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मंगळवार, मार्च १५, १९८८/फाल्गुन २५, शके १९०९

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 15th March 1988 :—

#### L. A. BILL No. I OF 1988.

#### *A BILL*

*further to amend the Acts relating to certain Universities in the State of Maharashtra.*

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS Shri Chittatosh Mookerjee, discharging the functions of the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Acts relating to the Bombay, Poona, Shivaji, Marathwada, Nagpur, Shreemati Nathibai Damodar Thackersey Women's and Amravati Universities in the State of Maharashtra for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Universities (Amendment) Ordinance, 1988, on the 12th February 1988;

Mah.  
Ord.  
I of  
1988.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Universities (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 12th February 1988.

Short title  
and  
commence-  
ment.

Amendment of section 12 of Mah. XXII to XXVII of 1974 and section 13 of Mah. XXXVII of 1983.

2. In each of the University Acts of 1974, that is to say, the Bombay University Act, 1974, the Poona University Act, 1974, the Shivaji University Act, 1974, the Marathwada University Act, 1974, the Nagpur University Act, 1974 and the Shreemati Nathibai Damodar Thackersey Women's University Act, 1974 (herein after referred to as "the University Acts of 1974"), in section 12, and in the Amravati University Act, 1983, in section 13, after sub-section (4), the following sub-section and the *Explanation* shall be inserted, namely:—

Mah. XXII of 1974.  
Mah. XXIII of 1974.  
Mah. XXIV of 1974.  
Mah. XXV of 1974.  
Mah. XXVI of 1974.  
Mah. XXVII of 1974.  
Mah. XXXVII of 1983.

“(5) No person who has held office as a Dean of a Faculty for two terms or more shall be eligible for being elected, or continued, as such a Dean.

*Explanation.*—For the purposes of this sub-section, any Dean who,—

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such Dean or ceased to be such Dean for any reason whatsoever; or

(ii) is elected as such Dean in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such Dean or ceases to be such Dean, for any reason whatsoever,

before the completion of his term of office as such Dean, he shall be deemed to have held office as such Dean for the whole of that term.”

Amendment of section 20 of Mah. XXII to XXVII of 1974 and section 21 of Mah. XXXVII of 1983.

3. In section 20 of each of the University Acts of 1974, and in section 21 of the Amravati University Act, 1983,—

(a) in sub-section (6), for the word “nominated” the words “elected, nominated or appointed” shall be substituted;

(b) after sub-section (6), the following sub-section and the *Explanation* shall be inserted, namely:—

“(7) No person who has held office as a member of the Senate for two terms or more or for a period of six years in the aggregate, whichever is less, shall be eligible for being elected, nominated or appointed, or continued, as such member.

*Explanation.*—For the purposes of this sub-section,—

(a) in calculating the aggregate period of six years, any period comprised in one or more terms for which the person concerned may have been such member before the commencement of the Maharashtra Universities (Amendment) Act, 1988 shall be taken into consideration;

(b) any elected or nominated or appointed member who,—

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected or nominated or appointed as such member in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member, for any reason whatsoever,

before the completion of his term of office as such member, he shall be deemed to have held office as such member for the whole of that term.”

Mah.  
XXXVII  
of 1983.

4. In section 23 of each of the University Acts of 1974, and in section 24 of the Amravati University Act, 1983,—

(a) in sub-section (1), the proviso shall be deleted;

(b) in sub-section (6), after the word “nominated” the words “or elected” shall be inserted;

(c) after sub-section (6), the following sub-section and the *Explanation* shall be inserted, namely :—

“(7) No person who has held office as a member of the Executive Council for two terms or more shall be eligible for being elected or nominated, or continued, as such member.

*Explanation.*—For the purposes of this sub-section, any elected or nominated member who,—

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected or nominated as such member in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member for any reason whatsoever,

before the completion of his term of office as such member, he shall be deemed to have held office as such member for the whole of that term.”

Mah.  
of 1988.Mah.  
of 1988.Mah.  
XXXVII  
of 1983.

5. In section 25 of each of the University Acts of 1974, and in section 26 of the Amravati University Act, 1983,—

(a) in sub-section (3), for the word “nominated” the words “elected, co-opted, appointed or nominated” shall be substituted;

(b) after sub-section (3), the following sub-section and the *Explanation* shall be inserted, namely :—

“(3A) No person who has held office as a member of the Academic Council for two terms or more shall be eligible for being elected, co-opted, appointed or nominated, or continued, as such member.

*Explanation.*—For the purposes of this sub-section, any elected, co-opted, appointed or nominated member who,—

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected, co-opted, appointed or nominated as such member in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member, for any reason whatsoever,

before the completion of his term of office as such member, he shall be deemed to have held office as such member for the whole of that term.”

Mah.  
of 1988,Mah.  
of 1988,

6. After section 36 of each of the University Acts of 1974, the following sections shall be inserted, namely :—

“36A. Notwithstanding anything contained in this Act, no person who has held office as a Dean of a Faculty for two terms or more, or a member of the Senate for two terms or more or for a period of six years in the aggregate, whichever is less, or a member of the Executive Council or Academic Council for two terms or more, whether as elected, appointed, nominated or co-opted, as the case may be, shall be eligible for being elected, appointed, nominated or co-opted, or continued, as a Dean of a Faculty or a member of any of the authorities of the University, namely, the Senate or the Executive Council or the Academic Council.

Insertion of sections 36A and 36B in Mah. XXII to XXVII of 1974.

Disqualification for Dean of Faculty or member of certain authorities of University.

Cessation of membership.

36B. Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, elected, appointed, nominated or co-opted as an officer of University or a member of any of the authorities or bodies of the University by virtue of his being eligible to be so elected, appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the University or a member of such an authority or a body as soon as he ceases to belong to such category and shall be deemed to vacate his office as such officer or member."

Insertion of sections 37A and 37B in Mah. XXXVII of 1983.

7. After section 37 of the Amravati University Act, 1983, the following sections shall be inserted, namely:—

Mah. XXX-VII of 1983.

Disqualification for Dean of Faculty or member of certain authorities of University.

"37A. Notwithstanding anything contained in this Act, no person who has held office as a Dean of a Faculty for two terms or more, or a member of the Senate for two terms or more, or for a period of six years in the aggregate, whichever is less, or a member of the Executive Council or Academic Council for two terms or more, whether as elected, appointed, nominated or co-opted, as the case may be, shall be eligible for being elected, appointed, nominated or co-opted, or continued, as a Dean of a Faculty or a member of any of the authorities of the University, namely, the Senate or the Executive Council or the Academic Council.

Cessation of membership.

37B. Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, elected, appointed, nominated or co-opted as an officer of University or a member of any of the authorities or bodies of the University by virtue of his being eligible to be so elected, appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the University or a member of such an authority or a body as soon as he ceases to belong to such category and shall be deemed to vacate his office as such officer or member."

Amendment of section 57 of Mah. XXII to XXVII of 1974 and section 66 of Mah. XXXVII of 1983.

8. In section 57 of each of the University Acts of 1974, and in section 66 of the Amravati University Act, 1983, in sub-section (2), in clause (b),—

Mah. XXX-VII of 1983.

(a) in sub-clause (iv), the word "and" shall be deleted;

(b) in sub-clause (v), for the word "selected" the words "selected ; and" shall be substituted;

(c) after sub-clause (v); the following sub-clause shall be inserted, namely:—

"(vi) one person belonging to Scheduled Castes [or Scheduled Tribes, nominated by the Chancellor."

Saving.

9. Nothing in sub-section (5) of section 12 or sub-section (7) of section 20 or sub-section (7) of section 23 or sub-section (3A) of section 25 of each of the University Acts of 1974 or in sub-section (5) of section 13 or sub-section (7) of section 21 or sub-section (7) of section 24 or sub-section (3A) of section 26 of the Amravati University Act, 1983, as amended by the Maharashtra Universities (Amendment) Act, 1988, shall affect any Dean of a faculty or a member of the Senate, Executive Council or, as the case may be, Academic Council, holding office as such Dean or member on the date of commencement of the Maharashtra Universities (Amendment) Act, 1988 and he shall not be deemed to have incurred disqualification thereunder; and shall continue to hold office till the completion of his term, unless he resigns or vacates the office of such Dean or member or ceases to be such Dean or member for any reason whatsoever before the expiry of his

Mah. XXX-VII of 1983.  
Mah. XXX-VII of 1988.  
Mah. XXX-VII of 1988.

term of office as such Dean or member, but he shall not be eligible to be elected, nominated, appointed, co-opted or by or in any other manner become a member on—

(a) the Senate, if he is a Dean or a member of the Executive Council or the Academic Council,

(b) the Executive Council, if he is a Dean or a member of the Senate or the Academic Council, or

(c) the Academic Council, if he is a Dean or a member of the Senate or the Executive Council.

Mah. Ord. I of 1988. 10. (1) The Maharashtra Universities (Amendment) Ordinance, 1988 is hereby repealed, Repeal of Mah. Ord. I of 1988 and saving.

Mah. XXX-VII of 1983. (2) Notwithstanding such repeal, anything done or any action taken under any of the University Acts of 1974 or the Amravati University Act, 1983 as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant University Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

In each of the Bombay, Poona, Shivaji, Marathwada, Nagpur, Shreemati Nathibai Damodar Thackersey Women's and Amravati Universities there are various officers and authorities as provided under the provisions of respective University Act. Amongst these officers and authorities the Deans of Faculties, the Senate, the Executive Council and the Academic Council play a vital role in respect of exercise of the powers and performance of the duties conferred or imposed upon them under the relevant University Act. Instances had come to the notice of the State Government that many a Dean and member on these authorities had been holding office for two terms or more and in majority of the cases for good many a number of year, as a result of which people had been complaining that some such Deans and members have developed vested interests in the functioning of these Universities. It was, therefore, considered expedient to limit the term of office of the members of the Senate to two terms or six years in the aggregate, whichever is less, and in the case of the Deans of Faculties, and the members of the Executive Council and Academic Council to two terms by immediately amending the various University Acts in operation in the State as elections to these offices and authorities were likely to be held in February 1988.

2. It was also considered necessary to make provisions in each of University Act with regard to the disqualification for, and cessation of, membership, etc.

3. For each such University a Selection Committee is constituted for selecting candidates for appointment to the post of teachers of the University. Amongst the members of every such Selection Committee, there was no representation to a person belonging to Scheduled Castes or Scheduled Tribes for being a member of such Selection Committee. It was therefore, considered necessary that a provision may be made immediately to provide for such representation.

4. As both Houses of the State Legislature were not in session and it was necessary to take immediate action further to amend all the relevant University Acts relating to the abovementioned Universities, for the purposes aforesaid, the Maharashtra Universities (Amendment) Ordinance, 1988 (Mah. Ord. I of 1988) was promulgated by the Governor of Maharashtra on the 12th February 1988.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Dated the 25th February 1988.

RAM MEGHE,  
Minister for Education.

Bombay, dated the 15th March 1988.

BHASKAR SHETYE,  
Secretary (I),  
Maharashtra Legislative Assembly.