



**RASHTRASANT TUKADOJI  
MAHARAJ NAGPUR UNIVERSITY,  
NAGPUR**

**RASHTRASANT TUKADOJI MAHARAJ  
NAGPUR UNIVERSITY  
ORDINANCE BOOK**

**EDITION 2001-2002**



**RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR**

**RASHTRASANT TUKADOJI MAHARAJ NAGPUR  
UNIVERSITY ORDINANCE BOOK**

**(SUPPLEMENTARY PAGES)**

**EDITION 2001-2002**

**RASHTRASANT TUKADOJI MAHARAJ  
NAGPUR UNIVERSITY, NAGPUR**

**I N D E X**

<b>S.N.</b>	<b>ORDINANCE NO. &amp; YEAR</b>	<b>SHORT TITLE OR SUBJECT OF ORDINANCE</b>	<b>PAGE NO.</b>
1	2	3	4
1	1/2001	Bachelor of Pharmacy (भेषजी स्नातक) (B.Pharm)	1
2	2/2001	P.G.Degree of Medicine (M.D.)	2
3	3/2001	Degree of Master of Science (M.Sc.)	3
4	4/2001	P.G. Degree of Medicine (M.D.)	4
5	5/2001	Bachelor of Commerce (B.Com.)	6
6	6/2001	Board of Cultural and Recreational activities	7
7	1/2002	P.G. Degree of Medicine (M.D.)	11
8	2/2002	Bachelor of Homeopathic Medicine and Surgery (B.H.M.S.)	12
9	3/2002	Diploma in Yoga and Naturopathy (P.G.D.Y.N.)	17

**\*ORDINANCE NO. 1 OF 2001****AN ORDINANCE TO AMEND THE ORDINANCE 153.**

WHEREAS it is expedient to amend Ordinance No. 153 i.e. Examination leading to the Degree of Bachelor of Pharmacy [भेषजी स्नातक] (New) for the purposes hereinafter appearing, the Management Council is hereby pleased to make the following Ordinance :-

1. This Ordinance may be called “Examination leading to the Degree of Bachelor of Pharmacy [भेषजी स्नातक] “.
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council..
3. “4 B, the Second B. Pharm. Examination (द्वितीय भेषजी स्नातक) shall have passed not less than one academic year previously :
  - i) the first B.Pharm. examination (प्रथम भेषजी स्नातक) of the University.:

**OR**

The post H.S.S.C. (i.e.12th standard Examination of Maharashtra State Higher School Secondary Education Board) Diploma in Pharmacy (i.e. according to Education Regulation 1991 of Pharmacy Council of India) from the Board of Technical Education or equivalent from an Institute approved by Pharmacy Council of India in first attempt scoring not less than 600 marks out of 1000 marks at Part-II examination, provided they appear and pass in the theory papers of Pharmaceutical Chemistry-I (Organic) (1 T-2), Pharmaceutical Chemistry-II (Physical) (1 T-3) and Mathematics, Statistics and Computer Science (1 T-6) of first B. Pharm. Examination or otherwise their result of the third B.Pharm. Examination will not be declared unless they have passed in first and second B.Pharm. Examination.

---

\*Accepted by the Management Council on 25.5.2001, vide item No. 53, under the draft Ordinance No.27 of 1998.

**\*ORDINANCE NO. 2 OF 2001****AN ORDINANCE (FURTHER) TO AMEND THE ORDINANCE 57.**

**WHEREAS** it is expedient (further) to amend Ordinance No.57 i.e. Examination leading to the Post Graduate Degree in the faculty of Medicine for the purposes hereinafter appearing, the Management Council is hereby please to make the following Ordinance :-

1. This Ordinance may be called “Examination leading to the Post Graduate degree in the faculty of Medicine.”
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. On page No.1 of Ordinance No.57, under caption of (1) Doctor of Medicine, at Sr.No.3 the words Doctor of Medicine in Medicine be deleted and be substituted by the following, viz :-  
  
“3. Doctor of Medicine in General Medicine.”
4. On page No.7 of the Main Ordinance in the appendix, at Sr.No.3 the words Doctor of Medicine in Medicine be deleted and be substituted by the following Viz :-  
  
“3. Doctor of Medicine in General Medicine.”
5. On page No.18 of the Main Ordinance the words, Syllabus of M.D. (Medicine) be deleted and substituted by syllabus of M.D. (General Medicine).

---

\*Accepted by the Management Council on 25.5.2001 vide item No.54, under the draft Ordinance No.14 of 1999.

**\*ORDINANCE NO. 3 OF 2001**

**AN ORDINANCE, TO AMEND THE ORDINANCE NO.49.**

WHEREAS, it is expedient to amend Ordinance No.49 i.e. Examination leading to the degree of Master of Science, Master of Science (Technology), (Applied Geology) for the purposes hereinafter appearing; the Management Council is hereby pleased to make the following Ordinance :-

1. This Ordinance may be called “Examination leading to the Degree of Master of Science, Master of Science (Technology), (Applied Geology) (Amendment) Ordinance, 1999.”
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. In Appendix 'A' of Ordinance No.49 of “Examination leading to the degree of Master of Science, Master of Science (Technology), (Applied Geology)” the statement of paper for the subject – Chemistry be deleted & it be substituted by the following statement of papers :-

---

\* Accepted by Management Council on 25.5.01 vide item No. 55 under draft Ordinance No. 1 of 2000.

**APPENDIX - 'A'****STATEMENT OF PAPERS FOR THE विज्ञान पारंगत. (M.Sc) विज्ञान पारंगत (तंत्र) (M.Sc. (Tech.)  
EXAMINATION****M.Sc.(Previous) M.Sc.(Tech.)  
Part – I****M.Sc.(Final)/M.Sc.(Tech.)  
Part - II**

Subject	Paper & Practical prescribed in Part-I	Aggre. Marks in Part-I	Mini. Pass Marks	Paper & Practical prescribed in Part-II	Aggre. Marks in Part-II	Mini. Pass Marks	Aggre- of the Marks in Part-I & Part-II
Chemistry	Papers : (A) I,II,III,IV 300 (75 marks for each paper)  (B) Four Practicals 200 (50 marks each)	500	180	Papers : (A) Four Papers 300 (75 marks for each paper)  (B) Three Practicals 200 I Prac. - 50 II Prac. -100 III Prac. - 50	500	180	1000

**\*ORDINANCE NO. 4 OF 2001****AN ORDINANCE (FURTHER) TO AMEND THE ORDINANCE NO.57.**

WHEREAS, it is expedient further to amend Ordinance No.57 titled, "Examination leading to the Post Graduate Degree in the Faculty of Medicine", for the purposes hereinafter appearing, the Management Council is hereby pleased to make the following Ordinance :

1. This Ordinance may be called Examination leading to the Post Graduate degree in the faculty of Medicine,(Amendment ) Ordinance.

---

\*Accepted by Management Council on 25.5.01,vide item No.56, under draft Ordinance No.2/2000.

2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. On page No.1 of the Main Ordinance under the caption “Doctor of Medicine” at the end of Sr.No. 13, another entry as 13(a) be made, against which following words be added :  
  
“Doctor of Medicine in Dermatology, Venercology and Leprosy”.
4. On page No. 5 of the Main Ordinance after Sr.No.13, another entry as 13(a) be made, against which following be added :  
  
Paper-I : Basic Sciences (Anatomy, Physiology, Pathology and Bacteriology of skin and Genitourinary Tract and Preventive aspects as applied to Venercology and Dermatology).  
  
Paper-II : Venereal Diseases including General Diseases.  
  
Paper-III : Skin Diseases and Leprosy.  
  
Paper-IV : Recent advance in skin and Venereal Diseases, Leprosy and AIDS.
5. On page No.7 of the Main Ordinance in the “Appendix” another entry as Sr.No.13(a) be made, against which “Doctor of Medicine in Dermatology, Venereology and Leprosy” be added.
6. On page No.18 of the Main Ordinance, an entry as 13(a) be made against which following be added :  
  
“Syllabus of Doctor of Medicine in Dermatology, Venereology and Leprosy.”

**\*ORDINANCE NO 5 OF 2001****AN ORDEINANCE TO AMEND THE ORDINANCE NO. 147.**

WHEREAS it is expedient to amend Ordinance No.147 i.e. Examination leading to the Degree of Bachelor of Commerce; for the purposes hereinafter appearing, the Management Council is hereby pleased to make the following Ordinance :

1. This Ordinance may be called "Examination leading to the Degree of Bachelor of Commerce (B.Com.) (Amendment) Ordinance 2000."
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. In para 4 (A) (i) of the Main Ordinance No.147 i.e. the Degree of Bachelor of Commerce in the faculty of Commerce.

(A) the B.Com. Part-I (वाणिज्य स्नातक भाग.1) Examination shall have :

- (i) Passed the 12<sup>th</sup> Standard Examination of the Maharashtra State Board of Secondary and Higher Secondary Education, with English at Higher or Lower level and Modern Indian Languages at Higher or Lower level with any combination of optional subjects.

The following should be deleted.

"With any combination of optional subjects."

---

\* Accepted by Management Council on 25.5.2001, vide item No.57, under draft Ordinance No.3 of 2000.

**\* ORDINANCE NO. 6 OF 2001**

**AN ORDINANCE PROVIDING FOR “THE BOARD OF CULTURAL AND RECREATIONAL ACTIVITIES”.**

WHEREAS it is expedient to provide for a Board for organizing Cultural, Recreational and extra curricular activities for the over all development of students and to enrich the cultural heritage of this region , Management Council is hereby pleased to make the following Ordinance :

1. This Ordinance may be called **“Ordinance for Board of Cultural and Recreational activities”**.
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. In this Ordinance, unless the context otherwise requires :-
  - (a) “Act” means the Maharashtra Universities Act, 1994.
  - (b) “Management Council” means the Management Council duly constituted as per Section 27 of the Act.
  - (c) “University Students' Council” means the Students' Council establishment under the Act.
  - (d) “Principal” means a head of a College, specialized institution, post graduate Centre of other recognized institution duly approved by the University.
  - (e) “Teacher” means full time Professor, Associate Professor, Assistant Professor, Reader, Lecturer in any University Department, Conducted/affiliated College.
  - (f) “Director, Students' Welfare” means a person duly nominated/designated as per Section 21 (1) of the Act.

---

\*Accepted by the Management Council on 6.10.2001 vide item No.159.

4. There shall be a Board for organizing Cultural, Recreational and other activities, for and by the students of University Departments, conducted and affiliated Colleges, for the overall development of their personalities and also to enrich the cultural heritage of our country, in general, and this region, in particular, and to inculcate amongst them the idea of Unity, National Integrity and Brotherhood, irrespective of caste, creed and sex.
  
5. The Management Council shall nominate the members on the Board of Cultural and Recreational Activities as under :-
  - i) Five Teachers to be nominated by the Management Council of whom one shall be a teacher having atleast Ten years teaching experience at Degree and or at post graduate level, in the subject music and one shall be a teacher from a Fine Arts College affiliated to Nagpur University.
 

Provided that out of the five teachers nominated, one shall be a lady teacher and one teacher shall be a teacher of a college outside Nagpur.
  - ii) Three Principals to be nominated by the Management Council.
 

Provided that out of three Principals nominated, one Principal shall be a Principal of a College outside Nagpur.
  - iii) Four members of the Management Council to be nominated by the Management Council.
  - iv) Three persons other than teacher/Principal/ member of the Management Council, to be nominated by the Management Council.
 

Provided that out of two persons nominated, one shall be an expert from the field of performing Arts.
  - v) Director, South- Central Zonal Cultural Centre, Nagpur.
  - vi) President, University Students' Council.
  - vii) Secretary, University Students' Council.
  - viii) Head, Department of Fine Arts of Nagpur University;
  - ix) Director, Students Welfare, Ex-officio, Secretary.

6. The Members of the Board, other than ex-officio members and the President/Secretary of University Students' Council, shall hold office for five years.

The President/Secretary, University Students' Council shall be the member of the Board for their term of office.

7. The Chairman of the Board shall be elected by the Board from amongst its members, other than the President/Secretary of University Students' Council.
8. The Chairman of the Board shall preside over the meetings of the Board in case he is absent for the meeting, the members present shall elect the Chairman from amongst themselves for that meeting. The Chairman shall have a vote, and a casting vote.
9. One third of total members of the Board inclusive of the Chairman shall form a quorum for the meeting.
10. The Board shall perform the following functions:
  - i) to coordinate and to conduct cultural activities in order to enrich the cultural heritage of this region, debates or any other activities like dance, drama, painting, music both vocal and instrumental etc. for the overall development of the personality of the students of the University/Colleges and also to undertake conduct of Inter-University activities like cultural meets, students and youth festivals etc. on its own or whenever the University is called upon to do so by the National/State bodies like A.I.U. (Association of Indian Universities), etc.
  - ii) to prepare the budget for the consideration of Management Council before 30<sup>th</sup> November every year.
  - iii) to prepare the norms/guide lines for conduct of the cultural and other activities at collegiate, inter-collegiate, university and inter-universities level.
  - iv) to re amend to the Management Council to prescribe the fees to be charged from each student.
  - v) to appoint various committees to conduct and to monitor the activities in different fields like dance, drama, painting, debate, music (both vocal and instrumental) etc.
  - vi) to organize workshops/seminars, exhibitions, cultural shows, rallies for the cultural development of this region and also to focus the attention and to bring awareness amongst the society on national/social problems/issues.

11. There shall not be less than three meetings of the Board in a year and the rules of procedure for conduct of the meeting and the procedure to be followed at meeting shall be as prescribed by the rules.
- (a) the first meeting of the Board shall be held ordinarily in 2<sup>nd</sup> week of July every year to take preliminary steps to chalk out the activities of the Board to be organised during the academic year.
  - (b) The second meeting will be held in third week of October to prepare and to submit financial estimates for the consideration of Finance Committee and Management Council;
  - (c) The third meeting will be held in the last week of February to settle all accounts before the end of the Financial year and to prepare the report of the activities of the Board for the consideration of the Management Council.
12. The Board shall constitute a Standing Committee consisting of Chairman, Board of Cultural and Recreational Activities, and four members to be nomination by the Board, with the Director of Students' Welfare as Secretary.
- The Chairman of the Board shall preside over all meetings of the Standing Committee.
13. The Standing Committee shall look after the day to day working of the Board.
14. The Secretary of the Board/Standing Committee shall issue notice of the meeting to all members in consultation with the Chairman of the Board. He shall record the minutes of the proceedings and perform such other functions required to be followed by the Board/Standing Committee.
15. Not less than Fifteen Days notice of the date, time and place of the meeting of the Board shall be given.
- Provided that in case of an emergent meeting of the Board, such previous notice shall be given as the circumstances in each case may permit.
16. No business shall be considered at the meeting other than that mentioned in the Agenda.
- Provided that any business, not specified in the Agenda, may be brought out by any member with the permission of the Chair.
17. The Agenda of the meeting of the Board shall be dispatched ten clear days before the date do the meeting other than an emergent meeting.
18. The meeting may be adjourned to any date for completing the business. Notice of such adjourned meetings shall be given to the absent members also.

19. Any member of the Board may make any proposal which shall be sent to the Secretary of the Board for its inclusion in agenda ten clear days before the date of meeting, other than an emergent meeting.
20. It shall be the duty of the Secretary of the Board to maintain proper accounts of money received by him and to render details of each case immediately after the completion of the work for which the advance is taken. The accounts shall be placed on the agenda of the regular meeting of the Board for approval.
21. The words “Board of Physical Education and Recreation” in the heading and wherever occurring in the paras of ordinance No.3A be deleted and they be substituted by the words “Board of Physical Education and Sports”.

**\*ORDINANCE NO. 1 OF 2002**

**EXAMINATION LEADIANG TO THE POST-GRADUATE DEGREE IN THE  
FAACULTY OF MEDICINE (AMENDMENT) ORDINANCE, 2002.**

Whereas it is expedient to amend Ordinance No. 57 relating to examinations leading to the Post Graduate degree in the Faculty of Medicine for the purposes hereinafter appearing, the Management Council is hereby pleased to make the following Ordinance;

1. This Ordinance may be called, “Ordinance relating to examinations leading to Post Graduate degree in the Faculty of Medicine (amendment) Ordinance-2002.
2. This Ordinance shall come into force from the date of its approval by the Management Council.
3. In para 4 of the Ordinance after sub-clause at seriatim i) the following sub clause be added against seriatim

“ii) Provided that wherever Entrance Test for the Post Graduate admission is held by  
the State Government or a University or any other authorized examining body,

---

\* Accepted by the Management Council on 29.1.2002, vide item No.4, under the draft Ordinance No.2/2001.

the minimum percentage of marks for eligibility for admission to Post Graduate Medical Courses shall be 50% for general category candidates and 40% for the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes sat the entrance test.”

4. The present sub-clauses at seriatim (ii) to (viii) shall be renumbered as (iii) to (ix).
5. The renumbered sub clause (viii) be deleted and replaced by the following :-

“The period of regular course of study for the Post Graduate degree shall be of three years after successful completion of one years rotational internship.

Provided further that exemption of one year in the total duration of three years of the Post Graduate Degree course shall be grant to those who have passed Post Graduate Diploma of two years duration in the same subject.

Provided further that the period of regular course of study for the M.Ch. (Plastic Surgery) shall be of three years duration after acquiring requisite eligibility for admission to the same.”

**\*ORDINANCE NO. 2 OF 2002**

**AN ORDINANCE TO AMEND THE ORDINANCE NO.81 OF 1981**

Whereas, it is expedient to amend Ordinance No.81 of 1981, i.e. an Ordinance to provided examination leading to the Degree of (होमिओपॅथी चिकित्सा व शल्य स्नातक) Bachelor of Homeopathic Medicine and Surgery (B.H.M.S.) for the purposes hereinafter appearing, the Management Council is hereby pleased to make the following Ordinance :-

---

\*Accepted by the Management Council on 6<sup>th</sup> July, 2002, vide item No.82, under the draft Ordinance No.4 of 2002.

1. This Ordinance may be called and Ordinance to provide examination leading to the Degree of (होमिओपॅथी चिकित्सा व शल्य स्नातक) Bachelor of Homeopathic Medicine and Surgery (B.H.M.S.) (Amendment) Ordinance, 2002.
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. After para 22 of the Main Ordinance the following para 23 shall be inserted, namely :-

“23, Compulsory Internship –

- a) Every student will be required after passing the final B.H.M.S. examination to undergo the compulsory, internship to the satisfaction of the head of the institute. The period of internship shall be for a period of twelve months, so as to be eligible for the award of the degree and full registration.
- b) Provided that the internship of 12 months will be completed at the maximum period of two years after passing the final examination.
- c) All parts of the internship shall be undertaken at the hospital attached to the college and in cases where such hospital cannot accommodate all of its students for internship, such students may undertake their internship in a hospital or dispensary run by the Central Government or State Government or Local bodies approved by the University as per detailed guidelines (Appendix-I) in terms of the break up of the period as follows-
  - i) 5 months in the medical and surgical departments of the Homeopathic hospital,
  - ii) 3 months in the Gynecology, Obstetricus and Pediatrics departments.
  - iii) 3 months in the E.N.T., Ophthalmology and Skin departments, and
  - iv) 1 month for training on community medicine.
- d) The University shall issue a provisional passed certificate on passing the final examination to all the successful candidates.
- e) The State Boards of Homeopathy shall grant provisional registration to the candidates on production of provisional pass certificates. The provisional registration to a successful candidate of degree course normally shall be for one year only.

Provided that in the event of shortage or unsatisfactory work the period of compulsory internship and the provisional certificates and registration may be suitably extended by the concerned issuing authorities.

- f) Full registration shall only be given by the State Boards of Homeopathy on the award of the degree by the University after satisfactory completion of the compulsory internship and declaration that the candidate is eligible for it.
4. Para 23 of the Main Ordinance shall be substituted with following para and renumbered as para (24).
- “24. Examinees successful at the First, Second and Third B.H.M.S. examinations shall be entitled to receive a Certificate in the prescribed form signed by the Controller of Examinations and those passing the Final B.H.M.S. examination shall, on payment of the prescribed fees receive a degree in the prescribed form signed by the Vice-Chancellor.”

## **APPENDIX – I**

### **GUIDELINES FOR UNDERTAKING COMPULSORY INTERNSHIP PRESCRIBED BY CENTRAL COUNCIL OF HOMOEOPATHY**

#### **GUIDELINGS FOR TRAINING**

1. Training of the internees during the internship shall be regulated by the Principal/Superintendent of the hospital where on internee undertakes his internship in the hospital attached to the College. But where an internee is posted to a recognized dispensary, the training will be regulated by a committee consisting of representatives of the College/University and the incharge of the dispensary.

Provided that after satisfactory completion of training certificates obtained from the head of the dispensary shall be countersigned by the head of the Institution.

2. The internee shall be entrusted with the clinical responsibilities and this work shall be supervised by the senior medical officer.
3. The internee shall maintain a record of work which is to be periodically verified by the Medical Officer under whom the internee is posted. The scrutiny of the record of work may be objectively viewed as regard to knowledge, skill and aptitude towards the patient shown by the intern's work.

4. The internship training shall include training in case taking, evaluation of symptoms, repertorisation and management of common ailment through Homeopathy treatment. Intern should be exposed to training in medicine, surgery including ophthalmology and E.N.T. departments, pediatrics, skin, family welfare and community medicine, if possible, at the rural health training centre or at the P.H.C.
5. In the department of Medicine, training in minor ward procedures should be given to the internees.
6. Internee should be exposed to clinical pathology work to acquire skill to do independently some common procedures like routine blood-examination for various blood counts; hemoglobin estimation; E.S.R.; blood smear for parasites; sputum Examination; urine and stool examination etc. He should be given opportunities for active participation in interpretation of laboratory data in context with the clinical findings and arriving at a diagnosis and planning out of the Homeopathic treatment.
7. In the department of surgery he should be acquainted with the management of minor surgical emergencies, Practical implementation of aseptic techniques and procedure including preparation of operation theatre and sterilization etc. He should be involved in participation in pre-operative care and post-operative care and practical use of anaesthetic techniques. He should also work in the casualty deptts. All this training should strictly be under expert supervision only.
8. In the department of obstetrics and gynecology the internee should be involved in ante-natal care with particular reference to the nutritional status of mother, management of normal and abnormal labours; care of the new-born, postnatal care of mother and child.
9. Training in pediatrics department to understand pediatric problem and their management through Homeopathy.
10. In the department of skin he should be exposed to various skin lesions and their diagnosis including allergy, leprosy, laucoderma etc., and their management through Homeopathy.
11. He should be exposed to various community based health activities, health programs, their implementations and organizational set up. He should also be involved in motivational programs, health education nutrition. M.C.H., Family welfare and other activities, Control of communicable diseases like tuberculosis, leprosy and sexually transmitted diseases.

12. Medico-Legal : Acquaintance with issue of various medical certificates like leave certificate on the ground of sickness, fitness certificate, death certificate, birth certificate, medical examination, court procedures in police cases like deaths by unnatural cause, accident etc. preservation of viscera in poisoning cases, postmortem; various Drugs Acts, Homeopathic Pharmacopoeias, Homeopathy Central Council Act, various state Homeopathy Acts, Professional conduct.
13. Drug Providing : It shall be compulsory to take part in Drug Providing Programme and the Internee shall prove at least one drug during the period of internship.
14. Each student during the compulsory internship training shall be allotted specific assignment for doing his/her original work in an objective manner. The assignment to be given shall be decided mutually by the concerned students and the college authorities. Each college shall submit a list of titles of such completed assignments every year in the month of April to Central Council for its records. Such assignments will be evaluated by a team of 3 experts (relevant to subject) appointed by the College with consent of University/Board (Examining body) concerned. The College authority will also ensure avoidance of duplication of work.
15. Maintenance of records : Each internee shall have to maintain a detailed records of at least 25 acute cases and 15 chronic cases treated with homoeopathic medicine during his training in the medical department  
  
Each internee shall have to maintain a detailed records of at least 10 delivery cases attended by him in the Department of obstetrics and 15 Surgical cases assisted by him in the department of Surgery.  
  
During this period internee shall also have to carry out any elective assignment on any subject given to him by the physician in-charged.
16. Attendance : Minimum attendance of each internee shall not be less than 80%.

**\*ORDINANCE NO. 3 OF 2002****EXAMINATION LEADING TO THE POST-GRADUATE DIPLOMA IN YOGA AND NATUROPATHY (P.G.D.Y.N.) IN THE FACULTY OF AYURVEDIC MEDICINE ORDINANCE, 1996.**

Whereas, it is expedient to amend the Ordinance No.6 of 1994 for examination leading to the Diploma in Yoga and Naturopathy in the Faculty of Ayurvedic Medicine for the purposes hereinafter appearing; the Management Council is hereby pleased to make the following Ordinance.

1. This Ordinance may be called "Examination leading to the Post-Graduate Diploma in Yoga and Naturopathy in the Faculty of Ayurvedic Medicine (amendment) Ordinance; .
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. The period of regular study for the post-graduate Diploma in Yoga and Naturopathy shall be of one year.
4. The Examination specified in paragraph one shall be held twice a year at such places and on such dates as may be approved by the Board of Examination.
5. On receipt of the application, the Dean/Principal shall deal with in accordance with the rules in force for the time being dealing with the registration for Diploma under this Ordinance.
6. The applicant for admission to an Examination under this ordinance shall have –
  - (a) Obtained the degree from any medical system (i.e.B.A.M.S./M.B.B.S., B.H.M.S., B.U.M.S. (Unani Medicine)/B.Th.O./B.Ph.T.) Bachelor of Yoga & Naturopathy) B.P.E., B.P.Ed. or any Post Graduate of any other Faculty with more than 55% marks.
  - (b) Medical Fitness.

---

\*Accepted by the Management Council on 6<sup>th</sup> July,2002, vide item No.81, under the draft Ordinance No.17/1996.

7. The course of study shall consist of Three theory papers of 100 marks each and lectures, discussions, visit to Yoga/Nature cure Institutions and maintenance of two separate/Journals of Yoga and Naturopathy for 100 marks practical Examination.
8. The fee for the examination shall be as prescribed by the Management Council from time to time.
9. The scope of the subject shall be indicated in the Syllabus.
10. Successful examinee shall receive post-graduate Diploma in the prescribed form signed by the Vice-Chancellor.
11. In order to successful at this examination, an examinee shall have to obtain 50% of the total marks in each Theory paper and 50% of the total marks in the practical Examination. (Journal and Educational Tour as the case may be.)
12. The Ordinance No.6/1994 hereby stand repealed.

\*\*\*\*\*

**\*ORDINANCE NO. 4 OF 2002**

**AN ORDINANCE TO PROVIDE FOR CONSTITUTION OF THE UNIVERSITY BUILDING AND WORKS COMMITTEE FOR GOVERNANCE AND CLASSIFICATION OF THE WORKS, PROCEDURE AND AGENCY FOR EXECUTION OF WORKS ETC.**

**WHEREAS** it is expedient to provide an Ordinance to constitute a Committee for governance and classification of works, procedure and agency for its execution, their overall co-ordinations, monitoring, control and for the construction and maintenance of the buildings owned by the University;

The Management Council is hereby pleased to make the following Ordinance :

- 
- Accepted by the Management Council on 6.7.2002 vide item No.140, under the draft Ordinance No. 5/2002.

1. This Ordinance may be called “The University Buildings and Works Committee and execution of University Works, Ordinance, 2002.”
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. In this Ordinance, unless the context otherwise requires :-
  - i) ‘Act’ means, Maharashtra Universities Act, 1994.
  - ii) ‘Vice-Chancellor’ means a person so appointed as per Section 12 of the Act.
  - iii) ‘Management Council’ means, the Management Council, duly constituted as per Section 27(1) of the Act.
  - iv) ‘Finance and Accounts Committee’ means, the Committee duly constituted as per Section 75(2) of the Act.
  - v) ‘Board of College and University Development’ means the Board of College and University Development duly constituted as per Section 35(2) of the Act.
  - vi) ‘Registrar’ means a person duly appointed as Registrar as per Section 17(1) of the Act.
  - vii) ‘University Engineer’ means a person duly appointed and so designated as University Engineer.
4. There shall be a “University Buildings and Works Committee” for sanction, execution, co-ordination, monitoring of constructions and maintenance work of the buildings, roads etc. owned by the University.

The University Building and Works Committee, hereinafter called as “Committee” shall be constituted as follows :

- i) The Vice-Chancellor -Chairman (Ex-officio)
- ii) One Member of the Management Council nominated by the Management Council.
- iii) One Member of the Management Council who is a member of the Finance and Accounts Committee nominated by the Vice-Chancellor.
- iv) One Member of the Board of College and University Development nominated by the Board of College and University Development.
- v) One Eminent Engineer/Architect from the private sector nominated by the Vice-Chancellor.
- vi) Chief Engineer of the Public Works Department, Government of Maharashtra, In-charge of the Region in which the University is located or his nominee not below the rank of Executive Engineer.
- vii) Superintending Engineer, Public Works Department, Government of Maharashtra, In-charge of the territorial circles in which the University is located.
- viii) Head of the Department of Civil Engineering not below the rank of a Professor of an Engineering College affiliated to Nagpur University, nominated by the Vice-Chancellor.
- ix) The Registrar.

x) The University Engineer- Member, Secretary.

5. The term of office of the members of the Committee other than Ex-officio members shall be Five years.

Provided that if any vacancy occurs in the office of a member of the Committee at sub-section (ii), (iii), (iv), (v), (viii) of Section (4) of this Ordinance, it shall be filled in by the Vice-Chancellor/The Management Council or the Board of College and University Development as the case may be, by nomination. The term of such a nominated member shall be for the remaining period of the office of the original member, in whose place the new member has been nominated.

6. No person other than the ex-officio members shall be eligible to be nominated for the Second consecutive term.
7. There shall be not less than three meetings of the Committee in a year.
8. At a meeting of the Committee four members shall form a quorum out of whom one should be a person from the categories V,VI,VII,VIII of Section 4 of this Ordinance.

Provided that, in case there is no quorum at the meeting, the meeting shall be adjourned for half an hour and adjourned meeting shall be held thereafter, for which no quorum will be necessary.

9. The Vice-Chancellor will preside over the meeting(s) of the Committee(s) and in his/her absence, the members present shall elect the Chairman from amongst themselves for that meeting only.
10. The Chairman shall have a vote and a casting vote.
11. The University Engineer shall be the Member Secretary of the Committee and he shall issue notice(s) of the meeting(s), record the minutes and perform all other functions required to be performed by the Secretary of the Committee.
12. A meeting of the Committee shall be convened, under the orders of the Vice-Chancellor and not less than 10 days notice of the date, time and place of a meeting shall be given.

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

13. The agenda of the meeting shall be dispatched 7 clear days before the date of the meeting, other than an emergent meeting.
14. The meeting may be adjourned to any day in order to complete unfinished business and notice of such adjournment meeting shall be sent to all the members.

15. The minutes of the proceedings of every meeting shall be drawn up by the Secretary and signed by the secretary and the Chairman.
16. The minutes of the Committee shall be placed before the Management Council for its consideration and approval at the first opportunity.
17. The University's work shall be classified as follows :-

**(A) MAINTENANCE WORKS :**

These works shall include routine maintenance works and repairs regardless of the total cost to be incurred for their execution.

**(B) MINOR WORKS :**

This will include original works, special repairs works and works involving addition and alteration with an estimated cost upto and including Rs. 10 lakhs.

**(C) MAJOR WORKS :**

These will include original works, special repairs works involving addition and alteration with an estimated cost exceeding Rs. Ten lacs.

18. The procedure for Maintenance, Minor and Major works and for its approval and execution shall be as follows :

**(A) MAINTENANCE WORKS :**

Engineering Department under the guidance and supervision of University Engineer will prepare the plans and estimates and tenders for maintenance works, where the cost of each work does not exceed Rs. One lac at a time. The University Engineer shall obtain the approval for the plan(s), estimate(s) and tender(s) from the Vice-Chancellor. The tenders for work costing more than 1 lac shall be published in news-papers approved by the Committee.

**(B) MINOR WORKS AND MAJAOR WORKS UP TO FIFTY LACS :**

- (i) In respect of works falling under this category, the University Engineer shall prepare the plan(s), estimate(s) and tender(s), in consultation with the Architect chosen from the panel of Architects approved by the Management Council and place it before the committee for its consideration and approval.
- (ii) Selection of an Agency/contractor for a specific job or other work below Rs. One lac shall be placed before the Vice-Chancellor for his consideration and approval.

- (iii) Selection of a Contractor or an Agency for a specific job or other work above Rs. One lac and upto and including Rs.25 lacs shall be placed before the Building and Works Committee for its consideration and approval, with information to the Management Council.
- (iv) Selection of a Contractor/Agency for a specific job or other work above Rs. Twenty Five lacs and upto Rs. Fifty lacs shall be placed before the Management Council for its consideration and approval on recommendations by the Committee.

**(C) MAJOR WORKS ABOVE RS. FIFTY LACS :**

- (i) Major works above 50 lacs or the maximum amount to be decided by the Vice-Chancellor, from time to time shall be entrusted to the public works Department of the Maharashtra Government Incharge of the Region in which the University is situated for execution on the payment of agency charge as may be decided by Maharashtra Government and the Nagpur University from time to time.

Provided that the work(s) the estimated cost of which is less than Rs. Fifty lacs but which are of specialized nature, the Buildings and Works Committee with prior approval of Management Council may entrust such work to Public Works Department for execution.

- (ii) The University Engineer shall prepare plans in consultation with the concerned Head of the Department of the University through an Architect from the panel of Architects approved by the Management Council. He shall place the plans before the Committee for its approval.
- (iii) The approved plans then shall be handedover to the Public Works Department of the Maharashtra Government, Incharge of the Region for building permission and execution of the Work(s)
- (iv) The plan and block estimates for these works shall be prepared by the Government Architect, and shall be placed before the Building and Works Committee for its approval.
- (v) After getting approval for the plans and block estimates by the University, the Government Architect shall prepare detailed plans and estimates and the same shall be placed before the buildings and Works Committee for its final approval before submission of the same to the concerned Municipal Corporation/Competent Authority. The Public Works Department authorities shall obtain building permission/Commencement Certificates from the concerned Municipal Corporation/Competent Authority as per the procedure of local authority.

- (vi) The Public Works Department shall follow the procedures laid down by the Government for execution of its works, from time to time.
- (vii) It shall be the responsibility of the Public Works department to comply with the Municipal Corporation rules and to obtain the occupation and completion certificates from the concerned Municipal Corporation /Competent Authorities as per the procedure followed in case of Government Buildings.
- (viii) The Buildings and Works Committee may inspect the works being executed by the Public Works Department and if required make suggestions and the Public Works department authorities shall take due cognizance of such suggestions. In the event of Public Works Department not accepting any suggestions made by the Buildings and Works Committee, the reasons for not doing so shall be intimated in writing to the University.
- (ix) In case Public Works Department of the Maharashtra Government refuses to undertake any work proposed to be entrusted to them, such work shall also be executed by the University with the help of such specialized authorities/department(s), by following usual P.W.D. procedure.

**Procedure for Calling Tenders, its scrutiny, its Acceptances, enforcement of Terms of Contract etc. :-**

19. The following shall be the procedure for calling tenders, its scrutiny, security for performance of contracts, acceptance of tenders and enforcement of terms of contract shall be as follows :

**(A)TENDERS**

Tenders should invariably be invited publicly, in the manner prescribed as follows for all works to be given out of contract except extra items which have to be undertaken as part of a scheme for which tenders have originally been invited publicly and which are required to be executed while the work originally undertaken is in progress and which are really inseparable from the original contract and cannot conveniently be done by different agency. Tenders, which should always be sealed should invariably be invited in the most open and public manner possible either by advertisement in the local newspapers or by a notice in English and the regional language, pasted on notice board of the Registrar, Nagpur University and the University Engineer, Nagpur University in their offices. If the estimated amount is more than Rs.75,000/- or as per Public Works department rules, the tender notice should be published in the local newspapers and newspapers with sufficiently wide coverage for all works including transportation, Tenderers should have free access to the contract documents. In all cases the notice should mention the following :-

- (a) The estimated amount of the work and the category of contractors entitled to tender for the work.

- (b) The place where and the time when the contract documents can be seen and the blank forms of the tenders obtained, also the amount to be paid for such forms of tender. The value of tender form should be based on actual cost estimates and should be in round figure of Rs.50 subject of a minimum of Rs.100 per set.
- (c) The place, the date on which and the time when tenders are to be submitted and are to be opened.
- (d) The tender to be advertised in local newspapers in English, Marathi and Hindi by rotation. The list of newspapers be approved by Committee. Advertisement in newspaper shall be give only once.

Provided when it is required as a special case to publish any advertisement more than once, the approval of the Vice-Chancellor shall be obtained.

The tender notice shall be published in the name of the University Engineer, Nagpur University.

- (e) The publication of advertisement in the newspaper should be processed in the standard form with the time schedule given below.

The minimum time limit for inviting tenders shall be as follows :

<u>Sr.No.</u>	<u>Category</u>	<u>1<sup>st</sup> Call</u>	<u>2<sup>nd</sup> Call</u>
1.	Works costing up to Rs.5 lakhs.	15 days	10 days
2.	Works costing between 5 lakhs and Rs.50 lakhs	30days	15 days
3.	Works costing above Rs. 50 lakhs	45 days	30 days.

Provided that these periods are minimum periods and the Vice-Chancellor can prescribe any higher period for particular case. Where it is necessary to reduce this period, the case should be referred to the competent authorities for a prior approval or condonation. But such reduction in time limit for invited tenders shall be done only when there is a prior approval of the competent authority.

- (f) The amount of earnest money required and the amount and nature of security deposit to be paid on acceptance of the tender.
- (g) The period during which the work is to be completed.
- (h) With whom or what authority the power of acceptance of the tender will rest. The right of the authority should always be reserved to reject any item of the tender, or a tender of all the tenders so received without assigning any reason, and this should be expressly stated in the advertisement

- (i) The necessity of attaching to the tender a list of documents accompanying the tender under the signature of the contractor
- (j) At the advertised time and place, all tenders received for the work above Rs.50,000/- shall be opened by a Committee consisting of the Member of the Management Council who is a member of the Committee as Chairman, Head of the Department of Civil Engineering who is the member of the Committee, the Finance and Accounts Officer and the University Engineer as Members. The University Engineer shall act as the Member – Secretary of the Committee. The quorum for above committee will be of two members out of which either Management Council member or the Head of the Deptt. Must be present. While opening the tenders each member present in the meeting should sign all original tender documents. The tenders shall be opened in the presence of such of the intending contractors or their agents as may choose to attend. No tenders shall be accepted from any person directly or indirectly connected with the University service.
- (k) The tender notice and tender forms will be issued by the University Engineer.
- (l) The Sub Committee, in presence of all contractors, shall open the sealed tenders. The University Engineer shall place all the informations relating to tenders and each members of the Committee shall sign the tenders papers.
- (m) The comparative statement should be prepared in the office of the University Engineer and shall be placed before the Registrar/Vice-Chancellor/Committee/Management Council for approval according to the cost of work.
- (n) After acceptance, all the tenders including rejected the ones alongwith a comparative statement should be retained in the office of the University Engineer for taking further action regarding completion of contract documents, returning of earnest money etc
- (o) The University Engineer should take necessary steps for avoiding the possibility of legal complications and also subsequent tampering with the tender documents.
- (p) As a rule, no tender for the execution of a work of any description should be considered unless accompanied by a demand draft in the name of the Registrar, Nagpur University as earnest money. A contractor not borne on the registrar of approved contractors maintained by the University Engineer, should produce alongwith his tender a solvency certificate from the Collector of the district within which he resides or a Banker's Certificate of his financial stability to the extent of not less than 20% of the tender value, income-tax clearance certificate, earnest money in draft. If he fails to produce these documents, his tender should not be accepted without the production of these documents.

Provided that in regard to works estimated to cost less than Rs.50,000/- the necessity for the production of solvency certificate may be dispensed with at the

discretion of the University Engineer. Provided further that the solvency certificate issued by the Tahasildar of the Taluka where the contractor resides would also meet the requirement of this clause.

- (q) The amount of earnest money to be deposited with tender should be sufficiently large to be a security against loss, in case of the contractor failing to complete the contract documents and furnish the required security deposit within the appointed time after the acceptance of his tender, as the case may be. The minimum amount of earnest money to be deposited by the contractor shall be 1% of the estimated amount of work put to tender. The University Engineer shall have discretion to recover an increased sum if this is considered to be necessary of justifiable by peculiar circumstances in a particular case. The names of those contractors whose tenders are proposed to be accepted but who subsequently failed to complete the contract documents or pay the security deposit, should be brought to the notice of the Vice Chancellor with a view of debarring them from being entrusted with any work in future. If he is borne on the register of approved contractors steps should be taken by the University Engineer to remove his name from the register.
- (r) Usually the lowest tender should be accepted unless there be some objection to the capability of the contractor, his financial status, the security offered by him or his performance in a former work. The acceptance or rejection of tender is left entirely to the discretion of the Registrar/Vice-Chancellor/the Committee/Management Council to whom the duty is entrusted and no explanation can be demanded of the cause of the rejection by any person submitting the tender.

Provided that in case where we propose to accept the tender other than the lowest or by negotiations the decision shall be taken by the Sub-Committee appointed by the Committee.

Provided further that the lowest tender before the final stage of acceptance becomes invalid for any reason, say for non-payment of the security deposit, noncompletion of tender documents within the stipulated time limit etc. such tender does not hold good and automatically stands rejected with forfeiture of the earnest money deposit and the second lowest tender becomes the lowest for being considered for acceptance for which an approval of the committee is not necessary.

Provided further that whenever any negotiated tenders are proposed to be invited due to absence and inadequacy of response to open tenders and any material variations are made in the terms later, the fresh terms and conditions on which the contract is proposed to be negotiated, should be made known to all the contractors who are likely to be interested in the offer. Precautions, however, should be taken to see that the terms offered by one contractor for the contract are not disclosed to other contractors.

**(A) SECURITY FOR PERFORMANCE OF CONTRACTS**

- (a) Security should in all cases be taken for the due fulfillment of a contract. This security may be by way of :
- i) An amount deposited by demand draft in favor of Registrar, Nagpur University as earnest money.
  - ii) Deduction of percentage fixed for balance security deposit from the bills of the work done.
  - iii) Guarantee bonds executed by scheduled banks on behalf of the irclientssubject to the conditions laid down by the Maharashtra Government from time to time. The bank guarantee should be got renewed before its validity expires. In case the contractor is hesitating to extend the validity, the guarantee should be encashed by the Registrar before its expiry.
- (b) The Registrar, Nagpur University receiving government security as deposit should see that the securities stand in the name of the depositor and that the contract or the document executed by the depositor conveys authority to University to appropriate or cancel the security if the contract is not fulfilled.
- (c) The following scale of percentage should be adopted for the security deposit to be taken from the contractors :

	<u>Percentage</u>	<u>Subject to a minimum of Rs.</u>
For contract up to estimated cost of Rs.20,000 ...	5 to 7 percent	.....
From Rs.20,001 to Rs.50,000	4 to 6 percent	1,200
From Rs.50,001 to Rs.1,00,000	3 to 5 percent	2,500
Over Rs. 1 lakh	2 to 4 percentage	4,000

Provided further that the contractors should never be permitted to start the work before minimum security deposit is paid.

Provided further that the liability of the contractor under the conditions of the contract is to the extent of the whole of the amount of the security deposit which is stipulated deduction from bills under the provisions of clause (ii) above.

Provided further that where it is not possible for the Committee, for one or the other reasons to review and revise the estimates prepared years back as per provision in para 315 of the Manual of B and C department and getting them freshly sanctioned after recasting them at the C.S.R. before the works are put to tender, the University Engineer should take care to see that the security deposit to be taken is not lower than the amount worked out, at the lowest percentage prescribed for security deposit on the likely cost of work at C.S.Rs.

### **Acceptance of Tenders**

- (a) The cases pertaining to the acceptance of tenders should not take more than 90 days after opening of tenders at the level of Registrar/Vice-Chancellor/the Committee as the case may be. In case where these periods are exceeded for some reason or the other, the report of the special circumstances which made the delay inevitable should be reported to the committee or the Management Council for its information with the consent of the lowest contractor.
- (b) After acceptance of tenders the University Engineer may forward the contractor the decision regarding the acceptance and after getting the contract documents completed in all respects should get the contract executed by the Registrar on behalf of the University.
- (c) The University Engineer should maintain a register of all contract executed by the Registrar on behalf of the University in his office.

### **Enforcement of terms of contract :**

- (a) The university Engineer and his subordinates are responsible to ensure that the terms of contract are strictly enforced and no act is done tending to nullify or vitiate a contract.
- (b) Cases involving commitments of appreciable extra expenditure in respect of the provisions in the contract agreement which are in explicit or where there is some sort of ambiguity about the interpretation shall invariably be referred to the Vice-Chancellor/Committee/Management Council as the case may be before taking action.

**NOTE** : The powers of granting rates in excess of the sanctioned tender rates to contractors be referred to the Vice-Chancellor/Committee/Management Council as the case may be for its consideration and approval.

- (c) The Vice-Chancellor shall be the final authority as per clause 2 of B-1, B-2 of tenders form for levying the compensation on the contractors and since his decision while acting under this clause is of an executive officer and not arbitrator, he is competent to review and revise his own decision, if any new relevant facts are brought to light which he might not have taken into account when the original issue was taken.
- (d) Whenever any compensation is decided to be levied on the contractors for delay in execution of works in terms of the contract conditions, the decisions of the Vice-Chancellor should be conveyed to the Finance and Accounts Officer in writing and recorded in the relevant measurement books by the Junior Engineer/University Engineer
- (e) The University Engineer shall have the powers to grant extension in time limit of contract period up to three months and the Vice-Chancellor shall have the powers to grant extension from three months to Nine months and the committee shall have the power to grant extension from Nine months and above
- (f) In cases in which the time limit after taking into consideration of the extension granted has expired and yet it is considered desirable to allow the contractor to continue with the work. The minimum compensation which the Vice-Chancellor should levy on the contractor in exercise of the powers vested in him under clause 2 of the conditions of B-1 and B-2 contracts should generally be not less than the extra cost to be incurred by the University i.e. 5% of the contract cost.

### **Extra Items**

- (a) The University Engineer is authorised to recommend execution of and the rates to be paid for, extra items of work, not provided for in regular tender accepted by the Registrar/Vice-Chancellor/Management Council subject to the following conditions :
  - i) The amount of an individual extra item does not exceed Rs.15,000/-.
  - ii) Where extra item is comparable with similar item already included in the accepted tenders, the rate to be fixed and mutually agreed upon between the University and the contractor should be based as far as possible, on the tender rate for the similar item modified to the extent necessitated by the change in specification, provided that, if the rate is provided for the said item in the schedule of rates of the P.W.D. the rate to be fixed shall not exceed such schedule rate
  - iii) Where the extra item does not correspond to, or is not comparable with an item in the accepted tender it shall be paid for at the rate mutually agreed upon between the University and the contractor provided that, if a rate is provided for that class of work in the schedule of rates of the P.W.D., the rate to be agreed upon shall not exceed such a schedule rate.

- (b) The extra cost of the extra item or items is already covered by savings effected, or clearly anticipated , on other items (including contingencies) of the work. In such a case, the savings in question should be specified in the extra item rate list.
- (c) If the amount of an individual extra item exceeding Rs.15,000/- of the rate proposed therefor is not one already sanctioned in the P.W.D. schedule or is in excess of a rate therein sanctioned, prior sanction of the Vice-Chancellor/Committee to such rate should be obtained.
- (d) No extra item should be got executed from the contractors on oral orders.
- (e) The University Engineer, should, whenever he settles rates for extra items with contractors which are beyond their power of sanction, make it quite clear to the contractors in writing that the rates so settled are subject to the approval by the Vice-Chancellor and that only such rates as are finally sanctioned will be paid.
- (f) Subject to the condition that a work may not be let out on contract to one contractor in pious, the authority for the acceptance of an original contract is sufficient to cover extra items of work (sanctioned by competent authority) which form part or legitimate extensions of such contract and are covered by the provisions of the contract agreement, whether or not the cost of such extra items raises the total amount of the contract to a sum exceeding the powers of the original sanctioning authority.
- (g) The rates for extra items should be scrutinized by the Finance Officer before they are accepted and sanctioned by the competent authority.

#### **Departure from the rules of contract**

1. Departures from the rules of contracts specified above can only be permitted or condoned by Vice-Chancellor/Committee.
2. The following principles should govern cases of ex-gratia payment to contractors :-
  - i) The actual loss suffered by the contractor should be proved by documentary evidence and a certificate of Finance and Accounts Committee should be obtained on production of all the connected records in connection with the documentary evidence produced by the contractor in support of the actual loss suffered by him
  - ii) The loss should not be attributable to cares for which the contractor can be held responsible.
  - iii) In assessing the amount of loss to be compensated not only the loss suffered by the contractor in the particular contract should be taken into account but also the profits, if any, made in other contracts entered into by the contractor with Government about the same time.

- iv) The department should satisfy itself that the contractor has worked in an efficient manner and with due regard to economy and avoided wasteful methods of work.
- v) The compensation to be paid in any case should not be in excess of the actual loss suffered by the contractor.
- vi) As far as possible, cases considered for ex-gratia payment should be those where the contractor's full capacity has been utilized by the department.
- vii) Subsequent increase in prices should, in no way, be a basis for ex-gratia payments to the contractors, unless there is a stipulated terms in the contract itself on that account.

20. **The Committee shall perform the following functions :-**

- i) The Committees, under directions and the over all supervision of the Management Council, shall be responsible for the execution of all types of works including Major Works.
- ii) The Committee will be competent to accord administrative approval and financial sanction to all works exceeding Rs. One lacs and upto and including Rs. Twenty five lacs subject to the availability of funds in the budget.

Provided that the Vice-Chancellor will be competent to accord administrative approval and the financial sanction to all works less than Rs. One lac or upto and including Rs. One lac subject to the availability of the funds.

- iii) Programme of works to be executed in the ensuing year will be prepared by the University Engineer on the requirements received from the respective Department/Section for Maintenance of Minor/Major works. This programme shall be placed before the Budget Committee for its consideration and approval on recommendation of the Committee, the programmes shall be placed before the Management Council for its consideration and approval by the Finance and Accounts Committee.
- iv) The Committee shall prepare a panel of not less than six Architects of proven experience and merit for the University works for a period of max. Five years. Such panel shall be placed before the Management Council for its consideration and approval. Management Council may make such modifications as deemed fit.

- v) On getting approval of the Management Council to Minor/Major Projects/Works, the plans and estimates shall be prepared by the University Engineer or the Architect selected by the Committee from the panel of approved Architects.

Provided that these plans and the estimates, as far as possible will be based on schedule of rates of the public works division in whose jurisdiction the works in question are located. The University Engineer will maintain a list of approved Contractors on the basis of their technical experience and financial capability for execution and he will register them according to class of registration.

- vi) The Committee shall exercise general supervision over works of University Engineer and Engineering departments staff of the University. It shall, in particular be ensured that essential records and dates like the Registers of University Building, the works registers etc. Are maintained upto date . Likewise it shall be ensured that the rejected tenders are retained for a period decided by the Committee. The University Engineer shall certify the completion of Works in accordance with the plans prepared by the Architect, if appointed, in respect of maintenance works and original works and he shall report the same to the Committee. If the work is not completed within a stipulated period or the financial estimates approved, or if the expenditure on a project exceeds the approved cost more than 5% the University Engineer shall place the reasons in writing before the committee or Vice-Chancellor for its approval as the case may be.

**21, The Committee shall have the following powers :**

- i) The Committee shall have the powers to grant approval to the plans, estimates and tenders exceeding Rs. One lac upto and including Rs. Twenty Five lacs for maintenance works subject to the availability of funds in the budget.
- ii) The Committee shall make recommendations to the Management Council for its consideration and approval the plans, estimates and tenders exceeding Rs. Twenty Five lacs for all works subject to the availability of funds.
- iii) The Committee shall have powers to settle rates covered by the tenders and also to settle claims and disputes with contractors in respect of Maintenance, Minor and Major works.

Provided that the disputes regarding the rates and claims will be settled by the Public Works and Housing department in respect of Major Works entrusted to that Department with information to the University.

Provided that any such claim, dispute etc. is likely to cause excess by 5% of the approved cost of the project, prior sanction of the Vice-Chancellor/Management Council shall be obtained.

- iv) The payments of the works for Maintenance, Minor and Major Works will be made by the Finance and Accounts officer after getting himself satisfied after due audit and as per the approved tenders. On the recommendations of the University Engineer, if the expenditure on works exceeds more than 5% (Five percent) on the sanctioned amount, the University Engineer shall obtain the approval from the committee/Vice-Chancellor as the case may be.

Provided that in case of emergent circumstances, the Committee or the Vice-Chancellor can allot a work to any registered contractor at rates based on the current schedule of rates/estimated rates not exceeding Rs.15,000/- (Rupees Fifteen Thousand).

Provided that in case of emergency the Vice-Chancellor may exercise all the powers of the Committee and such cases shall be reported by him, for approval, at the next meeting of the Committee.

- v) The Committee shall have power to settle rates not covered by the tender and settle claims and disputes with contractors in respect of all works under taken by the University. As regards the works undertaken by the Public Works department, Executive Engineer or the Superintending Engineer shall have the power to settle the rates not covered by tender under powers delegated to him in Public Works Department of Maharashtra Government. As regards the claims and disputes with the contractors in respect of such works the Chief Engineer of Public Works Department of Maharashtra Govt. will have full powers to settle claims up to Rs. 1 lakh whether or not sanctioning such claims involves excess over the approved cost beyond permissible limit of 10%. The claims and disputes with amount of claim more than 1 lakh will be examine by the Chief Engineer, P.W.D. and if he is convinced that prima facie the contractors claim is genuine and that there is some substance in the claim of the contractor as would be made out after detailed examination, the chief engineer will place such claim for decision before the committee which will have the full powers to settle such claims However, if sanctioning such claims involves in excess beyond 10%over and above the approved estimate during the execution of the project and approval of the Management council to such excess shall be obtained.
- vi) If there are reasonable ground for the Chairman of the Committee to believe that there is an emergency which requires immediate action to be taken, he shall taken, he shall take such action, as he thinks necessary, and shall at the next meeting report in writing the action taken by him for the approval of the Committee.

- vii) After the close of each financial year, the Committee shall report to the Management council the cases where under delay has been caused in settling the claims of contractors.
- viii) In respect of maintenance works and other works to be undertaken by the University, the Chairman of the Committee shall have power to sanction payment of bills if the overall division in the bills is within the sanctioned estimate of if it does not exceed or records by 10% of the sanction.

**22. (A) The Building and works Committee shall constitute the technical committee which shall consist of the following members. :**

- i) One member of the Management Council who is a member of the Committee as Chairman.
- ii) Eminent Engineer/Architect nominated by the Vice-Chancellor on the Building and Works Committee.
- iii) Superintending or Executive Engineer of Public Works Department who is a member of the Committee.
- iv) University Engineer as Member-Secretary.

**((B) The Technical Committee shall :-**

- i) Scrutiny as the Proposal(s) prepared by the University Engineer, if necessary.
- ii) Periodically inspect the progress of the building and report to the Buildings and works Committee.
- iii) Advise the Buildings and Works Committee on any technical matter.
- iv) Advice the Buildings and Works Committee as regards the extension in time limit of the project, sanction of extra items which are not included in the original estimates, escalation in the cost of building.

- v) Check the quality of various material used for the project.
  - vi) Perform such other duties as may be assigned to it by the Buildings and Works Committee, from time to time.
  - vii) Submit its report on the above matters to the Building and Works Committee once in six months for its consideration and approval.
23. Upon promulgation of this Ordinance, the existing Ordinance No.138-A shall stand repealed.

\*\*\*\*\*

