



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक १६ (२)]

गुरुवार, जून २०, २०१९/ज्येष्ठ ३०, शके १९४१

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असाधारण क्रमांक ३५

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 Constitution of India, the following translation in English the Maharashtra Agriculture Universities (*Krishi Vidyapeeths*) and the Maharashtra Animal and Fishery Sciences University (Amendment and Validation) Bill, 2019 (L.A. Bill No. XXIV of 2019), introduced in the Maharashtra Legislative Assembly on the 20th June 2019, 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. XXIV OF 2019.

A BILL

further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998.

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 Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Agriculture Universities (*Krishi Vidyapeeths*) and the Maharashtra Animal and Fishery Sciences University (Amendment and Validation) Ordinance, 2019 on the 13th June 2019 ;

Mah. XLI of 1983.
Mah. XVII of 1998.
Mah. Ord. XIV of 2019.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) and the Maharashtra Animal and Fishery Sciences University (Amendment and Validation) Act, 2019.

(2) It shall be deemed to have come into force on the 13th June 2019.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA AGRICULTURAL UNIVERSITIES (*KRISHI VIDYAPEETHS*) ACT, 1983.

Amendment of section 9 of Mah. XLI of 1983. 2. In section 9 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (hereinafter referred to as “ the Krishi Vidyapeeths Act ”), after the first proviso, the following proviso shall be added and shall be deemed to have been added with effect from the 17th November 2000, namely :—

Mah. XLI of 1983.

“Provided further that, notwithstanding anything contained in section 9 of the Maharashtra Animal and Fishery Sciences University Act, 1998, the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli shall also be competent to award degrees, diplomas, certificates or other academic distinctions in Fishery Sciences.”.

Mah. XVII of 1998.

Amendment of section 12 of Mah. XLI of 1983. 3. In section 12 of the Krishi Vidyapeeths Act, in sub-section (3), after clause (g), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 17th November 2000, namely :—

“(g-1) to review from time to time, the work done by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli, relating to education in Fishery Sciences, research and extension education programmes in Fishery Sciences, with a view to achieving effective co-ordination in the activities of that University and to give to it suitable guidance and directions ; ”.

Amendment of section 45 of Mah. XLI of 1983. 4. In section 45 of the Krishi Vidyapeeths Act, to sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 17th November 2000, namely :—

“Provided that, notwithstanding anything contained in this Act or the Maharashtra Animal and Fishery Sciences University Act, 1998, the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli, constituted under sub-section (1) of section 3 of this Act shall be competent to establish one or more colleges in Fishery Sciences.”.

Mah. XVII of 1998.

Insertion of Chapter VIII A in Mah. XLI of 1983. 5. After section 50 of the Krishi Vidyapeeths Act, the following Chapter shall be inserted and shall be deemed to have been inserted with effect from the 17th November 2000, namely :—

“ CHAPTER VIII A

**SPECIAL PROVISIONS IN RESPECT OF CERTAIN COLLEGES,
RESEARCH CENTRES / INSTITUTES, TRAINING CENTRES
AND CATTLE BREEDING FARMS, ETC.**

Mah.
XVII of
1998.

50A. Notwithstanding anything contained in clause (b) of section 62 of the Maharashtra Animal and Fishery Sciences University Act, 1998 and the First Schedule thereto or in any notification, document or instrument to the contrary or in any law for the time being in force, on and with effect from the 17th November 2000, the following colleges, recognized institutions, research centres, training centres and farms specified below shall be constituent colleges, recognized institutions, research centres, training centres and farms of the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, namely :—

Special provisions in respect of certain colleges, research centres, etc.

(A) College

- (1) College of Fisheries, Shirgaon, Ratnagiri.

(B) Research Centres/ Institutes

- (1) Taraporewala Marine Biological Research Station, Mumbai.
(2) Marine Biological Research Station, Ratnagiri.
(3) Kharland Research Centre, Panvel.
(4) Fodder Research Centre, Palghar.

(C) Training Centres

- (1) Livestock Supervisor's Training Centre, Lanja.

(D) Cattle Breeding Farms

- (1) Cattle Breeding Farm, Kudal, District Sindhudurg.”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ANIMAL AND FISHERY SCIENCES
UNIVERSITY ACT, 1998.

Mah.
XVII of
1998.

6. To section 9 of the Maharashtra Animal and Fishery Sciences University Act, 1998 (hereinafter referred to as “the MAFSU Act”), the following proviso shall be added and shall be deemed to have been added with effect from the 17th November 2000, namely :—

Amendment of section 9 of Mah. XVII of 1998.

“Provided that, nothing in this section or any other provision of this Act shall apply to the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli ; and that University shall be competent to award any degree, diploma, certificate or any other academic distinction in Fishery Sciences.”.

- 7.** (1) The Second Schedule to the MAFSU Act shall be deleted.

- (2) The deletion of Second Schedule shall not affect the amendments made by the said Schedule to the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983.

Deletion and saving of Second Schedule to Mah. XVII of 1998.

Mah.
XLI of
1983.

CHAPTER IV

MISCELLANEOUS

Validation and savings.

8. Notwithstanding anything contained in the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998 or any law, rule, document or instrument to the contrary, or in any judgment or order or direction of any court,—

Mah.
XLI of
1983.
Mah.
XVII of
1998.

(a) the College of Fisheries, Shirgaon, Ratnagiri shall be deemed to be constituent college of the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli ;

(b) the College of Fisheries, Shirgaon; Taraporewala Marine Biological Research Station, Mumbai ; Marine Biological Research Station, Ratnagiri ; Fodder Research Centre, Palghar ; Kharland Research Centre, Panvel ; Livestock Supervisor's Training Centre, Lanja and the Cattle Breeding Farm, Kudal (District Sindhudurg) (hereinafter referred to as "the said College, Research Centres, Institutes and Training Centre"), deleted by the Government Notification, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, No. PASAMPRA.3500/ CR-135/ADF-1, dated the 17th November 2000, shall be deemed to be the constituent College, Research Centres, Institutes or, as the case may be, Training Centre of the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(c) any student who immediately prior to the date of coming into force of this Act, was studying for a degree, diploma, certificate, academic awards, etc., in Fishery Sciences in the said College, Research Centres, Institutes and Training Centre referred to in clause (b) shall continue his studies under the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(d) all the students registered as students of the said College, Research Centres, Institutes and Training Centre, referred to in clause (b) for any subject or course or programme before the coming into force of this Act, shall deemed to have been registered with the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(e) where any examination is held by the said University, College, Research Centres, Institutes and Training Centre but the degree or other academic distinction has not been conferred or issued or the result of any such examination has not been published, such examination shall be deemed to have been held by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* and that *Krishi Vidyapeeth* shall be competent to confer or issue any degree, diploma, certificate, academic distinctions, etc., and to declare the result of such examination ;

(f) any degree, diploma, certificate, academic distinctions, etc., conferred or awarded in Fishery Sciences to any student by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli or the said College, Research Centre, Institute and Training Centre before the coming into force of this Act, shall be deemed to have been conferred or awarded under the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(g) all benefactions, awards, certificates, accepted or received by the said College, Research Centres, Institutes and Training Centre before the coming into force of this Act, shall be deemed to have been accepted or received by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(h) all property, movable or immovable obtained or all rights (including Intellectual Property Rights registered or obtained), interest of whatsoever kind, powers and privileges of the said College, Research Centres, Institutes and Training Centre before the coming into force of this Act, shall be deemed to have been obtained or registered with the said College, Research Centre, Institute and Training Centre ;

(i) all will, deed or other document (including research reports) made before the coming into force of this Act, which contains any bequest, gift, terms and trust in favour of the College, Research Centres, Institutes and Training Centre shall be deemed to have been made with the said College, Research Centre, Institute and Training Centre ;

(j) any right, privilege, obligation or liability acquired, accrued and incurred by the said College, Research Centres, Institutes and Training Centre, before the date of coming into force of this Act, shall be deemed to have been the rights, privilege, obligation or liability acquired, accrued and incurred by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* ;

(k) all the resolutions passed by the authorities or bodies of the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* with respect to the subject 'fishery sciences', shall be deemed have been passed or made by the that *Krishi Vidyapeeth* in accordance with the provisions of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, as amended by this Act ;

Mah.
XLI of
1983.

(l) all rules, regulations or statutes made by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* and applicable to the said College, Research Centre, Institute and Training Centre, shall be deemed to have been made by that *Krishi Vidyapeeth* in accordance with the provisions of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, as amended by this Act ;

Mah.
XLI of
1983.

(m) all academic and non-academic staff members appointed under the said College, Research Centres, Institutes and Training Centre, shall be deemed to have been appointed by the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* and shall continue to work under that *Krishi Vidyapeeth* ;

(n) any legal suit, appeal or legal proceeding of whatever nature, which is pending before any court, tribunal or authority by or against the said College, Research Centres, Institutes and Training Centre before the coming into force of this Act, shall be deemed to have been pending by or against the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty :

Power to
remove
difficulty.

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of the Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

10. (1) The Maharashtra Agriculture Universities (*Krishi Vidyapeeths*) and the Maharashtra Animal and Fishery Sciences University (Amendment and Validation) Ordinance, 2019 is hereby repealed.

Repeal of
Mah. Ord. XIV
of 2019 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Agriculture Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998, 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 said Acts as amended by this Act.

Mah. Ord.
XIV of
2019.

Mah.
XLI of
1983.

Mah.
XVII of
1998.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (Mah. XLI of 1983) has been enacted to provide better facilities for education in agricultural and allied matters in particular for the development of agricultural sciences and for carrying out or undertakings such schemes or activities to help and support the agricultural development programmes and extension education and such other activities of Government. The Maharashtra Animal and Fishery Sciences University Act, 1998 (Mah. XVII of 1998) has been enacted for providing facilities for the study of Animal and Fishery Sciences and for conduct of research in, and extension and development of these sciences and for co-ordination thereof.

2. Certain Colleges, Research Centres, Institutes and Training Centres were included in the First Schedule of the Maharashtra Animal and Fishery Sciences University Act, 1998.

Simultaneously alongwith bringing into force the provisions of the Maharashtra Animal and Fishery Sciences University Act, 1998, the Government has *vide* Government Notification, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, No. PASAMPRA. 3500/CR.135/ADF-1, dated the 17th November 2000, omitted certain College, Research Centers, Institutes and Training Centre from the purview of the Maharashtra Animal and Fishery Sciences University by making amendments in the First Schedule of the said Act. However, the consequential amendments inadvertently remained to be incorporated in the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998.

3. Konkan is having 720 km. coastline adjoining marine (1.12 lakh sq. km.) resources and brackish water (52002 ha.) resources contributing about 78 per cent of State's fish production. In the Konkan region, Fisheries and Agriculture go in hand with each other. Department of Social Sciences of Agriculture Faculty and Fisheries Faculty has jointly carried out research on 'socio-economic aspects of fishers'. Faculty of Agriculture Engineering and Faculty of Fisheries jointly developed various equipment, ergonomic studies beneficial to fishers. Post Harvest Management Faculty and Fisheries Faculty jointly developed many fish processing methods products and protocol for fish processing. Faculty of Horticulture and Faculty of Fisheries jointly developed integrated fish farming system. In Konkan region, Fishery Science is having natural integration with the agriculture, which benefited to the coastal population for their livelihood and socio-economic development.

4. In Writ Petition No. 4281 of 2018, the Hon'ble High Court at Mumbai, Bench at Nagpur has held that, in view of the enactment of the Maharashtra Animal and Fishery Sciences University Act, 1998, the Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth*, Dapoli is not competent to confer degrees or diplomas, etc. in Animal Science and Fisheries Sciences.

The Dr. Balasaheb Sawant *Konkan Krishi Vidyapeeth* had awarded degrees, diplomas, certificate, academic award, etc. in Fishery Sciences to the students of the College of Fisheries, Shirgaon, District Ratnagiri and other Research Centres, Institutes and Training Centre. To ensure that the interest of the students of the said

University who have obtained degrees, diplomas, certificates and other academic distinctions are not affected, it was considered expedient to validate such degrees, diplomas, certificate, academic distinctions, etc., and to save the actions taken in that regard by amending the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998, suitably.

5. 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 further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998, the Maharashtra Agriculture Universities (*Krishi Vidyapeeths*) and the Maharashtra Animal and Fishery Sciences University (Amendment and Validation) Ordinance, 2019 (Mah. Ord. XIV of 2019), was promulgated by the Governor of Maharashtra on the 13th June 2019.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 18th June 2019.

DR. ANIL BONDE,

Minister for Agriculture.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative powers, namely :—

Clause 9.—Under this Clause, power is taken to the State Government, to remove, by an order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of the Act, within a period of two years from the date of commencement of the Act.

2. The abovementioned proposal for delegation of legislative power is of a normal character.