



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक १२]

सोमवार, मे २५, २००९/ज्येष्ठ ४, शके १९३१

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असाधारण क्र. २९

प्राधिकृत प्रकाशन

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 Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) (Amendment) Ordinance, 2009 (Mah. Ord. IX of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) (Amendment) Ordinance, 2009 (Mah. Ord. IX of 2009), published under the authority of the Governor.].

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 25th May 2009.

MAHARASHTRA ORDINANCE No. IX OF 2009

AN ORDINANCE

further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989 and the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Yashwantrao Chavan Maharashtra Open

University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989 and the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997, for the purposes hereinafter appearing ;

Mah.
XX of
1989.
Mah.
XXII of
1989.
Mah.
XXXIII
of 1997.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

CHAPTER II

AMENDMENTS TO THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989

Amendment
of section 10
of Mah.
XX of
1989.

2. In section 10 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (hereinafter, in this Chapter referred to as "the Open University Act"), for sub-section (1), the following sub-sections shall be substituted, namely :—

Mah.
XX of
1989.

"(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely :—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma* Award in the field of education ;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science,

Indian Space Research Organisation or National Research Laboratory, nominated by the Board of Management and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette*;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee;

(c) The members nominated shall be the persons who are not connected with the University;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.

(1A) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(1B) The term of the Vice-Chancellor, his emoluments and other conditions of service, shall be such as may be prescribed by the Statutes.

(1C) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(1D) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership by his own example;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the Government, by an Order published in the *Official Gazette*, in consultation with the Chancellor.

(1E) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(1F) If the Chancellor does not approve of any of the persons recommended under sub-section (1C), he may constitute the Committee if he deems fit and call for fresh recommendations.”.

- Insertion of section 15A in Mah. XX of 1989. Power of Government to specify eligibility conditions for being member of any authority of University.
3. After section 15 of the Open University Act, the following section shall be inserted, namely :—
- “ 15A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an Order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University. ”.
- Amendment of section 21 of Mah. XX of 1989.
4. In clause (a) of section 21 of the Open University Act, for the words “ the manner of appointment of the Vice-Chancellor, the term of his appointment ” the words “ the term of appointment of the Vice-Chancellor ” shall be substituted.
- Amendment of section 27 of Mah. XX of 1989.
5. In section 27 of the Open University Act, after sub-section (3), the following sub-section shall be inserted, namely :—
- “(3A) The State Government shall cause the audited annual accounts of the University, received by it, to be laid before each House of the State Legislature.”.
- Amendment of section 28 of Mah. XX of 1989.
6. In section 28 of the Open University Act, after sub-section (3) the following sub-section shall be added, namely :—
- “(4) The State Government shall cause the annual report of the University, received by it, to be laid before each House of the State Legislature.”.
- Amendment of Second Schedule to Mah. XX of 1989.
7. In the Second Schedule appended to the Open University Act, in paragraph 1, clauses (2) and (3) shall be deleted.

CHAPTER III

AMENDMENTS TO THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL UNIVERSITY ACT, 1989.

- Amendment of section 12 of Mah. XXII of 1989.
8. In section 12 of the Dr. Babasaheb Ambedkar Technological University Act, 1989 (hereinafter, in this Chapter referred to as “ the Technological University Act ”),—
- (1) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely :—
- “(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—
- (a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely :—
- (i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma* Award in the field of education ;
- Mah. XXII of 1989.

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Executive Council and the Academic Council, jointly, in the manner specified by the State Government by an Order published in the *Official Gazette* ;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee ;

(c) The members nominated shall be the persons who are not connected with the University ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.

(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(3) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(3A) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be a distinguished technologist ;

(b) be an eminent academician or an administrator of high caliber ;

(c) be able to provide leadership by his own example ;

(d) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(e) possess such educational qualifications and experience as may be specified by the Government, by an Order published in the *Official Gazette*, in consultation with the Chancellor.

(3B) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(3C) If the Chancellor does not approve the name of any of the persons so recommended by the Committee constituted under sub-section (1), he may call for fresh recommendation.”;

(2) in sub-section (7), for the word, brackets and figure “ sub-section (2) ” the word, brackets and figure “ sub-section (1) ” shall be substituted.

Insertion of section 22A in Mah. XXII of 1989. Power of Government to specify eligibility conditions for being member of any authority of University.

9. After section 22 of the Technological University Act, the following section shall be inserted, namely :—

“ 22A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an Order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University.”.

CHAPTER IV

AMENDMENTS TO THE KAVI KULAGURU KALIDAS SANSKRIT VISHVAVIDYALAYA (UNIVERSITY) ACT, 1997.

Amendment of section 12 of Mah. XXXIII of 1997.

10. In section 12 of the Kavi Kulaguru Kalidas Sanskrit Vishvaavidyalaya (University) Act, 1997 (hereinafter, in this Chapter referred to as “ the Sanskrit University Act ”),—

Mah. XXXIII of 1997.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“ (1) The *Kulaguru* shall be appointed by the *Kuladhipati* in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the *Kuladhipati* for appointment of *Kulaguru*, namely :—

(i) a member nominated by the *Kuladhipati*, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma* Award in the field of education ;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) a renowned Sanskrit Scholar or the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of

Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the *Vyavasthapana Parishad* and the *Vidvat-Parishad*, jointly, in the manner specified by the State Government by an Order published in the *Official Gazette*;

(b) The member nominated by the *Kuladhipati* shall be the Chairman of the Committee;

(c) The members nominated shall be the persons who are not connected with the University;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.”;

(b) for sub-section (3), the following sub-sections shall be substituted, namely :—

“ (3) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the *Kuladhipati* for being appointed as the *Kulaguru*. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(3A) A person for being recommended by the Committee for appointment as a *Kulaguru* shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership by his own example ;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ;
and

(d) possess such educational qualifications and experience as may be specified by the Government, by an Order published in the *Official Gazette*, in consultation with the *Kuladhipati*.

(3B) The eligibility conditions and the process for recommendation of names for appointment as *Kulaguru* shall be given wide publicity to ensure the recommendation of most suitable candidates.”.

11. After section 24 of the Sanskrit University Act, the following section shall be inserted, namely :—

Insertion of section 24A in Mah. XXXIII of 1997.

“ 24A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the *Kuladhipati*, the State Government may, by an Order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the university.”.

Power of Government to specify eligibility conditions for being member of any authority of university.

Amend-
ment of
section
82 of Mah.
XXXIII
of 1997.

12. In section 82 of the Sanskrit University Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) The State Government shall cause the audited annual accounts of the university, received by it, to be laid before each House of the State Legislature.”.

Amend-
ment of
section 83
of Mah.
XXXIII of
1997.

13. Section 83 of the Sanskrit University Act, shall be re-numbered as sub-section (1) thereof ; and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) The State Government shall cause the annual report of the university, received by it, to be laid before each House of the State Legislature.”.

STATEMENT

The Vice-Chancellor of the Yashwantrao Chavan Maharashtra Open University, and the Dr. Babasaheb Ambedkar Technological University, and the *Kulaguru* of the *Kavi Kulaguru Kalidas Sanskrit Vishavidyalaya* is the principal Executive and Academic Officer of the respective University.

2. The Maharashtra Universities Act, 1994 (Mah. XXXV of 1994) has been amended by the Maharashtra Universities (Amendment) Ordinance, 2009 (Mah. Ord. IV of 2009), so as to provide for the eligibility conditions for being appointed as a Vice-Chancellor and to take power to the State Government to specify the eligibility conditions for being elected or nominated as a member of any of the authorities of the university. It has also been provided that, the annual accounts and the annual report of the university received by the State Government, shall be laid before each House of the State Legislature.

With a view to bring uniformity in the provisions, it is considered expedient to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989 and the Kavi Kulaguru Kalidas Sanskrit Vishavidyalaya (University) Act, 1997, suitably, on the similar lines.

3. The process for recommending suitable names for the consideration of the Chancellor for being appointed as a Vice-Chancellor of some of the Universities is to commence shortly. It is, therefore, considered expedient to amend the said Acts, immediately.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989 (Mah. XX of 1989), the Dr. Babasaheb Ambedkar Technological University Act, 1989 (Mah. XXII of 1989) and the Kavi Kulaguru Kalidas Sanskrit Vishavidyalaya (University) Act, 1997 (Mah. XXXIII of 1997), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 22nd May 2009.

S. C. JAMIR,
Governor of Maharashtra.

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

J. S. SAHARIA,
Principal Secretary to Government.