



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४]

शनिवार, जानेवारी २०, २०१८/पौष ३०, शके १९३९

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असाधारण क्रमांक १६

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 Public Universities (Amendment and Continuance) Ordinance, 2018 (Mah. Ord. I of 2018), is hereby published under the authority of the Governor.

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

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

(Translation in English of the Maharashtra Public Universities (Amendment and Continuance) Ordinance, 2018 (Mah. Ord. I of 2018), published under the authority of the Governor).

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 20th January 2018.

MAHARASHTRA ORDINANCE No. I OF 2018.

AN ORDINANCE

to amend the Maharashtra Public Universities Act, 2016.

WHEREAS the Governor of Maharashtra had promulgated the Mah. Maharashtra Public Universities (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 28th November 2017 ;
Mah. Ord. XXVIII of 2017.

AND WHEREAS, upon the re-assembly of the State Legislature on the 11th December 2017, the Maharashtra Public Universities (Amendment) Bill, 2017 (L. A. Bill No. LXVIII of 2017), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on 21st December 2017 and was transmitted to the Maharashtra Legislative Council ;

(१)

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 22nd December 2017, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 21st January 2018 ;

AND WHEREAS 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 to continue the operation of the provisions of the said Ordinance for the purposes hereinafter appearing ;

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 Public Universities (Amendment and Continuance) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 28th November 2017.

Amendment of section 30 of Mah. VI of 2017.

2. In section 30 of the Maharashtra Public Universities Act, 2016 (hereinafter referred to as "the principal Act"), after sub-section (4) the following proviso shall be added, namely :— Mah. VI of 2017.

"Provided that, for the election of the candidate from the reserved categories, under clauses (f), (g), (h) and (i), for the initial term of Management Council, immediately after the commencement of this Act, point of rotation for reserved categories under the said clause shall be decided by drawing of lots by Vice-Chancellor, and while drawing of lots, it shall be ensured that the person belonging to each reserved category shall have representation on the Management Council."

Amendment of section 62 of Mah. VI of 2017.

3. In section 62 of the principal Act, after sub-section (2) the following proviso, shall be added, namely :—

"Provided that, for the initial term of the authorities of the Universities, immediately after the commencement of this Act, the process of election, nomination and co-option shall be completed not later than 28th February immediately following after such date of commencement."

Insertion of section 99A in Mah. VI of 2017.

4. After section 99 of the principal Act, the following section shall be added, namely :—

Temporary provisions for constitution of Students' Council.

"99A. Notwithstanding anything contained in section 99, for the academic year 2017-18, with regard to the constitution of Students' Council the following provisions shall apply :—

(1) There shall be a University Students' Council as specified in sub-section (4), a University Department Students' Council for the departments of the University and a Students' Council for each conducted college or institution of the University and each affiliated college, to look after the welfare of the students and to promote and co-ordinate the extra-curricular activities of different students' associations for better corporate life. The Councils shall not engage in political activities.

(2) (a) The University Department Students' Council shall consist of the following members, namely :—

(i) Vice-Chancellor—President ;

(ii) Director of Students' Development—Chairman ;

(iii) Director of Sports and Physical Education ;

(iv) Director of National Service Scheme ;

(v) One student from each university department who has shown academic merit at the preceding degree examination and is engaged in full-time studies in a university, institution or department or conducted college, nominated by the Vice-Chancellor ;

(vi) Two lady students nominated by the Pro-Vice-Chancellor and if there is no Pro-Vice-Chancellor, the Vice-Chancellor shall nominate two lady students.

(b) The Students' Council for each institution, conducted college or affiliated college shall consist of the following :—

(i) Principal—Chairman ;

(ii) One lecturer, nominated by the Principal ;

(iii) Teacher-in-charge of National Cadet Corps ;

(iv) National Service Scheme Programme Officer ;

(v) One student from each class, who has shown academic merit at the examination held in the preceding year and who is engaged in full-time studies in the college, nominated by the Principal ;

(vi) Director of Sport and Physical Education, if any ;

(vii) One student from each of the following activities, who has shown outstanding performance, nominated by the Principal, namely :—

(1) Sports ;

(2) National Service Scheme and Adult Education ;

(3) National Cadet Corps ;

(4) Cultural Activities ;

(viii) Two lady students nominated by the Principal :

Provided that, two of the students from the categories (vii) and (viii) shall be those belonging to the Scheduled Castes or Scheduled Tribes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes.

(3) The student members of both these Councils shall elect, from amongst themselves, the Secretary of their respective Council.

(4) (a) There shall be a University Students' Council consisting of not more than fifteen persons, nominated through selection, from amongst Secretaries of the respective councils under sub-section (3), as prescribed by the Statutes existing immediately prior to the date of commencement of this Act :

Provided that, at least one seat each be reserved for students belonging to—

(i) Scheduled Castes ;

(ii) Scheduled Tribes ;

(iii) De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes ;

(iv) Other Backward Classes ; and

(v) One seat for women students,

remaining seats being distributed district-wise :

Provided further that, for the purpose of nomination through selection details based on academic performance, participation in National Cadet Corps, National Service Scheme and Adult

Education, Cultural Activities or such other activities as may be prescribed by the Statutes existing immediately prior to the date of commencement of this Act.

(b) The University Students' Council so formed shall elect its own President and Secretary.

(c) Every meeting of the University Student' Council shall be presided over by the Vice-Chancellor and shall be attended by such other officers as may be prescribed.

(5) A student shall be eligible to be, or continue to be, a member of any of the Students' Council, only if he is enrolled as a full-time student.

(6) The nomination of the student members of the Students' Council shall be made for the academic year 2017-2018 on the date to be fixed by the Management Council. The term of office of the nominated student members shall begin with effect from the date of nomination and shall extend upto the last day of the academic year, unless they have, in the meantime, incurred any of the disqualifications specified by or under the Act ; and shall then expire.

(7) One-third of the members of the Council shall constitute the quorum. The rules and procedure for conduct of business of the meetings and such other matters shall be such as may be prescribed. The Council shall meet at least once in every three months.”.

Amendment
of section 109
of Mah. VI of
2017.

5. In section 109 of the principal Act, in sub-section (3), after clause (d), after the existing proviso the following proviso shall be inserted namely :—

“Provided further that, for the first academic year, immediately after the commencement of this Act with a view to facilitate the universities to decide the applications for permission for opening of new college the dates referred to in clauses (a), (c) and (d) of sub-section (3) as specified in column (2) of the Table hereto shall be read as provided in column (3) of the said Table :—

Table

Clause (1)	The date in the existing provision (2)	Date for the Academic Year 2017-18 (3)
(a)	Last day of September of the Year.	15th December 2017.
(c)	Before 30th of November of the year.	Before 15th January 2018.
(d)	Before 31st January of the immediately following year.	Before 28th February 2018.

Amendment
of section 146
of Mah. VI of
2017.

6. In section 146 of the principal Act, for sub-section (1), following shall be substituted, namely :—

“(1) Every authority of an existing university shall, as soon as practicable, but not later than 28th February 2018, be reconstituted in accordance with the provisions of this Act. Every such authority shall, be deemed to be reconstituted with effect from such date as the Vice-Chancellor may, from time to time, specify by notification.”.

Mah.
Ord.
XXVIII
of 2017.

7. (1) The Maharashtra Public Universities (Amendment) Ordinance, 2017, is hereby withdrawn.

(2) Notwithstanding such withdrawal, 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 Ordinance.

Repeal by
withdrawal of
Mah. Ord.
XXVIII of
2017 and
saving.

STATEMENT

The Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) came into force with effect from the 1st March 2017. After such commencement it is necessary to constitute various authorities and bodies of the universities as per the provisions of the said Act. It is also necessary to ensure that the permissions for opening of new college, as contained in section 109 of the Act are being given effect to. However, it was brought to the notice of the State Government that the universities were facing initial difficulties in implementing the provisions of the Act which are resulting in delaying the constitution of the university authorities and bodies. It was, therefore, considered expedient to immediately amend the said Act.

2. The salient features of the then proposed amendments are as under :—

(i) *Amendment of section 30.*—To ensure that the persons belonging to all the reserved categories get due representation on the Management Council it is proposed to empower the Vice-Chancellor to decide the initial point of reservation by drawing lots in respect of the members elected under clauses (f), (g), (h) and (i) of sub-section (4) of the said section 30.

(ii) *Amendment of section 62.*—In order to enable the universities to complete the process of election, nomination and co-option of the members of authorities of universities for the initial term, it is proposed to temporarily extend the last date for completion of the process of election, nomination and co-option from 30th of November to 28th February 2018.

(iii) *Insertion of new section 99A.*—With a view to ensure the democratic rights of the students, it is proposed to insert a new section 99A, thereby making provisions for constitution of Students' Council for the academic year 2017-2018.

(iv) *Amendment of section 109.*—To ensure that the recommendation of the expert committee of the Maharashtra State Commission for Higher Education and Development on the points of perspective plan submitted by the universities, are being given effect to, the time frame for grant of permission for opening new colleges for the academic year 2018-2019, is being amended.

3. 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 to amend the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017), for the purposes aforesaid, the Maharashtra Public Universities (Amendment) Ordinance, 2017 (Mah. Ord. XXVIII of 2017), was promulgated by the Governor of Maharashtra on the 28th November 2017.

4. Thereafter, upon the re-assembly of the State Legislature on the 11th December 2017, the Maharashtra Public Universities (Amendment) Bill, 2017 (L. A. Bill No. LXVIII of 2017), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 21st December 2017 and was transmitted to the Maharashtra Legislative Council. However, as the session of the Maharashtra Legislative Council was prorogued on the 22nd December 2017, the said Bill could not be passed by the Maharashtra Legislative Council.

5. As provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 21st January 2018. It is, therefore, considered expedient to take immediate action to continue the provisions of the said Ordinance.

6. 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 to continue the operation of the provisions of the Maharashtra Ordinance No. XXVIII of 2017, this Ordinance is promulgated.

Mumbai,

Dated the 19th January 2018.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MEETA RAJIV LOCHAN,
Principal Secretary to Government.