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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक २४]

गुरुवार, जून २५, २००९/आषाढ ४, शके १९३१

[पृष्ठे ९, किंमत : रुपये २०.००

असाधारण क्रमांक ४६

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, the Maharashtra Universities and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Act, 2009 (Mah. Act No. XIV 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.

MAHARASHTRA ACT No. XIV OF 2009

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 25th June 2009).

An Act further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997.

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 Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra University (Amendment) Ordinance, 2009, on the 24th March 2009 and the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Ordinance, 2009, on the 25th May 2009;

Mah. XX
of 1989.
Mah.
XXII of
1989.
Mah.
XXXV
of 1994.
Mah.
XXXIII
of 1997.
Mah. Ord.
IV of 2009.
Mah. Ord.
IX of 2009.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

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

(2) (i) Sections 2 to 9 and 14 to 17 of this Act shall be deemed to have come into force on the 25th May 2009; and

(ii) Sections 10 to 13 of this Act shall be deemed to have come into force on the 24th March 2009.

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.

3. After section 15 of the Open University Act, the following section shall be inserted, namely :—

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

“ 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 section 21 of the Open University Act, in clause (a), 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 subsection (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.

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

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

" 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 MAHARASHTRA UNIVERSITIES ACT, 1994.

Amendment of section 12 of Mah. XXXV of 1994.

10. In section 12 of the Maharashtra Universities Act, 1994 (hereinafter, in this Chapter, referred to as "the Maharashtra Universities Act"),—

Mah. XXXV of 1994.

(a) for sub-section (1), the following sub-section 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 ;

(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 Management 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 or any college or any recognised institution of 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-section shall be substituted, namely :—

“(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 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 State 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.”

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

Insertion of section 24A in Mah. XXXV of 1994.

“24A. 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 elected 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.

12. In section 103 of the Maharashtra Universities Act, after sub-section (2), the following sub-section shall be inserted, namely :—

Amendment of section 103 of Mah. XXXV of 1994.

“(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.”

13. Section 104 of the Maharashtra Universities 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 :—

Amendment of section 104 of Mah. XXXV of 1994.

“(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.”

CHAPTER V

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

Amendment
of section
12 of Mah.
XXXIII of
1997.

Mah.
XXXIII
of
1997.

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

(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 of 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-section 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."

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

"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."

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

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

16. 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."

Amendment of section 82 of Mah. XXXIII of 1997.

17. 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."

Amendment of section 83 of Mah. XXXIII of 1997.

18. (1) The Maharashtra Universities (Amendment) Ordinance, 2009 and the Yashwantrao Chavan Maharashtra Open University, the Dr. Babasaheb Ambedkar Technological University and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) (Amendment) Ordinance, 2009, are hereby repealed.

Repeal of Mah. Ord. IV of 2009 and Mah. Ord. IX of 2009 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any order issued) under the corresponding provisions of the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Dr. Babasaheb Ambedkar Technological University Act, 1989, the Maharashtra Universities Act, 1994 and the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Mah. Ord. IV of 2009. Mah. Ord. IX of 2009. Mah. XX of 1989. Mah. XXII of 1989. Mah. XXXV of 1994. Mah. XXXIII of 1997.