



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

गुरुवार, मार्च १६, २००६/फाल्गुन २५, शके १९२७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Self-Financed Universities (Establishment and Regulation) Bill, 2006 (L. C. Bill No. X of 2006), introduced in the Legislative Council on the 16th March 2006, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

L. C. BILL No. X OF 2006.

A BILL

*to provide for establishment of the Self-Financed Universities in the State ; to regulate their working and functions and for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to have a law in the State of Maharashtra to provide for establishment of the Self-Financed Universities in the State ; to regulate their working and functions and for matters connected therewith or incidental thereto ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Self-Financed Short title. Universities (Establishment and Regulation) Act, 2006.

(७७)

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

(a) "All India Council for Technical Education" means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987; 52 of 1987.

(b) "authorities" means the authorities of the university ;

(c) "Chancellor", "Pro-Chancellor" and "Vice-Chancellor" means, respectively, the Chancellor, the Pro-Chancellor and the Vice-Chancellor of the university ;

(d) "Competent Authority" means the Higher and Technical Education Department of the Government ;

(e) "Executive Committee" means the Executive Committee constituted under section 25 ;

(f) "Governing Body" means the Governing Body constituted under section 24 ;

(g) "Government" means the Government of Maharashtra ;

(h) "prescribed" means prescribed by rules made under this Act ;

(i) "sponsoring body" in relation to a university, means,—

(i) a trust registered under the Bombay Public Trusts Act, 1950 or a society registered under the Societies Registration Act, 1860 ; Bom. XXIX of 1950. 21 of 1860.

(ii) any public trust registered under the Indian Trusts Act, 1882 ; 9 of 1882.

(iii) a company registered under section 25 of the Companies Act, 1956, or 1 of 1956.

(iv) a society registered under the Maharashtra Co-operative Societies Act, 1960. Mah. XXIV of 1961.

(j) "Statutes" and "Ordinances" means, respectively, Statutes and Ordinances, of the university made by or under this Act ;

(k) "student" means a person duly admitted and pursuing a programme of study in a university ;

(l) "study center" means a center established and maintained or recognized by a university for the purpose of advising, counselling or for rendering any other assistance required by the students used in the context of distance education ;

(m) "university" means a university established under section 7 ;

(n) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956.

3. The objectives of a university shall be,—

(a) to provide instructions, teaching and training in Higher and Technical Education and make provisions for research ;

Objectives  
of univer-  
sity.

(b) to create higher levels of intellectual abilities ;

(c) to establish state-of-the-art facilities for education and training ;

(d) to carry out teaching and research and offer continuing education programs ;

(e) to create centers of excellence for research and development, and for sharing knowledge and its application ;

(f) to provide consultancy to the industry and public organizations ;

(g) to start higher education programs, courses in new and emerging areas ;

(h) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examinations, or any other methods of evaluation ;

(i) to open study centers within its jurisdiction ;

(j) to pursue any other objectives as may be suggested or directed by the Government ;

(k) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions conferred by a university are not lower than those laid down by the All India Council for Technical Education or the National Council for Teacher Education established under the National Council for Teachers Education Act, 1993 or the University Grants Commission or the Pharmacy Council of India constituted under the Pharmacy Act, 1948 or the Bar Council of India constituted under the Advocates Act, 1961 or any other statutory body, as the case may be ;

(l) to ensure the compliance of the directions or guidelines issued, from time to time, by the University Grants Commission and other concerned statutory bodies.

Project  
report for  
establish-  
ment of  
university.

4. (1) Any sponsoring body (including any institution conducting an educational activity) desirous of establishing a self-financed university under this Act, may submit an application along with project report containing a proposal for establishment of a university to the Competent Authority in the manner and with such processing fee, as may be specified by the Government, by an order published in the *Official Gazette*.

(2) The project report shall contain the following particulars, namely :—

(i) the details of the sponsoring body submitting an application under sub-section (1) along with the copies of its registration certificate, constitution and bye-laws ;

(ii) the information regarding financial resources of the sponsoring body along with audited accounts for the past five years ;

(iii) the name, location and headquarters of the proposed university ;

(iv) the objects of the university ;

(v) the availability of land and details of buildings and infrastructure facilities, if already exists ;

(vi) the availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of the sponsoring body ;

(vii) the details of plans for campus development such as construction of building, development of structural amenities and infrastructure facilities and procurement of equipments, etc., to be undertaken before the university starts functioning and phased program for first five years ;

(viii) the phased outlay of capital expenditure proposed for the next five years and its sources of finance ;

(ix) the nature and the type of programs of study and research proposed to be undertaken by the university and their relevance to the development goals and employment needs of the State and phasing of such program for the first five years with course-wise enrolment targets ;

(x) the experience and expertise in concerned disciplines at command of sponsoring body ;

(xi) the nature of facilities, courses of study and work of research proposed to be started ;

(xii) the estimated recurring expenditure course-wise or activity-wise, source of finance and estimated expenditure per student ;

(xiii) the scheme of mobilization of resources and the cost of capital thereto and the manner of repayment of such sources ;

(xiv) the scheme for generation of funds internally, through the recovery of fees from the students, revenues anticipated from consultancy services and other activities relating to the objects of the university, and other anticipated income ;

(xv) the proposed fee structure with reference to the details of expenditure on unit cost and extent of concessions or rebates in fees or free-ships and scholarships to the students from economically weaker or socially backward families, including Scheduled Castes, Scheduled Tribes, Other Backward Classes and physically handicapped students ;

(xvi) the system proposed to be followed for selecting students for admission to the courses of study of the university ;

(xvii) the system proposed to be followed for appointment of teachers and other employees in the university ;

(xviii) whether the university is desirous of taking up distance education program. If so, details of study centers to be started ;

(xix) whether the university proposes to undertake some program related to local needs. If so, the nature of specialized teaching, training or research activities to be undertaken by the university so as to fulfill this objective ;

(xx) whether the university proposes to start some programs for the benefits of farmers, women and industries. If so, details thereof may be given ;

(xxi) details of playgrounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, etc. ;

(xxii) the arrangements proposed to be made for academic auditing ;

(xxiii) justification regarding the necessity of establishment of the proposed university ;

(xxiv) commitment to follow the norms of the regulatory bodies ;

(xxv) residential facilities to be provided to the students and teaching staff ;

(xxvi) details of study centers, to be started in first five years ;

(xxvii) such other details as may be prescribed ;

(xxviii) such other details as the sponsoring body may like to give.

5. (1) The application along with the project report shall be submitted by the sponsoring body to the Competent Authority on or before the date specified by the Government.

(2) On receipt of the proposal and the project report for establishment of the university, the Government shall set up a Committee to examine the proposal and the project report.

Submission  
and  
examination  
of project  
report.

The Committee shall consist of the following members, namely :—

- (i) the Principal Secretary, Higher and Technical Education Department *ex-officio* Chairperson ;
- (ii) the Secretary, Industries Department *ex-officio* Member ;
- (iii) Vice-Chancellor of one of the universities established under the Maharashtra Universities Act, 1994 nominated by the Government Member ; and
- (iv) two experts in the concerned field of higher education nominated by the Government Members.

Mah.  
XXXV  
of  
1994.

(3) The members of the Committee, other than the *ex-officio* members shall receive such remuneration and allowances and shall hold the office for such period as may be specified by the Government by an order issued in this behalf and published in the *Official Gazette*.

(4) The Committee shall scrutinize the proposal and project report on the following grounds, namely :—

(a) financial soundness and assets of the sponsoring body and its ability to set up the infrastructure of the proposed university ;

(b) background of the sponsoring body that is to say its expertisation and experience in the field of education, its general reputation, etc., and its commitment to follow the norms of the regulatory bodies ;

(c) potential of the courses proposed to be offered that is to say ability of the courses to develop the human resources as per the requirements of the contemporary demand ; the new courses have new features and includes emerging branches of learning.

(5) The Committee while scrutinizing the proposal and project report under sub-section (4) may call for such other information from the sponsoring body as it thinks proper.

(6) The Committee may suggest changes with reference to the project report and convey the same to the sponsoring body for consideration and compliance within specified period.

(7) The Committee shall submit its report to the Government within a period of two months from date of its constitution :

Provided that, time granted for compliance with the suggestions, if any, under sub-section (6) shall be excluded while computing the period of two months :

Provided further that, the Government may extend the period of submission of report by the Committee in exceptional circumstances.

6. (1) After the receipt of the report of the Committee constituted under section 5, if the Government is satisfied that it is advisable to establish the university, it may issue a letter of intent and require the sponsoring body to,—

Issuance of letter of intent and compliance report.

(a) establish an endowment fund in accordance with the provisions of section 10 ;

(b) own a minimum area of land as may be prescribed, if not already available ;

(c) construct covered space of an area as may be prescribed for administrative purposes and for conducting academic programs ;

(d) fulfil such conditions as to infrastructure and other requirements as may be prescribed ;

(e) fulfil such other conditions and provide such other information as may be prescribed by the University Grants Commission or any other statutory body established by law.

(2) The sponsoring body shall fulfil the requirements and conditions specified in sub-section (1) and shall report the compliance to the Government within a maximum period of one year from the date of issue of letter of intent. However, the Government may extend the said period in exceptional circumstances. On receiving the compliance report, the Government shall appoint a Committee as may be specified, to verify the compliance report. The said committee shall submit its report to the Government within one month from the date of its constitution specifying whether the sponsoring body has fulfilled the requirements and conditions laid down in sub-section (1). However, Government may extend the period of submission of report by the said Committee for the maximum period of three months.

(3) If the sponsoring body has failed to comply with the provisions of sub-section (1), its proposal submitted under section 5 shall stand rejected and the letter of intent issued under sub-section (1) shall be deemed to have been withdrawn.

7. (1) After considering the report submitted under sub-section (2) of section 6 that the sponsoring body has complied with the provisions of section 6, the Government may, if satisfied, by notification in the *Official Gazette*, declare the establishment of a university by such name and with such jurisdiction and location of campus as may be specified therein :

Incorporation of the university.

Provided that, no such notification shall be issued except on a resolution passed by both the Houses of State Legislature.

(2) Every university established under sub-section (1), shall be a body corporate having perpetual succession and a common seal and may sue and be sued by the said name and shall be competent to acquire, hold

and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act.

(3) Every university shall obtain accreditation from the National Assessment and Accrediting Council or National Board of Accreditation within five years of its establishment.

(4) Every university shall be a unitary university having adequate facilities for teaching, research, examination and extension services.

Universities  
open to all.

8. Every university established under section 7 shall be open to all persons irrespective of religion, sex, race, caste, creed, class, opinion, place of birth, religious belief or political opinion and it shall not be lawful for a university to impose, on any person any test whatsoever relating to sex, race, caste, creed, class, opinion, place of birth, religious belief or political opinion, in order to entitle him to be admitted as a student or to be appointed as a teacher in the university or to hold any office or post in the university or to qualify for any degree, diploma or any academic distinction or to enjoy or exercise any privilege of the university :

Provided that, nothing in this section shall prevent the university from making special provisions for women, physically handicapped persons and persons belonging to Scheduled Castes, Scheduled Tribes and Economically Backward Classes.

Universities  
to be self-  
financed.

9. Every university established under this Act shall be self-financed. The university shall not be entitled to any financial assistance of any nature from the Government.

Endowment  
Fund.

10. (1) The sponsoring body shall establish an endowment fund for the university with an amount of,—

(i) five crore rupees in case the university is situated in Mumbai or Mumbai Suburban District ;

(ii) two crore rupees in case the university is situated outside Mumbai or Mumbai Suburban District.

(2) The Endowment Fund shall be used as security deposit to ensure that the university complies with the provisions of this Act, Statutes and Ordinances. The Government shall have the powers to forfeit, in the prescribed manner, a part or whole of the endowment fund in case the university or the sponsoring body contravenes the provisions of this Act, Statutes, Ordinances, Regulations or the rules made thereunder.

(3) Income from endowment fund may be utilized for development of infrastructure of the university but shall not be utilized to meet the recurring expenditure of the university.

(4) The amount of endowment fund shall be invested and kept invested in long term securities received or guaranteed by the Government or deposited and kept deposited in the interest bearing personal deposit account in Government treasury until the dissolution of the university.

(5) In case of investment in long term securities, the certificates of the securities shall be kept in the safe custody of the Government; and in case of deposit in the interest bearing personal deposit account in Government treasury, deposit shall be made with the conditions that the amount shall not be withdrawn without the permission of the Government.

11. Every university shall also constitute a fund called the General Fund which shall consist of,— General Fund.

(a) fees and other charges received by the university ;

(b) any contributions made by the sponsoring body or any donation or gift received ; and

(c) income from any other sources.

12. The General Fund constituted by the university shall be used for any of the following objects and in the following order, namely :— Application of General Fund.

(a) repayment of the debts (including interest thereon) incurred by the university for carrying out the purposes of this Act or Statutes or Ordinances made thereunder :

Provided that, the General Fund of a university shall not be used for the purpose of repayments of the debts of the university, without previous approval of the Governing Body ;

(b) upkeep of the immovable properties or assets of the university ;

(c) payment of the cost of audit of the fund created under section 11 ;

(d) for meeting the expenses of any suit or proceedings to which the university is a party ;

(e) payment of salaries and allowances of the officers and employees of the university including members of the teaching and research staff, and payment of any provident fund contributions, gratuity and other benefits to any such officers and employees, including members of the teaching and research staff ;

(f) payment of travelling and other allowances to the members of the Governing Body, the Executive Committee, the Academic Council and other authorities created by the Statutes; and, to the members of any Committee or Board appointed by any of the authorities of the university in pursuance of any provisions of this Act, or the Statutes or the Ordinances made thereunder ;

(g) payment of fellowships or scholarships to research associates or trainees, as the case may be, or to any student otherwise eligible for such awards under the Statutes or the Ordinances ;

(h) payment of any expenses incurred by the university in carrying out the provisions of this Act, the Statutes or the Ordinances ;

(i) payment of cost of capital including payment of interest, not exceeding the prevailing bank rate of interest, incurred by the sponsoring body for setting up the university and the investments made therefor ;

(j) payment of charges and expenditure relating to the consultancy work undertaken by the university in pursuance of the provisions of this Act or the Statutes or the Ordinances ;

(k) payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the university on behalf of the sponsoring body and approved by the Executive Committee to be the expenses for the purposes of the university :

Provided that, no expenditure in excess of the total recurring and non-recurring expenditure for the year as may be fixed by the Executive Committee shall be incurred by the university without previous approval of the Executive Committee.

Officers of  
the  
university.

13. Every university shall have the following officers :—

(1) Chancellor ;

(2) Pro-Chancellor ;

(3) Vice-Chancellor ;

(4) Registrar ;

(5) Finance and Accounts Officer ;

(6) Controller of Examinations ;

(7) Such other officers as may be declared by the Statutes to be the officers of the university.

Chancellor.

14. (1) The Governor of Maharashtra shall be the Chancellor of university.

(2) The Chancellor when present, shall preside over the convocation of the university.

(3) The Chancellor shall have the following powers, namely :—

(a) to call for any paper or information relating to the affairs of the university ;

(b) on the basis of the information received by the Chancellor, if he is satisfied that any order, proceeding or decision taken by any authority of the university is not in conformity with the provisions of this Act, Statutes, Ordinances, Regulations and Rules made thereunder, he may issue such directions as he may deem fit in the interest of the university and the directions so issued shall be complied with by the university.

15. (1) The sponsoring body shall appoint the Pro-Chancellor for a period of three years by following such procedure and on such terms and conditions as may be laid down by the Statutes. Pro-Chancellor.

(2) The Pro-Chancellor shall be the Head of the university.

(3) The Pro-Chancellor of a university shall preside over the meetings of the Governing Body and the convocation of the university for conferring degrees, diplomas or other academic distinctions.

(4) The Pro-Chancellor shall have the following powers, namely :—

(a) to call for any information or report from any authority or officer of the university ;

(b) to appoint and remove the Vice-Chancellor ;

(c) such other powers as may be conferred by the Statutes.

16. The Pro-Chancellor may be removed from his office by the sponsoring body, if it is satisfied that the incumbent has,— Removal of Pro-Chancellor.

(a) become insane and stands so declared by a competent court ;

(b) been convicted by a court for any offence involving moral turpitude ;

(c) become an undischarged insolvent and stands so declared by a competent court ;

(d) become physically unfit and incapable of discharging the functions due to protracted illness or physical disability ; or

(e) willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or any other conditions laid down by the Statutes, or has abused the powers vested in him or if the continuance of the Pro-Chancellor in the office has become detrimental to the interests of the university :

Provided that, the Pro-Chancellor shall be given a reasonable opportunity to show-cause by the sponsoring body, before taking recourse to clause (d) or (e) for his removal from the said office.

17. (1) The Vice-Chancellor of a university shall be appointed by the Pro-Chancellor in consultation with Chancellor, from a panel of three persons recommended by the Governing Body and shall, subject to provisions contained in sub-section (7), hold office for a term of three years : Vice-Chancellor.

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years :

Provided further that, a Vice-Chancellor shall continue to hold the office even after the expiry of his term till new Vice-Chancellor takes charge of the office of the Vice-Chancellor.

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

(3) The Vice-Chancellor shall preside over the convocation of the university in the absence of both, the Chancellor and the Pro-Chancellor.

(4) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority who would have in the ordinary course dealt with the matter :

Provided that, if in the opinion of the concerned officer or authority such action should not have been taken by the Vice-Chancellor then such case shall be referred to the Pro-Chancellor whose decision thereon shall be final :

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Governing Body and the Governing Body may confirm or modify or reverse the action taken by the Vice-Chancellor.

(5) If in the opinion of the Vice-Chancellor, any decision of any authority of the university is outside the powers conferred by this Act, Statutes, Ordinances, Regulations or rules made thereunder or is likely to be prejudicial to the interest of the university, he shall request the concerned authority to revise its decision and in case the authority refuses to revise such decision wholly or partially or fails to take any decision within fifteen days, then such matter shall be referred to the Pro-Chancellor and his decision thereon shall be final.

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

(7) If, at any time, upon representation made or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interest of university, the Pro-Chancellor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order.

18. The Vice-Chancellor may be removed from his office by the Pro-Chancellor, if, he is satisfied that the incumbent has,—

Removal of  
Vice-  
Chancellor

- (a) become insane and stands so declared by a competent court ;
- (b) been convicted by a court for any offence involving moral turpitude ;
- (c) becomes an undischarged insolvent and stands so declared by a competent court ;
- (d) become physically unfit and incapable of discharging the functions or duties of the office due to protracted illness or physical disability ;
- (e) willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or any other conditions laid down by the Statutes or has abused the powers vested in him or the continuance of the Vice-Chancellor in the office has become detrimental to the interests of the university :

Provided that, the Vice-Chancellor shall be given a reasonable opportunity to show-cause by the Pro-Chancellor before taking recourse to clause (d) or (e) for his removal.

19. (1) The Registrar shall be appointed by the Pro-Chancellor in such manner, subject to such terms and conditions of service and on such emoluments as may be laid down by the Statutes.

Registrar.

(2) The Registrar shall be full-time salaried officer and shall be the Chief Administrative Officer of the university and shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(3) Subject to the decisions of the authorities of the university, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the university.

(4) The Registrar shall be the custodian of the records, common seal and such other property of the university as the Executive Committee may, commit to his charge.

(5) The Registrar shall exercise such powers and perform such other functions as may be laid down by the Statutes or assigned to him by the Vice-Chancellor.

20. The Finance and Accounts Officer shall be appointed in such manner and on such terms and conditions of service and emoluments and shall exercise such powers and perform such functions as may be laid down by the Statutes.

Finance  
and  
Accounts  
Officer.

21. (1) The Controller of Examinations shall be appointed by the Pro-Chancellor in such manner as may be prescribed by the Statutes.

Controller  
of Exami-  
nations.

(2) The Controller of Examinations shall be the principal officer-in-charge of the conduct of examinations and tests of the university and declaration of results. He shall discharge his functions under the superintendence, direction and guidance of the Board of Examinations.

Other officers. 22. The manner of appointment, emoluments, conditions of services, powers and duties of other officers of the university shall be such as may be laid down by the Statutes.

Authorities of the university. 23. The following shall be the authorities of the university, namely :—

- (a) the Governing Body ;
- (b) the Executive Committee ;
- (c) the Academic Council ;
- (d) the Board of Examinations ;

(e) any other bodies of the university as are designated by the Statutes to be the authorities of the university.

Governing Body. 24. (1) The Governing Body shall consist of the following members, namely :—

- (a) the Pro-Chancellor—Chairman ;
- (b) the Vice-Chancellor ;
- (c) five persons nominated by the sponsoring body out of whom two shall be eminent educationists ;
- (d) the Secretary, Higher and Technical Education Department, or his nominee not below the rank of the Deputy Secretary or Joint Director of Higher Education ;
- (e) one expert of finance nominated by the Pro-Chancellor.

(2) The Governing Body shall be the supreme monitoring authority of the university with the following powers, namely :—

- (a) to lay down broad policies to be pursued by the university ;
- (b) to approve the budget and annual report of the university ;
- (c) to review decisions of the other authorities if, in the opinion of the Governing Body, they are not in conformity with the provisions of this Act, Rules, Statutes or Ordinances ;
- (d) to take decisions about voluntary winding up of the university ;
- (e) any other powers as may be conferred by the Statutes.

(3) The Governing Body shall meet not less than twice in a calendar year at the registered office of the university.

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

(a) the Vice-Chancellor—Chairman ;

(b) two members of Governing Body nominated by the sponsoring body ;

(c) three persons, who are not the members of the Governing Body, nominated by the sponsoring body ; and

(d) two senior professors of the university nominated by the Pro-Chancellor.

(2) The powers, functions and term of the Executive Committee shall be such as may be laid down by the Statutes.

26. (1) The Academic Council shall be the principal academic body of the university. Academic Council.

(2) The Academic Council shall consist of the following members, namely :—

(a) the Vice-Chancellor—Chairman; and

(b) five subject experts nominated by the Vice-Chancellor—members.

(3) The powers, functions and term of the Academic Council shall be such as may be laid down by the Statutes.

27. (1) The Board of Examinations shall be the authority for conducting the examinations and making policy decisions in regard to organizing and holding examinations, improving the system of examinations, appointing the paper-setters, examiners, moderators and also prepare the schedule of dates of holding examinations and declaration of results. The Board of Examinations shall also oversee and regulate the conduct of examinations in study centers, or any center related to the university. Board of Examinations.

(2) The Board of Examinations shall consist of the following members, namely :—

(a) the Vice-Chancellor—Chairman ;

(b) the Controller of Examinations— Member-Secretary ;

(c) professor of each subject—Member ;

(d) one evaluation expert, co-opted by the Board of Examinations— Member.

(3) The powers, functions and terms of the Board of Examinations shall be such as may be laid down by the Statutes.

28. The constitution, powers, functions and terms of other authorities of the university shall be such as may be laid down by the Statutes. Other authorities.

29. The authorities of the university may constitute such Committees with such terms of reference as may be necessary for specific task to be performed by such Committees. The constitution of such Committees shall be such as may be prescribed by Statutes. Committees.

First  
Statutes.

30. (1) The First Statutes of the university shall be made by the Governing Body and shall be submitted to the Government for its approval.

(2) Subject to the provisions of this Act and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely :—

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

(b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions ;

(c) the manner and the terms and conditions of appointment of the Registrar and Finance and Accounts Officer and their powers and functions ;

(d) the manner and the terms and conditions of appointment of other officers and teachers and their powers and functions ;

(e) the terms and conditions of service of employees of the university ;

(f) the procedure for arbitration in case of disputes between officers, teachers, employees and students ;

(g) the conferment of honorary degrees ;

(h) the provisions regarding exemption of students from payment of tuition fees and for awarding them scholarship and fellowship ;

(i) provisions regarding the policy of admissions, including regulation of reservation of seats ;

(j) provisions regarding fees to be charged from students ; and

(k) provisions regarding number of seats in different courses.

(3) The Government shall consider the First Statutes, submitted by the university and shall give its approval thereon within four months from the date of its receipt with such modifications, if any, as it may deem necessary.

(4) The Government shall publish the First Statutes, as approved by it, in the *Official Gazette* and thereafter, the First Statutes shall come into force from the date of such publication.

Subsequent  
Statutes.

31. (1) The Statutes of the university other than the First Statutes shall be made by the Executive Committee, with the approval of the Governing Body.

(2) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the university may provide for all or any of the following matters, namely :—

- (a) creation of new authorities of the university ;
- (b) accounting policy and financial procedure ;
- (c) representation of teachers in the authorities of the university ;
- (d) creation of new departments and abolition or restructuring of existing departments ;
- (e) institution of medals and prizes ;
- (f) creation of posts and procedure for abolition of posts ;
- (g) revision of fees ;
- (h) alteration of the number of seats in different syllabi ; and
- (i) all other matters which under the provisions of this Act are to be prescribed by the Statutes.

32. (1) The First Ordinances of the university shall be made by the Vice-Chancellor which, after being approved by the Executive Committee, shall be submitted to the Government for its approval. First Ordinances.

(2) Subject to the provisions of this Act, the rules and Statutes made thereunder, the First Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of the students to the university and their enrolment as such ;
- (b) the courses of study to be laid down for the degrees, diplomas and certificates of the university ;
- (c) the award of degrees, diplomas, certificates and other academic distinctions, minimum qualifications for the same and the means to be taken relating and obtaining of the same ;
- (d) the conditions for the award of fellowships, scholarships, stipends, medals and prizes ;
- (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
- (f) fees to be charged for admission to the various courses of degrees and diplomas of the university ;
- ~~(g) the conditions of residence of the students of the university ;~~
- (h) provisions regarding disciplinary action against the students ;
- (i) all other matters which by this Act or Statutes are required to be provided by the Ordinances.

(3) The Government shall consider the First Ordinances submitted by the Vice-Chancellor under sub-section (2) and shall give its approval within four months from the date of its receipt, with such modifications, if any, as it may deem necessary.

Subsequent Ordinances. 33. Ordinances of the university other than First Ordinances shall be made by the Academic Council, with the approval of the Executive Committee.

Regulations. 34. The authorities of the university may, subject to the prior approval of the Executive Committee, make regulations, consistent with this Act, Rules, Statutes and Ordinances made thereunder, for the conduct of their own business and that of the committees appointed by them.

Admissions. 35. (1) Admissions in the university shall be made strictly on the basis of the merit.

(2) Merit for admission in the university may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in curricular and extra curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of university conducting similar courses or by any other agency of the State :

Provided that, admission in professional and technical courses shall be made only through entrance test.

Examina- tions. 36. At the beginning of each academic session and in any case not later than 30th day of August of every calendar year, the university shall prepare and publish a semesterwise or annual, as the case may be, schedule of examination for each and every course conducted by it and shall strictly adhere to the schedule :

Provided that, if for any reason whatsoever, university has been unable to follow this schedule, it shall, as soon as practicable, submit a report to the Government incorporating the detailed reasons for making a departure from the published schedule. The Government may, thereon, issue such directions, as it may deem fit for better compliance in future.

*Explanation.*—Schedule of examination means a table giving details about the time and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examination.

Declaration of results. 37. (1) The university shall strive to declare the results of every examination conducted by it within thirty days of the last date of the examination for that particular course and shall, in any case, declare the results latest within forty-five days from such date :

Provided that, if for any reason whatsoever, the university is unable to finally declare the result of any examination within the aforesaid period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such direction as it may deem fit for better compliance in future.

(2) No examination or the result of an examination shall be held invalid only for the reasons that the university has not followed the schedule as stipulated in section 36 or, as the case may be, under this section.

38. The fee structure shall be determined by the university from time to time for the courses conducted by the university. However, students once admitted shall be governed by the same fee structure till the completion of the course as has been made applicable at the time of admission.

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1988.

39. The provisions of the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987, in so far as it relates to the demand or collection of capitation fee by the university or any of its office bearers, shall apply to the university established under this Act as if it is an educational institution or institution within the meaning of clause (b) of section 2 of the said Act.

Maharashtra  
Educational  
Institutions  
(Prohibition  
of Capita-  
tion Fee)  
Act, 1987 to  
apply.

40. (1) The annual report of the university shall be prepared by its Executive Committee which shall include alongwith other matters, the steps taken by the university towards the fulfillment of its objects and shall be approved by the Governing Body.

Annual  
report.

(2) A copy of the annual report shall be submitted to the Maharashtra State Council for Higher Education constituted under the Maharashtra Universities Act, 1994.

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of  
1994.

41. (1) The annual accounts and balance sheet of the university shall be prepared under the directions of its Executive Committee and shall be audited once in a year by an auditor duly appointed by the university.

Annual  
accounts.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Governing Body.

(3) A copy of the annual accounts together with the audit report and the observations, if any, of the Governing Body, shall be submitted to the Government.

42. No act or proceedings of any authority of the university shall be invalid merely by reason of the existence of a vacancy or vacancies in the office of its members.

Proceedings  
of univer-  
sity  
authorities  
not to  
invalidate  
by vacancy.

43. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or committee of a university, or other documents in possession of the university, or any entry in any register duly maintained by the university, if certified by the Registrar, shall be admitted as evidence of the matters and transactions therein, where the original thereof would, if produced, have been admissible in evidence.

Mode of  
proof of  
university  
records.

Winding up  
of the  
university  
in certain  
circum-  
stances.

44. (1) On report or *prima-facie* evidence of financial mismanagement or gross maladministration in carrying out the affairs of a university, or gross violation of provisions of this Act or any directions issued thereunder, the Government may issue a notice to such university calling upon such university to show cause, within a period of forty-five days, as to why it should not be ordered to be wound up and the Governing Body be dissolved.

(2) On receipt of the reply of the university to the notice under sub-section (1), if the Government is satisfied that a *prima-facie* case of mismanagement, maladministration or gross violation of the provisions of this Act or any directions issued thereunder is made out, it shall order such inquiry as it may deem fit.

(3) Pending receipt of the report of such inquiry, if the Government is of the opinion that, for the conduct of the proper inquiry or in the interest of the students or the university, it is necessary to suspend the Governing Body or any of the authorities of the university, it shall, by notification in the *Official Gazette*, order suspension of such body or authority and shall, in consultation with the sponsoring body, make appropriate arrangements, for the administration of the affairs of the university till the completion of such inquiry.

(4) For the purposes of any inquiry under sub-section (2) the Government shall, by notification in the *Official Gazette*, appoint an officer or authority as the inquiring authority to inquire into any of the allegations and to report thereon.

(5) Every inquiring authority appointed under sub-section (4) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

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1908.

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any document or other material which is producible as evidence;

(c) requisitioning of any public record from any court or office;

(d) any other matter which may be prescribed by rules.

(6) Every inquiry authority making an inquiry under this Act shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

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1974.

(7) On receipt of the inquiry report, if the Government is satisfied that the Governing Body or the authority had committed serious financial irregularities and that there was

gross mismanagement or maladministration in conducting the affairs of the university or violation of the provisions of this Act or any direction issued thereunder whereby a situation had arisen making the financial stability or the administration of the university by the existing authorities unsafe, the Government may, by notification in the *Official Gazette*, order winding up of the university and also provide for all the other consequential and necessary things as specified in such order :

Provided that, pending completion of the winding up process, the Government shall also make appropriate arrangements including appointment of officers or committees for managing and conducting the affairs of the university till the completion of the academic year or the current courses in the interest of the students and employees of the university.

(8) During the period of completion of the winding up process of the university, the officers or committees appointed by the Government under sub-section (7) for managing and conducting the affairs of the university shall be authorized to utilize the funds available in the General Fund and Endowment Fund of the university for the purpose for which the said Funds are created, after maintaining a detailed and up-to-date account of the expenditure from such funds.

(9) On issue of a notification for winding up of a university, the Government shall forthwith freeze admissions to such university for the new academic year or fresh academic course.

(10) Every notification issued under sub-section (7) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

45. (1) The sponsoring body may dissolve the university by giving a notice to the effect in the prescribed manner to the Government and the employees and the students of the university at least one year in advance :

Dissolution of university by sponsoring body.

Provided that, dissolution of the university shall have effect only after the last batches of the students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be.

(2) On the dissolution of the university all the assets and liabilities of the university shall vest in the sponsoring body.

46. The Government shall have the following powers, namely :—

Powers of Government.

(a) to issue directions to the university to carry out or comply with the provisions of this Act, rules, Statues or Ordinances made thereunder ;

(b) to appoint a Committee to inspect the administration and working of a university, at any time, after giving prior notice of such inspection to ensure proper compliance with the provisions of this Act;

(c) to issue directions to the university for time bound compliance or to rectify the deficiencies or lapses pointed out by the Committee appointed under clause (b).

Power to make rules. 47. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Except when the rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Removal of difficulties. 48. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as the occasion requires, by an order published in the *Official Gazette*, do anything, which appears to it to be necessary or expedient for the purposes of removing the difficulty :

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

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

The economic reforms being undertaken by the Government of India have prompted the change in the policy making and involving the private sector in the infrastructure development. Accordingly, the Government of Maharashtra has decided to facilitate private participation in the development of infrastructure facilities in the State, particularly in the field of higher education.

2. The Government of Maharashtra being desirous of improving opportunities in higher education and with a view to stimulating the pro-active participation and investment by the private sector in higher education, considers it expedient to encourage the formation of Self-Financed Universities in the State of Maharashtra for achieving, excellence in technical, professional and managerial education, without creating any financial burden for the State exchequer. It is also considered expedient that the Government should accordingly play the role of a catalyst in the development of higher education in the State by ensuring the provision of appropriate and suitable environment for such universities.

3. In order to ensure high qualities of education and to meet the needs of the students under the ever changing academic and economic scenario and to create confidence in the minds of the public, the Government of Maharashtra decided to initiate the process of granting permissions to those private institutions which demonstrated exceptional track record in establishing and running higher education courses to establish universities in the State.

4. With a view to provide adequate autonomy to such universities, the Government has decided to have minimum regulatory interference in their formation and functioning. However, to provide proper environment for orderly formation and growth of the Self-Financed Universities and also to ensure that such universities conform to a high level of infrastructure facilities and academic requirements, and that the process of encouraging such growth does not create hurdles for the education of the under privileged sections of the society or allow mismanagement of any sort, detrimental to the public interest or general education policy of Government; the Government of Maharashtra considers it expedient to retain with it some supervisory and some regulatory powers under the law.

5. As the existing laws of the State relating to higher education and universities are found to be inadequate to satisfy the above objectives, it is necessary to bring new legislation.
6. The Bill is intended to achieve the above objectives.

Mumbai,

DILIP VALSE-PATIL,

Dated the 2nd March 2006. Minister for Higher Education.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

*Clause 4 (1).*—Under this clause, power is taken to the Government to prescribe the manner in which application for establishment of University is to be made and processing fee to be paid with the application.

*Clause 4 (2).*—Under this clause, power is taken to the Government to notify, from time to time, other details which the Project Report shall contain.

*Clause 5 (3).*—Under this clause, power is taken to the Government to publish in the *Official Gazette*, the remuneration and allowances to be paid to the members of the Committee and the period for which they can hold the office.

*Clause 6.*—Under this clause, power is taken to the Government to prescribe the requirements to be complied by the sponsoring body regarding owning of specified area of land, construction of the covered area for administration purposes and for conducting academic programs; fulfilment of infrastructure, etc.

*Clause 7 (1).*—Under this clause, power is taken to the Government to establish, by notification in the *Official Gazette*, a university by such name and with such jurisdiction and location of campus as may be specified therein.

*Clause 10.*—Under this clause, power is taken to the Government to prescribe manner of forfeiting of a part or whole of the endowment fund in case the university or the sponsoring body contravenes the provision of this Act, Statute or Ordinances, Regulation or the Rules.

*Clause 31(4).*—Under this clause, power is taken to the Government to publish the First Statute of the university in the *Official Gazette*.

*Clause 44(3).*—Under this clause, power is taken to the Government to order, by notification in the *Official Gazette*, suspension of the Governing Body or any authority and to make such arrangement for the administration of the affairs of the university till the completion of inquiry.

*Clause 44 (4).*—Under this clause, power is taken to the Government to appoint, by notification in the *Official Gazette*, an officer or authority as the inquiring authority to inquire into any of the allegations against the university and to report thereon.

*Clause 44 (5)(d).*—Under this clause, power is taken to the Government to prescribe any other matter on which the inquiring authority shall have power of a Civil Court.

*Clause 44 (7).*—Under this clause, power is taken to the Government to order, by notification in the *Official Gazette*, winding up of the university.

*Clause 47.*—Under this clause, power is taken to the Government to make, by notification in the *Official Gazette*, the rules to carry out the purposes of this Act.

*Clause 48.*—Under this clause, power is taken to the Government to remove, by order, any difficulty arising in giving effect to the provisions of this Act.

2. All the above-mentioned proposals for delegation of legislative power are of normal character.