

Marathwada University Act, 1974

25 of 1974

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An Act to consolidate and amend the Law relating to the Marathwada University WHEREAS the Government of both the Union and the State have appointed divers Committees to consider and recommend measures for the better governance of Universities and the re-organisation of higher education; AND WHEREAS, taking into account the recommendations of those Committees and in order to introduce uniformity in the several laws relating to the various Universities in the State to promote a more equitable distribution of facilities for higher education in the different areas of the State to provide for more efficient administration and financial control and better organisation of teaching and research to ensure faithful observance of the law in all matters, including the selection

and appointment of teachers and other employees; to give representation to students on certain bodies; to provide for wider representation to teachers, and by all such means, generally to improve the governance of the University and the facilities it provides for higher education; it is expedient to consolidate and amend the law relating to the Marathwada University; It is hereby enacted, in the Twenty-fifth Year of the Republic of India, as follows:

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

- (1) This Act may be called the Marathwada University Act, 1974.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (1) "Affiliated College" means a college affiliated under Section 43, and includes a college deemed to be an affiliated college under Section 91
- (2) "autonomous College" means a college designated to be so by the Statutes
- (3) "autonomous recognised institution" means a recognised, institution designated to be so by the Statutes;
- (4) "autonomous University Department" means a University Department designated to be so by the Statutes;
- (5) "Chancellor" and "Vice-Chancellor" means, respectively, the Chancellor and the Vice-Chancellor of the University;
- (6) "College" means a college -conducted by the University or affiliated to it;
- (7) "conducted College" means a college conducted by the University;
- (8) "Constituent College" means a College made constituent under Section 51 and includes a College deemed to be a constituent College under Section 91
- (9) "Department" means a department designated to be so by the Statutes with a reference to a subject or a group of subjects;
- (10) "Director of Education" means the Director of Education, Maharashtra State;
- (11) "Director of Higher Education" means the Director of Higher

Education, Maharashtra State:

(12) "Hall" means a unit of residence or of corporate life for the students of the University or any College or, Institution provided, maintained or recognised by the University

(13) "Head Master" means the head, of a secondary or higher secondary school;

(14) "Head of Department" means the Teacher principally responsible for instruction, training or research-in a Department

(15) "Higher Secondary Schools" means a school recognised as full-fledged- higher secondary school by the Director of Education, or by an officer authorised by him in that behalf and includes a higher secondary school situated outside the State of Maharashtra, which, has been registered, .or is deemed to be: registered, by the University;

(16) "Hostel" means a place of residence: for the students provided. maintained or recognised by the University

(17) "Institution" means an academic institution not being a College, Maintained by, or admitted to the privileges of the University;

(18) "Local Managing Committee" means a committee constituted for college under clause (b) of sub-section (3) of Section 43;

(19) "Maharashtra State, Board of Secondary Education", means the State Board established under the Maharashtra Secondary Education Boards Act, 1965;

(20) "Management" means the trustees or the managing or governing body by whatever name called of any trust registered under the Bombay Public Trusts Act 1950, or any society registered under the Societies Registration Act 1860 under whose management one or more colleges or Institutions are conducted and admitted to the privileges of the University

(21) "Prescribed" means prescribed- by the Statutes, Ordinances or Regulations

(22) "Principal" means the head of a college, specialised educational institution, post-graduate centre other recognised institution

(23) "recognised Institution" means an Institution for research of specialized studies, - other than an affiliated.-college and recognized to be so by the University;

(24) "Registered Graduate" means a graduate registered under Section 81, and includes a graduate deemed to be a Registered Graduate under Section 91

(25) "Schedule" means the Schedule appended to this Act;

1[(25-a) "Scheduled Castes means such castes, races or tribes or parts of, or groups within such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of Maharashtra under Article 341 of the Constitution of India and for the purposes of this Act, includes Nav-Boudhas

(25-b) "Scheduled tribes" means such tribes or tribal ,communities or parts of, or groups Within, such tribes or tribal communities as ate deemed to be Scheduled Tribes in relation to the State of Maharashtra under Article 342 of the Constitution of India-residing in any part of the State of Maharashtra and, for, the purposes of this Act, includes denotified and Nomadic Tribes

(26) "Secondary School" means a school, recognised as a full-fledged secondary school by the Director of Education or by an officer authorized by him in that behalf;

(27) "Secondary Teachers" means such, class of teachers imparting instruction in a secondary school or higher secondary school as may be designated to be secondary teachers by the States

(28) "Statutes" "Ordinances" and, "Regulations" means respectively, the Statutes. Ordinances and Regulations of the University made, or deemed to have been made under this Act, and for, the time being, in force

(29), "Students Council" means the Students Council of the University established under Section 34

2{(30) "Teacher" means a full time Professor; Associate Professor, "Reader, Lecturer, Demonstrator, Tutor, Master, of Method or Director of Physical Education, if any, in any conducted, constituent or affiliated College or recognised institution in the University, and includes any other persons, imparting instruction or guiding research, whether serving full time or part time or in an honorary capacity, who are designated to be Teachers, by the Statutes made on the recommendation of the Academic Council;

1. Clauses (25-a) and (25,b) were inserted by MA. 32 of 1978 S. 2.

2. Clause (30) was substituted by Mah. 2 of 1977, S. 2(l)(a).

Provided that, any such Statutes may also declare that any class of persons, whether serving full time or part time or in an honorary capacity, shall not be Teachers for the purposes of this Act;]

(31) "Teacher of the-University" means a full time, part-time or honorary Professor, Associate Professor, Reader or Lecturer or such other person as may be appointed or recognised for imparting instruction or guiding research in the University or in any college or institution conducted by the University and is designated to be a

Teacher of the University by the Statutes made on the recommendation of the Academic Council:

Provided that, any such Statutes may also declare that any class of persons, whether serving full time, part time or in an honorary capacity, shall not be Teachers of the University for the purposes of this Act;

(32) "University" means the Marathwada University, as reconstituted under this Act ; .

(33) "University area" means the area specified in the- Schedule;

(34) "University Department" means a department maintained by the University, or a department in a college or post-graduate or research institution recognised to be so by the University, and includes a centre of studies established by the University and designated to be so by the Statutes

CHAPTER 2 THE UNIVERSITY

3. Incorporation Of The University :-

(1) The Chancellor, Vice-Chancellor, the members, of the Senate, Executive Council and Academic Council of, the University, and all persons who are deemed to be, or may hereafter be, appointed or elected as such officers or members; are hereby constituted and declared to be a body corporate by the name of "the Marathwada University"; and such body corporate shall have perpetual succession and a common seal, and may by that name sue and be sued

(2) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in, or be acquired by; it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act.

4. Powers Of The University :-

Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and perform the following duties, that is to say,-

(1) provide for instruction, teaching and training in such branches of learning and courses of studies as the University may, from time to time, determine; make provision for research and for the advancement and dissemination of knowledge, and generally,

- cultivate and promote the arts (including the fine arts), commerce, the sciences, medicine, engineering, technology and other branches of learning and culture;
- (2) make provision to enable conducted, constituent and, affiliated Colleges and recognised institutions to undertake specialised studies ; .
 - (3) organise, maintain and manage University laboratories, libraries, museums and other equipment for teaching and research;
 - (4) maintain and manage Departments and institutions of research or specialised studies;
 - (5) establish, maintain and manage Colleges, Institutions, Halls, Hostels and Gymnasiums
 - (6) institute Principal ships, Professorships, Reader ships, Lectureships and other teaching or academic posts required by the University, appoint persons thereto or to other posts and prescribe their qualifications and the terms and conditions of their service
 - (7) appoint or recognise persons as Professors, Readers or Lectures or otherwise as Teachers Of the University;.
 - (8) appoint persons working in any other University or organisation as Teachers of the University for specified periods.;
 - (9) create administrative, ministerial and other posts, make appointments thereto and prescribe their qualifications and the terms and conditions of their service;
 - (10) prescribe the courses of instruction and studies for the various examinations;
 - (11) make provisions, wherever feasible, in the University Departments, colleges and institutions for survey and collection of statistics, data and other particulars for national planning and evaluation, through the students as a part of their curricular activities and subjects, and in lieu of a paper or part thereof, for their examinations;
 - (12) guide the teaching in colleges by deputation of teachers from a pool of Teachers of the University, and supplement teaching in colleges for improving their standards;
 - (13) institute degrees, diplomas certificates and other academic distinctions on the basis of examinations or any other tests, or otherwise;
 - (14) hold examinations and confer degrees, diplomas, certificates and other academic distinctions on persons who
 - (a) have, unless exempted therefrom in the manner prescribed, pursued approved courses Of studies in the University, or in a conducted, constituent or affiliated College or in a recognised

Institution, and have passed the examinations prescribed by the University ;

(b) have pursued approved courses of studies through correspondence or otherwise, under conditions provided by the Ordinances and Regulations, or

(C) have engaged in research under conditions provided by the Ordinances and Regulations,

(15) confer honorary degrees or other academic distinctions as prescribed by the Statutes;

(16) grant such degrees, diplomas and certificates to, and provide such lectures, instruction and training for, external students and persons who are not enrolled as students of the University, as the University may prescribe;

(17) admit to the privileges of the University colleges and institutions not maintained by the University, and withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes and recognise halls and hostels not maintained by the University and withdraw such recognition,

(18) designate a College Institution or Department as an autonomous College, Institution or Department, as the case may be, in the manner and on the conditions prescribed by the Statutes:

(19) inspect colleges and recognised institutions through suitable machinery established by the Statutes for the purpose, and take measures to ensure that proper standards of instruction, teaching and training are maintained in Them and adequate library and laboratory facilities are provided for;

(20) control and co-ordinate the activities of, and give financial aid to, constituent affiliated colleges and recognised institutions ;

(21) take over, in the public interest, with the approval of the State Government and for good and sufficient cause the management of colleges and recognised institutions under conditions, including any payment to be made therefor, prescribed by the Statutes;

(22) hold and manage trust and endowments, and institute and award fellowships, traveling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(23) make the University the centre of social and economic transformation through education as envisaged in the preamble, directive principles and other provisions in the Constitution of India.

(24) make special provisions for the benefits of University education to be made available to classes and communities which are socially and educationally backwards

- (25) make special provision for such benefits of University education to be made available for women students as the University may think necessary;
- (26) make special provision for higher education in the rural areas;
- (27) fix demand and receive or recover such fees and other charges as may be regulated by the Ordinances;
- (28) supervise control and regulate the residence conduct and discipline of the students of the University colleges and institutions;
- (29) make arrangements for promoting the health life and general welfare of the students, and promote extra curricular and welfare activities through such students organisations as are prescribed by the Statutes;
- (30) make arrangements for promoting the health and general welfare of the employees of the University
- (31) conduct, co-ordinate, regulate and control teaching and research in the colleges and institutions recognised by the University
- (32) provide facilities for refresher and vacation courses;
- (33) provide for the training of teachers;
- (34) collect funds for educational and other social or national causes, and make payments therefrom for the purposes for Which they were collected
- (35) establish, maintain and manage-
- (a) the National Service Scheme ;
 - (b) the National Cadet Corps;
 - (c), the National. Sports ;
 - (d) physical and military training;
 - () extra-mural teaching and research
 - (f) the Students Council, and
- (36) make provision for
- (a) a. Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureaux;
 - (d) Employment Guidance Bureaux;
 - (e) Cooperative Societies, and
 - (f) Health Services
 - (g) any other activities directed towards cultural, economic and social betterment;
- (37) provide for special training or coaching for competitive examinations for recruitment to the public services and public undertakings
- (38) co-operate or collaborate with any other University, authority,

or organisation in such manner and for such purposes as the Executive Council may determine

(39) effect disaffiliation, in part or in whole, by withdrawing permission to conduct certain courses

(40) promote by itself, or in co-operation with other Universities, the study of Marathi and the use of Marathi as a medium of instruction and examination;

(41) prescribe or control the fees and other charges which may be received or recovered by the management of the colleges and recognised institutions;

(42) borrow, with the approval of the State Government and on the security of the property of the University, moneys for the purposes of the University; and

(43) do all such other acts, and things as may be necessary for, or incidental or conducive to, the attainment of all or any of its objects.

5. Jurisdiction And Admission To Privileges Of The University :-

(1) The territorial limits, within which the powers conferred upon the University by this Act shall, be exercised, shall comprise the whole of the University area:

Provided that, any educational institution in the State of Maharashtra, or in any other territory may subject to such conditions and restrictions as the University and the State Government may think fit to impose, be admitted to the privileges of the University;

Provided further that, the benefit of correspondence courses or external degree courses may be extended by the University to students outside the University area

(2) No educational institutions situated within the University area shall, except with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of, any other University established by law

Provided that, if an educational institution seeks to be associated with, or admitted to the privileges of a University whose jurisdiction, is not restricted to any State or area, such association of admission may be permitted by the State Government.

Provided further that if a University, whose jurisdiction is not restricted to any State or area, wishes to establish a centre or other

unit of research in the University area, it may be so with the sanction of the State Government

(3) Any privileges enjoyed by any educational institution within the area of another University before the date on which this Act comes into force shall not be withdrawn without the sanction of the State Government.

6. Power Of State Government, To Enlarge Or Reduce University Area And Consequential Provisions :-

(1) Where there is any change in the boundaries of any of the areas specified in the Schedule, the State Government may, after consultation with the Universities concerned, by notification in the Official Gazette, and with effect from such date as may be specified in such notification, enlarge or reduce the boundaries of the areas aforesaid in order to correspond with such change.

(2). If, immediately before the said date, the area so added was included in the area of any other University established by law in the State of Maharashtra (but excluding the Shreemati Nathibai Damodar Thackersey Womens University), the State Government shall, by like notification, direct that the area so added shall, with effect from the said date, cease to be included in the area of such other University, and, on and from the said date, all the educational institutions within such area shall cease to be associated with, or to enjoy the privileges of such other University.

7. University Open To All Irrespective Of Sex, Creed, Class, Religion Or Opinion Etc :-

(i) No person shall be excluded from any office of the University, or from membership of any of its authorities, bodies or committees or from admission to any degree, diploma, certificate or other academic distinction or course of study, on the ground only of sex, race, creed, class, place of birth, religious belief or profession, or political or other opinion.

Provided that, the University may maintain, affiliate or recognise any college, or Institution exclusive for women, or reserve for women or members of classes and community which-are socially and educationally backward, seats for the purpose of admission as students in any college or institution maintained by the University.

(2) It shall, not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, class, place of birth, religious belief or profession, or political or other opinion in

order to entitle him to be admitted as a teacher or a student, or hold any office or post in the University, or qualify for any degree., diploma, certificate, or -other academic distinction, or enjoy exercise any privileges of the University or any benefication thereof.

(3) Nothing in sub-sections (1) and (2) of this section shall prevent the State Government or the University from making, any provision for the reservation of appointments or posts either under, the University or Under the affiliated Colleges or recognised Institutions in favour of the members of the Scheduled Castes and Scheduled Tribes, which, in its opinion, are not adequately represented in the services under the University or under such Colleges or Institutions.

CHAPTER 3 OFFICERS OF THE UNIVERSITY

8. Officers Of The University :-

The following shall be, the officers of the University, namely

- (i) the Chancellor
- (ii) the Vice-Chancellor
- (iii) the Deans of Faculties
- (iv) the Registrar
- (v) the Librarian
- (vi) the Director of Students Welfare and
- (vii) such other officers in the service of the University as may be designated by the Statutes to be the, officers of the University.

9. The Chancellor :-

(1) The Governor of Maharashtra, for the time being shall be the Chancellor; ,

(2). The Chancellor shall by virtue of his office, be the bead of the University and the President of the Senate, and shall, when present, preside at the meetings of the Senate, and Convocation of the University.

(3) The Chancellor shall have such other powers as are or may be conferred on him by or under this Act or the Statutes.

10. The Vice-Chancellor :-

(1) The Vice-Chancellor shall be appointed in, accordance with the provisions of this sub section. For the select -on of the Vice-Chancellor, there shall be a Committee of three persons, two of whom shall be persons not connected d with the University or any

college or institution maintained-, affiliated or recognized by the University one to be nominated by the Executive Council and the other by the Academic Council, and the third person shall be nominated by the Chancellor who shall also appoint one of the three as Chairman of such Committee. The Committee shall select not less than three persons and shall report its selection to the Chancellor. The Chancellor may appoint one of the persons so selected to be Vice-Chancellor. If the Chancellor does not approve any of the persons so selected, he may call for a fresh, selection.

[(2) The Vice-Chancellor shall, subject, to the terms. and conditions of his, contract. of service, ordinarily hold office for a term of three years from the date on which he enters upon his office and shall, on expiration of his term of office, be eligible for re-appointment to that office only for a second term

The Chancellor may, by order,-

(a) direct that notwithstanding the expiration of his term, the Vice-Chancellor may continue to, hold office ; or

(b) appoint any other suitable person, to hold the office of the Vice-Chancellor, for such term not exceeding six months in the aggregate, as he may specify from time to time I time in his order

Provided that, the Vice-Chancellor, so, continuing or the person so appointed, to bold -the Vice-Chancellor shall cease to hold such office on the date on which the person appointed as Vice-chancellor in accordance with the provisions of subsection (1) enters upon his office.]

[(3)xxx

[(4)xxx

(a)any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other, cause ; or

(b) any vacancy in the office of the Vice-Chancellor occurs -by reason of death, resignation or otherwise and it cannot be filled expeditiously in accordance. .-with the provisions of subsection (1) the Chancellor may appoint any suitable person, including the Pro-Vice-Chancellor, if any, to act as the Vice-chancellor, for such term not exceeding six months in the aggregate as be may specify from time to time in his order.]

[(5) The Vice-Chancellor shall be a whole-time salaried officer of the University Subject to, the provisions of this Act, the emoluments and other conditions of service of the Vice-Chancellor or shall be such as the State Government may from time to time,, whether prospectively or retrospectively, determine:

Provided that, the emoluments and other conditions of service shall

not be varied to his disadvantage during his tenure as Vice-Chancellor.]

(6) No person shall hold, or continue to hold the office of Vice-chancellor after he attains the age of sixty-five years.

(7) [Notwithstanding anything contained in any law or contract for the time, being in force, if a Principal or Teacher] in the service of any University in the State, or of any college or institution maintained, affiliated or recognized by any such University, is, appointed Vice-Chancellor, his terms and [conditions of service as Principal or Teacher, as the case may be shall not be revised to his disadvantage during his tenure as Vice-Chancellor, and he shall retain his lien on his post.

11. Powers And Duties Of The Vice-Chancellor :-

(1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, In the absence of the Chancellor, preside at the- meetings of, the Senate and, at any Convocation of the University. He shall be an ex- officio member and Chairman of the Executive and Academic Councils, the Board of University Teaching and Research, the Committee for selection of Teachers of the University, the Committee for recognition of Teachers of the University, the Committee for appointment of Examiners, the Committee for Academic Planning and Evaluation, the Finance Committee, the Library Committee and such other authorities and bodies as are provided by or under this Act. He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have the power to convene meetings of the Senate, the Executive and Academic, Councils, the Board of University Teaching and Research, the Finance Committee and the other authorities and bodies referred to in sub-section (1) but may delegate such power to any officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes ordinances and Regulations are faithfully observed. The Chancellor shall, for this purpose, have the power to issue directions to the Vice-Chancellor who shall give effect to any such directions.

(4) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action

to be taken, he shall take such action as he thinks necessary and shall, at the earliest opportunity; report in writing the grounds for his belief that there was an emergency, and the action taken by him, to, such authority or body as would in the ordinary course, have dealt with the matter. In the- event of a difference arising between the Vice-Chancellor and the authority or body whether there was in fact an emergency, or on the action taken (where such action does not affect any person in the service of the University) or both, the matter shall be referred to the Chancellor whose decision shall be final Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University such person shall be entitled to prefer, within thirty days from the date or which he receives notice of such action an appeal to the Executive Council.