



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५(२) |

मंगळवार, मार्च २४, २००९/चैत्र ३, शके १९३१

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असाधारण क्र. २१

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 Maharashtra Universities (Amendment) Ordinance, 2009 (Mah. Ord. IV 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 Maharashtra Universities (Amendment) Ordinance, 2009 (Mah. Ord. IV of 2009), published under the authority of the Governor].

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 24th March 2009.

MAHARASHTRA ORDINANCE No. IV OF 2009.

AN ORDINANCE

further to amend the Maharashtra Universities Act, 1994.

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 Maharashtra Universities Act, 1994, for the purposes hereinafter appearing ;

Mah.
XXXV
of 1994.

(१)

भाग आठ—२१-१

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:—

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Universities (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

Amendment
of section 12
of Mah.
XXXV of
1994.

2. In section 12 of the Maharashtra Universities Act, 1994 (hereinafter referred to as "the principal 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-sections 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.”.

3. After section 24 of the principal 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.

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

Amendment of section 103 of Mah.

“(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.”.

XXXV of 1994.

5. Section 104 of the principal 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.”.

STATEMENT

Section 12 of the Maharashtra Universities Act, 1994 (Mah. XXXV of 1994) provides for appointment of the Vice-Chancellor, who is the Principal Executive and Academic Officer of the university and *Exofficio* Chairman of the Management Council, Academic Council, Board of Examinations, Finance Committee and Academic Services Committees. Although the said section 12 provides for constitution of the Committee for recommending names of suitable persons for appointment as a Vice-Chancellor, the Act, nowhere, provides for the eligibility conditions for the appointment as a Vice-Chancellor. Similarly, Chapter IV of the Act provides for constitution of authorities of the university. However, no specific eligibility conditions for being elected or nominated as a member of any of the authorities of the university are laid down in the said Chapter.

It is, therefore, considered expedient to amend section 12 of the Act, so as to incorporate therein the eligibility conditions for the appointment as a Vice-Chancellor. It is also considered expedient to insert a new section 24A in the Act, with a view 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.

2. An opportunity is also taken to provide that the annual accounts and the annual report of the university received by the State Government, shall be laid before both Houses of the State Legislature.

3. The process for recommending suitable names for the consideration of the Chancellor for being appointed as a Vice-Chancellor of various universities is to commence shortly. It is, therefore, considered expedient to amend the said Act, 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 Maharashtra Universities Act, 1994 (Mah. XXXV of 1994), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 24th March 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.