

# Indira Kala Sangit Vishwavidyalaya Act, 1956

CHHATTISGARH

India

## Indira Kala Sangit Vishwavidyalaya Act, 1956

### Act 19 of 1956

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Indira Kala Sangit Vishwavidyalaya Act, 1956 C.G. Act No. 19 of 1956 Last Updated 24th October, 2019 An Act to establish and incorporate the Indira Kala Sangit Vishwavidyalaya at Khairagarh. Preamble. - Whereas it is expedient to incorporate the Indira Sangit Academy at Khairagarh into Kala Sangit Vishwavidyalaya; It is hereby enacted in the Seventh Year of the Republic of India as

### 1. Short title and commencement.

(1) This Act may be cited as the Indira Kala Sangit Vishwavidyalaya Act, 1956. (2) It shall come into force on such date as the State Government may, by notification, direct.

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context- (a) "college" means an institution maintained by or admitted to the privileges of the Vishwavidyalaya by or under the provisions of this Act; (b) "Founder" means- (i) the Ruler [as defined in clause (22) of Article 366 of the Constitution of India] of Khairagarh; and (ii) Rani Padmavati Devi of Khairagarh; (c) "hostel" means a place of residence for students of the Vishwavidyalaya maintained or recognised by the Vishwavidyalaya either as a part of or separate from a college; (d) "Donor of the Vishwavidyalaya" means a person who has made a donation of not less than one lakh of rupees to the funds of the Vishwavidyalaya and has been declared by the Kulapati to be a donor of the Vishwavidyalaya; (e) "Principal" means the head of college; and includes when there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal or the acting Principal, a Vice-Principal duly appointed as such; (f) "registered graduates" means graduates registered under the provisions of this Act; (g) "Scheduled Castes" means the castes declared as Scheduled Castes under Article 341 of the Constitution; (h) "Scheduled Tribes" means the tribes declared as Scheduled Tribes under Article 342 of the Constitution; (i) "Statutes", "Ordinances" and "Regulations" means, respectively the Statutes, Ordinances and Regulations of the

Vishwavidyalaya in force for the time being;(j)"teachers of the Vishwavidyalaya" includes all persons who, with the approval of the Shiksha Samiti, impart instruction or guide for research in the Vishwavidyalaya or in any college;(k)"Professors" and "Readers" means teachers of the Vishwavidyalaya who have been appointed or recognised by the Karyakarini Samiti as Professors and Readers respectively;(l)"Vishwavidyalaya" means the Indira Kala Sangit Vishwavidyalaya of Khairagarh.

### **3. Incorporation.**

- The [Kuladhipati] [Substituted by C.G. Act No. 8 of 2002.], [\* \* \*] [Omitted by C.G. Act No. 8 of 2002.], the [Kulapati] [Substituted by C.G. Act No. 8 of 2002.], the [Adhyacharya] [Substituted by C.G. Act No. 8 of 2002.] (if any), and [\* \* \*] [Omitted by C.G. Act No. 8 of 2002.] and the first members of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005.], of the Karyakarini Samiti and the Shiksha Samiti of the Vishwavidyalaya and all persons who may hereafter become such officers or members are, so long as they continue to hold such office or membership, hereby constituted a body corporate by the name of the Indira Kala Sangit Vishwavidyalaya and shall have perpetual succession and a common seal and shall sue and be sued by that name.

### **4. Vesting of property.**

- All property, movable and immovable, vested in the State Government for the purpose of the Indira Sangit Academy, Khairagarh, shall, from the date of commencement of this Act, be held and applied by the Vishwavidyalaya for the purposes of this Act.

### **5. Powers of Vishwavidyalaya.**

- The Vishwavidyalaya shall have the following powers, namely :(a)to provide for instruction in all branches of music and fine arts, and to make provision for research and for the advancement of studies in music and fine arts and dissemination of knowledge in the aforesaid subjects;(b)to hold examinations and grant degrees to, and confer other academic distinctions on, such persons as may be considered suitable therefor;(c)to confer honorary degrees or other distinctions;(d)to institute teaching posts required by the Vishwavidyalaya and to appoint persons to such posts;(e)to institute and award fellowships, scholarships, exhibitions and prizes;(f)to maintain institutions of music and fine arts, to admit to its privileges such institutions not maintained by the Vishwavidyalaya and to withdraw all or any of those privileges;(g)to demand and receive payment of such fees and other charges as may be authorised by the Ordinances;(h)to supervise and control the residence and discipline of the students of the Vishwavidyalaya and to make arrangements for promotion of their health and general welfare;(i)to make grants from the funds of the Vishwavidyalaya for assistance to forms of extra-mural teaching;(j)to make special arrangements in respect of the residence, discipline and teaching of women students;(k)to create administrative and ministerial and other necessary posts and to make appointments thereto;(l)to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the Vishwavidyalaya as a teaching and examining body and to cultivate and promote music and fine arts.

## **6. [ Territorial exercise of powers. [Substituted by M.P. Act No. 41 of 1973.]**

(1) Save as otherwise provided in this Act, the powers conferred on the Vishwavidyalaya by or under this Act, shall extend to the whole of Chhattisgarh. (2) Notwithstanding anything in any other law for the time being in force, no institution imparting instruction exclusively in music and fine arts or either of them within the limits specified in sub-section (1) shall be associated in any way with or be admitted to any privileges of any other University incorporated by law in India, and any such privileges granted by any such other University to any such institution shall be deemed to be withdrawn—(a) where such institution is situated in the Mahakoshal region, upon the commencement of this Act in that region; and (b) where such institution is situated in any region other than the Mahakoshal region, upon the commencement of the Indira Kala Sangit Vishwavidyalaya (Amendment) Act, 1973; and no such institution situated within the said limits shall, save with the sanction of the Kulapati, be associated in any way with or seek admission to any privileges of any other University incorporated by law in India : Provided that nothing contained therein shall apply to schools and colleges within the aforesaid limits imparted instruction among other subjects in music or fine arts or both and affiliated to any other University in Chhattisgarh or the Chhattisgarh Madhyamik Shiksha Mandal : Provided further that any institution not admitted to the privileges of any other University incorporated by law, which imparts instruction in music or fine arts or both and which is situated outside Chhattisgarh may apply to the Vishwavidyalaya and the Vishwavidyalaya may, subject to such conditions and restrictions as it may think fit to impose, admit such institution to the privileges of the Vishwavidyalaya.]

## **7. Teaching in Vishwavidyalaya.**

(1) All recognised teaching in connection with the Vishwavidyalaya courses shall be conducted by the teachers of the Vishwavidyalaya in accordance with such scheme as may be framed for each academic year by the Shiksha Samiti and shall include lectures, practical training and other teaching conducted in accordance with the syllabus prescribed by the Regulations. (2) The authorities responsible for organising such teaching shall be prescribed by the States. (3) The courses and curricula shall be prescribed by the Ordinances and, subject thereto, by the Regulations. (4) No attendance at any teaching other than teaching conducted by the Vishwavidyalaya or by a college in accordance with the provisions of this section shall qualify for admission to any examination of the Vishwavidyalaya for which a regular course of study has been prescribed by the Vishwavidyalaya.

## **8. Visitation.**

(1) The State Government shall have the right to cause an inspection, to be made by such person or persons as it may direct, of the Vishwavidyalaya, its buildings, laboratories and equipment and of any institution maintained by the Vishwavidyalaya and also of the examinations, teaching and other work conducted or done by the Vishwavidyalaya and, to cause an enquiry to be made in like manner in respect of any other matter connected with the Vishwavidyalaya. (2) The State Government shall in every case give notice to the Vishwavidyalaya of its intention to cause an inspection or enquiry to be made and the Vishwavidyalaya shall be entitled to appoint a representative who shall have the right to be present and to be heard at such inspection or enquiry. (3) The State Government may address

the Upa-Kulapati with reference to the result of such inspection and enquiry, and the Upa-Kulapati shall communicate to the Karyakarini Samiti the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.(4)The Karyakarini Samiti shall, after placing the matter before the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005.], communicate to the State Government through the Upa-Kulapati such action, if any, as has been taken or may be proposed to be taken upon the results of the inspection or enquiry. Such communication shall be submitted within such time as the State Government may direct.(5)Where the Karyakarini Samiti does not within a reasonable time taken action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Karyakarini Samiti, issue such directions as it may think fit and the Karyakarini Samiti shall be bound to comply with such directions.

## **9. Officers of Vishwavidyalaya.**

- The following shall be the officers of the Vishwavidyalaya :(1)the Kulapati,(2)the Prati Kulapatis,(3)the Upa-Kulapati,(4)the Adhyacharya, if any,(5)Koshadhyaksha,(6)the Adhishthatas (Deans) of the Vidyanganikayas (Faculties),(7)the Kula-Sachiva, and(8)such other persons as may be declared by the Statutes to be the officers of the Vishwavidyalaya.

## **10. The Kulapati.**

(1)The Governor of Chhattisgarh shall be the Kulapati. He shall by virtue of his office be the head of the Vishwavidyalaya and the President of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005.], and shall, when present, preside at meetings of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005.] and at any Deekshant Samaroaha (Convocation) of the Vishwavidyalaya.(2)The Kulapati shall have such powers as may be conferred on him by or under this Act.(3)Every proposal to confer an honorary degree shall be subject the confirmation by the Kulapati.(4)The Kulapati shall, where committees of selection for the teaching posts of the Vishwavidyalaya are constituted, appoint one member on every such committee unless the Statutes provides for a larger number being so appointed.(5)The Kulapati may-(a)call for any papers or information relating to the affairs of the Vishwavidyalaya; and(b)for reasons to be recorded, refer any matter except a matter falling under Section 40, for reconsideration to any officer or authority of the Vishwavidyalaya that had previously considered such matter.(6)The Kulapati may, by an order in writing, annul any proceeding of any officer or authority of the Vishwavidyalaya which is not in conformity with this Act, the Statutes, the Ordinances or the Regulations :Provided that before making any such order he shall call upon the officer or authority concerned to show cause why such an order should not be made and if any cause is shown within the time specified by him in this behalf, he shall consider the same.

## **11.**

[Omitted] [Omitted by C.G. Act No. 12 of 2005.].

## **12. [ [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).]**

(1)The Kulapati shall be appointed by the Kuladhipati from a panel of not less than three persons recommended by the Committee constituted under sub-section (2) of sub-section (6) :Provided that if the person or persons approved by the Kuladhipati out of those recommended by the committee are not willing to accept the appointment, the Kuladhipati may call for fresh recommendations from such committee.(2)The Kuladhipati shall appoint a committee consisting of the following persons, namely :(i)One person elected by the Karyakarini Samiti;(ii)One person nominated by the Chairman of the University Grants Commission;(iii)One person nominated by the Kuladhipati.The Kuladhipati shall appoint one of the three persons to be the Chairman of the committee.(3)For constituting the committee under sub-Section (2), the Kuladhipati shall, six months before the expiry of the term of the Kulapati, call upon Karyakarini Samiti and the Chairman of the University Grants Commission to choose their nominees and if any or both of them fail to do so within one month of the receipt of the communication in this regard, the Kuladhipati may, nominate any as nominee for the committee.(4)No person who is connected with the Vishwavidyalaya or any college shall be elected or nominated on the committee under sub-section (2).(5)The committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Kuladhipati.(6)If for any reasons the committee constituted under sub-section (2) fails to submit the panel within the period specified in sub-section (5) the Kuladhipati shall constitute another committee consisting of three persons not connected with the Vishwavidyalaya or any college, one of whom shall be designated as the Chairman. The committee so constituted shall submit a panel of not less than three persons within a period of six weeks or such shorter period as may be specified, from the date of its constitution.(7)If the committee constituted under sub-section (6) fails to submit the panel within the period specified therein, the Kuladhipati may appoint any person whom he deems fit, to be the Kulpati.]

## **12A. [ [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).]**

(1)The Kulapati shall be a whole time salaried officer of the Vishwavidyalaya and his emoluments and other terms and conditions of service shall be prescribed by the Statutes.(2)The Kulapati shall hold office for a term of [5] years and shall not be eligible for appointment for more than two terms :Provided that he shall cease to hold office on attaining the age of 65 :Provided that notwithstanding the expiry of his term he shall continue to hold office until his successor is appointed and enters upon his office but this period shall not in any case exceed six months.(3)The person holding office of the Kulapati in the Vishwavidyalaya immediately before the commencement of this Sanshodhan Adhiniyam shall continue to hold his office till the expiry of his term of office notwithstanding anything contained in the proviso to sub-section (2).(4)In the event of the occurrence of any vacancy including a temporary vacancy in the office of the Kulapati by reason of his death, resignation, leave, illness or otherwise, the Kuladhisachiva and if no Kuladhisachiva has been appointed or if the Kuladhisachiva is not available, the Adhisathata of any faculty or the senior most professor of Vishwavidyalaya teaching department nominated by the Kuladhipati for that purpose shall act as the Kulapati until the date on which the Kulapati appointed under sub-Section (1) or sub-section (7) of Section 12, enters or re-enters as the case may be upon his office :Provided that the arrangement contemplated in this sub- section shall not continue for a period of more than six months].

**12B. [ [Omitted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).]**

Omitted]

**13. [ [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).]**

(1)The Kulapati shall be the principal administrative and academic officer of the Vishwavidyalaya. He shall be an ex-officio member and Chairman of the Karyakarini Samiti and of the Vidya Parishad and Chairman of the Vitta Samiti and Chairman of such other authorities, committees and bodies of the Vishwavidyalaya of which he is a member. He shall be entitled to be present and to speak at any meeting of any authority, committee or other body of the Vishwavidyalaya but shall not be entitled to vote thereat unless he is a member of such authority, committee or body.(2)It shall be the duty of the Kulapati to ensure that this Act, the Statutes, the Ordinances and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.(3)The Kulapati shall have the power to convene meetings of the Karyakarini Samiti, the Vidya Parishad and of such other authorities, committees and bodies of the Vishwavidyalaya of which he is the Chairman. He may delegate this power to any other officer of the Vishwavidyalaya.(4)If in the opinion of the Kulapati any emergency has arisen which requires immediate action to be taken, the Kulapati shall take such actions as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter :Provided that the action taken by the Kulapati shall not commit the Vishwavidyalaya to any recurring expenditure for a period of more than three months :Provided further that where any such action taken by the Kulapati affects any person in the service of the Vishwavidyalaya such person shall be entitled to prefer, within thirty days from the date on which such action is communicated to him, an appeal to the Karyakarini Samiti:Provided also that this power shall not extend to matters regarding amendment in the Ordinances, Statutes, Regulations or any matter relating to appointments.(5)On receipt of a report under sub-section (4) of the authority, committee or body concerned does not approve the action taken by the Kulapati, Kulapati shall refer the matter to the Kuladhipati whose decision thereon shall be final.(6)The Action taken by the Kulapati under sub-section (4) shall be deemed to be the action taken by the appropriate authority until it is set aside by the Kuladhipati on a reference made under sub-section (5) or is set aside by the Karyakarini Samiti on an appeal under the Second proviso to sub-section (4).(7)If in the opinion of the Kulapati, any proceeding of any authority, committee or other body of the Vishwavidyalaya is likely to be prejudicial to the interest of the Vishwavidyalaya, he shall record his reasons and refer the matter to the Kuladhipati and so inform the authority, committee or other body concerned whereupon the decision concerned shall not be given effect to till the matter is decided by the Kuladhipati under sub-section (6) of Section 10.(8)The Kulapati shall exercise general control over the affairs of the Vishwavidyalaya and shall give effect to the decisions of the authorities of the Vishwavidyalaya.(9)The Kulapati shall exercise such other power as may be prescribed by the Statutes, Ordinance and Regulations.]

## **14. The Adhyacharya.**

(1) In the event of the appointment of Adhyacharya being made, he shall be appointed by the Kulapati in consultation with the Upa-Kulapati. (2) [The term of office of the Adhyacharya shall, in the first instance, be for a period of six months and thereafter, if the Kulapati so desires it may be extended from time to time so however, that the total period of such appointment does not exceed three years.] [Substituted by M.P. Act No. 4 of 1966.] (3) Subject to the provisions of this Act, the Adhyacharya shall hold office on the terms and conditions laid down in the Ordinances. (4) The Adhyacharya shall be an ex-officio member of the [Karyakarini Samiti] [Substituted of C.G. Act No. 12 of 2005 (25-8-2005)], of the Karyakarini Samiti and of the Shiksha Samiti, and shall perform such duties and exercise such powers of the Upa-Kulapati as may be assigned to him by the Kulapati in consultation with the Upa-Kulapati and he shall perform such other duties and exercise such other powers as may be prescribed by Ordinances.

## **15. Powers and duties of Adhyacharya.**

(1) When the office of the Upa-Kulapati is vacant or the Upa-Kulapati is unable to discharge his functions owing to absence, illness or any other cause, the Adhyacharya shall perform the functions of the Upa-Kulapati till the time the Upa-Kulapati is appointed or resumes his duties, as the case may be. (2) When the Upa-Kulapati and the Adhyacharya are in the opinion of the Kulapati both unable to perform the functions of the Upa-Kulapati owing to absence, illness or any other cause, the Kulapati shall nominate any member of the Karyakarini Samiti to perform the functions of the Upa-Kulapati till the time the Upa-Kulapati or the Adhyacharya resumes duties. (3) All acts done by the Adhyacharya under sub-section (1) or by the person nominated under sub-section (2) shall be deemed to be acts done by the Upa-Kulapati.

## **16. [ [Omitted by C.G. Act No. 8 of 2002.]**

Omitted].

## **17.**

[x x x] [Omitted by C.G. Act No. 8 of 2002.]

## **17A. [ [Inserted by C.G. Act No. 8 of 2002.]**

(1) If at any time upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the Kuladhipati that the Kulapati; (i) has made default in performing any duty imposed on him, by or under this Act; or (ii) has acted in a manner prejudicial to the interests of the University; or (iii) is incapable of managing the affairs of the University the Kuladhipati may, notwithstanding the fact that the term of office of the Kulapati has not expired, by an order in writing stating the reasons therein, require the Kulapati to relinquish his office as from such date as may be specified in the order. (2) No order under sub-section (1) shall be passed unless

the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulapati and he is given a reasonable opportunity of showing cause against the proposed order.(3)As from the date specified in the order under sub-section (1), the Kulapati shall be deemed to have relinquished the office and the office of the Kulapati shall fall vacant.]

## **18. The Kula Sachiva.**

- The Kula Sachiva shall be a whole-time officer and shall act as the Secretary of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005)], of the Karyakarini Samiti, of the Shiksha Samiti and of the Vitta Samiti. He shall exercise such powers and perform such duties as may be conferred or imposed on him by the Statutes, the Ordinances and the Regulations.

## **19. Powers and duties of other officers.**

- The powers and duties of other persons as may be declared to be officers of the Vishwavidyalaya in pursuance of item (8) of Section 9, shall be such as may be prescribed by the Statutes and the Ordinances.

## **20. Authorities of Vishwavidyalaya.**

- The following shall be the authorities of the Vishwavidyalaya :(1)[omitted] [Omitted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).],(2)the Karyakarini Sabha,(3)the Shiksha Samiti,(4)the Vitta Samiti,(5)the Vidyanganikayas (Faculties), and(6)such other authorities as may be prescribed by the Statutes to be the authorities of the Vishwavidyalaya.

## **21. [ [Omitted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005)]**

Omitted.]

## **22. [ Karyakarini Samiti. [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005)]**

(1)The Karyakarini Samiti shall consist of the following persons namely :-(i)The Kulapati,(ii)The Kuladhisachiv, if any,(iii)The successor of the founders of the Vishwavidyalaya,(iv)The Adhishthatas,(v)Two principal, other than adhishthatas of colleges to be appointed by the Kuladhipati by rotation according to seniority.(vi)One Professor, and if there is no Professor, one Reader to the Vishwavidyalaya Teaching Department shall be appointed by the Kuladhipati by rotation according to seniority.(vii)The Secretary, Higher Education or his representative, not below the rank of Dy. Secretary.(viii)Two persons nominated by the Kuladhipati.(ix)Four members of the Chhattisgarh Vidhan Sabha, nominated by the Rajya Vidhan Sabha.(2)The term of office of persons becoming members of the Karyakarini Samiti under items : (v), (vi), (viii) and (ix) shall, subject to Section 52 of the Adhiniyam, be 3 years.(3)Five members inclusive of the Chairman shall form a quorum.]



## 23. The Karyakarini Samiti.

- The Karyakarini Samiti shall be executive body of the Vishwavidyalaya.(2)The Karyakarini Samiti-(a)shall direct the form, custody and use of the common seal of the Vishwavidyalaya;(b)shall hold, control and administer the property and funds and shall make contracts on behalf of the Vishwavidyalaya;(c)shall have power, subject to the Statutes, to transfer and accept transfer of any movable or immovable property on behalf of the Vishwavidyalaya :Provided that no transfer of immovable property shall be accepted or made without the previous sanction of the Kulapati;(d)shall, subject to the provisions of this Act, manage and regulate the finances, accounts and investments of the Vishwavidyalaya;(e)may invest any moneys belonging to the Vishwavidyalaya including any un-applied income, in any of the securities described in Section 20 of the Indian Trusts Act, 1882, or in the purchase of immovable property in India, with the like power of varying such investment; or may place on fixed deposit in any scheduled bank approved in this "behalf by the State Government any portion of such moneys not required for immediate expenditure;(f)shall administer any funds placed at the disposal of the Vishwavidyalaya for specific purpose;(g)shall frame the budget of the Vishwavidyalaya subject to the limits as may be laid down under item (c) of sub-section (1) of Section 25 by the Vitta Samiti;(h)shall lay before the State Government annually a full statement of the financial requirements of all colleges and hostels;(i)shall with the previous sanction of the State Government admit colleges to the privileges of the Vishwavidyalaya subject to the provisions of this Act;(j)shall arrange for and direct the inspection of colleges and hostels;(k)may institute, at its discretion, teaching posts as may be proposed by the Shiksha Samiti;(l)may abolish or suspend, after report from the Shiksha Samiti thereon, any teaching post in the Vishwavidyalaya;(m)shall, save as otherwise provided for by this Act or the Statutes, appoint the officers, teachers and other servants of the Vishwavidyalaya and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts;(n)shall publish the results of the Vishwavidyalaya examination;(o)may delegate by Regulations its power to make contracts and to appoint officers, teachers and other servants of the Vishwavidyalaya to such person or authority as it may determine;(p)shall, subject to the powers conferred by this Act on other authorities of the Vishwavidyalaya, regulate, determine and administer all matters concerning the Vishwavidyalaya and, to this end, shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, and shall, without prejudice to the power conferred on the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] under Section 21, exercise all other powers of the Vishwavidyalaya not otherwise provided for by this Act or the Statutes.

## 24. The Shiksha Samiti.

- The Shiksha Samiti shall be the academic body of the Vishwavidyalaya, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standard of instruction, education and examination within the Vishwavidyalaya and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the statutes for that purpose. It shall have the right to advise the Karyakarini Samiti on academic matters.

## **25. The Vitta Samiti.**

(1)The Vitta Samiti shall deal with the finances of the Vishwavidyalaya and shall have the following powers :(a)to examine accounts and proposals for expenditure;(b)to comment on the annual accounts and the financial estimates of the Vishwavidyalaya;(c)to fix limits for the total recurring expenditure for the year, based on the resources of the Vishwavidyalaya which in the case of productive works, may include the proceeds of loans. No expenditure shall be incurred by the Vishwavidyalaya in excess of the limit so fixed without the previous approval of the Vitta Samiti.(2)No expenditure other than that provided for in the budget shall be incurred by the Vishwavidyalaya without the previous approval of the Samiti.

## **26. [ Powers and duties of authorities of the Vishwavidyalaya, save that of Karyakarini Samiti. [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25.8.2005).]**

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

## **27. Annual accounts and financial estimates.**

- The annual accounts and the financial estimates shall be considered by the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25.8.2005).] at its annual meeting and the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25.8.2005).] may pass resolutions with reference thereto and to communicate the same to the Karyakarini Samiti which shall take them into consideration, and take such action thereon, as he thinks fit.

## **28. The Vidyanganikayas (Faculties).**

(1)The Vishwavidyalaya shall have the Vidyanganikayas (Faculties) of Music and of Painting and may, by Statutes, establish Vidyanganikayas (Faculties) of Dance, Dramaturgy, Sculpture and such other Vidyanganikayas (Faculties) as may be considered necessary.(2)Each Vidyanganikaya (Faculty) shall consist of such members and shall have such powers as may be prescribed by the Statutes.(3)There shall be an Adhithata (Dean) for each Vidyanganikaya (Faculty) who shall be appointed by the Kulapati for a period of two years as follows, namely :(a)Where amongst the Heads of the Department of Studies comprised in the Vidyanganikaya (Faculty) there is only one Professor-such Professor;(b)Where amongst the Heads of the Department of Studies comprised in the Vidyanganikaya (Faculty) there are more Professors than one-each such Professor according to seniority by rotation;(c)Where none of the Heads of the Department of Studies comprised in the Vidyanganikaya (Faculty) is a Professor-the seniormost Reader;(d)Where none of the Heads of the Department of Studies comprised in the Vidyanganikaya (Faculty) is a Professor or Reader-any person proficient in the subject nominated by the Upa-Kulapati.

## **29. Departments of studies.**

(1)Each Vidyanganikaya (Faculty) shall comprise of such Departments of Study as may be prescribed by the Ordinances.(2)There shall be a Head of the Department for each Department of Study.(3)The Upa-Kulapati shall nominate one of the Professors and if there is no Professor, a Reader in the Department to be the Head of the Department.(4)If a Department of Study has no Professor or Reader, the Adhithata (Dean) of the Vidyanganikaya (Faculty) shall act as the Head of such Department.(5)The terms and conditions of appointment, duties and functions of the Head of the Department shall be prescribed by the Ordinances.Vishwavidyalaya Boards

## **30. Vishwavidyalaya Boards.**

(1)The Vishwavidyalaya shall constitute two Boards called the Residence and Discipline Board and the Physical Welfare and Health Board and may constitute such other Boards as may be prescribed by the Statutes.(2)The constitution, powers and duties of the Residence and Discipline Board, the Physical Welfare and Health Board and all other Boards of the Vishwavidyalaya shall be such as may be prescribed by the Ordinances.Statutes, Ordinances and Regulations

## **31. Statutes.**

- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely : (a)the constitution, powers and duties of such bodies as it may be deemed necessary to constitute from time to time;(b)the manner of election or appointment and the term of office of the members of the bodies referred to in clause (a), including the continuance in the office of the first members, and filling vacancies of members, and all other matters relating to those bodies for which it may be necessary or desirable to provide;(c)the appointment, powers and duties of the officers of the Vishwavidyalaya;(d)the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the Vishwavidyalaya;(e)conferment of honorary degrees;(f)the withdrawal of degrees, diplomas, certificates and other academic distinctions;(g)the establishment and abolition of Vidyanganikayas (Faculties), hostels, colleges and institutions maintained by the Vishwavidyalaya;(h)the conditions under which colleges and other institutions may be admitted to the privileges of the Vishwavidyalaya and the withdrawal of such privileges;(i)the institution of fellowships, scholarships, studentships, exhibitions, medals, prizes and other awards;(j)the emoluments and terms and conditions of service of the officers and emoluments and terms and conditions of service other than pay scales of the teachers of the Vishwavidyalaya; and(k)all other matters which by this Act are to be or may be provided by the Statutes.

## **32. [ Statutes how made. [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).]**

(1)The Karyakarini Samiti may, from time to time, make, amend or repeal any statute in the manner hereinafter.(2)The Kulapati may propose to the Karyakarini Samiti the draft of any Statutes to be

passed by the Karyakarini Samiti, and such draft shall be considered by the Karyakarini Samiti at its next meeting.(3)The Karyakarini Samiti may approve of any such draft as is referred to in sub-section (2) and pass the Statute or reject it or return it to the Kulapati for reconsideration either in whole or in part, together with any amendments which the Karyakarini Samiti may suggest :Provided that the Kulapati shall not propose the draft of any Statute or of any amendment of a Statute affecting the powers or constitution of any existing authority of the Vishwavidyalaya until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Karyakarini Samiti.(4)After any draft returned under sub-section (3) has been further considered by the Kulapati together with any amendment suggested by the Karyakarini Samiti, it shall be again presented to the Karyakarini Samiti with a report of Kulapati thereon and the Karyakarini Samiti may then deal with the draft in any way it thinks fit.(5)Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Kuladhipati who may sanction, disallow or remit it for further consideration.]

### **33. Ordinances.**

- Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :(i)the admission of students to the Vishwavidyalaya and their enrolment as such;(ii)the courses of study to be laid down for all degrees, diplomas and certificates of the Vishwavidyalaya;(iii)the degrees, diplomas, certificates and other academic distinctions to be awarded by the Vishwavidyalaya, the qualification for the same, and the means to be taken relating to the granting and obtaining of the same;(iv)the fees to be charged for courses of study in the Vishwavidyalaya and for admission to the examinations, degrees and diplomas of the Vishwavidyalaya;(v)the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes, etc.:(vi)lay down conditions for appearing at examinations for degrees, diplomas, certificates and other academic distinctions;(vii)laying down conditions for conferred of degrees and other academic distinctions for research;(viii)the conduct of examinations including the term of office and manner of appointment and duties of examining bodies, paper setters, examiners and moderators;(ix)the maintenance of discipline among the students of the Vishwavidyalaya;(x)the conditions of residence of the students at the Vishwavidyalaya;(xi)the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and prescribing for their special courses of study;(xii)giving of religious instruction;(xiii)the management of colleges and other institutions founded or maintained by the Vishwavidyalaya;(xiv)the supervision and inspection of colleges and other institutions admitted to the privileges of the Vishwavidyalaya;(xv)all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances; and(xvi)pay scales of teachers of the Vishwavidyalaya :Provided that Ordinance under item (xvi) shall be made without the prior approval of the State Government under Section 49.(xvii)[ University Students Union.] [Added by C.G. Act No. 28 of 2015, dated 5.8.2015.]

### **34. Ordinances how made.**

(1)All Ordinances except the first Ordinance shall be made by the Karyakarini Samiti.(2)Any Ordinance made by the Karyakarini Samiti shall be submitted to the Kulapati for his approval and he may either sanction or disallow it.(3)Where an Ordinance has been sanctioned by the Kulapati it shall come into force on the date next following the date of the sanction or such other prospective date as may be specified by the Kulapati in this behalf.(4)Every Ordinance approved by the Kulapati shall be laid before the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).].(5)The Ordinance shall cease to have effect, if the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] passes a resolution to that effect by a majority of two-thirds of members present and voting, from the date of such resolution.

### **35. Procedure regarding Ordinances.**

(1)Notwithstanding anything contained in sub-section (1) of Section 34, no Ordinance shall be made-(a)affecting the conditions of residence or discipline of students; or(b)affecting the admission or enrolment of students or prescribing examination to be recognised as equivalent to the Vishwavidyalaya examinations; or(c)affecting the conditions, mode of appointment or duties of examiner or the conduct or standard of examinations or any course of study;unless a draft of such Ordinance has been proposed by the Shiksha Samiti.(2)The Karyakarini Samiti shall not have power to amend any draft proposed by the Shiksha Samiti under the provisions of clauses (b) and (c) of sub-section (1) but may reject the proposal or return the draft to the Shiksha Samiti for reconsideration either in whole or in part, together with any amendments which the Karyakarini Samiti may suggest.(3)After any draft returned under sub-section (2) has been further considered by the Shiksha Samiti together with any amendment suggested by the Karyakarini Samiti, it shall be again presented to the Karyakarini Samiti with a report of the Shiksha Samiti thereon and the Karyakarini Samiti may then deal with the draft in such manner as it may think fit.(4)Where the Karyakarini Samiti has rejected the draft of an Ordinance proposed by the Shiksha Samiti, the Shiksha Samiti may appeal to the Kulapati and the Kulapati may by order direct that the proposed Ordinance shall be laid before the next meeting of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] for its approval and may also direct that it shall have effect from such date as may be specified in the Order pending such approval.(5)The resolution of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] accepting or rejecting the Ordinance shall be final and shall have effect from the date of the passing of the resolution.

### **36. Regulations.**

(1)The authorities and other bodies of the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] may make Regulations consistent with this Act, the Statutes and the Ordinances : (a)laying down the procedure to be observed at their meetings and the number of members required to form a quorum; (b)providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and (c)providing for all other matters solely concerning such authorities or the committees appointed by them and not provided for by this Act,

the Statutes or the Ordinances.(2)Every authority and body of the Vishwavidyalaya shall make Regulations of providing for the giving of notice to the members to such authority of the dates of meetings and of the business to be considered at meetings, and for keeping of a record of the proceedings of meetings.The Karyakarini Samiti may modify or annul any Regulation made under this section by any authority or body other than the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] :Provided that any authority or body of the Vishwavidyalaya which is not satisfied with any such modification or annulment may appeal to the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] whose decision in this matter shall be final.

### **37. Committee to draw up first Statutes, Ordinances and Regulations.**

- Notwithstanding anything in Sections 32,34 and 36, the first Statutes, Ordinances and Regulations shall be drawn up by a Committee consisting of Upa-Kulapati, one person nominated by the State Government. The first Statutes, Ordinances and Regulations shall come into force on such date as the Kulapati may direct.

### **38. Hostels.**

(1)The hostels shall be such as may be maintained by the Vishwavidyalaya or recognised by the Karyakarini Samiti in accordance with the provision of the Statutes.(2)The wardens and the superintending staff of the hostels shall be appointed in the manner prescribed by the Statutes.(3)The condition of residence in the hostel shall be prescribed by the Ordinances, and every hostel shall be subject to inspection by any member of the residence and Discipline Board or the Physical Welfare and Health Board authorised in this behalf by the Board and by any officer of the Vishwavidyalaya or other person authorised in this behalf by the Karyakarini Samiti.(4)The Karyakarini Samiti shall have power to suspend or withdraw the recognition of any hostel which is not conducted in accordance with the conditions prescribed by the Statutes.

### **39. Audit of accounts.**

(1)The accounts of the Vishwavidyalaya shall at least once in every year at intervals of not more than fifteen months, be audited by the [Examiner of Local Fund Accounts.] [Substituted by M.P. Act No. 17 of 1958.](2)The accounts, when audited, shall be published in the Gazette and a copy of the accounts together with the audit report shall be submitted by the Karyakarini Samiti to the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).] and the State Government.Supplementary Provisions

### **40. Disputes as to constitution of Vishwavidyalaya authorities and bodies.**

- If any question arises 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 Vishwavidyalaya, the matter shall be referred to the Kulapati whose decision thereon shall be final.

#### **41. Constitution of Committees.**

- Where any authority of the Vishwavidyalaya is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons, if any, as the authorities in each case may think fit.

#### **42. Filling of casual vacancies.**

- All casual vacancies among the members other than ex-officio members of any authority or other body of the Vishwavidyalaya shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the 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.

#### **43. Proceedings of Vishwavidyalaya authorities and bodies not invalidated by vacancies.**

- No act or proceeding of any authority or other body of the Vishwavidyalaya shall be invalidated on account of any vacancy in the membership or any defect in the election, nomination or appointment of any member of any authority or body of the Vishwavidyalaya or any defect or irregularity in any such act or proceeding not affecting the substance.

#### **44. Conditions of service.**

(1) Every salaried officer and teacher of the Vishwavidyalaya shall be appointed under a written contract which shall be lodged with Vishwavidyalaya and a copy thereof furnished to the officer or teacher concerned. (2) Any dispute arising out of a contract between the Vishwavidyalaya and of its officers or teachers shall, at the request of the officer or the teacher concerned or at the instance of the Vishwavidyalaya, be referred by the Kulapati to a tribunal or arbitration consisting of one member appointed by the Karyakarini Samiti, one member nominated by the officer or teacher concerned and an umpire appointed by the Kulapati and the decision of the tribunal shall be final.

#### **45. Pension and Provident Funds.**

(1) The Vishwavidyalaya shall constitute, for the benefit of its officers, teachers, clerical staff and servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident fund as it may deem fit. (2) Where any such pension, insurance or provident fund has been so constituted or where any such pension, insurance or provident fund has been constituted by a college under rules which have been approved by the State Government, the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

#### **46. Protection of Acts and Orders.**

- All Acts and orders bona fide done and passed by the Vishwavidyalaya shall be final and no suit shall be instituted or damage claimed for anything done or omitted, in pursuance of the Act, Statutes, Ordinances and Regulations.

#### **47. Extraordinary powers of first Upa-Kulapati.**

(1)The first Upa-Kulapati shall have powers for a period of one year from the date of his appointment : (a)with the previous approval of the Kulapati to make additional Statutes for any matter not provided for by the first Statutes; (b)to constitute provisional authorities and bodies, and on their recommendations to make rules providing for the conduct of the work of the Vishwavidyalaya; (c)subject to the control of the State Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into operation; (d)with the sanction of the Kulapati to make such appointments as may be necessary to enable this Act or any part thereof to be brought into operation; (e)with the previous sanction of the Kulapati to appoint committees, as he may think fit, to discharge such of his functions as he may direct; and (f)generally to exercise all or any of the powers conferred on the Karyakarini Samiti by this Act or the Statutes. (2)Any orders passed by the Upa-Kulapati in exercise of the powers conferred by items (b), (d) and (e) of sub-section (1) shall cease to have effect after the expiry of the period of one year from the date of appointment of the Upa-Kulapati.

#### **48. Appointment of teachers by Karyakarini Samiti.**

- No person shall be appointed by the Karyakarini Samiti as a teacher of the Vishwavidyalaya paid by the Vishwavidyalaya except on the recommendations of a Selection Committee constituted for the purpose in accordance with the provisions of the Statutes.

#### **49. Salaries of teachers.**

- The payment of salaries to the teachers of the Vishwavidyalaya shall be in accordance with scales fixed by the Karyakarini Samiti by Ordinances with the prior approval of the State Government.

#### **50. Approval for imparting instruction.**

- No person shall impart instruction in the Vishwavidyalaya or in any college unless such person possesses the qualifications laid down by the Shiksha Samiti in that behalf in the Ordinance. A person shall be qualified to impart instruction only in the subject or subjects and up to the standard for which his teaching has been approved by the Shiksha Samiti.



## **51. Professors and Readers.**

(1)The Professors and the Readers, respectively, shall be of two classes, namely : (i)appointed Professors and Readers; and (ii)recognised Professors and Readers. (2)Appointed Professors and Readers shall be either- (i)servants of the Vishwavidyalaya paid by the Vishwavidyalaya and appointed by the Karyakarini Samiti as Professors or Readers, or (ii)persons appointed by the Karyakarini Samiti as Honorary Professors or Readers for their scholarship and high intellectual attainments. (3)Recognised Professors and Readers shall be such members of the staff of colleges not maintained by the Vishwavidyalaya as may be recognised by the Karyakarini Samiti as Professors or Readers in accordance with the provisions made in this behalf in the Ordinances.

## **52. Term of office of member or authority of Vishwavidyalaya.**

(1)Where, in accordance with this Act, any person is to hold an office or be a member or an authority by rotation according to seniority shall be determined in accordance with the Statutes. (2)Whenever any person becomes a member of any authority by virtue of the office held by him, he shall forthwith cease to be a member of such authority if he ceases to hold such office before the expiry of the term of his membership : Provided that he shall not be deemed to have ceased to hold his office merely by reason of his proceeding on leave for a period not exceeding six months.

## **53. Resignation of member or officer of Vishwavidyalaya.**

(1)Any member, other than an ex-officio member, of the Vishwavidyalaya Sabha, the Karyakarini Samiti, the Shiksha Samiti or any other Vishwavidyalaya authority or committee or an Adhithata (Dean) of a Vidyanganikaya (Faculty) may resign by letter addressed to the Kula-Sachiva and the resignation shall take effect as soon as the letter is received by the Kula-Sachiva. (2)Any officer of the Vishwavidyalaya, whether salaried or otherwise other than an Adhithata (Dean), may resign his office by letter addressed to the Kula Sachiva. Such resignation shall take effect only from the date on which the same is accepted by the authority competent to fill the vacancy.

## **54. [ Power of State Government to apply Act in modified form with a view to provide for better administration of University in certain circumstances. [Substituted by C.G. Act No. 8 of 2002.]**

(1)If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the University, and it is expedient in the interest of the University so to do, it may by notification, for reasons to be mentioned therein, direct that the provisions of Sections 12, 12-A, 17-A, 21, 22, 23, 24, 25 and 27 shall, as from the date specified in notification (hereinafter in this section referred to as the appointed date), apply to the University subject to notified orders of the State Government; (2)The notification issued sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year from the appointed date and the State Government may, from time to time, extend the period by

such further period as it may think fit so however that the total period of operation of the notification does not exceed three years;(3)The Kuladhipati shall, in consultation with the State Government, simultaneously with the issue of the notification, appoint the Kulapati under sub-section (1) and shall remove the Kulapati in the like manner. The Kulapati so appointed shall hold office during the period of operation of the notification :Provided that the Kulapati may, notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office, but this period shall not exceed one year.(4)As from the appointed date, the following consequences shall ensue, namely :-(i)this Act shall have effect subject to the notified order of the State Government;(ii)the Kulapati, holding office immediately before the appointed date, shall notwithstanding that his terms of office not expired, vacate his office;(iii)every person holding office as a member of the [Karyakarini Samiti], the Karyakarini Samiti or the Shiksha Samiti, as the case may be, immediately before the appointed date shall cease to hold that office;(iv)until the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti, or Shiksha Samiti, as the case may be, reconstituted, the Kulapati appointed under Section 54 (3) shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti or Shiksha Samiti :Provided that the Kuladhipati may, if considers it necessary so to do, appoint a Committee consisting of an educationist, an administrative expert and a financial expert to assist the Kulapati so appointed in exercise of such powers and performance of such duties.(5)Before the expiration of the period of operation of the notification or immediately as early as practicable, thereafter, the Kulapati shall take steps to constitute the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti and Shiksha Samiti in accordance with the provisions of the Act, as unmodified and the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti and Shiksha Samiti as so constituted shall begin to function on the date immediately following the date of expiry if the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later :Provided that if the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti and Shiksha Samiti are not constituted before the expiration of the period of operation of the notification, the Kulapati shall on such expiration exercise the powers of each of these authorities subject to prior approval of the Kuladhipati till the [Karyakarini Samiti] [Substituted by C.G. Act No. 12 of 2005 (w.e.f. 25-8-2005).], Karyakarini Samiti or Shiksha Samiti as the case may be, is so constituted.]

## **55. [ Expiration of the period of operation of notification under Section 54. [Inserted by C.G. Act No. 8 of 2002.]**

- On expiration of the period of operation of the notification issued under Section 54, the provisions of this Act, as modified in application to the University mentioned in the notification shall cease to operate in respect thereof and the other relevant provisions of this Act shall revive and continue to apply thereto :Provided that the expiration of the operation of the notification shall not affect :  
(a)Previous operation of, or anything done or suffered under the provisions as modified in any order made thereunder;  
(b)or any right, privilege, obligation or liability acquired, accrued or incurred under the provisions as modified or any order made, thereunder; or  
(c)any investigation or remedy in respect of any such right, privilege, obligation or liability as aforesaid, and such

investigation or remedy may be instituted or enforced as if the modified provisions had not ceased to apply.]