



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १५६

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 National Law University (Amendment) Bill, 2018 (L. A. Bill No. LXXIV of 2018), introduced in the Maharashtra Legislative Assembly on the 28th November 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXXIV OF 2018.

A BILL

further to amend the Maharashtra National Law University Act, 2014.

Mah. VI
of 2014.

WHEREAS it is expedient further to amend the Maharashtra National Law University Act, 2014 for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra National Law University (Amendment) Act, 2018. Short title.

(१)

- Amendment of section 3 of Mah. VI of 2014. **2.** In section 3 of the Maharashtra National Law University Act, 2014 (hereinafter referred to as “ the principal Act ”), in sub-section (3), after the words “ the Chancellor, ” the words “ the Pro-Chancellor, ” shall be inserted. Mah. VI of 2014.
- Substitution of section 5 of Mah. VI of 2014. **3.** For section 5 of the principal Act, the following section shall be substituted, namely :—
- University open to all. **“ 5.** No person shall be excluded from any office of the university or from any membership of any of its authorities, bodies or committees, or from appointment to any post, on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession or political or other opinion. It shall not be lawful for the university to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.”.
- Amendment of section 6 of Mah. VI of 2014. **4.** In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—
- “ (1) The university shall adopt the policy of the State Government and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes for appointment to different posts of teachers and non-teaching officers and employees.”.
- Amendment of section 7 of Mah. VI of 2014. **5.** In section 7 of the principal Act,—
- (i) for clause (x), the following clause shall be substituted, namely :—
- “ (x) to make arrangements in respect of the residence, discipline and teaching of students ; ”;
- (ii) for clauses (xiii) and (xiv), the following clauses shall be substituted, namely :—
- “ (xiii) to institute Professorships, Associate Professorships, Assistant Professorships and any other teaching, academic or research posts, required by the university ;
- (xiv) to appoint persons as Professors, Associate Professors, Assistant Professors or otherwise as teachers and researchers of the university ; ”.
- Amendment of section 9 of Mah. VI of 2014. **6.** In section 9 of the principal Act, in sub-section (5), after the words “ the Chancellor ” the words “ and the Pro-Chancellor ” shall be inserted.
- Insertion of section 9A in Mah. VI of 2014. **7.** After section 9 of the principal Act, the following section shall be inserted, namely :—
- Pro-Chancellor. **“ 9A.** (1) The Chief Justice of High Court shall be the Pro-Chancellor of the University.
- (2) The Pro-Chancellor under the direction of the Chancellor or *suo motu* shall have the right to cause an inspection, to be made by such person or persons as he may direct, of the university, its buildings, libraries and equipments and of any

institution maintained by the university, and also of the examinations, teaching and other work conducted or done by the university, and to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the university.

(3) The Pro-Chancellor shall, in every case give notice, to the university of his intention to cause an inspection or inquiry to be made, and the university shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Pro-Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry and the Vice-Chancellor shall communicate to the General Council, the views of the Pro-Chancellor alongwith such advice as the Pro-Chancellor may have tendered on the action to be taken thereon.

(5) The General Council shall communicate through the Vice-Chancellor to the Pro-Chancellor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

(6) The Pro-Chancellor shall report to the Chancellor the action taken by him in pursuance of provisions of above sub-sections.”.

8. In section 10 of the principal Act, for clause (iv), the following clauses shall be substituted, namely :—

Amendment of section 10 of Mah. VI of 2014.

- “ (iv) the Finance Committee ;
- (iv-a) the Planning Board ;
- (iv-b) the Building Committee; and ”.

9. In section 11 of the principal Act,—

Amendment of section 11 of Mah. VI of 2014.

(a) in sub-section (1),—

(i) after clause (i), the following clause shall be inserted, namely :—

“ (i-a) the Pro-Chancellor; ”;

(ii) for clause (viii), the following clause shall be substituted, namely :—

“ (viii) one judge of the High Court to be nominated by the Chancellor on the recommendation of the Chief justice of the High Court; ”;

(iii) for clauses (xiv) and (xv), the following clauses shall be substituted, namely :—

“ (xiv) two eminent educationists in the disciplines of the Social Sciences and Humanities, Management and forensic sciences to be nominated by the Chancellor;

(xv) two eminent educationists in the legal field, to be nominated by the Chancellor; ”;

(iv) for clause (xvii), the following clause shall be substituted, namely :—

“(xvii) two members of the Executive Council who are not otherwise members of the General Council to be nominated by the Chancellor.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2-A) The Pro-Chancellor shall be the Vice-Chairman of the General Council.”.

Amendment of section 13 of Mah. VI of 2014.

10. In section 13 of the principal Act, after clause (i), the following clause shall be inserted, namely :—

“(i-a) to make statutes concerning the administration of the affairs of the university including appointment and removal of Officers and employees of the university and prescribing the procedures to be followed by the authorities and the officers of the university in discharge of their functions;”.

Amendment of section 14 of Mah. VI of 2014.

11. In section 14 of the principal Act,—

(a) for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) One-third of the sitting members of the General Council either in person or through video conferencing shall form the quorum :

Provided that, a declaration as is prescribed for the directors under the Companies Act, 2013 in respect of attending the meetings through video conferencing shall be submitted to the Vice-Chancellor.”;

18 of 2013.

(b) in sub-section (8), for the words “members shall” the words “members present shall”, shall be substituted.

Amendment of section 17 of Mah. VI of 2014.

12. In section 17 of the principal Act, in sub-section (1), in clause (i), after the word “Registrar,”, the words “Finance and Accounts Officer,” shall be inserted.

Amendment of section 22 of Mah. VI of 2014.

13. In section 22 of the principal Act, in sub-section (1),—

(i) for clause (c), the following clause shall be substituted, namely :—

“(c) an educationist nominated by the State Government;”;

(ii) for clause (e), the following clause shall be substituted, namely:-

“(e) all the Head of the Departments or Centers of the university;”;

(iii) for clause (g), the following clause shall be substituted, namely :—

“(g) two members of the teaching staff, one each representing the Assistant and Associate Professors, respectively, of the university to be nominated by the Vice- Chancellor, for a period of one year on rotation.”.

Insertion of sections 25A and 25B in Mah. VI of 2014.

14. After section 25 of the principal Act, the following sections shall be inserted, namely :—

“ **25A.** (1) There shall be Planning Board consisting of the following members, namely :—

Planning Board.

(i) the Vice-Chancellor;

(ii) ten members who shall be either academicians or experts from various fields or sitting or retired Judges of the Supreme Court and High Court to be nominated by the Executive Council on the recommendation of the Vice-Chancellor.

(2) All the members of the Planning Board, other than the Vice-Chancellor, shall hold office for a term of three years.

(3) The Planning Board may design and formulate appropriate plans for development and expansion of the university, and in addition advise the Executive Council and the Academic Council on any matter which it may deem necessary for the fulfilment of the objects of the university.

(4) The Planning Board may constitute such other Committee as may be necessary for Planning and monitoring the programmes of the university.

(5) The Planning Board shall meet at such intervals as it deems expedient, but at least once in a year.

25B. (1) There shall be a Building Committee consisting of the following members, namely :—

Building Committee.

(i) the Vice-Chancellor ;

(ii) one member nominated by the Executive Council ;

(iii) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary to the Higher and Technical Education Department of State Government ;

(iv) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary to the Public Works Department of State Government ;

(v) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary to the Finance Department of State Government ;

(vi) the Secretary or Principal Secretary to the Law and Judiciary Department of State Government ;

(vii) two members of the faculty nominated by the Vice-Chancellor;

(viii) the Finance and Accounts Officer of the university ;

(ix) one member of the non-teaching staff nominated by the Vice-Chancellor ;

(x) the Architect appointed by the university ; and

(xi) the Registrar, who shall be the Member-Secretary.

(2) Where a person has become a member of the Building Committee being *ex officio* or due to his appointment, then his membership shall be automatically terminated as and when he ceases to hold that office or his appointment ceases.

(3) Subject to the provisions of sub-section (2), the term of non-official members of the Building Committee shall be of three years from the date of their appointment. The Building Committee member shall be eligible for re-nomination or re-appointment, as the case may be.

(4) The Building Committee may design and formulate appropriate plans for development and expansion of the university and in addition, advice the Executive Council on building matters as stipulated by the University Grants Commission.

(5) The Building Committee may constitute such other sub-committees as and when it is necessary for executing and monitoring the construction activities of the University.

(6) The Building Committee shall meet at such intervals as it deems expedient, but at least once in a quarter.

(7) The Registrar shall be custodian of the records of the Building Committee.”.

Amendment of
section 27 of
Mah. VI of
2014.

15. In section 27 of the principal Act, for clause (iii), the following clause shall be substituted, namely :—

“(iii) the Head of the Departments or Centers of the university ;”.

Amendment of
section 28 of
Mah. VI of
2014.

16. In section 28 of the principal Act,—

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

“(1) The Vice-Chancellor shall be appointed by the Chancellor from out of a panel of three persons recommended by a Search Committee as referred in sub-section (1-A).

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

(i) a person nominated by the Executive Council ;

(ii) a person nominated by the Chairman of the University Grants Commission; and

(iii) a person nominated by the Chancellor.

(b) The member nominated by the Chancellor shall be the convener of the meetings of the Committee.

(c) The Committee shall recommend a panel of three suitable persons for the consideration of the Chancellor for being appointed as Vice-Chancellor. The names of the persons so recommended shall be in alphabetical order without any preference being indicated.”;

(b) in sub-section (4), clause (iii) shall be deleted ;

(c) after sub-section (5), the following sub-sections shall be added, namely :—

“(6) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by the Regulations.

(7) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor or the Pro-Chancellor shall have the authority to designate a Professor of the university to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends on the duty of his office, as the case may be :

Provided that, if the Pro-Chancellor takes an action under this section, he shall, without undue delay submit a report thereof to the Chancellor.”.

17. In section 29 of the principal Act, in sub-section (3),—

Amendment of section 29 of Mah. VI of 2014.

(i) in clause (vii), for the words “ call a meeting of the Executive Council ”, the words “ with the approval of the Chancellor call a meeting of the Executive Council ” shall be substituted ;

(ii) in clause (viii), the word “and” shall be deleted ;

(iii) after clause (viii), the following clause shall be inserted, namely :—

“(viii-a) represent the university in suits or proceedings by or against the university, sign powers-of-attorney and verify the pleadings or depute representatives for the purpose ; and ”.

18. In section 30 of the principal Act,—

Amendment of section 30 of Mah. VI of 2014.

(i) in sub-section (1), for the word “ Departments” the words “Departments or Centers ” shall be substituted;

(ii) in sub-section (2), for the word “Departments” the words “Departments or Centers” shall be substituted.

19. In section 35 of the principal Act, in sub-section (2), for the words “at least once in a year” the words “at least once in every six months” shall be substituted.

Amendment of section 35 of Mah. VI of 2014.

20. In section 39 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

Amendment of section 39 of Mah. VI of 2014.

“ (2) The students shall be admitted on the basis of merit through such process as may be prescribed by the Regulations, from time to time.

(3) The university shall adopt the policy of the Government of Maharashtra and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, for the purpose of admission of students :

Provided that, the university shall ensure that at least twenty-five per cent. of the students admitted are domiciled in the State of Maharashtra.

(4) The university may admit Foreign Nationals or Non-Resident Indian or Non-Resident Indian sponsored candidate on the basis of merit through such process and on such terms and conditions, as may be prescribed by the Regulations, from time to time.”.

STATEMENT OF OBJECTS AND REASONS.

The Maharashtra National Law University Act, 2014 (Mah. VI of 2014) provides for establishment of the Maharashtra National Law University at Mumbai, Aurangabad and Nagpur. Accordingly, the Maharashtra Government has set-up three Universities in the State, namely the Maharashtra National Law University, Mumbai, the Maharashtra National Law University, Aurangabad and the Maharashtra National Law University, Nagpur. The said universities have already commenced their academic calendar.

2. The Government has received various suggestions from the various university authorities and experts in the field of education and law for amending certain provisions of the Maharashtra National Law University Act, 2014. After considering the said suggestions, the Government of Maharashtra considers it expedient to provide that the Hon'ble Chief Justice of High Court shall be the Pro-Chancellor to the said Universities. It is also considered expedient to make provision for constitution of Planning Board and Building Committee of the university. Accordingly, new sections 9A, 25A and 25B are proposed to be inserted in the said Act. It is also proposed to explicitly provide that the university shall adopt the policy of the State Government and orders issued, from time to time, in regard to the reservations for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, for the purpose of admission of the students. It is also proposed to provide that it shall be ensured that at least twenty-five per cent. of the students admitted are domiciled in the State of Maharashtra. Accordingly suitable amendments are proposed in the said Act.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 26th November, 2018.

VINOD TAWADE,
Minister for Higher Education.