed to have been received on the day it is so delivered.

COUNTER-CLAIM AND REPLY TO COUNTER-CLAIM

Rule 11

- a* The Respondent may make a counter-claim against the Claimant provided the counter-claim arises under the same transaction as the original claim. He must submit the counter-claim with full details supported by all documents and information as in the case of the claim under Rule 15 within the period laid down for the defence statement to the claim and the Claimant may within twenty-one days of the notification of the counter-claim or within such extended time submit a statement in reply to the counter-claim. The arbitral tribunal appointed to adjudicate upon the original claim shall also adjudicate upon the counter-claim and there will be no change in the number of members of arbitral tribunal already constituted on the basis of original claim.
- b* Copy of the reply of the Claimant to the counter-claim and all appended documents, if any, shall be sent to the Respondent for information.

COPIES OF STATEMENTS, ETC.,

Rule 12

All statements, replies and other documents and papers submitted by the parties and all appended documents must be supplied in triplicate. Where there is more than one arbitrator or more than one opposing party, the parties shall within the time specified furnish to the Registrar such number of further copies as may be required by the Registrar.

CONSTITUTION OF THE ARBITRAL TRIBUNAL

Rule 13

As per University Act

Rule 14

Before accepting his nomination the prospective arbitrator shall disclose any circumstances such as financial or personal interest in the outcome of the award, likely to disqualify him as an impartial arbitrator. Upon receipt of such information, the Registrar shall disclose it to the parties, who if willing to proceed under the circumstances disclosed, shall advise the Registrar accordingly. If either party declines to waive the presumptive disqualification, the prospective arbitrator shall be disqualified from acting as arbitrator and the vacancy so created shall be filled, in accordance with the applicable provision of these Rules.

Rule 15

Any Party shall have the right to challenge the appointment of an arbitrator on receipt of the notice of his appointment for reasons which disqualify the arbitrator. The Challenge of an arbitrator shall be made within 30 days after his appointment has been communicated to the challenging party or within 30 days of his becoming aware of the reasons for which the challenge is made. Copies of the communication of challenge shall be sent to the other Parties and the arbitrators. The Committee shall be the sole judge of the grounds of challenge and its decision shall be final and binding on the Parties.

Rule 16

- a* If any appointed arbitrator resigns or dies or becomes incapable of acting or neglects or fails to act expeditiously, prior to or during the arbitration hearings, or if he fails to make the award within the prescribed time and the Parties do not agree to extend the time for making the award, the Registrar in consultation with the Arbitration Committee may terminate the authority of such an appointed arbitrator and inform him accordingly.
- b* In case of the resignation or death or termination of authority of an appointed arbitrator under Sub-Rule(a) above, a new arbitrator will be appointed in his place by the Registrar in case he had appointed the original arbitrator. Where the appointment was made by the Parties, the Registrar shall call upon the Party who had appointed the arbitrator to nominate another arbitrator in his place. If any Party refuses or neglects to nominate an arbitrator within 15 days of the date of notice requiring him to nominate the arbitrator or within such extended time, the Registrar shall nominate the arbitrator on behalf of that Party from among the Panel of Arbitrators.
- c* The arbitrator(s) appointed as above will be informed about the reconstitution of the arbitral tribunal and the reconstituted arbitral tribunal shall make the award expeditiously within the time prescribed under Rule 63 from the date when the reconstituted arbitral tribunal enters on the reference. The reconstituted arbitral tribunal shall proceed with the arbitration with the liberty to act on the record of evidence and proceedings as then existing or to commence the proceedings de novo.

Rule 17

The Registrar shall send copies of all papers relating to arbitration such as claim statement, defence statement, counterclaims, reply, statements, or other documents received from the parties to the dispute to the Arbitrator/Arbitrators constituting the Arbitral Tribunal under Rule 22 with a request to proceed with the arbitration and the arbitral tribunal shall be deemed to have entered on the reference on the day on which applications, defence statement, counter-claims, replies, documents, etc. have been dispatched to the Arbitrator/Arbitrators. Intimation shall be given to the Parties of the day on which the Arbitral Tribunal is deemed to have entered on the reference.

If the Claimant does not file all the requisite documents, papers, etc. or does not deposit the appropriate fees as per the Rules after having been given due opportunity for the purpose by the Registrar or the arbitral tribunal, the Registrar or the arbitral tribunal may dismiss/close the case on file for lack of pursual by the Claimant. Similarly, if the Respondent fails to produce any requisite documents, papers including the statement of defence or information or fails to deposit administrative fees, or arbitrators fees etc. after having been given due opportunity for the purpose by the Registrar or the arbitral tribunal, the Registrar or the arbitral tribunal may proceed further with the arbitration proceedings as per the Rules, notwithstanding such failure or refusal by the Respondent.

Rule 18

Where there are two or more applications for arbitration by the Council and the issue involved in the dispute arises out of same transactions, the Registrar may, if he thinks proper to do so and with the consent of the Parties, fix the hearings of the disputes to be heard jointly or refer the applications to the same Tribunal. The awards, however, shall be given separately in each case.

NOTIFICATIONS AND/OR COMMUNICATIONS FROM THE REGISTRAR

Rule 19

All applications which the parties desire to make to the arbitral tribunal and all notices to be given to the Parties before or during the course of arbitration or otherwise in relation thereto shall be made through and sent by the Registrar who shall communicate the orders and directions of the Arbitral Tribunal thereon to the Parties.

AMENDMENT OF CLAIMS, ETC.

Rule 20

Amendments of the claim, defence statement, counter-claim or reply submitted to the Arbitral Tribunal must be formulated in writing by the Party so desiring. The Arbitral Tribunal will decide whether such amendments should be allowed or not. The Administrative fee and Arbitrator's fee (for each Arbitrator) shall get revised to the extent of increase for such additional claims/counter-claims.

PLACE OF ARBITRATION

Rule 21

The place or venue of arbitration shall be India. The Arbitration proceedings shall be held at such place or places in India as the Arbitral Tribunal may determine having regard to the convenience of the Arbitrators and the Parties. In a case in which one or both the Parties are from overseas, the Arbitration proceedings may also be held at any place outside India at the discretion of the Arbitral Tribunal.

PROCEEDINGS BEFORE THE ARBITRAL TRIBUNAL CONCILIATION

Rule 22

Optional Conciliation: The parties may opt for conciliation and request the arbitral tribunal before the commencement of the arbitration proceedings unless they have already agreed otherwise, to settle their dispute through conciliation as per Rules of Conciliation of the Council.

FAST TRACK ARBITRATION

Rule 23

Fast Track Arbitration : The Parties may opt for Fast Track Arbitration and request the arbitral tribunal, before the commencement of the arbitration proceedings, to decide the reference in a time frame of 3 to 6 months or any other time agreed between the Parties, according to the Fast Track Arbitration procedure, as under:

- i The arbitral tribunal will be authorised to decide the dispute on the written pleadings, documents and written submissions filed by the Parties without any oral hearings.
- ii The arbitral tribunal shall have power to call for any further information/clarification from the parties in addition to the pleading and documents filed by them.
- iii An oral hearing may be held if both the parties make a joint request or if the Arbitration tribunal considers an oral hearing necessary in any particular case.
- iv If an oral hearing is held, the arbitral tribunal may dispense with any technical formalities and adopt such procedure as it deems appropriate and necessary for economic and expeditious disposal of the case.

Rule 24

At a hearing, a party shall be entitled to appear by counsel, attorney, advocate or a duly authorised adviser or representative or personally. However, where the dispute is purely of a commercial nature, the parties shall have no right to be represented by lawyers except where, having regard to the nature or complexity of the dispute, the arbitral tribunal considers it necessary in the interest of justice that the parties should be allowed to be represented by counsel, attorney or advocate.

Rule 25

The arbitral tribunal may proceed with the reference notwithstanding any failure by a party to comply with any of the directions of the arbitral tribunal and may also proceed with the arbitral proceedings in the absence of any or both the Parties who fail or neglect to attend at the time and place appointed by the arbitral tribunal, in spite of due notice.

Rule 26

The parties shall do all acts necessary to enable the arbitral tribunal to make an award expeditiously and shall not do or cause or allow to be done, any act which will delay the proceedings or prevent the arbitral tribunal from making an award expeditiously, and if any party does cause or allow to be done any such act, the party shall pay such costs as the arbitral tribunal deems reasonable.

Rule 27

The arbitration session will go on as far as possible on a day-to-day basis from 10.30 a.m. to 4.30 p.m. once the hearing begins after completion of all formalities. The arbitral tribunal shall not ordinarily adjourn a hearing at the request of any party, except where the circumstances are beyond the control of the party and the arbitral tribunal is satisfied that reasons and circumstances for adjournment are justified. While granting an adjournment, the arbitral tribunal may make such orders regarding payment of costs by one or both of the parties, as it deems fit and reasonable.

Rule 28

If the parties have agreed to submit their case to arbitration under these Rules and any party refuses or fails to take part in the arbitration proceedings, the arbitral tribunal may proceed with the arbitration notwithstanding such refusal or absence.

Rule 29

The arbitral tribunal may at its discretion at any time or times before making the final award and at the expense of the parties concerned, consult any person having special knowledge relating to the particular industry, commodity, produce or branch of trade concerned in the reference or any expert or qualified accountant and may also at the like expenses of the Parties, consult solicitors, counsel or advocates upon any technical question of law, evidence, practice or procedure arising in the course of the reference. If the parties agree, the arbitral tribunal may, at the expense of the Parties, appoint any expert, accountant, or lawyers to sit with as an assessor and take into account the advice of such assessor.

Rule 30

The Parties to the reference and any witness on their behalf shall, subject to the provisions of any law for the time being in force:

- a* submit to be examined by the arbitral tribunal on oath or affirmation in relation to the matters in dispute.
- b* produce before the arbitral tribunal all books, deeds, papers, accounts, writings and documents in their possession or power respectively which may be required or called for by the arbitral tribunal.
- c* Comply with the requirements of the arbitral tribunal as to the production or selection of witnesses and
- d* generally do all other things which, during the pendency of the reference, the arbitral tribunal may require.

Rule 31

The arbitral tribunal will consider, as far as possible, to receive the evidence of witnesses by affidavit. Provided that the witness whose affidavit is admitted in evidence is made available for cross-examination at the request of the opposite Party, the Arbitral Tribunal may:

- a* administer oath or affirmation to the Parties or witnesses appearing and giving evidence;
- b* make any award conditional or in the alternative;
- c* correct in any award any clerical mistake or error arising from or incidental to any slip or error;
- d* administer to the Parties to the arbitration such interrogatories as it may consider necessary;
- e* decide all objections to its jurisdiction including any objection regarding the existence or validity of the arbitration clause or the arbitration agreement, without prejudice to the right of the parties to have the matter decided by the Court of law;
- f* decide the law governing:
 - i* the contract or the matter in dispute,
 - ii* the arbitration agreement,
 - iii* the arbitration procedure.
- g* award interest including pendente lite interest.

Rule 32

When substantially the same dispute or questions of law and facts are likely to arise in more than one contract or agreement (Chain Contracts), the arbitral tribunal may invite all parties involved to agree to submit to an award in one arbitration between such two or more of the parties as are named for the purpose.

Rule 33

- i The arbitral tribunal may by the award dismiss the application or claim:
 - a if the Claimant does not prosecute the arbitration proceedings or file the papers within the time granted; or
 - b neglects or refuses to pay the dues or deposits ordered to be paid by the arbitral tribunal or the Registrar.
- ii The arbitral tribunal may make an ex parte award :
 - a if the Respondent neglects or refuses to appear or make his defence or fails to file the papers within the time granted; or
 - b neglects or refuses to pay the dues or deposits ordered to be paid by the arbitral tribunal or the Registrar.

Rule 34

The Registrar shall make necessary arrangements for a stenographic record of evidence whenever such record is required by a Party. The cost of the stenographic record and all transcripts thereof, if any, shall form part of the costs of the reference.

Rule 35

The language of the arbitration proceedings shall be English/Hindi unless otherwise agreed by the parties.

Rule 36

The arbitral tribunal may issue such orders or directions as it may deem necessary for safeguarding, interim custody, preservation, protection, storage, sale or disposal of the whole or part of the subject matter of the dispute or for its inspection or sampling without prejudice to the rights of the Parties or the final determination of the dispute.

WAIVER OF RULES

Rule 37

Any party who proceeds with the arbitration with the knowledge that any provision or requirement of these rules has not been complied with and who fails to state objection thereto in writing, shall be deemed to have waived his right to object.

Rule 38

Unless required to be filed in a Court of law, the arbitral tribunal shall have full discretion to retain/to return all books, documents or papers produced before it and may direct at any time that the books, documents or papers produced before it or any of them may be returned to the parties producing them on such terms and conditions as the arbitral tribunal may impose.

AWARD

Rule 39

No award shall be made by the arbitral tribunal unless the case of the party applying for arbitration has been brought to the notice of the other party and until after the lapse of such specified time within which he has been asked to submit his defence statement under Rule 18.

Rule 40

Whenever there is more than one arbitrator, the award of the majority shall prevail and be taken as the decision of arbitral tribunal. Failing a majority, the Presiding Arbitrator of the arbitral tribunal alone shall make the award.

Rule 41

Should the Parties arrive at a settlement of the dispute by common agreement before the Arbitral Tribunal and the Arbitral Tribunal is satisfied that such agreement is genuine and not to defeat any purpose of any law, the arbitral tribunal shall render an award as per agreement of the Parties. Otherwise, the arbitral tribunal shall make the award on the basis of the documents, evidence, etc. filed before it by the Parties.

Rule 42

The arbitral tribunal shall make the award as expeditiously as possible, preferably within six months, according to the Guidelines, from the date of the reference subject to a maximum limit of two years from the date of commencement of the arbitral proceedings. If necessary, the maximum limit of two years for making the award may be extended by agreement between the parties to the dispute or by the Committee.

Rule 43

The arbitral award shall state the reasons upon which it is based, unless :

- i* the parties have agreed that no reasons are to be given, or
- ii* the award is an arbitral award on agreed terms.

Rule 44

The arbitral award shall state its date and the place of arbitration and the award shall be deemed to have been made at that place.

Rule 45

The arbitral tribunal may make an interim award, and may, by an award, determine and order what shall be done by either or any of the Parties, respecting the matters referred.

Rule 46

The arbitrators constituting the arbitral tribunal or the Presiding Arbitrator where Rule 61 is applicable, shall sign the award and the Registrar shall give notice in writing to the Parties of the making and signing thereof and of the amount of fees & charges payable in respect of the arbitration and the award. The arbitrators fee shall be payable by the Council on receipt of the award and requisite deposit made by the parties.

Rule 47

- i* When an award has been made, the Registrar shall furnish a true copy of the award to the parties by registered post
- ii* The Registrar may require either Party to notify him of the compliance with the award.
- iii* The arbitral tribunal and the Registrar of the M.G.A.H.V. shall assist the parties in complying with the award that may be necessary for the enforcement of the award for the purposes.
- iv* The M.G.A.H.V. may print or otherwise circulate any award made under its rules or under any award in any arbitration journal, magazine, report, etc. for the purpose of creating arbitration jurisprudence or precedents for the benefit and guidance of future arbitrations. No party to the arbitration shall have any objection to the publication of awards as above provided that the names and addresses of any Party to the dispute will be omitted from such publication and its identity duly concerned if so desired by such party.

Rule 48

Additional copies of the award certified true by the Registrar shall be made available to the parties but to no one else, at all times at request and on payment as fixed by the Registrar.

Rule 49

A party shall in all things abide by and execute the award which shall be binding on the Parties and their respective representatives notwithstanding the death of any party before or after the making of the award and such death shall not operate as revocation of the submission or refer to the award delays and further litigation, the arbitrators/Registrar shall ask the Parties to agree that the award made by the arbitrators/s shall be final and binding on the Parties and neither Party shall be entitled to challenge it in the Court of law.

Rule 50

No party is entitled as of right to copies of proceedings before the arbitral tribunal. In case the Registrar is required to furnish copies of depositions and/or documents which have been taken or proved before the arbitrator, a charge as demanded by the Registrar shall be paid by the party requiring such copies.

Rule 51

The Registrar shall, upon the written request of a party, furnish to such party at his expense certified facsimile of any documents filed in the arbitration proceedings.

CASES WITHDRAWN

Rule 52

When the party instituting a case desires to withdraw it before an arbitral tribunal has been constituted, the Registrar shall return to him any deposits made by him,
INDEMNITY OF SECRETARIAT AND ARBITRATORS

Rule 53

The Council, the Arbitration Committee and members of the M.G.A.H.V. shall not be liable for any act or omission in whatsoever capacity they may have acted in connection with or in relation to an arbitration under these Rules. Parties are themselves required to contest the proceedings regarding the validity of the arbitration agreement before the court.

Rule 54

No party shall bring or prosecute any suit or proceedings whatsoever against the arbitral tribunal, or any member thereof, for or in respect of any matter or thing purporting to be done under these Rules, nor any suit or proceedings in respect thereof (save for enforcement of the award) against the other party.

AMENDMENT OF RULES

Rule 55

The Governing Body may revise, amend or alter these rules or as and when expedient and necessary.

Guidelines for tribunal of Arbitration

CONDUCT OF ARBITRATION PROCEEDINGS (M.G.A.H.V.)

- 1 The arbitrators and the parties to arbitration are expected to follow these guidelines to ensure economic and expeditious disposal of arbitration cases.
- For Arbitrators**
- 2 The arbitrators must take up the arbitration expeditiously on receipt of the request from the Council and should also complete the same with reasonable despatch. Serious efforts should be made to settle arbitration cases expeditiously within a period of 6 months where the amount of claim exceeds 1 crore and within a period of 4 months where the amount of claim is less than Rs.1 crore.
 - 3 When accepting his mandate, the arbitrator shall be able to perform his task with the necessary competence according to his professional qualifications.
 - 4 When giving notice of his acceptance, the arbitrator shall disclose in writing in the printed format as under:
 - any relationship with the parties or their counsel which may affect his independence and impartiality;
 - any personal or economic interest, either direct or indirect, in the subject matter of the dispute;
 - any prejudice or reservation as to the subject matter of the dispute which may affect his impartiality.
 - Where necessary due to supervening facts, this Statement shall be repeated in the course of the entire arbitral proceedings until the award is filed.
 - 5 Where facts that should have been disclosed are subsequently discovered, the arbitrator may either withdraw or be challenged or the Indian Council of Arbitration may refuse to appoint him in other arbitral proceedings on this ground.
 - 6 The arbitrator may at all stages suggest the possibility of a settlement to the parties but may not influence their decision by indicating that he has already reached a decision on the dispute.
 - 7 In the course of the arbitral proceedings, the arbitrator shall refrain from all unilateral contact with the parties or their counsel who is not notified to the *Yaswantrao Chavan maharashtra open university* so that the M.G.A.H.V. can inform the other parties and arbitrators.
 - 8 The arbitrator shall refrain from giving the parties, either directly or through their counsel, notice of decisions in the evidence taking place or on the merits; notice of these decisions may be given exclusively by the.
 - 9 The arbitrator shall neither request nor accept any direct arrangement on costs or fees with the party which has designated him. The arbitrator is entitled to reimbursement of expenses and a fee as exclusively determined by the M.G.A.H.V. according to its Schedule of Fees, which is deemed to be approved by the arbitrator when accepting his mandate.
 - 10 The arbitrator shall encourage a serene and positive development of the arbitral proceedings. In particular, he shall decide on the date and manner of the hearings in such a way as to allow both parties to fully participate therein, in compliance with the principle of equal treatment and adversarial proceedings.
 - 11 The first hearing of the arbitral tribunal should be convened within 15 days of the receipt of the complete reply of the respondent when the arbitral tribunal may issue necessary directions. Admission and denial of the documents may be got done by the Registrar. Issues if any to be framed, may be done at the same or at the next hearing. The arbitrators should hold arbitration hearings continuously on day-to-day basis during office hours.

- 12 The parties should be asked to furnish a list of their witness, if any, in advance and they should be asked to file affidavits of witness on the date fixed for evidence preferably within a weeks of the settlement of issues, Cross examination of such of the deponent's witnesses whose presence is demanded by the opposite party should be completed at a hearing to be fixed within 15 days.
- 13 Arguments preferably should be heard within 15 days of the completion of evidence, to be followed by submission of written arguments, if any.
- 14 Adjournments of duly fixed hearing should not be granted except for unavoidable reasons, which should be spelt out in the adjournment order.
- 15 The Arbitrator should make the award expeditiously after the close of the hearings, preferably within 15 days.
- 16 The arbitrator who does not comply with the provisions of these guidelines may be replaced by the Vice-Chancellor. Where it is not appropriate to replace the arbitrator in order not to cause delay in the arbitral proceedings, the ICA may also take such action after the conclusion of the arbitral proceedings, by refusing to confirm him in subsequent arbitral proceedings.

For Parties

- 17 The claimant should file the applications or demand for arbitration to the Registrar of the Council with all the information and papers as per Rules, full statement of claim and copies of documents relied upon, in 3 sets in case of a Sole Arbitrator and in 5 sets in case of three arbitrators.
- 18 The respondent should file his reply to the claim with complete information and documents relied upon, in 3 or 5 sets as above as early as possible within the prescribed time. Fresh documentation/claims should not be entertained at a later stage of the proceedings unless the arbitral tribunal is satisfied about the reasons for granting such permission.
- 19 If any party to arbitration, particularly in cases where any arbitrator, advocate or any of the parties has to come from out station to participate in arbitration proceedings, desires to seek adjournment on any valid ground, it must submit a written request to the Registrar at least before 5 working days stating the grounds which compel it to request for postponement of the hearing so that the M.G.A.H.V. is in a position to take necessary steps to inform the Parties, Arbitrators and Advocates regarding postponement of the hearing. Parties seeking adjournment will have to pay cost as may be determined by the arbitral tribunal.
- 20 Parties should deposit arbitration and administrative fees with the M.G.A.H.V. within the stipulated time, as per the Rules and no extension should be sought in this behalf except for compelling reasons.
- 21 the concerned party will bear the entire expenditure of their own arbitrator.

For Arbitration Committee

- 22 The Executive Council of the M.G.A.H.V. will examine the arbitration case file, from time to time to evaluate the progress of the proceedings and shall ascertain whether the arbitrators have granted adjournments only on reasonable & genuine grounds. The Decision of tribunal of Arbitration shall be placed before the Executive Council of M.G.A.H.V. for perusal.
- 23 The Arbitration Committee shall be sole judge of the grounds of violation of the guidelines and its decision shall be final and binding on the arbitral tribunal as well as the parties concerned.

27
Registered

NO.F.26-10/2007 -Desk(U)
GOVERNMENT OF INDIA
Ministry of Human Resource Development
(Deptt. of Higher Education)

New Delhi, the 17th July, 2008.

To

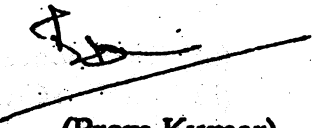
✓ The Registrar,
Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya
Panchteela,
Wardha-442001.
Fax No. 07152-230902.

Subject: Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya (MGAHV)-
Amendment to Statute relating to enhancement in the age of
superannuation of Vice Chancellor from 65 years to 70 years.

Sir,

I am directed to refer to University's letter No.VC/1188/2007-MGAHV, dated 20.8.2007 regarding amendment to Statute 2(5) of Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996 regarding enhancement in the age of superannuation of Vice Chancellor from 65 years to 70 years and to convey that the Hon'ble President, in exercise of powers vested in her under Section 20(3) of the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996, has approved the amendment in her capacity as Visitor of the University.

Yours faithfully,



(Prem Kumar)
Under Secretary
Tel. No. 23384412

SPEED POST

NO.F.26-7 /2007 -Desk(U)
 GOVERNMENT OF INDIA
 Ministry of Human Resource Development
 (Deptt. of Higher Education)

—
 New Delhi, the 1st October , 2008.

To

✓ The Registrar,
 Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya
 Panchteela,
 Wardha-442001.
 Fax No. 07152-230902.

Subject: Substitution of a fresh Statute 14 regarding Constitution of Academic Council of Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya in place of existing Statute 14.

Sir,

I am directed to refer to your letter No. Admn./F.26-01/07/MGAHV, dated 6.7.2007 on the above mentioned subject and to say that the President in her capacity as Visitor of Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya has approved the proposal of the University to substitute Statute 14 as under, in place of the existing Statute 14 of the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996:

14(1) The Academic Council shall consist of the following members namely:-

- (a) Vice Chancellor.
- (b) Pro-Vice Chancellor.
- (c) Deans of School of Studies.
- (d) Heads of Teaching Departments.
- (e) All Professors.
- (f) Four Readers and four Lecturers, by rotation according to seniority, to be appointed by the Vice Chancellor.
- (g) Dean of Students Welfare.
- (h) Librarian

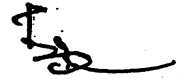
13-10-08
 13-10-08

- (i) ~~Proctor~~
- (j) ~~Four~~ persons not in the service of the University co-opted by the Academic Council for their special knowledge.
- (k) Two students representatives, to be nominated by the Vice Chancellor on merit basis, one from among the Research Scholars and the other from the post graduate students from the various Schools/ Departments of the University, on rotation basis.

- (2) All the members of the Academic Council, other than the ex-officio members, shall hold office for a term of two years. Provided that the tenure of student members shall be one academic year.
- (3) Sixteen members of the Academic Council shall form quorum for a meeting of the Academic Council.

2. Necessary action may be taken accordingly.

Yours faithfully,



(Prem Kumar)
Under Secretary
Tel.No. 23384412