

भोपाल, दिनांक 1 सितम्बर 2007

क्र. 5350-342-इक्कीस-अ-(प्रा).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश व्यावसायिक परीक्षा मण्डल अधिनियम, 2007 (क्रमांक 24 सन् 2007) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
अखिल कुमार श्रीवास्तव, सचिव.

MADHYA PRADESH ACT
NO. 24 OF 2007.

THE MADHYA PRADESH VYAVSAYIK PARIKSHA MANDAL ADHINIYAM, 2007.

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MADHYA PRADESH ACT

NO. 24 OF 2007.

THE MADHYA PRADESH VYAVSAYIK PARIKSHA MANDAL ADHINIYAM, 2007.

[Received the Assent of the Governor on the 31st August, 2007; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 1st September, 2007.]

An Act to provide for the establishment of a Board for conducting examinations in professional courses and matters connected therewith and incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-eighth year of the Republic of India as follows:—

CHAPTER-I
PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Madhya Pradesh Vyavsayik Pariksha Mandal Adhiniyam, 2007.

(2) It extends to the whole of Madhya Pradesh and it applies also to the activities undertaken by the Board outside Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Board" means the Madhya Pradesh Professional Examination Board established under Section 3;
- (b) "Chairperson" means the Chairperson of the Board appointed under Section 6;
- (c) "Executive Committee" means the Executive Committee constituted under Section 19;
- (d) "Finance Committee" means the Finance Committee constituted under sub-section (1) of Section 20;
- (e) "Other Backward Classes" means the Other Backward Classes of citizens as specified by the State Government *vide* Notification No. F. 85-XXV-4-84, dated the 26th December, 1984 as amended from time to time;
- (f) "Regulations" means the regulations made by the board under this Act;
- (g) "Scheduled Castes" means any caste, race or tribe or part of, or group within caste, race or tribe specified as Scheduled Castes with respect to the State of Madhya Pradesh under Article 341 of the constitution of India;
- (h) "Scheduled Tribes" means any tribe or tribal community or part of, or group within such tribe or tribal community, specified as Scheduled Tribes with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India.

CHAPTER-II
ESTABLISHMENT OF THE PROFESSIONAL EXAMINATION BOARD, ITS
CONSTITUTION, FUNCTIONS ETC.

Incorporation of the Board.

3. (1) The State Government shall establish by a notification, a Board to be called the Madhya Pradesh Professional Examination Board with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Madhya Pradesh Professional Examination Board and shall have perpetual succession and a common seal with power to acquire and hold property, both movable and immovable and shall have power to transfer any property held by it and to contract and do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

4. (1) The Board shall consist of the Chairperson and the following members, namely:—

Constitution of
the Board.

Ex-officio Members

- (a) Principal Secretary or Secretary, Government of Madhya Pradesh, Technical Education and Training Department;
- (b) Principal Secretary or Secretary, Government of Madhya Pradesh, Finance Department;
- (c) Principal Secretary or Secretary, Government of Madhya Pradesh, Higher Education Department;
- (d) Principal Secretary or Secretary, Government of Madhya Pradesh, Medical Education Department;
- (e) Principal Secretary or Secretary, Government of Madhya Pradesh, School Education Department;
- (f) Principal Secretary or Secretary, Government of Madhya Pradesh, Public health and Family Welfare Department;
- (g) Vice-Chancellor, Rajiv Gandhi Proudyogiki Vishwavidyalaya, Bhopal;
- (h) Vice-Chancellor, Jawahar Lal Nehru Agriculture University, Jabalpur;
- (i) Director, National Law Institute University, Bhopal;
- (j) Commissioner, Higher Education;
- (k) Director, Technical Education;
- (l) Director, Indian Institute of Management, Indore;
- (m) Director, Medical Education;
- (n) Director, Madhya Pradesh Professional Examination Board, who shall be the Member-Secretary of the Board;

Nominated Members

- (o) Eleven members to be nominated by the State Government who shall include:—
 - (i) One Vice-Chancellor of a University, from the Universities of the State of Madhya Pradesh running Management courses;
 - (ii) One Principal or Director of an autonomous Engineering College of the state;
 - (iii) One Principal or Director from the private unaided Engineering Colleges of the State;
 - (iv) One Principal from the autonomous or Government Polytechnic Colleges of the State;

- (v) One Principal or Director from the private sector institutions offering degree or diploma in Pharmacy;
- (vi) One Principal or Director from the private sector institutions offering management courses;
- (vii) One Principal or Director from the private sector institutions offering Computer Application Courses;
- (viii) Two members of the Madhya Pradesh Legislative Assembly;
- (ix) Two persons representing interests not represented otherwise:

Provided that as far as possible and subject to availability, out of eleven members nominated under clause (o), one member each shall be from the Schedule Castes, Scheduled Tribes and Other Backward Classes.

(2) The Chairman shall have the power to invite any subject specialist, if needed.

(3) The nomination of every member shall be notified in the "Madhya Pradesh Gazette".

Disqualification for being a member of the Board.

5. A person shall be disqualified for being nominated or for continuing as a member, if he directly or indirectly, by himself or by his partner has any share or interest in any work done for or on behalf of the Board.

Appointment of the Chairperson, his tenure and service conditions.

6. (1) An officer of the rank of Chief Secretary to the Government of Madhya Pradesh shall be appointed by the State Government as Chairperson of the Board.

(2) The tenure and service conditions of the Chairperson shall be such as may be prescribed by the regulations.

Secretary of the Board.

7. The Chairman shall nominate an officer, not below the rank of Joint Controller of the Board, to act as Secretary of the Board for preparing the agenda notes, recording the minutes and for monitoring the implementation of the decisions taken in the meetings of the Board and the Secretary of the Board shall also function as the Secretary of the Executive Committee.

Tenure of the members and filling of casual vacancy etc.

8. (1) The tenure of the members nominated under sub-section (1) of Section 4 shall be three years from the date of notification of their nomination:

Provided that the tenure of members nominated under sub-clause (viii) of clause (o) of sub-section (1) of Section 4 shall be coterminous with the Legislative Assembly.

(2) If the State Government considers that the continuance in office of any nominated member is not in public interest, the State Government may make an order terminating his nomination and thereupon, he shall cease to be a member of the Board, notwithstanding that the term for which he was nominated has not expired.

(3) any nominated member of the Board may resign his office by a letter addressed to the State Government and the same shall be notified in the official Gazette.

(4) In the event of a casual vacancy occurring by reason of death, resignation or termination of nomination of a member or for any other reason, such vacancy shall be filled by nomination, and any person nominated to fill such vacancy shall hold office for the term for which it was tenable by the person in whose place he has been so nominated and no longer.

(5) An outgoing member shall, if otherwise qualified, be eligible for re-nomination.

(6) Where any nominated member absents himself, without prior permission of the Chairperson from three consecutive meetings of the Board, he shall be deemed to have resigned from his office.

9. The quorum for a meeting of the board shall be one-third of the total number of members. Quorum.
10. The following shall be the objectives of the Board, namely :— Objectives of the Board.
- (a) to conduct entrance examination for admission to various professional and other educational institutions, on the request of the State Government, other State Governments, Central Government, Universities and national or state level institutions;
- (b) to develop the selection systems and/or conduct selection process in respect of the appointments being made by the State Government, other State Governments, Central Government, public sector undertakings, Semi-Government Institutions and to conduct such selection on their request.
11. (1) The State Government shall have the power to address the Board in respect of anything conducted or done by the Board and to communicate to the Board its views on any matters with which the Board is concerned. Powers of the State Government.
- (2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication and shall furnish an explanation if it fails to take action thereon.
- (3) if the Board does not take any action within a reasonable time to the satisfaction of the State Government the State Government may, after due consideration of any explanation furnished or submission made by the Board, issue such directions consistent with this Act, as it may deem fit and the Board shall as per the situation, comply with such directions.
- (4) When any emergency in the opinion of the State Government requires that immediate action should be taken the State Government may exercise such of the powers of the Board under this Act, as it deems necessary without previous consultation with the Board and shall forth with inform the Board of the action taken.
- (5) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board, and prohibit the doing of an act ordered to be, or purporting to be ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.
12. A Board Fund shall be constituted for the Board and all moneys received by or on behalf of the Board under this Act or otherwise, shall be deposited in it. Constitution of the Board Fund.
13. (1) All moneys credited to the Board Fund shall be deposited in such Bank as may be determined by the Chairperson: Custody, investment and utilization of the Board Fund.
- Provided that it shall not be deemed to preclude the Board from investing such moneys as are not required for immediate expenditure in any of the Government Securities.
- (2) The Board Fund may be utilized by the Chairperson to meet out any of the obligation imposed upon the Board under this Act.
14. (1) The Board shall prepare in such manner as may be by regulations, the budget for the ensuing financial year and forward it to the State Government for its sanction not later than the thirty-first day of January preceding such financial year and the State Government may pass such orders with reference thereto as it thinks fit and shall communicate the same to the Board by the thirty-first day of March preceding such financial year and the Board shall give effect to such orders: Prescribed Budget.
- Provided that if no sanction is communicated to the Board by the thirty-first day of March referred to above, the budget shall be deemed to have been sanctioned by the State Government without any modification.

(2) The Board may if it considers it necessary so to do, prepare a supplementary budget during any financial year for such year and submit it to the State Government for its sanction not later than the thirty-first day of October in the said financial year and the State Government may pass such orders with reference thereto as it thinks fit and shall communicate the same to the Board by the thirtieth day of November of the said financial year and the Board shall give effect to such orders:

Provided that if no sanction is communicated to the Board by the thirtieth November, the supplementary budget shall be deemed to have been sanctioned by the State Government without any modification.

Audit of the accounts of the Board.

15. The accounts of the Board shall be audited annually by such agency as may be prescribed by the State Government and a copy of the audited accounts and balance sheet shall be submitted by the Board to the State Government by such date each year as the State Government may, by Rules, prescribe.

Powers and duties of the Chairperson.

16. (1) It shall be the duty of the Chairperson to ensure that the provisions of this Act and the regulations are faithfully followed and he shall have all the powers necessary for this purpose.

(2) The Chairperson may, whenever he deems fit, call a meeting after giving a notice of not less than twenty-one clear days, and shall be bound to call a meeting, within fourteen days of the receipt of a written request signed by not less than nine members of the Board, stating therein the business to be placed before the meeting.

(3) In any emergency arising out of the business of the Board, which in the opinion of the Chairperson warrants immediate action to be taken, the Chairperson shall take such action as he deems necessary, and shall place his action taken report in the next meeting of the Board.

(4) The Chairperson shall exercise such other powers as may be vested in him by regulations.

(5) The Chairperson may delegate such powers and entrust such duties as are conferred and imposed on him by or under this Act to the Director, by an order in writing specifying the powers delegated and duties entrusted.

Officers and servants of the Board.

17. (1) There shall be a Director of the Board, and such number of Controllers, Joint Controllers, Deputy Controllers, Assistant Controllers and other officers as the State Government may consider necessary.

(2) The State Government shall appoint officers against the deputation posts in consultation with the Board.

(3) The Board shall appoint officers against the departmental posts in accordance with the rules prescribed by the State Government.

(4) The Board shall, subject to the provisions of sub-section (6), appoint such officers including superintendents and other servants, as it considers necessary for the efficient performance of its functions.

(5) The service conditions of the officers and servants of the Board shall be such as may be prescribed by the rules.

(6) The Board shall not create any post without prior approval of the State Government.

Powers and duties of the Director.

18. (1) The Director shall be the principal administrative officer and shall, subject to the control of the Chairperson, perform such duties as may be assigned to him by the Board.

(2) The Director shall be responsible to ensure that all moneys are spent on purposes for which they have been granted or allotted.

(3) The Director shall be responsible for organizing the meetings of the Board and the Executive Committee.

(4) The Director shall exercise such powers as may be prescribed by the regulations.

19. (1) There shall be Executive Committee of the Board, comprising the following members :—

Executive
Committee.

(a)	Chairman, Madhya Pradesh Professional Examination Board,	Chairperson
(b)	Principal Secretary or Secretary, Government of Madhya Pradesh, Technical Education and Training Department.	Member
(c)	Principal Secretary or Secretary, Government of Madhya Pradesh, Finance Department.	Member
(d)	Principal Secretary or Secretary, Government of Madhya Pradesh, Medical Education Department	Member
(e)	Vice-Chancellor, Rajiv Gandhi Proudhyogiki Vishwavidyalaya, Bhopal.	Member
(f)	Director, Technical Education	Member
(g)	Director, Madhya Pradesh Professional Examination Board	Member-Secretary

(2) The Executive Committee shall meet at least once in three months:

Provided that the Chairperson of the Board may call the meeting any time if he deems necessary.

(3) Four members shall form the quorum for the meeting of the Executive Committee.

(4) Subject to the general control, direction and superintendence of the Board, the Executive Committee shall be competent to deal with any matter within the competence of the Board.

CHAPTER III MISCELLANEOUS

20. (1) The Board may, from amongst its members and officers and other persons, constitute such committees as may be prescribed by the regulations, to aid and advise the Board and the Executive Committee in discharge of their functions and in particular may constitute the following committees:—

Constitution of
Committees.

- (a) Curriculum Committee;
- (b) Examination Committee; and
- (c) Finance Committee.

(2) Every such committee shall consist of such members of the Board and of such other persons as may be prescribed by the regulations.

(3) Members of such committees shall hold office during such time as the Board which appointed them specifies from time to time.

Exercise of powers delegated by Board to Committees.

21. All matters relating to the exercise by the Board of the powers conferred upon it by this Act which have by regulations been delegated by the Board to any Committee, constituted under section 20 shall stand referred to that Committee, and the Board before exercising any such powers shall receive and consider the report of the Committee with respect to the matter in question:

Provided that where in the opinion of the Board immediate action is necessary with respect to any such matter, it may proceed to deal with it without the report of the Committee in respect thereof and pass such orders thereon as it considers necessary.

Proceedings not invalidate by reason of vacancies.

22. Subject to the provisions of this Act or any rules, regulations or byelaws made thereunder, no act or proceeding of the Board, the Executive Committee or of a Committee constituted under section 20 shall be invalid merely by reason of the existence of a vacancy amongst the members of the Board or such Committee.

Power to make rules.

23. (1) The State Government may, make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under sub-section (1) shall be laid on the table of the Legislative Assembly.

Power of the Board to make regulations.

24. (1) The Board may make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for all or any of the following matters, namely:—

- (a) the conduct of the examinations;
- (b) the fees for admission to the examinations of the Board;
- (c) publication of the results of the examinations conducted by the Board;
- (d) issuing mark-sheets, certificates etc. to the candidates who appeared in the examinations conducted by the Board;
- (e) imposition of penalties on candidates using unfair means or interfering in the examinations conducted by the Board;
- (f) appointment of experts, officers and employees for various activities, and determination of their duties and powers and termination of their appointments;
- (g) determination of the honorarium or remuneration of the persons mentioned in clause (f) above;
- (h) determination of the standards and expenditure in respect of the examinations, and other related activities;
- (i) preparation of database in respect of examinations conducted by the Board;
- (j) instituting and awarding scholarships, medals and prizes;
- (k) appointment of officers, clerks and other servants of the Board and the conditions of their service;
- (l) control, administration, safe custody and management in all respect of the finances of the Board;

- (m) development and publication of Test Bank for different entrance examinations;
- (n) to organize counselling for admission process after the entrance examinations;
- (o) development of modern infrastructure for giving online career counselling to the students of different levels;
- (p) organizing skill tests and award certificates in particular professions, on the instructions of the State Government;
- (q) all matters which by this Act are to be or may be provided for by regulations.

(3) The regulations made under this section shall be subject to the conditions of previous publication in the manner set forth in section 24 of the Madhya Pradesh General Clauses Act, 1957(No. 3 of 1958), and shall not take effect until they have been approved by the State Government and published in the Gazette.

(4) When the first draft of the regulations is submitted by the Board to the State Government for approval under sub-section(3), the State Government shall, within a period of three months from the date of submission of such draft communicate to the Board either its approval or refusal to the draft, or may suggest such modifications therein, as may be deemed necessary in the draft, and if the State Government fails to take any action within the aforesaid period, the final draft submitted by the Board shall be deemed to have been approved by the State Government, and shall be published in the Gazette accordingly.

25. As from the date specified for the establishment of the Board under sub-section (1) of Section 3, the following consequences shall ensue, namely:-

Consequences to ensue on establishment of the Board.

- (a) the Professional Examination Board, existing immediately before the date aforesaid, shall be merged in the Board;
- (b) all assets and liabilities of the existing Professional Examination Board of the State Government shall vest in the Board established under Section 3;
- (c) all the employees belonging to or under the control of the existing Professional Examination Board shall be deemed to be the employees of the Board established under section 3;

Provided that the terms and conditions of service of such employees shall not be modified in such a manner that it is less favourable to them;

- (d) all the records and papers of the existing Professional Examination Board shall vest in and be transferred to the Board established under Section 3;
- (e) any action or process in motion under the existing Professional Examination Board shall stand transferred to the Board established under Section 3.

26. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.