



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक ४३(२)]

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असाधारण क्रमांक ७१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 Universities (Amendment) Bill, 2016 (L. A. Bill No. XXX of 2016), introduced in the Maharashtra Legislative Assembly on the 20th July 2016, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L.A. BILL No. XXX OF 2016.

A BILL

further to amend the Maharashtra Universities Act, 1994.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Universities Act, 1994, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Universities (Amendment) Ordinance, 2016 on the 27th June 2016 ;

Mah.
XXXV
of 1994.
Mah.
Ord. XIV
of 2016.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Maharashtra Universities (Amendment) Act, 2016.

Short title
and
commencement.

(१)

(2) It shall be deemed to have come into force on the 27th June 2016.

Amendment of
section 82 of
Mah. XXXV of
1994.

2. In section 82 of the Maharashtra Universities Act, 1994 (hereinafter referred to as “the principal Act”), after sub-section (5C), following sub-section shall be inserted, namely :—

Mah.
XXXV of
1994.

“(5D) Notwithstanding anything contained in the second proviso to sub-section (5), for the academic year 2016-2017, such permission from the State Government shall be communicated to the university on or before the 31st July 2016 and shall be given effect by the university in the same academic year.”.

Repeal of Mah.
Ord. XIV of
2016 and
saving.

3. (1) The Maharashtra Universities (Amendment) Ordinance, 2016 is hereby repealed.

Mah. Ord.
XIV of
2016.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 82 of the Maharashtra Universities Act, 1994 (Mah. XXXV of 1994) provides for permission for opening new colleges or institutions of higher learning. Sub-section (1) thereof provides that the University shall prepare a perspective plan and get the same approved by the State Council for Higher Education for Educational Development for the location of colleges and institutions of higher learning in the manner ensuring equitable distribution of facilities for Higher Education, having due regard, in particular, to the needs of unserved and under-developed areas within the jurisdiction of University.

Sub-section (3) of section 82 provides that management seeking permission to open new college or institution of higher learning shall apply in the prescribed form to the Registrar of the University, before last day of October of the preceding year from which the permission is sought.

Sub-section (4) of the said section 82 provides that such application shall be scrutinized by the Board of College and University Development and be forwarded to the State Government with the approval of the Management Council on or before the first day of May of the respective year.

Sub-section (5) of the said section 82 empowers the State Government to grant permission out of the applications recommended by the university to open new institutions. The second proviso to the said sub-section (5) provides that, from the academic year 2011-2012 such permission shall be communicated to the university on or before the 15th June of year in which a college is proposed to be started. It also provides that permission received thereafter shall be given effect by the university only in the subsequent academic year.

2. The Government *vide* its Resolution dated 30th October 2010 has provided the guidelines and timeframe for scrutinizing the proposals. It is envisaged that under the Clauses 1.9 and 1.10 of the said Government Resolution provides that, the Management or applicants to be given opportunity to comply and give complete proposal by 30th November. Clauses 1.13 and 1.15 of the said Government Resolution provides for a second opportunity for appeal before Vice-Chancellor, after the field inspection by the concerned University.

3. The State Government had appointed the committee under the Chairmanship of Dr. Narendra Jadhav, a well-known educationist to prepare the guidelines for making comprehensive perspective plan for the universities. The committee has submitted the report in the month of October, 2015, which has been accepted by the State Government and all universities have been asked to prepare their comprehensive perspective plans in accordance with the criteria specified in the report of the said committee.

4. Said sub-section (3) of section 82 has been amended by the Maharashtra Universities (Second Amendment) Act, 2015 (Mah. XLIV of 2015), with a view to provide that management seeking permission to open a new college or institution of higher learning from the academic year 2016-2017, shall apply in the prescribed form to the Registrar of the University on or before the 31st December 2015.

As, in view of the said amendment the date of receiving applications/ proposals had been extended till 31st December 2015, the time available for compliance of various steps under the said Government Resolution for screening and for giving an opportunity of being heard, had been curtailed.

5. The Government has received various representations from the Members of the State Legislature and the managements to extend some period in the interest of natural justice. The Government, therefore, considered it expedient to extend the period of communication of permission, from the State Government to the University to 31st July 2016, for the academic year 2016-2017 by amending said section 82, suitably.

6. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Universities Act, 1994 (Mah. XXXV of 1994), for the purposes aforesaid, the Maharashtra Universities (Amendment) Ordinance, 2016 (Mah. Ord. XIV of 2016) was promulgated by the Governor of Maharashtra on the 27th June 2016.

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

Mumbai,
Dated the 19th July 2016.

VINOD TAWDE,
Minister for Higher and
Technical Education.