

Poona University Act, 1974

23 of 1974

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title And Commencement
2. Definitions

CHAPTER 2 :- THE UNIVERSITY

3. Incorporation Of The University
4. Powers Of The University
5. Jurisdiction And Admission To Privileges Of The University
6. Powers Of State Government To Enlarge Or Reduce University Area And Consequential Provision
7. University Open To All Irrespective Of Sex, Creed, Class, Religion Or Opinion, Etc

CHAPTER 3 :- OFFICERS OF THE UNIVERSITY

8. Officers Of The University
9. The Chancellor
10. The Vice-Chancellor
11. Power And Duties Of The Vice-Chancellor
- 11A. Pro-Vice-Chancellor And His Powers And Duties
12. Deans Of Faculties
13. Registrar
14. Finance Officer
15. Librarian
16. Director Of Students Welfare
17. Other Officers
18. Authorities And Officers Responsible For Damaged

CHAPTER 4 :- AUTHORITIES OF THE UNIVERSITIES

19. Authorities Of The University
20. Senate
21. Meetings Of The Senate
22. Powers And Duties Of The Senate
23. Executive Council
24. Powers And Duties Of The Executive Council
25. Academic Council
26. Powers And Duties Of The Academic Council
27. Faculties And Their Functions

- 28. Board Of Inter-Disciplinary Studies
- 29. Board Of Studies
- 30. Consultative Committee For Board Of Studies
- 31. Boards Of University Teaching And Research Constitution
- 32. Boards Of University Teaching And Research Powers And Duties
- 33. Board Of Extra-Mural Studies
- 34. Students Council
- 34A. Temporary Provision To Adjust Term Of Office Of Student Members
- 35. Certain Qualifications For Students Membership
- 36. Other University Authorities And Bodies
- 36A. Disqualification For Dean Of Faculty Or Member Of Certain Authorities Of University
- 36B. Cessation Of Membership

CHAPTER 5 :- STATUTES, ORDINANCES AND REGULATIONS

- 37. Statutes Subject Matters
- 37A. Disqualification For Dean Of Faculty Or Member Or Certain Authorities Of University
- 37B. Cessation Of Membership
- 38. Statutes-Their Making
- 39. Ordinances-Subject Matter
- 40. Ordinances & Their Making
- 41. Regulation, And Rules

CHAPTER 6 :-CONDITIONSOF SERVICE OF EMPLOYEES IN COLLEGES AND RECOGNISED INSTITUTIONS

- 42. Statutes To Be Made Prescribing Conditions Of Service Of Employees In Colleges And Recognised Institutions
- 42A. Constitution Of Colleges Tribunals For Adjudication Of Certain Disputes Or Differences Between Employees And Management In Private Affiliated Colleges And Recognised Institutions
- 42B. Right Of Appeal To Tribunal To Employees Of Private Affiliated Colleges Or Recognised Institutions In Certain Cases
- 42C. General Powers And Procedure Of Tribunal
- 42D. Powers Of Tribunal To Give Appropriate Reliefs And Directions
- 42E. Decision Of Tribunal To Be Final And Binding
- 42F. Penalty To Management For Failure To Comply With Tribunals Directions
- 42G. Legal Practitioners Excluded From Appearance
- 42H. Pending Appeals Before Grievances Committees, Etc., To Be Transferred To Tribunal

CHAPTER 7 :- AFFILIATION AND RECOGNITION

- 43. Affiliation Of Colleges
- 44. Extension And Continuation Of Affiliation
- 45. Permanent Affiliation
- 46. Recognition Of Institutions

- 47. Inspection Of Colleges And Institutions And Reports
- 48. Existing Affiliated Colleges To Constitute Local Managing Committees Or Advisory Committees
- 49. Withdrawal Of Affiliation
- 50. Withdrawal Or Suspension Of Recognition

CHAPTER 8 :- ORGANISATION OF POST-INTERMEDIATE AND POST-GRADUATE TEACHING

- 51. Constituent And Affiliated Colleges And Constituent Recognised And Recognised Institutions
- 52. Teaching Within The University Area

CHAPTER 9 :- ENROLMENT AND DEGREES

- 53. Enrolment Of Students
- 53A. Enrolment Of Students After Commencement Of Mah.Vi Of 1977
- 54. Degrees, Diplomas, Certificates And Other Academic Distinctions
- 55. Honorary Degrees
- 56. Removal Of Name From Register Of Graduates On Conviction For Certain Offences

CHAPTER 10 :- COMMITTEE

- 57. Committee For Selection And Appointment Of University Teachers
- 58. Filling Temporary Vacancies Of University Teachers
- 59. Committee For Recognition Of Teachers Of The University
- 60. Selection Committee For Appointment Of Principal Of College Or Institution Maintained By The University
- 61. Selection Committee For Appointment Of Registrar
- 62. Selection Committee For Appointment Of Finance Officer
- 63. Selection Committee For Appointment Of Librarian
- 64. Committee For Appointment Of Examiners
- 65. Academic Planning And Evaluation Committee
- 66. Finance Committee
- 67. University Accounts Committees
- 68. Library Committees
- 69. Other Committees

CHAPTER 11 :- FINANCE

- 70. University Fund
- 71. Annual Accounts And Financial Estimates
- 72. Annual Report

CHAPTER 12 :- MISCELLANEOUS PROVISIONS

- 73. Conditions Of Service
- 74. Tribunal Of Arbitration

- 75. Pension, Insurance And Provident Fund
- 76. Inspection And Inquiry
- 76A. Powers Of The Chancellor To Issue Directions When Affairs Of The University Are Not Managed In Furtherance Of Its Objects, Etc
- 76B. Powers Of The Chancellor To Disqualify Members
- 77. Powers To Annul Suspend. Etc., Proceeding Of The Officers And Authorities
- 77 A . Power To Prescribe Standard Code For Employees Of University And Affiliated Colleges And Recognised Institutions
- 77B. Financial Control Or State Government
- 77C. Special Provision For Scheduled Castes And Tribes In Services And Post In University And Colleges And Institutions
- 78. Elections To Be By Proportional Representation
- 79. Vacating Office
- 80. Casual Vacancy
- 81. Registered Graduates
- 82. Convocations
- 83. Acting Chairman Of The Meetings
- 84. Delegation Of Powers
- 85. Acts And Proceedings Not Invalid Merely On The Ground Of Defect In The Constitution, Vacancies, And Irregularity In Procedure Etc
- 86. Questions Regarding Interpretation And Disputes Regarding Constitution Of The University, Authority Or Body, Etc
- 87 . Maintenance Of Discipline Among The Students Of The University
- 88. Protection Of Acts And Orders
- 89. Removal Of Difficulties
- 90. Repeal
- 91. Saving

Poona University Act, 1974

23 of 1974

This act received assent of the President on the 2nd May 1974; assent was first published in the Maharashtra Government Gazette Part IV, Extraordinary, on the 17th May, 1974. An Act to consolidate and amend the law relating to the University of Poona 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 reorganisation 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 or 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 student 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 University of Poona; 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 Poona 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" mean, 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 reference to a subject or a group of subject ;

- (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 a higher secondary school;
- (14) "Head of Department" means the Teacher principally responsible for instruction, training or research in a Department;
- (15) "Higher Secondary School" means a school recognised as a 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 constitute for a 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
- 1[(22) "Principal" means the head of a college, specialised educational institution, post-graduate centre or other recognised institution;
- (23) "Recognised Institution" means an institution for research or specialised studies, other than an affiliated college, and recognised 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-Bouddhas;

1. Clause (25-a) and (25-b) were inserted by Mah. 32 of 1978 s 2

(25-b) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such, tribes or tribal communities as are 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 authorised 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 Statutes;

(2 8) "Statutes", "Ordinances" and "Regulations" mean, 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;

1[(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 part time or in an honorary capacity, who are designated to be Teachers 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 or part time or in an honorary capacity, shall not be Teachers for the purposes of this Act];

2[(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 instructing 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 :

Clause (30) was substituted by Mah. 2 of 1971, S. 2 (1) (a).

Clause (31) was substituted by Mah. 2 of 1977, S 2 (1) (b)

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 University of Poona, 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 University of Poona" 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 purpose 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) establish, 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, Readerships, 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 Lecturers or otherwise as Teachers of the University;

(8) appoint persons working fit 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 provision, 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 liu 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 distinction 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, instructions 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 coordinate the activities of, and give financial aid to, constituent and affiliated colleges and recognised institutions;
- (21) takeover; 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 trusts and endowments, and institute and award fellowships, travelling 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 provision for the benefits of University education to be made available to classes and communities which are socially and educationally backward;
- (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, corporate 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, coordinate, 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) a Printing and Publication Department; (b) University Extension Boards; (c) Information Bureaus; (d) Employment Guidance Bureaus; (e) Cooperative Societies; and (f) Health Services;
- (36) make provision for
- (a) the National service scheme
 - (b) the National Cadet Corps;
 - (c) the National Sports Organisation;
 - (d) physical and military training;

(c) extra-mural teaching and research;
(f) the Students Council; and
(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) cooperate 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 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 managements of the colleges and recognised institutions;

(42) borrow, with the approval of the State Government and on the security or 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 University area.

(2) No educational institution situate 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 be admitted to the privileges of, a University whose jurisdiction is not restricted to any State or area, such Association or 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 do 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. Powers Of State Government To Enlarge Or Reduce University Area And Consequential Provision :-

(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 :-

(1) 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 exclusively for women, or reserve for Women or members of classes and communities 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 or exercise any privileges of the University or any benefaction thereof.

1[(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.]

1.Sub-section (3) was added by Mah, 32 of 1978, S. 3.

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 Head of the

University, and the President of the Senate, and shall, when present preside at the meeting of the Senate, and at any Conviction of the University.

(3) The Chancellor shall halve 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 selection of the Vice-Chancellor, there shall be a Committee of three persons, two of whom shall be persons not connected with the University or any college or institution maintained, affiliated or recognised 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.

1[(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 terms of office, be eligible for reappointment to that office only for a second term.

1. Sub-section (2) was substituted for the original by Mah. 14 of 1984 S. 2(a).

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 in his order:

Provided that, the Vice-Chancellor, so continuing or the person so appointed, to hold the office of 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 sub-section (1) enters upon his office.

1(3)*****8

2[(4) Where -

(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 sub-section (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 he may specify from time to time in his order.]

3[(5) The Vice-Chancellor shall be a whole-time salaried officer of the University. Subject to the provision of this Act, the emoluments and other conditions of service of the Vice-Chancellor shall be such 4[as the State Government may from time to time, whether prospectively or retrospectively determine

Provided that, the emolument and other conditions of service shall not be varied to his disadvantage during his tenure as Vice-Chancellor].

1. Sub-section (3) was deleted by Mah. 14 of 1984, S. 2(b).

2. Sub-section (4) was substituted for the original *ibid.*, S. 2 (c).

3. Sub-section (5) was substituted for the original, *ibid.*, S. 2 (d).

4 These words and proviso were substituted for the words, "as the State Government may from time to time determine by Mah. 22 of 1984, S. 2.

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

(7) 1[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 recognised by any such University, is appointed Vice-Chancellor, his terms and 2[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. Power 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 Committees 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 other 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.

1 These words were substituted for the words If Professor by Mah 32 of 1978 S.4(a)

2. These words were substituted for the words "conditions as Professor by Mah. 12 of 1978, S 4(b)

(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 on 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 on which he receives notice of such action, an appeal to the Executive Council.

(5) The Vice-Chancellor shall be responsible for the administration of the affairs of the University in accordance with the provisions of this Act, the Statutes, Ordinances and Regulations, and shall give effect to the decisions of the Executive Council and other authorities and bodies of the University which are not inconsistent with the provisions aforesaid.

(6) (a) It shall be lawful for the Vice-Chancellor, as the principal executive and academic officer, to regulate the work and conduct of the officers, and of the teaching academic and other employees of the University, in accordance with the provision, of this Act, the Statutes, Ordinances and Regulations.

(b) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but not Statutes, Ordinances or Regulations are made in that behalf, the Vice-Chancellor may, for the time being, regulate the matter by issuing such directions as he thinks necessary, and shall, at the earliest opportunity thereafter place them before the Executive Council or other authority or body concerned for approval. He may, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf.

(7) The Vice-Chancellor shall exercise such other powers and perform such other duties as are prescribed by the Statutes, Ordinances and Regulations.

1((8) Whenever the Vice-Chancellor finds that the decision taken or the resolution passed by any of the authorities or bodies of the University is not consistent with the provisions of the Act, Statutes, Ordinances or is not in the interest of the University he shall

(a) defer the implementation of such decision or resolution;

(b) refer it to the Chancellor as soon as possible, but not later than a week, mentioning in his report the reasons as to why he thinks that the decision or resolution is not consistent with the provision of the Act, Statutes, Ordinances or is not in the interest of the University; and

(c) take appropriate action on the same after receipt of orders of

the Chancellor:

Provided that, the Vice-Chancellor shall at the earliest opportunity, furnish the information, about his report to the Chancellor and the Chancellors orders thereon, to the appropriate authority or body of the University for information and compliance wherever necessary.]

11A. Pro-Vice-Chancellor And His Powers And Duties :-

(1) Where in the University, if there are more than one hundred and ten affiliated and conducted colleges and recognised institutions, and the Vice-Chancellor of the University is of the opinion that it is expedient to create a post of a Pro-Vice-Chancellor, he may request the State Government to create such a post, On receipt of such a request, the State Government may, after making such inquiries as it deems fit, create such a post by notification in the Official Gazette.,

(2) When the post of the Pro-Vice-Chancellor is created, the Chancellor shall, in consultation with the Vice-Chancellor, appoint a suitable person, including, a teacher or a teacher of the University or a person having special qualifications or experience in administrative matters, to be the Pro-Vice-Chancellor. The term of office of the Pro Vice-Chancellor shall be co-terminus with the term of office of the Vice-Chancellor, and the Pro-Vice-Chancellor shall hold office during the pleasure of the Chancellor.

(3) The Pro-Vice-Chancellor shall be whole-time salaried officer of the University, in addition to the officers of the University specified in section 8 and his emoluments and terms and conditions of service shall be such as the State Government may, from time to time, by order, determine.

(4) The Pro-Vice-Chancellor shall be the ex-officio member of the Senate, the Executive Council, the Academic Council, the Boards of University Teaching and Research, the Board of Extra-mural Studies, the Students Council and the Committee for Academic Planning and Evaluation.

(5) The Pro-Vice-Chancellor shall assist the Vice-Chancellor, in respect of such matters, as may be specified by the Vice-Chancellor in this behalf, from time to time. He shall preside over the meetings of the authorities or bodies of the University in the absence of the Vice-Chancellor and shall exercise such other powers and perform such other duties of the Vice-Chancellor as may be assigned to him by the Chancellor.

1. Sub-section (9) was added by Mah 14 of 1978, S 3
2. Section 11A was inserted by Mah. 35 of 1983, S. 2.

12. Deans Of Faculties :-

(1) There shall be a Dean of each Faculty who shall be elected by the Faculty from amongst its members, other than the student members, in the manner prescribed by the Statutes.

1[Provided that, the student members of the Faculty shall be entitled to vote at any such election.

(2) The Dean of each Faculty shall be ex-officio Chairman of that Faculty and shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to that Faculty.

(3) The term of office of a Dean shall be three years.

(4) No person shall hold the office of Dean for two consecutive terms,

1[(5) No person who has held office as a Dean of a Faculty for two terms or more shall be eligible for being elected, or continued, as such a Dean.

Explanation: -For the purposes of this sub-section, any Dean who,

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such Dean or ceased to be such Dean for any reason whatsoever; or

(ii) is elected as such Dean in any vacancy occurring during the period of a term; or

1(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such Dean or ceases to be such Dean, for any reason whatsoever, before the completion of his term of office as such Dean, he shall be deemed to have held office as such Dean for the whole of that term

13. Registrar :-

(1) The Registrar shall be a whole-time salaried officer of the University, and shall act as Secretary of the Senate, the Executive and Academic Councils, the Board of University Teaching and Research, the Committee for Selection of Teachers of the University and such other authorities and bodies as are provided by or under this Act. He shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose. His qualifications, emoluments and terms and conditions of service shall be as prescribed by the Statutes.

(2) When the office of the Registrar falls vacant, or when the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office, such duties shall be performed for the time being [until a new Registrar is appointed and assumes office or the Registrar resumes duty, as the case may be by such person as the Executive Council may appoint for the purpose.

(3) (a) The Registrar shall have the power to take disciplinary action against such of the employees of the University excluding the Teachers and academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, administer warnings to them or impose on them the penalty of censure or withholding of increments :

Provided that, no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified above.

(c) Where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor together with his recommendations

Provided that, an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(4) Subject to the control of the Executive Council the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(5) The Registrar shall

(a) be the custodian of the records, the common seal and such other property of the University as the Executive Council may commit to his charge ;

(b) keep the minutes of all meetings of the Senate, the Executive and Academic Councils, and of the boards and committees appointed by the authorities of the University ;

(c) ensure, under the control and direction of the Vice-Chancellor, the proper organisation and conduct of examinations and other tests and the declaration of their results, and

(d) exercise such other powers and perform such other duties as are prescribed or are required from time to time by the Executive Council or the Vice-Chancellor.

1. These words shall be deemed always to have been submitted for the words for a period not exceeding six months or until a Registrar is duly appointed whichever is earlier by Mah 2 of 1977, S. 3,

14. Finance Officer :-

(1) The Finance Officer shall be whole-time salaried officer appointed by the Executive Council 1[either by nomination or by obtaining the services of a suitable officer on deputation from the Government of India or the State Government.]

2[(2) Appointment of a person as the Finance Officer by nomination shall be made by the Executive Council on the recommendation of a Selection Committee constituted for the purpose. The appointment shall be for such period and on such terms and conditions as the Executive Council may determine.]

3[(2A) When any Government Officer is appointed as the Finance Officer on deputation, all expenditure on account of the remuneration, pension or provident fund contribution, leave allowance and other allowances and facilities, which may be admissible to him, shall be met from the University Fund.]

(3) When the office of the Finance Officer falls vacant, or when the Finance Officer is, by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed for the time being, for a period not exceeding six months or until a Finance Officer is duly appointed, whichever is earlier, by such person as the Vice-Chancellor may appoint for the purpose.

1. These words are added by Mah, 32 of 1978, S. 5(a).

2. Sub-section (2) was substituted for the original, *ibid.*, s 5(b)

3. Sub-section (2A) was inserted, *ibid* S. 5(c),

(4) The Finance Officer shall assist the Registrar and be under the general control of the Registrar. In the exercise of his powers and performance of his duties, the Finance Officer shall

(a) exercise general supervision over the funds, of the University, and shall advise the University as regards its financial policy ;

(b) hold and manage the property and investments, including trust and endowed property for furthering any of the objects of the University;

(c) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not

exceeded, and that all moneys are expended for the purposes for which they are granted or allotted

(d) be responsible for the preparation of the annual accounts and the Budget of the University for the next financial year, and for their presentation to the Executive Council

(e) keep a watch on the state of the cash and bank balances, and of investments -,

(f) watch the progress of collection of revenue and advice on the methods of collection employed ;

(g) have the accounts of the University regularly audited ;

(h) ensure that the registers of buildings, land and equipment are maintained up-to-date, and that the stock checking of equipment and other consumable material in all officers, colleges, workshops and stores is conducted regularly;

(i) propose to the Executive Council, through the Registrar, that explanation be called for unauthorised expenditure or other financial irregularities in any particular case, and recommend disciplinary action against the persons at fault ;

(j) call, from any office, centre laboratory, college or institution under the control of the University for any information and returns that he thinks necessary for the proper discharge of his financial responsibilities ; and

(k) exercise such other powers, perform such other duties, and discharge such other financial functions as are assigned to him by the Executive Council or prescribed by the Statutes.

15. Librarian :-

(1) The Librarian shall be a whole time salaried officer appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose, and shall possess such qualifications, and exercise such powers and perform such duties, as are prescribed by the Statutes. He shall be assisted by a Committee appointed for the purpose.

(2) When the office of the Librarian falls vacant, or when the Librarian is by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed for the time being for a period not exceeding six months or until a Librarian is duly appointed, whichever is earlier, by such person as the Vice-Chancellor may appoint for the purpose.

16. Director Of Students Welfare :-

(1) The Director of Students Welfare shall ordinarily be appointed from amongst the Teachers not below the rank of Lecturer, by the Executive Council on the recommendation of the Vice-Chancellor.

(2) The Director shall be a whole-time salaried officer, shall hold office for a term of three years and shall be eligible for reappointment:

Provided that, the Executive Council may, if it thinks necessary, appoint a Teacher, not below the rank of Lecturer, to discharge the duties of the Director of Students Welfare in addition to his own, and in such event the Executive Council may sanction a suitable allowance.

(3) A person appointed to be Director of Students Welfare shall continue to hold his lien on his substantive post, if appointed from amongst the Teachers and shall be eligible for all the benefits that would have otherwise accrued to him but for his appointment as Director of Students Welfare.

(4) When the office of the Director of Students Welfare falls vacant, or when the Director of Students Welfare is by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed for the time being, for a period not exceeding six months or until a Director of Students Welfare is duly appointed, whichever is earlier, by such person as the Vice-Chancellor may appoint for the purpose.

(5) The powers and duties of the Director of Students Welfare shall be as prescribed by the Statutes.

17. Other Officers :-

The appointment of other officers of the University, referred to in clause (vii) of section 8, shall be made in such manner, and their terms and conditions of service and powers and duties shall be such, as are regulated by the Ordinances.

18. Authorities And Officers Responsible For Damaged :-

(1) It shall be the duty of 2[every authority and officer] of the University to ensure that the interests of the University are duly safeguarded.

3[(2) If it is found that a damage or loss has been caused to the University by any act on the part of any authority or officer of the University not in conformity with the provisions of this Act the Statutes, Ordinances or Regulations, except when done in good faith or any failure so to act in conformity therefor or by willful

neglect or default on its or his part such damage or loss shall be liable to be recovered from the authority or the members concerned thereof or from the officer concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.]

1 . These words were substituted for the words "Officers responsible*", by Mah. 58 of 1974, s 2 (c),

2. These words were substituted for the words "every officer" *ibid.*, S. 2 it).

3. Sub-section (2) was substituted for the original, *ibid.*, s 2 (b).

CHAPTER 4 AUTHORITIES OF THE UNIVERSITIES

19. Authorities Of The University :-

The following shall be the authorities of the University namely

- (i) the Senate;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Faculties;
- (v) the Boards of Inter-Disciplinary Studies;
- (vi) the Boards of Studies;
- (vii) the Boards of University Teaching and Research;
- (viii) the Boards of Extra-Mural Studies;
- (ix) the Student Council; and
- (x) such other bodies of the University as are designated by the Statutes to be the authorities of the University.

20. Senate :-

(1) The Senate shall be the principal authority for all financial estimates and budgetary appropriations and shall consist of the following members, namely

Ex-officio Members (A)

- (i) the Chancellor;
- (ii) the Vice-chancellor;
- (iii) the Director of Education or his representative not below the rank of Joint Director;
- (iv) the Director of Higher Education;
- (v) the Director of Technical Education or his representative not below the rank of Joint Director;
- (vi) the Director of Art or his representative not below the rank of Joint Director;

- (vii) the Director of Medical Education and Research or his representative not below the rank of Joint Director;
- 1[(viii) the Chairman, Maharashtra State Board of Secondary and Higher Secondary Education is) the Chairman, Maharashtra State Board of Higher Technical Education, if any;
- (xi) the Deans of Faculties;

1, Clause (viii) was substituted for original Clauses (viii) and (is) by Mah. 6 of 1977 S. 22

(xii) the Registrar, 1xxx

(xiii) the Director of Students Welfare, 2 " and"

3(xiv) one-third of the total number of Principals of affiliated, constituent, conducted and autonomous colleges at a time by rotation, or five such Principals, whichever is more. For the purposes of such rotation, the colleges shall be arranged into six groups, consisting as far as possible of an equal number of colleges and the Principals from one of the groups shall retire after the first year and have another term for one year at the end of the period of six years, and the Principals from the remaining groups shall retire after every two years, in the manner prescribed by the Statutes.];

ELECTED MEMBERS

(B) The following members elected as prescribed by the Statutes :

4[(i) Deleted.

(ii) the Head of one of the recognised institutions, from amongst themselves;

(iii) twenty-five Teachers, other than Principals of autonomous, conducted, constituent or affiliated colleges, Heads of recognised institutions, or Heads of University Department,

[these seats being allotted faculty-wise and voting shall also be faculty-wise], from amongst themselves;

(iv) two Heads of higher secondary schools, from amongst themselves;

(v) two teachers of higher secondary schools from amongst themselves;

(vi) twenty-five Registered Graduates, who are not Principals or Teachers elected from amongst themselves, of whom two seats shall be reserved for the Scheduled Castes, two seats shall be reserved for the Scheduled Tribes and one seat shall be reserved for Denotified and Nomadic Tribes; the election to the twenty general seats shall be faculty-wise, and the election to the reserved seats shall be held simultaneously, as prescribed by the Statutes;

- 1 The word (and) deleted by Mah, B of 90 S. 2 (i)(ai) w.e.f 12-2-1988.
2. The word (.ad) added ibid., s 2(i) a(ii)
3. Sub-Clause (xiv) added ibid., s 2(i) a(iii)
4. In Clause (B) Sub-clause (i) deleted ibid.
- 5 These words were substituted for the words these seats being allotted faculty wise at voting to be in Common by Mah, 32 of 1978, a 6(1) (a),

(vii) the Chairman and the Secretary of the Students Council and two other members elected by the Students Executive Union, from amongst themselves;

1(viii) four members of the Maharashtra Legislative Assembly, from amongst its members;

(ix) one member of the Maharashtra Legislative Council, from amongst its members;

(x) one representative of each Municipal Corporation in the University area, from amongst its Councilors;

(xi) the Chairman of the Social Welfare Committee and the Chairman of the Education Committee of each of the Zilla Parishads of the Districts specified in the Schedule;

(Xii) one representative of the Municipal Councils, in each of the district specified in the Schedule, from amongst their Councillors;

(xiii) two representative of such commercial and industrial bodies in the University area as are prescribed by the Statutes, from amongst their members;

(xiv) one representative of such Registered Trade Unions in the University areas as are prescribed by the Statutes, from amongst their members;

(xv) one representative of such Cooperative Societies, the area of operation of which extends to one or more Districts, or the authorised share capital of which is more than Rs. 10 lakhs, as prescribed by the Statutes, from amongst the members of such societies;

(xvi) one-third of the total number of representatives of the trusts or societies managing the non-government colleges at a time by rotation. For the purposes of such rotation, the public trusts registered under the Bombay Public Trust Act, 1950, and the societies registered under the Societies Registration Act, 1860, which conduct these colleges, shall be arranged into six groups,

consisting as far as possible of an equal number of such trust and societies, each trust or societies, whether it conducts one or more colleges, to be entitled to send only one representative, and the representative of the management from one of the groups to retire after the end of the first year and have another term of one year at the end of the period of six years, and the representatives from other groups to retire after every two years, in such manner as prescribed by the Statutes, and

(xvii) two representatives of individual donors and nominees of organisations, each having donated not less than rupees one lakh or property of the value of not less than rupees one lakh to, or for the purposes of the University, from amongst themselves:

Provided that, a person elected under sub-clauses (i) to (xvi) of clause (B) shall cease to be a member of the Senate as soon as he ceases to be a member of the electing body or bodies, as the case may be.

OTHER MEMBERS

(C) (i) fifteen persons nominated by the Chancellor, including distinguished educationists, scholars, social workers, women and representatives of the minorities, backward communities and other interests not represented above;

(ii) 1[two members, of whom one shall be from amongst the employees of the University and the other shall be from amongst the employees of the affiliated Colleges and recognised Institutions,] other than Teachers, Registrar, Deputy Registrar, Assistant Registrars or any other officers of equivalent rank nominated by the Vice-Chancellor;

(iii) four students from the Faculties by rotation, who have shown academic merit in the preceding Degree examination in the Faculties: and are engaged in full-time studies in the University, to be appointed as prescribed by the Statutes;

(iv) one-fourth for the total number of Heads of University Departments, or five such Heads, whichever is more, by rotation, to be appointed as prescribed by the Statutes.

(2) No employee, other than a Teacher, of the University shall be eligible for election to the Senate.

(3) The term of office of the elected members, other than the Heads of the recognised institutions, shall be six years. The term of office of such Heads shall be three years.

(4) The term of office of the members nominated by the Chancellor or the Vice-Chancellor shall be three years. The term of office of the Principals and the representatives of managements shall be two

years.

2[(5) The term of office of the student members shall be co-terminus with the terms of office of the student members of the Students Council. The term of office of the Heads of University Departments shall be one year.]

(6) No person shall be 3[elected, nominated or appointed] a member of the Senate for more than two consecutive terms.

4[(7) 5[Subject to the provisions of the proviso to section 36A no person] who has held office as a member of the Senate for two terms or more or for a period of six years in the aggregate, whichever is less, shall be eligible for being elected, nominated or appointed, or continued, as such member.

Explanation:-For the purposes of this sub-section

(a) in calculating the aggregate period of six years, any period comprised in one or more terms for which the person concerned may have been such member before the commencement of the Maharashtra Universities (Amendment) Act, 1988 shall be taken into consideration;

(b) any elected or nominated or appointed member who

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected or nominated or appointed as such member in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member, for any reason whatsoever, before the completion of his term of office as such member, he shall be deemed to have held office as such member for the whole of that term.]

1. These words were substituted for the words one member for amongst the employees of the University by Mah. 32 of 1978, S. 6(1)(b)

2. Sub-section (5) was substituted, for the original by Mah. 60 of 1975, S. 2.

3. For the word these word, subs. by Mah. 7 of 88 S. 3(a).

4. Sub-section 7 ad Explanation inserted by Mah. 7 of 1988, S. 3 (b),

5. For the "of no persons these words substituted by Mah. 23 of 1990, S. 2 (2) w.e.f. 12-2-1998.

21. Meetings Of The Senate :-

(1) The Senate shall meet twice a year on the dates to be fixed, by the Chancellor. One of the two meetings shall be the Annual Meeting of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of members of the Senate, convene a special meeting of the Senate to consider any particular matter, or matters within its purview, and, where such a requisition is made, the Vice-Chancellor shall have the power to decide whether the particular matter or matters stated in the requisition is or are not within the purview of the Senate.

22. Powers And Duties Of The Senate :-

(1) Subject to such conditions as are prescribed by or under this Act, the Senate shall exercise the following powers and perform the following duties namely:

(i) recommend to the Executive Council to provide for instruction, teaching and training in such branches of learning and courses of studies as it thinks fit, for research, and for the advancement and dissemination of knowledge;

(ii) recommend to the Executive Council to make such provision as may enable colleges and institutions to undertake specialisation of studies, and to organise and make provision, where necessary or desirable, for common laboratories, libraries, museums and equipment for teaching and research;

(iii) recommend to the Executive Council the establishment and maintenance of colleges, departments, halls, hostels and institutions of research and specialised studies;

(iv) recommend to the Executive Council the institution of degrees, diplomas, certificates and other academic distinctions;

(v) recommend to the Executive Council the conferment of degrees, diplomas and other academic distinctions;

(vi) recommend to the Executive Council the conferment of autonomous status on University Department, Colleges and recognised institutions;

(vii) confer, on the recommendation of the Executive Council, honorary degrees or other academic distinctions;

(viii) make, amend or repeat Statutes;

1[(ix) consider and refer back but not amend, Ordinances;]

(x) consider and pass resolutions on the annual reports;

1. This clause was substituted for the original by the Mah 59 of 1974, S 3

(xi) consider the annual accounts of the University and the audit report on such accounts, and pass such resolutions thereon as it thinks fit ;

(xii) consider the annual financial estimates placed before it by the Executive Council, and pass such estimates in part or in whole, or with such modifications, if any, as it thinks fit;

(xiii) consider the reports submitted by the University Accounts Committee and take such action thereon as it thinks fit;

(xiv) appoint auditors out of a panel recommended by the State Government;

(xv) recommend to the Executive Council to make provision and, grants for such other activities as may be conducted by the University;

(xvi) recommend to the Executive Council to make provision, under clause (11) of section 4, wherever feasible;

(xvii) review, from time to time, the policies and programmes of the University, and suggest measures for its improvement and development;

(xviii) recommend ways and means of providing training for candidates competing for recruitment to the public services and public undertaking; and

(xix) exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, the Statutes, Ordinances and Regulations.

(2) The quorum to constitute a meeting of the Senate, the rules of procedure and conduct of business to be followed at a meeting, the period within which a meeting shall be called and such other matters shall be as prescribed by the Statutes.

23. Executive Council :-

(1) The Executive Council shall be the principal executive authority of the University, and shall consist of the following members, namely:

(i) the Vice-Chancellor-ex-officio Chairman;

(ii) one nominee of the Chancellor;

(iii) the Director of Higher Education, or his representative not

below the rank of Joint Director;

(iv) the Director of Technical Education, or his representative not below the rank of Joint Director;

(v) the Director of Medical Education and Research or his representative not below the rank of Joint Director;

(vi) one Head of a University Department, elected from amongst themselves as prescribed by the Statutes;

(vii) two principals, elected by the Senate from amongst its members;

(viii) two Teachers, other than Principals and Heads of University Department, elected by the Senate from amongst its members;

(ix) seven persons, other than Principals, Teachers and student members elected by the Senate from amongst its members;

(x) one Dean elected by the Deans of Faculties, from amongst themselves; and

(xi) three persons, representing the Faculties or group of Faculties, elected by the Academic Council from amongst its members, as prescribed by the Statutes:

[(1A) The members referred to in clauses (i), (iii), (iv) and (v) of sub-section (1) shall be ex-officio, members.]

(2) No employee, other than a Teacher of the University, shall be eligible for election to the Executive Council.

(3) The term of office of the elected and nominated members shall be three years.

(4) If a member elected or nominated to the Executive Council remains absent without permission of the Council for three consecutive meetings thereof, his office shall be deemed to have been vacated.

(5) The quorum to constitute a meeting of the Executive Council, the rules of procedure and conduct of business to be followed at a meeting, the period within which a meeting shall be called and such other matters shall be as prescribed by the Statutes.

(6) No person shall be nominated 1[or elected] a member of the Executive Council, or continue to be such member, for more than two consecutive terms.

2[(7) 3[Subject to the provisions of the proviso to section 36A, no person] who has held office as a member of the Executive Council for two terms or more shall be eligible for being elected or nominated, or continued, as such member.

Explanation: -For the purposes of this sub-section, any elected or nominated member who,

(i) has, any time before the commencement of the Maharashtra

Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected or nominated as such member in any vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member for any reason whatsoever, before the completion of his term of office as such member, he shall be deemed to have held office as such member of the whole of that term]

24. Powers And Duties Of The Executive Council :-

(1) Subject to such conditions as are prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:

(i) make provision for instruction, teaching, guidance and training in such branches of learning and courses of studies, and for research and the advancement and dissemination of knowledge, as it thinks fit;

1. The words or elected inserted by Mah, 7 of 1988, S. 4(b), 2.

2. Sub-section 7 and explanation inserted ibid S. 4(c).

3. For the words "no persons" these words subs. by Mah. 23 of 90, S. 3 (b) w.e.f 12-2-88.

(ii) make such provision as may enable colleges and institutions to undertake specialisation in studies, and organise and make provision, where necessary or desirable, for common laboratories, libraries, museums and equipment for teaching and research;

(iii) establish and maintain colleges, departments, halls, hostels, gymnasiums and institutions of research and specialised studies;

(iv) institute degrees, diplomas, certificates and other academic distinctions;

(v) confer autonomous status on University Departments, Colleges and recognised Institutions, on the recommendation of the Academic Council and the Senate;

(vi) make, amend or repeal Ordinances, and prepare drafts of Statutes and make such recommendations thereon to the Senate as it thinks, fit;

(vii) accept, reject or refer back any Regulations framed by the

Academic Council;

(viii) hold, control and administer the property and funds of the University;

(ix) enter into, vary, carry out and cancel contracts on behalf of the University, in the exercise or performance of the powers and duties assigned to it by or under this Act and the Statute;

(x) determine the form of a common seal for the University, and provide for its custody and use;

(xi) administer funds placed at the disposal of the University for specific purposes;

(xii) frame the annual financial estimates of the University;

(xiii) provide buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University;

(xiv) accept, on behalf of the University, trusts, bequests, donations and transfers of any movable or immovable property to the University;

(xv) transfer by sale, lease or otherwise, any movable or immovable property on behalf of the University;

(xvi) manage and regulate the finances, accounts investments, properties, business and all other administrative affairs of the University and decide to join a University and College Development Finance Corporation, as and when established;

(xvii) borrow, lend or invest funds on behalf of the University;

(xviii) provide for the services and activities specified in clauses 35 and 36 of section 4;

(xix) provide for Inter-Faculty and Area of Regional Studies;

(xx) manage Colleges, Departments, Institutions of Research or Specialised Studies, Laboratories, Libraries, Museums, Halls, Hostels and Gymnasiums maintained by the University;

(xxi) provide, if and where it thinks necessary, housing accommodation for Teachers and other employees of the University ;

(xxii) arrange for inspection of University Departments and Post-Graduate Departments in Colleges with a view to assessing their academic performance and needs ;

(xxiii) direct inspection of colleges and recognised institutions, halls and hostels in order to assess their academic performance and needs, issue instructions, where necessary, for maintaining efficiency and ensuring adequate student amenities, and proper terms and conditions of employment of their teachers and other employees, in the event of disregard of such instructions, recommend modification of the conditions of their affiliation or

recognition, or such other measures as it thinks fit

(xxiv) cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges and recognised institutions ;

(xxv) call for reports, returns and other information from colleges, recognised institutions, halls and hostels ;

(xxvi) recommend to the Senate the conferment or honorary degrees and academic distinctions as prescribed by the Statutes ;

(xxvii) supervise and control the admission, residence, conduct and discipline of the students of the University, and make provision for promoting their health and general welfare;

(xxviii) award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

1[(xxix) appoint Officers and other employees of the University, prescribe their qualifications, fix their emoluments, define the terms and conditions of their service and discipline, and, where necessary, their duties ;

(xxx) appoint Teachers of the University in accordance with the qualifications prescribed by the Academic Council for different classes of Teachers, including the additional qualifications, if any, if so prescribed for a particular post of Teacher, fix their emoluments, define the terms and conditions of their service and discipline and, where necessary, their duties;

(xxx-a) ensure that appointments of Teachers, Officer and other employees in all Colleges and recognised institutions are made in accordance with the qualifications and subject to the terms and conditions of service and discipline and duties prescribed by or under the Statutes and Ordinances] ;

(xxxi) recognise any member of the staff of a college or recognised institution as a Teacher of the University, and withdraw such recognition ;

(xxxii) appoint examiners and moderators and, where necessary, remove them, fix their emoluments and fees, travelling and other allowances, and arrange for the proper conduct and timely publication of the results of the University examinations and other tests ;

(xxxiii) cancel examinations, in part or in whole, in the event of malpractices, and take disciplinary action against any person or group of persons or institutions found guilty of such malpractices;

1 Clauses (xxix) (xxx) and (xxx0a) were 0m,tw,d for (xxxix) and

(xxx) by Mah,58 of 1974, S. 4.

(xxxiv) take disciplinary action, where necessary, against students enrolled in the University, including candidates for any examination ;

(xxxv) take disciplinary action, where necessary, against persons appointed as invigilators, examiners and other staff for any examination ;

(xxxvi) recommend affiliation of colleges to the Senate ;

(xxxvii) fix, demand and receive such fees and other charges as are regulated by the Ordinances ;

1(xxxviii) requisition the facilities of colleges and recognised institutions, where or when necessary for promoting the facilities of the University, after giving due notice to the college or recognised institution;

(xxxix) exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, the Statutes, Ordinances and Regulations ;

(xi) exercise all the powers of the University, not otherwise provided for in this Act or the Statutes, and all other powers which are required, to give effect to this Act, or the Statutes, Ordinances and Regulations; and

(xli) delegate, subject to the approval of the Chancellor, any of its powers (except the power to make Ordinances), to the Vice-Chancellor, the Registrar or the Finance Officer, or such other officer or authority of the University, or a committee appointed by it, as it thinks fit.

(2) The Executive Council shall report to the Senate all acceptances or transfers of property referred to in clause (xiv) of sub-section (1).

(3) The powers and duties under clauses (i) to (v) and clauses (xxix) to (xxxii) of sub-section (1) shall not be exercised by the Executive Council except in consultation with the Academic Council.

(4) The Executive Council shall not transfer any immovable property without the sanction of the Senate.

(5) The Executive Council may, by Ordinances, appoint committees to carry out its administrative work, and define their constitution, tenure, functions and procedure.

25. Academic Council :-

The Academic Council shall be the principal academic authority of

the University, and shall consist of the following members, namely
Ex -officio Members

- (i) the Vice-Chancellor-ex-officio Chairman
- (ii) the Dean of Faculties ;
- (iii) one-third of the Heads of University Departments, by rotation as prescribed by the Statutes ;
- (iv) the Chairman, Maharashtra 1[State Board of Secondary and Higher Secondary Education] ;
- (v) the Chairman of Boards of Studies
- (vi) one-sixth of the total number of Principals of Colleges, by rotation, as prescribed by the Statutes ;

1. These words were Substituted for the words "State Board of Higher Secondary Education" by Man 6 of 1977, S. 22.

- (vii) the Heads of recognised institutions, not exceeding two such Heads, by rotation, if necessary, as prescribed by the Statutes ;
- (viii) the Registrar ; fix) the Librarian ;
- (x) the Director of Students Welfare ; and
- (xi) the Director of Extra-Mural Studies, if any.

OTHER MEMBERS

(i) two Teachers representing each Faculty, to be co-opted by the Academic Council from amongst the Teachers other than Principals of Colleges, Heads of University Departments, and Heads of recognised institutions;

(ii) one Reader from amongst the Readers, and one Lecturer from amongst the Lecturers, in the University Departments by rotation every two years, to be appointed as prescribed by the Statutes ;

(iii) not exceeding three eminent scholars nominated by the Chancellor ; and

(iv) one representative of the Board of Extra-Mural Studies, as prescribed by the Statutes.

(2) Except as otherwise provided, the term of office of the members, other than ex-officio members, shall be three years.

(3) No person shall be 1[elected, co-opted, appointed or nominated) a member of the Academic Council or continue to be such member, for more than two consecutive terms.

2[(3A) 3[Subject to the provisions of the proviso to section 36A, no person] who has held office as a member of the Academic Council for two terms or more shall be eligible for being elected, co-opted, appointed or nominated, or continued, as such member.

1. For the words "nominated" these words were subs. by Mah. 7 of 1988 S. 5(a) w.e.f. 12-2-88.
2. Sub-sec (3A) inserted by Mah, 7 of 1988 S. 5(b) w,e.f. 12.2-88.
- 3 For the words "No persons" these words were substituted by Mah. 23 of 1990, S. 4, w.e.f 12-2-88

Explanation: -For the purposes of this sub-section, any elected, co-opted, appointed or nominated, member who

(i) has, any time before the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigned his office as such member or ceased to be such member for any reason whatsoever; or

(ii) is elected, co-opted, appointed or nominated as such member in ,my vacancy occurring during the period of a term; or

(iii) after the commencement of the Maharashtra Universities (Amendment) Act, 1988, resigns his office as such member or ceases to be such member, for any reason whatsoever, before the completion of his term of office as such member, he shall be deemed to have held office as such member for the whole of that term).

(4) The quorum to constitute a meeting of the Academic Council, the rules of procedure and conduct of business to be followed at a meeting, the period within which a meeting shall be called and such other matters shall be as prescribed by the Statutes.

26. Powers And Duties Of The Academic Council :-

The Academic Council shall have the control and general regulation of and be responsible for, the maintenance of the standards of teaching, research and examinations in the University.

(2) Without prejudice to the generality of the foregoing provisions, but subject to such conditions as are prescribed by or under this Act, the Statutes and Ordinances, the Academic Council shall exercise the following powers and perform the following duties, namely :

(i) make Regulation laying down the courses of study;

(ii) make Regulations regarding special courses of studies or the division of subjects in colleges and recognised institutions ;

(iii) make proposals for allocating subjects to the Faculties and assigning its members to the Faculties ;

(iv) make proposals for the establishment of colleges, departments, institutions of research and specialised studies, libraries,

laboratories and museums ;

(v) make proposals for the institutions of Professorships, Readerships, Lecturerships, and any other posts of Teachers required by the University, and for prescribing their duties

1(v-a) prescribe the qualifications for different classes of Teachers, including additional qualifications, if any, for a particular post of Teacher, whether in the University Departments or in any colleges or recognised institutions]

(vi) make proposals for the institution of fellowships travelling fellowships, Scholarships, studentships, exhibitions, medals and prizes and make Regulations for their award ;

(vii) make Regulations for the examinations of the University and the conditions on which the students shall be admitted to such examinations ;

(viii) make Regulations for the equivalence of examinations ~

(ix) make Regulations for granting exemptions from courses of study prescribed for qualifying for degrees, diplomas, certificates and other academic distinctions ;

(x) supervise the conduct of the academic policies of the University and give directions, where necessary regarding methods of instruction co-operation in teaching among colleges, evaluation of research and improvement of academic standards;

(xi) effect inter-Faculty co-ordination and appoint committees or boards for engaging in projects on an inter-Faculty basis ;

(xii) appoint committees or boards to review the utility and practicability of existing courses of studies and the desirability or necessity of reviewing or modifying them in the light of new knowledge ;

(xiii) make proposals for the conduct of inter-Faculty and Area or Regional Studies;

1. clause (v-a) was inserted by Mah. 58 of 1974, S. 5.

(xiv) make such other Regulations as it thinks fit for the proper academic conduct of the University and the conditions of discipline, residence, corporate life and attendance of students, including fee concessions to them ;

(xv) exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act, the Statutes, Ordinances and Regulations; and

(xvi) generally advise the University on all academic matters.

27. Faculties And Their Functions :-

(1) The University shall have such Faculties as are prescribed by the Statutes.

(2) No Faculty shall be constituted, divided, combined or abolished, except after consulting the Academic Council and as prescribed by the Statutes.

(3) The Faculty shall comprise such subjects as are prescribed by the Statutes.

(4) The Faculty shall consist of

(i) the members of the Senate and the Academic Council who are not already members of any Faculties and are assigned to the respective Faculties by the Academic Council as prescribed by the Statutes ;

(ii) the Chairman and four members of each of the Boards of Studies for the subjects comprised in the Faculty, elected as prescribed by the Statutes and

(iii) two students from each Faculty who have shown academic merit in the preceding Degree Examination in the Faculty and are engaged in full-time studies in the University, to be appointed as prescribed by the Statutes.

(5) The terms of office of other members of the Faculty except, the student members shall be three years. 1[The term of office of the student members, shall be coterminous with the term of office of the student members of the Students Council.].

(6) The powers and duties of every Faculty shall be

(i) to elect its Dean

(ii) to consider and report on any matter referred to it by the Executive or Academic Council, or the Board of University Teaching and research

(iii) to remit any matter to a Board of Studies comprised within the Faculty for consideration and report

(iv) to consider any report or recommendation referred to it by a Board of Studies

(v) to appoint a committee of the Faculty for any purpose within, its purview

(vi) to hold meetings of the Faculty, or of a committee the Faculty jointly with any other Faculty or a committee thereof, for the discussion of any matter of common concern; and

(vii) to make recommendations relating to the functions of, the Faculty to the Executive or Academic Council, or the, Board of University Teaching and Research,

1 These words were, substituted for the words "the term, of office of the students members hall be one year" by Mah. 60 of 1975, S 3,

28. Board Of Inter-Disciplinary Studies :-

There, shall be a Board or Boards as may be recommended by the Academic Council, of Inter-Disciplinary Studies, consisting of

- (i) the Chairman of Boards of Studies in their respective subject;
- (ii) the Heads of Departments of the University in the subjects concerned; and
- (iii) the members co-opted by the Academic Council, as prescribed by the Statutes..

The terms of office of members under clause (iii) of sub-section (1) shall be three years.

(3) The. Chairman shall be elected by the members of the Board or Boards from amongst themselves.

(4) The powers and duties of the Board of Inter Disciplinary Studies and the procedure at its meetings shall be as prescribed by the Statutes.

29. Board Of Studies :-

(1) There shall be a board of studies for every subject or group of subjects, as prescribed by the Statutes.

(2) The Board shall consist of

- (i) the Heads of University Departments concerned;
- (ii) [not more than ten Heads] of Departments in Colleges 2[and recognised Institutions] teaching the subjects at the special, principal or major level, to be elected from amongst themselves, as prescribed by the Statutes;
- (iii) three persons 3[to be co-opted the Board, who have with specialised knowledge in the subjects and who are not teachers] in this University, or in any other University or in any college; and
- (iv) two persons to be co-opted by the Board, from amongst the Teachers who are not Heads of Departments.

(3) The term of office of members under clauses (ii), (iii) and (iv) of sub-section (2) shall be three years.

(4) The Chairman shall be elected by the members of the Boards from amongst themselves.

(5) The powers and duties of the Board of Studies shall be

- (i) to recommend, upon reference to it by the Executive or Academic Council, or the Board of University Teaching and Research, or the Faculty concerned, or otherwise, the courses of study in the subject or group of subjects within its purview ;
- (ii) to recommend books, including text books, for such courses of study;
- (iii) to recommend to the Academic Council, for being forwarded to the Executive Council for its approval, the preparation and publication of selections or anthologies of the writings or works of authors and other masters in any subject, or group of subjects, together with a synopsis of the selections or anthologies, and the names of the authors and masters and of the persons who may, in its opinion, be appointed to make the selections
- (iv) to address the Faculty or Faculties concerned regarding improvements in the courses of study; and
- (v) to bring to the notice of the Academic or Executive Council., as the cases may, be, matters of importance relating to the examinations in such subject or group of subjects.

1. There word, were substituted for the words "ten Heads by Mah. 59 Ir 1974 S 6.
2. The words we, melted, by Mah, 32 of 1979, S. 7.
3. The,, words we, substituted for the words "with specialised knowlege in the subjects, who are not teachers" by Mah. 42 of 1974, S. 2.

30. Consultative Committee For Board Of Studies :-

- (1) There shall be a Consultative Committee for each Board of Studies, which shall consist of
 - (i) the Chairman and four other members of the Board of Studies, to be nominated by the Vice-Chancellor; and
 - (ii) four students, two on the basis of their academic merit at the pre-degree or intermediate examination, as the case may be of the year, from among the students who have offered the subject -as o n e of the Subjects at the. Pre-Degree or Intermediate Examination, and two others on the basis of their academic merit at the Degree Examination of the year in. their principal special or major subjects for the Degree Examination or as laid down by the Statutes and who continue their post-graduate studies in that subject, to be appointed as prescribed by the Statutes.
- (2) The term of office of the nominated members shall be three

years 1[the terms of office of the student members shall be coterminous with the term of office of the student members of the Students, Council].

(3) The function of the Committee shall be to advise the Board of Studies on any matter related to the Board and referred by it to the Committee.

1. These words were substituted for the words "and that of the student members shall be one year" by Mah. 60 of 1975, S. 4.

31. Boards Of University Teaching And Research Constitution :-

(1) There shall be a Board of University Teaching and Research for each Faculty.

(2) The Board shall consist of the following members, namely:

(i) the Vice-Chancellor -ex-officio Chairman

(ii) the Dean of the Faculty ;

(iii) the Heads of University Department in the Faculty;

(iv) the Directors of recognised Post-graduate Institutions in the faculty;

(v) two principals from the Faculty elected by the Academic Council from amongst the Principals who are members of that Council ;

(vi) two Teachers from the Faculty elected by the Academic Council, from amongst the teachers who are members of that Council

(vii) one representative of the Post-Graduate Teachers of each subject, from the Post-Graduate Centres outside the University Campus, to be elected from amongst such Teachers, as prescribed by the Statutes ;

(viii) two persons nominated by the Vice-Chancellor, who are not connected with the University, arid of whom one shall have research qualifications; and

(ix) two Post-Graduate Students nominated by the Vice-Chancellor, one of whom shall be a research student.

(3) the Registrar shall act as Secretary of the Board.

(4) The term of office of elected and nominated members, except the student members, shall be three years. 1[The term of office of the student members shall be coterminous with the term of office of the student members of Students Council.

32. Boards Of University Teaching And Research Powers And Duties :-

(1) Subject to this Act, the Statutes, Ordinances and Regulations, the Board of University Teaching and Research shall have the Power to control, regulate and coordinate instruction, teaching and training at post-graduate degree and research levels.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Board shall exercise the following powers and perform the following duties-

(i) consider the reports of inspection committees and make recommendations thereon to the Executive Council ;

(ii) make recommendations to the Executive Council regarding the conduct of post-graduate instruction, teaching, training and research in colleges and recognised institutions ;

(iii) recommend to the Executive Council the requirement regarding Teachers in the respective subjects for teaching on behalf of the University ;

(iv) determine programmes of instruction, teaching, training and research and indicate the nature and extent of the work that recognised teachers may be called upon to undertake on behalf of the University ;

(v) coordinate and regulate the facilities provided, and make recommendations to the Executive Council regarding the expenditure to be incurred, by degree colleges and recognised institutions, in respect of lectures, seminars, tutorials, libraries, laboratories and equipment for teaching and research;

(vi) recommend to the Executive Council the amount of assessed grant, if any which may be made to each degree college and recognised institution by the University ;

(vii) recommend to the Executive Council the deputation of Teachers from a pool of teachers or the University to supplement teaching in colleges for improving their standards;

(viii) approve subjects for research for various degrees and other requirements for research degrees;

(ix) appoint supervisors of research; and

(x) exercise such other powers and perform such other duties as are prescribed by or under this Act, the Statutes Ordinances and Regulations.

33. Board Of Extra-Mural Studies :-

(1) There shall be a Board of Extra-Mural Studies, which shall consist of

- (i) the Vice-Chancellor or his nominee -ex-officio Chairman;
 - (ii) three members nominated by the Vice-Chancellor of whom at least two shall be residents of rural areas ;
 - (iii) one Deputy Director of Education, nominated by the Director of Higher Education ;
 - (iv) three members elected by the Senate from amongst its members;
 - (v) one member representing each Faculty, elected by the Academic Council from amongst its members; and
 - (vi) the Director of Extra-Mural Studies; if any.
- (2) The term of office of the nominated or elected members shall be three years.
- (3) The powers and duties of the Board of Extra-Mural Studies, and the procedure at its meeting shall be as prescribed by the Statutes.

34. Students Council :-

(1) There shall be a Students Council which shall consist of the following members, namely:-

- (i) the Vice-Chancellor -ex-officio, President ;
- (ii) the Director of Students Welfare -ex-officio Treasurer;
- (iii) one student from each college and recognised institution, elected by an electoral college consisting of representatives of each class in the College or institution, as the case may be, as prescribed by the Statues ;
- (iv) one student from each reaching Faculty of the University, elected as prescribed by the Statutes ;
- (v) one student from each Faculty, who has shown academic merit at the preceding degree examination and is engaged in full-time studies in the University, to be appointed, as prescribed by the Statutes ;
- (vi) eight students (two from each of the four activities mentioned below), who have shown outstanding performance in the following activities, namely,
 - (1) Sports ; (2) National Service Scheme (3) National Cadet Corps (4) Cultural activities ; and two lady students, to be nominated by the Vice-Chancellor ;

(vii) the Director of Sports and Physical Education, if any ;
 The student members of the Council shall elect, from amongst themselves the Chairman and the Secretary of the Council.

(2) There shall be a Students Union to implement the policy

decisions taken by the Students Council, from time to time, which shall consist of the following members, namely:

- (i) the Chairman of the Council -ex-officio Chairman ;
- (ii) the Secretary of the Council -ex-officio Secretary;
- (iii) the Director of Students Welfare -ex-officio Treasurer ;
- (iv) fourteen other members of the Council, of whom four shall represent each of the four activities mentioned in clause (vi) of sub-section (1) and one shall be a lady student, to be elected by the student members of the Council, as prescribed by the statutes.

1[(3)(a) The election, appointment and nomination of the members of the Students Council shall be held or made, as the case may be, every year, as soon as possible after the commencement of the academic year on a date to be fixed by the Vice-Chancellor. The term of office of any such member shall begin with effect from the date on which the result of this election is declared or he is appointed or nominated as the case may be, but the term of office of all such members unless they have in the meantime incurred any of the disqualifications mentioned in this Act or the Statutes, shall extend up to and inclusive of the last day of the academic year, and shall then expire.

(b) the term of office of student members of the Executive Union shall be coterminous with their term of office as members of the Council]

1. Sub-section (3) was substituted for the original by Mah 60 of 1975, S 6.

(4) The quorum to constitute a meeting of the Council and the Union, the rules Of procedure and conduct of business to be followed at a meeting the period within which a meeting shall be called and such other matters shall be as prescribed by the Statutes.

(5) The functions of the Students Council shall he to

- (i) supervise and coordinate the activities of the different Students Associations, societies and other organizations ;
- (ii) recommend to the Executive Council the financial allocation to be made for the activities to be undertaken under the relevant budgetary heads ;
- (iii) allocate funds for the different activities of the Students Associations, societies and other organisations, as sanctioned by the Executive Council ;
- (iv) submit an annual report of its work, together with a statement

of its accounts to the Executive Council, within a date to be fixed by it ;

- (v) make recommendations to the Executive Council regarding any matter affecting the corporate life or welfare of the students; and
- (vi) make recommendations to the Executive Council regarding the facilities existing for instruction.

34A. Temporary Provision To Adjust Term Of Office Of Student Members :-

Notwithstanding anything contained in this Act or the Statutes, if a person was elected, appointed or nominated as a student member of any authority, body or committee of the University before the beginning of the academic year current on the date of commencement of the Maharashtra Universities (Second Amendment) Act, 1975, his term of office shall be deemed to have expired on the said date and the vacancy shall be filled as soon as possible by election, appointment or nomination and, unless disqualified in the meantime, the student member so elected, appointed or nominated, as the case may be, shall hold office up to and inclusive of the last day of the current academic year]

1. Section 34A was inserted by Mah, 60 of 1975, S 7.

35. Certain Qualifications For Students Membership :-

No person shall be eligible to be, or continue to be, a student member of any authority or body or committee of the University, unless he is enrolled as a student or after he attains the age of twenty-five years. A student member of any authority or body or committee shall cease to be such member if fails to appear of pass at the next University Examination for which he was enrolled when he became member.

36. Other University Authorities And Bodies :-

- (1) The Senate may, by Statutes, constitute such other authorities and bodies as it may, from time to time, think necessary for the purpose of conducting the work of the University.
- (2) The powers and duties of such authorities and bodies, and the procedure at their meetings shall be as prescribed by the Statutes.

36A. Disqualification For Dean Of Faculty Or Member Of Certain

Authorities Of University :-

Notwithstanding anything contained in this Act, no person who has held office as a Dean of a Faculty for two terms or more, or a member of the Senate for two terms or more or for a period of six years in the aggregate, whichever is less, or a member of the Executive Council or Academic Council for two terms or more, whether as elected, appointed, nominated or co-opted, as the case may be, shall be eligible for being elected, appointed, nominated or co-opted, as the case may be, shall be eligible for being elected, appointed, nominated or co-opted, or continued, as a Dean of a Faculty or a member of any of the authorities of the University, namely, the Senate or the Executive Council or the Academic Council.

1, Section MA and 3611 inserted by Mah 7 of 1988, S 7,12 2-1988

1[Provided that nothing in this section shall apply to an ex-officio member of the Senate, the Executive Council or as the case may be, the Academic Council.

36B. Cessation Of Membership :-

Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, elected, appointed, nominated or co-opted as an officer of University or a member of any of the authorities or bodies of the University by virtue of his being eligible to be so elected, appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the University or a member of such an authority or a body as soon as he ceases to belong to such category and shall be deemed to vacate his office as such officer or member].

CHAPTER 5 STATUTES, ORDINANCES AND REGULATIONS

37. Statutes Subject Matters :-

Subject to the conditions prescribed by or under this Act, the Senate may make Statutes to provide for all or any of the following matters, namely

(i) the conferment of honorary degrees

- (ii) the holding of Convocations to confer degrees, diplomas, certificates and other academic distinctions ;
- (iii) the powers and duties of the officers of the University, except as provided by this Act
- (iv) the constitutions, powers and duties of the authorities of the University except as provided by this Act ;
- (v) the institution and maintenance by the University of Departments, Colleges, Institutions of Research and Specialised Studies, Halls and Hostels ;
- (vi) the acceptance and management of trusts, bequests, donations and endowments ;
- (vii) the manner of election of members of the Senate by the donors;

1. In Section MA proviso added by Mah.23 of 1990 S. 5, w.e.f 12-2-1988.

- (viii) the registration of graduate and maintenance of register of Registered Graduates ;
- (ix) the composition and activities of students organisations
- (x) the procedure at meetings of the authorities and bodies of the University and for the transaction of their business;
- (xi) the transfer of management of a college
- (xii) collaboration with other Universities in the State and other statutory authorities in such manner and for such purposes as the Executive Council may determine
- (xiii) the appointment, for a specified period, of teachers and other academic staff working in any other University or organisation for undertaking joint projects
- (xiv) the principles governing the seniority and service of employees of the University
- (xv) the abolition of Departments, Halls, Colleges and Institutions;
- 1[(xvi) the terms of office, duties and Conditions of services of officers, Teachers and other employees of the University, the provisions of pension, insurance and provident fund and the manner of termination of their service and other disciplinary action and their qualifications, except those of Teachers];
- 2[(xvii) provision for reservation of adequate number of posts -of Teachers, officers and other employees of the University and of the affiliated Colleges, and recognised, Institutions, for members of the Scheduled Castes and Scheduled Tribes];
- (xviii) the mode of appointment and removal of examiners and

moderators, and the fixing of fees, emoluments, travelling and other allowances to them

(xix) the taking over, in the public interest, of the management of a college or institution by the University the conditions for such taking over, including any payment to be made therefor ;

(xx) the conditions of grant of autonomous Status to a University Department, College or recognised Institution ;

(xxi) all other matters which, by or under this Act, are to be, or may be prescribed by the Statutes; and

(xxii) generally, all matters for which provision is, in the opinion of the Senate, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Senate by or under this Act.

1. This clause was substituted for original clauses (xvi) and (xvii) by Mah. 58 of 1974, s.3

2. New clause (xvii) was inserted by Mah. 32 of 1978, s. 8.

37A. Disqualification For Dean Of Faculty Or Member Or Certain Authorities Of University :-

Notwithstanding anything contained in this Act, no person who has half office as a Dean of a Faculty for two terms or more, or a member of the Senate for two terms or more, or for a period of six years in the aggregate, whichever is less, or a member of the Executive Council or Academic Council for two terms or more, whether as elected, appointed, nominated or co-opted, as the case may be, shall be eligible for being elected, appointed, nominated or co-opted, or continued, as a Dean of a Faculty or a member of any of the authorities of the University, namely, the Senate or the Executive Council or the Academic Council.

37B. Cessation Of Membership :-

Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, elected, appointed, nominated or co-opted as an officer of University or a member of any of the authorities or bodies of the University by virtue of his being eligible to be so elected, appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the University or a member of such an authority or a

body as soon as he ceases to belong to such category and shall be deemed to vacate his office as such officer or member.

38. Statutes-Their Making :-

(1) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(2) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Executive Council. In the case of a draft which is not prepared by the Executive Council, the Senate, before considering the same, shall obtain the opinion of the Executive Council:

1. Sub-section 37A and 37B inserted by Mah, 7 of 1988, S. 7. w.e.f 12 2-1988,

Provided that, if the Executive Council fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

(3) The Senate, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute which is before it for consideration:

Provided that, where any such draft Statute pertains to academic matters, the Senate shall obtain the opinion of the Academic Council before considering the same.

(4) Every Statutes passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(5) No Statutes passed by the Senate shall be valid or shall come into force until assented to by the Chancellor.

1[(6) If at any time it appears to the State Government that the Statutes made by the Senate on any matters in respect of conduct of meetings are inadequate to regulate such matters or it appears to it that it is expedient to make a new Statute on any such matters, then notwithstanding anything contained in this section or section 37 or any other provisions of this Act, the State Government may, with the concurrence of the Chancellor, direct the Senate to amend any Statute or to make a new Statute and the Senate shall comply with such directions within two months of the date of receipt of such direction, failing which the State Government may make an amendment in the Statute or make a

new Statute and notify it in the Official Gazette, and the Statute so notified shall take effect from the date on which it is so notified.

39. Ordinances-Subject Matter :-

Subject to the conditions prescribed by or under this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:

1. Sub-section (6) was added by Mah, 14 f 1978, S 5 (i).

(i) the conditions under which students shall be admitted to courses of study for degrees, diplomas, certificates and other academic distinctions;

(ii) the fees to be charged for enrolment of students for attending such courses in the University and colleges (including the tuition fees and hostel charges), which shall, as far as possible, be uniform for the colleges situated in the same local area, for admission to the examinations leading to degrees, diplomas, certificates and other academic distinctions, and for registration of graduates;

(iii) the conditions of residence, conduct and discipline of the students of the University, and the action to be taken against them for breach of discipline or misconduct, including the following :

(a) use of unfair means at an examination, or in relation thereto, by himself or by any other student, or abetment thereof,

(b) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the University; or

(c) disorderly or otherwise objectionable conduct, whether within or outside the University;

(iv) the qualifications and classification of Teachers in University Departments, Colleges and recognised Institutions;

(v) the conditions governing the appointment and duties of examiners;

(vi) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;

(vii) the recognition of Halls and Hostels;

(viii) the inspection of colleges, recognised institutions, halls and hostels;

(ix) the recognition of Teachers of the University and the conditions subject to which persons may be recognized as qualified to give

instruction in the University colleges and recognised institutions;
(x) the mode of execution of contracts or agreements for, or on behalf of the University;
(xi) the rules to be observed and enforced by colleges and recognised institutions regarding transfer of students;
(xii) the powers and functions of students associations and other organisations in colleges;
(xiii), all other matters which, by or under this Act or the Statutes, are to be, or may be, provided by Ordinances, and
(xiv) generally, all matters for- which provision is, in the opinion of the Executive Council, necessary for the exercise of the powers, conferred, or the performance of the duties imposed, on the Executive Council by or under this Act or the Statutes.

40. Ordinances & Their Making :-

- (1) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.
- (2) No Ordinance concerning the matters referred to in clauses (i) to (vi) and (ix) of the last preceding section, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.
- (3) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (2), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Executive Council may suggest.
- (4) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinance, to suspend its operation, and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

41. Regulation, And Rules :-

- (1) Subject to the conditions prescribed by or under this Act, and the approval of the Executive Council, the Academic Council may

make Regulations consistent with this Act, the Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, the Statutes or Ordinances, are to be or may be provided by Regulations, and for all other matters solely concerning itself.

(2) Any authority or body may, subject to the previous approval of the Executive Council, make Rules, consistent with this Act, the Statutes, Ordinances and Regulations, for

(a) giving notice of the dates and hours of its meeting and of the business to be conducted there at;

(b) regulating the procedure at its meetings and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;

(c) providing for all matters which, by or under this Act, the Statutes, Ordinances or regulations, are to be, may be, determined by Rules; and

(d) providing for all other matters solely concerning such authority or body.

(3) Such Rules shall be submitted to the Executive Council, which may amend or annul them in such manner as it thinks proper, after ascertaining and considering the views of the authority or body making them.

CHAPTER 6 CONDITIONS OF SERVICE OF EMPLOYEES IN COLLEGES AND RECOGNISED INSTITUTIONS

42. Statutes To Be Made Prescribing Conditions Of Service Of Employees In Colleges And Recognised Institutions :-

(1) Without prejudice to any power to make Statutes contained elsewhere in this Act, the Senate shall make Statutes to provide for the following matters in respect of Teachers and other employees in affiliated colleges and recognised institutions, other than those managed and maintained by the State Government or the University, namely -

(a) the qualifications required for the 1[different posts, except those of Teachers

2[(aa) the manner and mode of selection and appointment of Principals and Teachers];

(b) a reasonable period of probation and confirmation in respect of all permanent posts;

(c) the duties to be performed and the workload to be assigned to each category or posts;

- (d) security of service;
- (e) all disciplinary matters, including the procedure to be followed by the management for holding enquiries, except where an employee is convicted of a criminal charge involving moral turpitude;
- (f) the pay, allowances and other benefits, including post-retirement benefits; and
- (g) other conditions of service:

1[Provided that, in making any Statutes under this section in respect of Principals, Teachers and other employees in affiliated Colleges and recognised Institutions established and administered by minorities, whether based on religion or language, the Senate shall have due regard to the provisions of article 30 of the Constitution of India.]

1. These words were substituted for the words different post by Mah. 58 of 1974,

2. Clause (a-a) was inserted by Mah. 32 of 1978, S. 9 (a).

(2)2[*****

42A. Constitution Of Colleges Tribunals For Adjudication Of Certain Disputes Or Differences Between Employees And Management In Private Affiliated Colleges And Recognised Institutions :-

(1) The State Government shall, after consultation with the University, by notification in the Official Gazette, constitute one or more Tribunals to be called the Colleges Tribunals, for the adjudication of disputes or differences between the employees and the Management of any affiliated College or Recognised Institution (other than that managed and maintained by the State Government of the University) connected with, or arising out of, the matters specified in section 42B; and different tribunals may be constituted for different Colleges or Institutions or different classes of their employees.

(2) A Tribunal shall consist of one person only to be appointed by the State Government, after consultation with the University.

(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal, unless

1. This proviso was inserted by M 32 of 1978. S. 9 (b).

2. Sub-section (2) was deleted by Ma I of 1978, 8. 2.

3. Section 42A to 42H were inserted, *ibid.*, S. 3.

- (a) he is holding or has held a judicial office not lower in rank than that of District Judge;
 - (b) he has practised as an Advocate for not less than ten years;
 - (c) he is holding or has held an office not lower in rank than that of Deputy Secretary to Government, Deputy Commissioner of Labour or Joint Director of Education in the State; or
 - (d) he is or has been a Principal of an affiliated College or Recognised Institution for not less than five years.
- (4) The appointment of a person as a Presiding Officer of a Tribunal may be on a full-time or part-time basis, and maybe for such period or periods, but not exceeding five years in the aggregate, as the State Government may, from time to time, in each case decide.
- (5) The remuneration and other conditions of service of the Presiding Officer shall be determined by the State Government, after consultation with the University.
- (6) The University shall make available to a Tribunal such ministerial staff as may be necessary for the discharge of its functions under this Act.
- (7) All expenditure on account of the remuneration, pension or provident fund contribution, leave allowance and other allowances and facilities, which may be admissible to the Presiding Officer and the staff placed at his disposal, shall be met from the University fund.
- (8) If any vacancy, other than a temporary vacancy, occurs, in the office of the Presiding Officer of a Tribunal, the State Government shall, as soon as possible, after consultation with the University appoint another qualified person to fill the vacancy. Any proceedings pending before the former Presiding Officer may be continued and disposed of by his successor from the stage at which they were when the vacancy occurred.

42B. Right Of Appeal To Tribunal To Employees Of Private Affiliated Colleges Or Recognised Institutions In Certain Cases :-

- (1) Notwithstanding anything contained in any law or contract for the time being in force, any employee (whether a Teacher or other employee) in any affiliated College or Recognised Institution (other than that managed and maintained by the State Government or the University) who is dismissed or removed or whose services are otherwise terminated, or who is reduced in rank, by the Management and who is aggrieved, shall have a right of appeal and

any appeal against any such order to the Tribunal constituted under section 42A

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided by a Court or Tribunal of competent jurisdiction or is pending before such Court or Tribunal on the date of commencement of the Maharashtra Universities (Second Amendment) Act, 1977, or where the order of dismissal, removal, otherwise termination of service or reduction in rank was passed by the Management at any time before the 1st day of July, 1974.

(2) such appeal shall be made by the employee to the Tribunal, within thirty days from the date of receipt by him of the order of dismissal, removal, otherwise termination of services, or reduction in rank, as the case may be

Provided that, where such order was made before the date of commencement of the Maharashtra Universities (Second Amendment) Act, 1977, such appeal may be made within sixty days from the date of commencement of the said Act. 1[or from the date of appointment of the Presiding Officer of the Tribunal, whichever is later].

(3) Notwithstanding anything contained in sub-section (2), the Tribunal may entertain an appeal made to it after the expiry of the said period of thirty or sixty days, as the case may be, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(4) Every appeal shall be accompanied by a fee of fifty rupees, which shall not be refundable and shall be credited to the University Fund.

1. these words were deemed always to have been added by Mah. 32 of 1975 s.10.

42C. General Powers And Procedure Of Tribunal :-

(1) For the purposes of admission, hearing and disposal of appeals, the Tribunal shall have the same powers as are vested in an Appellate Court under the Code of Civil Procedure, 1908, and shall also have the power to stay the operation of any order against which an appeal is made, on such conditions as it may think fit to impose and such other powers as are conferred on it by or under this Act.

(2) The Presiding Officer of the Tribunal shall decide the procedure

to be followed by the Tribunal for the disposal of its business including the place or places at which and the hours during which it shall hold its sittings.

(3) Every appeal shall be decided as expeditiously as possible. In every case, endeavour be made by the Tribunal to decide an appeal within three months from the date on which it is received by the Tribunal. If the Tribunal is unable to dispose of any appeal within this period, it shall put on its record the reasons therefor.

42D. Powers Of Tribunal To Give Appropriate Reliefs And Directions :-

(1) On receipt of an appeal, where the Tribunal, after giving reasonable opportunity to both parties of being heard, is satisfied that the appeal does not pertain to any of the matters specified in section 42B or is not maintainable by it, or there is no sufficient ground for interfering with the order of the Management, it may dismiss the appeal.

(2) Where the Tribunal, after giving reasonable opportunity to both parties of being heard, decides in any appeal that the order of dismissal, removal, otherwise termination of service or reduction in rank was in contravention of any law, contract or conditions of service for the time being in force or was otherwise illegal or improper, the Tribunal may set aside the order of the Management, partially or wholly, and direct the Management,-

(a) to reinstate the employee on the same post or on a lower post as it may specify;

(b) to restore the employee to the rank which he held before reduction or to any lower rank as it may specify;

(c) to give arrears of emoluments to the employee for such period as it may specify;

(d) to award such lesser punishment as it may specify in lieu of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be;

(e) where it is decided not to reinstate the employee or in any other appropriate case, to give such sum to the employee, not exceeding his emoluments for six months, by way of compensation, regard being had to loss of employment and possibility of getting or not getting suitable employment thereafter, as it may specify or

(f) to give such other relief to the employee and to observe such other conditions as it may specify, having regard to the circumstances of the case.

(3) It shall be lawful for the Tribunal to recommend to the State Government that any dues directed by it to be paid to the employee may be deducted from the grant payable to the Management and be paid to the employee direct.

(4) Any direction issued by the Tribunal under sub-section (2) shall be communicated to both parties in writing and shall be complied by the Management within the period specified in the direction, which shall not be less than two months from the date of its receipt by the management.

42E. Decision Of Tribunal To Be Final And Binding :-

Notwithstanding anything contained in any law or contract for the time being in force, the decision of the Tribunal on an appeal entertained and disposed of by it shall be final and binding on the employee and the Management and no suit, appeal or other legal proceeding shall lie in any Court or before any other Tribunal or authority, in respect of the matters decided by the Tribunal.

42F. Penalty To Management For Failure To Comply With Tribunals Directions :-

(1) If the Management fails, without any reasonable excuse, to comply with any direction issued by the Tribunal under section 42D, within the period specified in the direction, or within such further period as may be allowed by the Tribunal, the Management shall, on conviction, be punished, -

(a) for the first offence, with fine which may extend to one thousand rupees

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than one hundred rupees, and

(b) for the second and subsequent offences with fine which may extend to two thousand rupees:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine shall not be less than five hundred rupees.

(2) (a) Where the Management committing an offence under this section is a society, every person who at the time the offence was committed, was in charge of, and was responsible to the society, for the conduct of the affairs of the society, as well as the society, shall be deemed to be guilty of the offence and shall be liable to be

proceeded against and punished accordingly

Provided that, nothing contained in this sub-section shall render any person liable to the punishment, if he proves that the offence was committed without his knowledge or that he had exercised, all due diligence to prevent commission of the offence.

(b) Notwithstanding anything contained in clause (a), where the offence has been committed by a society and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any president, chairman, secretary, member, principal or manager or other officer or servant of the society such president, chairman, secretary, member, principal or manager or other officer or servant concerned shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation:-For the purposes of this section, "society" means a society registered under the Societies Registration Act, 1860 or a public trust registered, under the Bombay Public Trusts Act, 1950, or any other body corporate, and includes an association or body of persons, by whatever name called, under whose management one or more colleges or institutions are conducted and admitted to the privileges of the university.

42G. Legal Practitioners Excluded From Appearance :-

Notwithstanding anything contained in any law for the time being in force, a legal practitioner shall not be entitled to appear on behalf of any party in any proceedings before the Tribunal, except with the special permission of the Tribunal.

42H. Pending Appeals Before Grievances Committees, Etc., To Be Transferred To Tribunal :-

All appeals of employees relating to the matters specified in section 422 which may be pending on the date of commencement of the Maharashtra Universities (Second Amendment) Act, 1977, before any Grievances Committee or other Committee or officer appointed by or under the authority of the University, shall be transferred to the Tribunal as soon as it is constituted. The Tribunal shall hear and dispose of every such appeal as if it were made under section 42B, provided that the prescribed fee of fifty rupees is paid by the employee within one month of the receipt of a notice given to him by the Tribunal for that purpose.

CHAPTER 7 AFFILIATION AND RECOGNITION

43. Affiliation Of Colleges :-

(1) The need for opening any new college shall be determined by the Executive Council in accordance with such plan for educational development as may be prepared by the University, with the approval of the State Government for the location of institutions of higher education in a manner ensuring an equitable distribution of facilities for higher education, having due regard, in particular, to the needs of the unserved and underdeveloped areas in the University area.

(2) No application for opening of a new college, which is not in conformity with such plan, shall be considered by the Executive Council without the approval of the State Government.

(3) A college applying for affiliation to the University shall apply to the Registrar within the time-limit fixed by the Ordinances made in that behalf, and shall satisfy the Executive and Academic Councils-

(a) that it will supply a need of the locality, having regard to the type of education intended to be provided by the college, the facilities existing for the same type of education in the neighbourhood and the suitability of the locality;

(b) that, for the college for which affiliation is sought, a separate local managing committee shall be constituted by the Management, which shall consist of not less than seven and not more than fifteen members, of whom the Principal shall be one (who shall also be the Secretary of such Committee), two shall be other teachers in the college elected by such teachers from amongst themselves and one shall be an employee (not being a teacher) in the college elected by such employees from amongst themselves. The members so elected shall hold office for a term of three years from the date of their election. The local managing committee shall keep true and proper accounts of the income and expenditure of the college, and shall have such other duties and functions as may be assigned to it by the Management. The local managing committee shall perform such duties and discharge such functions subject to the control and supervision of the Management;

(c) that a college, if managed and maintained by the State Government, shall notwithstanding clause (b) above, have an Advisory Committee in place of a local managing committee, consisting of not more than fifteen members, including the Principal

and two other teachers of the college and two Teachers of the University nominated by the Executive Council;

(d) that the strength, qualifications and emoluments of the teaching staff, and their terms and conditions of service will be such as to make due provision for the courses of study, teaching or training to be efficiently undertaken by the college;

(e) that the buildings in which the college is to be located are suitable, and that provision will be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college of students not residing with their parents or guardians, and for the supervision and welfare of students;

(f) that, due provision has been or will be made within a reasonable time for a library;

(g) that, where affiliation is sought in any branch of experimental science, arrangements have been or will be made within a reasonable time, in conformity with the Statutes, Ordinances and Regulations for imparting instructions in that branch of science with a properly equipped laboratory or museum;

(h) that due provision will, as far as circumstances may permit be made within a reasonable time for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(i) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working;

(j) that the rates of fees charged to the students are in accordance with the rates prescribed by the University from time to time;

(k) that the college gives an undertaking that, in the event of affiliation being granted by the State Government, it shall not change or transfer the management of the college without previous permission of the Executive Council, and shall report all changes in the teaching staff, and all other changes that may result in any of the aforesaid requirements not being fulfilled or continuing to be fulfilled;

(l) that the college gives an undertaking that the emoluments, including allowances that are required to be paid to teachers and other employees of the college, are, and shall be in accordance with the grades and allowances sanctioned under the Statutes from time to time, and that the rules prescribing the qualifications, security of tenure, disciplinary matters and other terms and conditions of service of the teachers and other employees of the college shall be in accordance with the Statutes made by the Senate from time to time;

(m) that the college gives an undertaking that it shall deposit such funds, (including provident funds and permanent funds, if any) with the University and College Development Finance Corporation, as and when established, as the State Government may, from time to time, direct, if the rate of interest offered by that Corporation for similar investment is not less than that offered by any of the Banks referred to in sub-section (5) of section 70, and

(n) that the college gives an undertaking that it shall comply with all the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder.

(4) The Executive Council shall scrutinise and determine the order or priority of the applications received and forwards the results to the State Government for approval.

1[(4A)(a) Notwithstanding anything contained in the preceding sub-sections or any other provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder any person, institution or association may make an application accompanied by such fees, if any, as may be prescribed in that behalf under the Statutes, Ordinances, Regulations or Rules made under this Act for opening of a new college to the Registrar of the University on or before the 30th November in any year and endorse the copy of the said application and send it by registered post to the State Government.

(b) On receipt of such application by the Registrar, he shall submit the same forthwith to the Executive Council for its scrutiny and the Executive Council shall after such inquiry as it may think necessary, scrutinise and forward the application to the State Government by not later than the last day of the month of February of the year immediately following the year in which such application is made, for approval

1. Sub (4-A) was inserted by Ma 14 of 1984, S. 6.

(c) (i) On receipt of such application duly scrutinised by the Executive Council, the State Government may approve or disapprove the application, in part or in whole.

(ii) Where no such application duly scrutinised by the Executive Council is received by the State Government before the day specified under clause (b), the State Government may, in exceptional circumstances, approve the proposal of opening of a new college, provided it is of the opinion that in a local area where such college is proposed to be opened there are no adequate

facilities of a particular type of education and that opening of such a college is in conformity with the overall policy of the State. On receipt of such initial approval of the State Government to start the college, the University shall initiate the procedure as laid down in this section for granting affiliation to the college and forward the necessary papers to the State Government under sub-section (6) for its order. Pending finalisation of this procedure, the Vice-Chancellor may in his discretion grant provisional affiliation to the college in the interest of the students.]

(5) On receipt of such approval, the Executive Council shall-

(a) direct a local inquiry to be made, by a competent person or persons authorized by it in that behalf, in regard to the matters started in sub-section (3) and such other matters as it may think necessary and relevant;

(b) make such further inquiry as may appear to it to be necessary; and

(c) consider the result of such inquiry and record its opinion, after consulting the Academic Council, whether the application should be granted or rejected, in part or in whole.

(6) The Registrar shall submit the application and all proceedings of the Academic and Executive Councils to the Senate, and the Senate shall after further inquiry as it may think necessary, record its resolution, which shall be forwarded to the State Government, together with all proceedings, for deciding to grant or reject the application, in part or in whole.

(7) Where the application, or any part thereof, is granted, the order of the State Government shall specify the courses of instruction in respect of which the college is to be affiliated, the maximum number of students to be admitted to each such course and the period for which the affiliation is granted, and, where the application, or any part thereof, is rejected, the grounds for such rejection shall be stated.

(8) As soon as possible after the State Government makes its order, the Registrar shall submit to the Executive and Academic Councils a full report regarding the application and the action taken thereon under sub-sections (3) to (6), together with all proceedings relating thereto.

(9) An application under sub-section (3) may be withdrawn at any time before an order is made under sub-section (7).

44. Extension And Continuation Of Affiliation :-

Where a College desires to add to the courses of instruction in respect of which it is affiliated, or to continue the affiliation, the procedure prescribed in the last preceding section shall, so far as may be followed.

45. Permanent Affiliation :-

No College shall be granted permanent affiliation unless it has a standing of six years has fulfilled all the conditions of affiliation and attained the academic and administrative standards prescribed by the University from time to time.

46. Recognition Of Institutions :-

(1) The Executive Council shall have the power, after consulting the Academic

Council, to recognise as a recognised institution any institution of research or specialised studies other than a college.

(2) An institution, which conducts research or specialised studies, shall apply to the Registrar, and shall give full information in the application regarding the following matters: -

(a) the constitution and personnel of the managing body;

(b) the subjects and courses of study for which recognition is sought;

(c) the accommodation, equipment and numbers for whom provision has been, or is proposed to be made;

(d) the strength of the staff, their qualifications and emoluments and the research work, if any, done by them, and

(e) the fees levied, or proposed to be levied, and the provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before considering such application, the Executive Council may call for any further information which it thinks necessary.

(4) If the Executive Council decides to consider the application, it may direct a local inquiry to be made by a competent person or persons authorised by it in that behalf. After considering the report of such local inquiry, and making such further inquiry as it may think necessary, the Executive Council shall, after consulting the Academic Council, grant or reject the application, in part or in whole. Where the application, or any part thereof, is granted, the Executive Council shall specify the subjects and the courses of instruction for which the institution is recognised, and make a report to that effect to the Academic Council and the Senate at

their next succeeding meetings. Where the application, or any part thereof, is rejected, the grounds for such rejection shall be stated in the report.

(5) No institution shall be granted permanent recognition unless it has a standing of six years, and has attained and maintained the academic and administrative standard prescribed by the University from time to time.

47. Inspection Of Colleges And Institutions And Reports :-

(1) Every affiliated College and recognised Institution shall furnish such reports, returns and other information as the Executive Council may, after consulting the Academic Council, require for enabling it to judge the efficiency of the College or Institution.

(2) The Executive Council shall cause every such College or Institution to be inspected at least once in every two years by a committee of competent persons authorised by it in that behalf.

(3) The Executive Council may call upon any College or Institution so inspected to take, within a specified period, such action as it thinks necessary regarding any of the matter stated in sub-section (3) of section 43 or sub-section (2) of section 46, as the case may be.

48. Existing Affiliated Colleges To Constitute Local Managing Committees Or Advisory Committees :-

Every college, which was an affiliated college before the commencement of this Act, and which is deemed to be affiliated to the University under this Act, shall, also constitute, within a period of six months from such commencement, a local managing committee or an advisory committee for the college as required by clause (b) or (c), as the case may be, of sub-section (3) of section 43.

49. Withdrawal Of Affiliation :-

(1) The rights conferred on a College by affiliation may be withdrawn, in part or in whole, or modified if the College has failed to carry out any of the provisions of sub-section (3) of section 43 or to observe any of the conditions of its affiliation, or is conducted in a manner prejudicial to the interests of the University or its standards.

(2) A motion for withdrawal or modification of such rights shall be

initiated only in the Executive Council and the member who intends to move such motion shall give notice of it and state in writing the grounds on which it is made.

(3) Before considering such motion, the Executive Council shall send a copy of the notice and of the statement to the management and copies thereof to the Principal of the College, together with intimation that any representation, if submitted by it in writing within a period specified in the intimation, shall be considered by the Executive Council:

Provided that, the period so specified may if necessary, be extended by the Executive Council.

(4) On receipt of such representation or expiry of the period referred to in sub-section (3), the Executive Council shall, after considering the notice of motion, the statement and the representation, if any, and after such inspection by a committee of competent persons authorised by it in that behalf, and such further inquiry as it thinks necessary, ascertain and consider the views of the Academic Council on the matter, and record its opinion thereon. The Executive Council shall then recommend to the Senate the action to be taken, and such recommendation shall be deemed to have been duly passed by the Senate if supported by a majority of not less than two-thirds of the members present at the meeting of the Senate.

(5) When any such recommendation is passed by the Senate the Registrar shall submit the opinion and all proceedings, if any, of the Senate and the Academic and Executive Councils relating thereto to the State Government, which shall after such further inquiry as it thinks necessary, make such order as it decides.

(5) Where, by an order made under sub-section (5), the rights conferred by affiliation are withdrawn in part or in whole, or modified, the grounds for such withdrawal or modification shall be stated in the order.

(7) The Executive Council may, at any time, arrange a special inspection of any affiliated College on such aspects of its working as it thinks necessary.

(8) The Executive Council may, on the basis of the report made to it, and after giving reasonable opportunity to the management of being heard, and making such further inquiry as it thinks fit, give directions to the management requiring it to rectify any defect or deficiency found in the working of the College.

(9) If the management, without reasonable cause, fails to comply with any directions given under sub-section (8), the Executive

Council may, after considering the explanation, if any, given by the management, take such further section as it thinks fit, including-

(a) recommending to the State Government the stopping of aid to the College;

(b) with the previous approval of the Senate, recommending to the State Government the withdrawal of affiliation, in part or in whole; or

(c) with the previous approval of the Senate, taking over the management of the College in the public interest, for a period not exceeding three years.

(10) The management of an affiliated College which, in the opinion of the Executive Council, has failed, without reasonable cause, to comply with the directions given under sub-section (8), shall be liable to be taken over by the University, with the concurrence of the State Government, as prescribed by the Statutes.

(11) In the event of the closure of any affiliated College by the management, the University may take over its management, as prescribed by the Statutes.

50. Withdrawal Or Suspension Of Recognition :-

(1) The rights conferred on an Institution by recognition may be withdrawn or suspended for any period if the Institution has failed to observe any of the conditions of its recognition, or if it is conducted in a manner prejudicial to the interests of the University or its standards.

(2) A motion for such withdrawal or suspension shall be initiated only in the Executive Council and. the member who intends to move such motion shall give notice of it and state in writing the grounds on which it is made.

(3) Before considering such motion, the Executive Council shall send a copy of the notice and of the statement to the head of the Institution, together with intimation that any representation submitted by it in writing within a period specified in the intimation, shall be considered by the Executive Council

Provided that the period so specified may, if necessary, be extended by the Executive Council.

(4) On receipt of such representation or expiry of the period, referred to in sub-section (3), the Executive Council shall, after considering the notice of motion, the statement and the representation, if any, and after such inspection by a committee of competent persons authorised by it in that behalf and such further

inquiry as it thinks necessary, ascertain and consider the views of the Academic Council on the matter, and decide whether the recognition should be suspended or withdrawn

Provided that, no order for such suspension or withdrawal shall be made unless the resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Executive Council.

CHAPTER 8 ORGANISATION OF POST-INTERMEDIATE AND POST-GRADUATE TEACHING

51. Constituent And Affiliated Colleges And Constituent Recognised And Recognised Institutions :-

(1) All colleges within the University area, which are admitted to the privileges of the University, and all colleges within the said area which may hereafter be affiliated to the University, shall be the constituent Colleges of the University.

(2) All institutions within the University area, recognised by the University under section 46, shall be the constituent recognised Institutions of the University.

(3) The relations of such constituent or affiliated Colleges and of constituent recognised or recognised institutions with the University shall be as prescribed by the Statutes, which shall provide, in particular, for the exercise by the University of the following powers in relation to those Colleges and Institutions

(i) prescribe the minimum educational qualifications, and the emoluments for different classes of their teachers and tutorial staff;

(ii) approve the appointment of teachers made by such Colleges and Institutions

(iii) require such Colleges and Institutions, where necessary, to contribute a prescribed quota of recognised teachers in any subject for teaching on behalf of the University;

(iv) co-ordinate and regulate the facilities provided by such Colleges and Institutions in respect of libraries, laboratories and equipment for teaching and research;

(v) levy contributions for providing necessary facilities for such Colleges and Institutions, and make grants to them ; and

(vi) require satisfactory arrangements for tutorial and other academic work in such Colleges and Institutions, and cause inspection to be made of such arrangements from time to time.

52. Teaching Within The University Area :-

All post graduate instruction, teaching, training and research shall be conducted within the University area by the University, or by the Colleges or Institutions, for the objects and in the manner prescribed.

CHAPTER 9 ENROLMENT AND DEGREES

53. Enrolment Of Students :-

A student to be enrolled as a student of the University should have either passed-

- (i) the Matriculation Examination held by the former University of Bombay;
- (ii) the Secondary School Certificate Examination conducted by the Maharashtra Secondary School Certificate Examination Board, or any examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, in such subjects and with such standards of attainment as prescribed ;.
- (iii) the Entrance Examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as prescribed; or
- (iv) any other examination prescribed as equivalent of the examinations stated above; or
- (v) possess such other qualifications as are prescribed.

53A. Enrolment Of Students After Commencement Of Mah.Vi Of 1977 :-

Notwithstanding anything contained in section 53, a student to be enrolled as a student of the University, at any time after the commencement of the Maharashtra, Secondary Education Boards (Amendment) Act, 1976, for the first year of the three year degree course, or for the first year of the engineering, medical or any similar degree course, should have passed-

- (i) the Higher Secondary Certificate Examination conducted by a Divisional Board established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965;
- (ii) the Entrance Examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as prescribed;
- (iii) any other examination prescribed as equivalent to the examinations stated above; or
- (iv) possess such other qualifications as are prescribed.

54. Degrees, Diplomas, Certificates And Other Academic Distinctions :-

Subject to this Act, the Executive Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as prescribed.

55. Honorary Degrees :-

The Executive Council may consider and recommend to the Senate the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public service, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting of the Senate, being not less than one-half of its total membership:

Provided that, the Executive Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the Chancellor.

1. Section 53-A was inserted by Mah,6 of 1977. S. 21

56. Removal Of Name From Register Of Graduates On Conviction For Certain Offences :-

(1) The Chancellor may, on the recommendation of the Executive Council and the Senate, supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the Register of Graduates, for such period as the Chancellor thinks fit, if such person has been convicted by a Court of any offence which, in the opinion of the Executive Council and the Senate, is a serious offence involving moral turpitude.

(2) No action under this section shall be taken unless the person concerned is, as prescribed, by the Statutes, given an opportunity of being heard in his defence.

CHAPTER 10 COMMITTEE

57. Committee For Selection And Appointment Of University Teachers :-

(1) The selection and appointment of Teachers of the University, other than those recognised by the University, for imparting instruction on its behalf shall be in accordance with this and, the next succeeding section.

(2) (a) There shall be selection Committees for making recommendations to the Executive Council for the appointment such Teachers of the University

(b) Every selection Committee shall consist of

(i) the Vice-Chancellor-ex Chairman

(ii) one person nominated by the Chancellor;

(iii) the Dean of the Faculty concerned;

(iv) the Head of the University Department concerned, if he is a Professor ; 1[xxx]

(v) three persons nominated by the Executive Council, out of a panel of not less than six names of persons recommended by the Academic Council, being persons not connected with the University, who have special knowledge of the subject for which the Teacher is to be 2[selected and]

3[(iv) one person belonging to Scheduled Castes or Scheduled Tribes, nominated by the Chancellor.]

(3) The Registrar shall act as Secretary of the Committee.

(4) (a) Every post of a Teacher of the University, to be filled by selection, shall be duly and widely advertised, according to a draft approved by the Executive Council together with particulars of the minimum and other additional qualifications, if any, acquired the emoluments and the number of posts to be filled, 4[out of the post to be filled the number of posts, if any, which are reserved for the members of the Scheduled Caste or Scheduled Tribes] and reasonable time shall be allowed within which the applicants may, in response to the advertisement, submit their applications.

(b) The date of the meeting of every Selection Committee shall be so fixed as to allow notice thereof being given of at least thirty days to each members and to the candidates, and the particulars of each candidate shall be so sent to each member as to reach him at least seven days before the date of the meeting.

(c) The quorum to constitute a meeting of every Selection Committee shall be four members, of whom at least two shall be persons nominated under clause (b) (v) of sub-section (2).

1. The word mid deleted by Mah. 7 or 1988, S. 8(a) w.e.f. 12-3-1988.
2. The words selected and subs. Ibid. S. 8(b) w.e.f 12-2-1988.
- 3, Sub clause (w) ins. ibid.. S. 8 (C) wef. 12-2-1988.
4. These words were ins, by Malt, 32 of 1978, S. 1

(d) The Selection Committee shall interview, adjudge the merits of each candidate in accordance with the qualifications advertised, and report to the Executive Council the names arranged in order of merit of the person or persons, if any, whom it recommends for a appointment 1[to the general posts and the reserved posts, if any, as advertised]:

Provided that for the post of Professor, a Selection Committee may in preference to the candidate who have applied and appeared before it, recommend for appointment the names of any other persons who may not have applied or appeared before it, and who are duty qualified.

(e) The Executive Council shall appoint, from amongst the persons so recommended, the number of persons required to fill the general posts and reserved posts, if any, as advertised]:

Provided that, where the Executive Council proposes to make an appointment otherwise than-in accordance with the order of merit arranged by the Selection Committee, it shall record its reasons in writing and submit them to the Chancellor, who may approve the proposal or return it to the Executive Council for reconsideration: After reconsideration, if the Executive Council desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision which shall be final

Provided further that; where a Selection Committee recommends to the Executive Council the name of one person only and that person is not acceptable to the Executive Council, the Executive Council shall record its reasons in writing for not accepting the recommendation and, direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendations, and in so doing, communicate to every member of the Selection Committee the reasons recorded as above.

(5) If, on petition by any person directly affected, or suo motu, the Chancellor after making or having made such inquiries or obtaining or having obtained such explanations as may be or may have been necessary, is satisfied that the appointment of a Teacher of the University, made by any authority or officer of the University at any

time on or after the 1st day of January, 1971, was not in accordance with the law at that time in force, the Chancellor, may by order, notwithstanding anything contained in the contract relating to the conditions of service of such Teacher direct the Vice-Chancellor to terminate his appointment after giving him one months notice or one months salary in lieu of such notice, and the Vice-Chancellor shall forthwith comply and take steps for a fresh selection to be made. The person whose appointment has been so terminated shall be eligible to apply again for the same post.

(6) Any order made by the Chancellor, under the last preceding sub-section, shall be final, and a copy of the order shall be served on the Teacher concerned by the Vice-Chancellor within three days from its receipt.

(7) It shall be the duty of the Vice-Chancellor to ensure that no payment whatsoever is made to any person, by way of salary or allowance, from the funds of the University, for any period after the termination of his services, and any authority or officer authorising or making any such payment shall be liable to reimburse the amount so paid to the University.

58. Filling Temporary Vacancies Of University Teachers :-

(1) Where an appointment is to be made to a temporary vacancy of a Teacher of the University, the appointment shall be made, if the vacancy is for a period of one year or, more on the recommendation of the Selection Committee in accordance with the provisions of the last preceding section:

Provided that, if the Vice Chancellor is satisfied that, in the interest of teaching, it is necessary to fill the vacancy immediately, he may make the appointment of a person duly qualified for a period not exceeding six months, on the recommendations of a Local Selection Committee constituted as follows, and shall inform the Executive Council of such appointment

(i) the Vice-Chancellor-ex-officio Chairman

(ii) the Dean of the Faculty concerned

(iii) the Head, of the Department concerned ; and

(iv) one person nominated by the Vice-Chancellor, except that, where the Head of the Department is So the Dean, the Vice-Chancellor shall nominate two persons instead of one:

Provided further that, before the expiry of six months the Vice-Chancellor shall take steps to convene a meeting of the Selection Committee for appointment in accordance with the provisions of the

last preceding section.

(2) If the vacancy is for less than a year, the Vice- Chancellor may appoint a person duly qualified on the advice of a Local Selection Committee as provided in the first proviso to sub-section (1).

59. Committee For Recognition Of Teachers Of The University :-

No person shall be recognised as a Teacher of the University except on the recommendation of a Committee constituted for the purpose and consisting of-

- (i) the Vice-Chancellor-ex-officio Chairman
- (ii) the Dean of the Faculty concerned
- (iii) the Head of the University Department concerned; and
- (iv) four persons having special knowledge of the subject for which the teacher is to be recognised, of whom two shall be nominated by the Executive Council from amongst persons other than members of the Senate, or the Faculty of teachers, and two by the Academic Council from amongst its members.

(2) The Executive Council shall, after considering the recommendations of the Committee grant or withhold recognition to such teachers in the manner regulated by the Ordinances.

60. Selection Committee For Appointment Of Principal Of College Or Institution Maintained By The University :-

(1) No person shall be appointed Principal of a College or Institution maintained by the University except on the recommendation of a Selection Committee constituted for the purpose.

(2) The Committee shall consist of-

- (i) the Vice-Chancellor-ex-officio Chairman, and
- (ii) three persons having special knowledge of the subject or subjects in which instruction is being provided by the college or institution, of whom two shall be nominated by the Executive Council and one by the Academic Council, being persons not in the service of the University.

(3) The procedure for selection and appointment of such Principals shall be the same as prescribed by section 57.

61. Selection Committee For Appointment Of Registrar :-

No person shall be appointed Registrar except on the recommendation of Selection Committee constituted for the

purpose and consisting of-

- (i) the Vice-Chancellor-ex-officio Chairman
- (ii) the nominee of the Chancellor on the Executive Council ; and
- (iii) three persons nominated by the Executive Council, from amongst its other members.

(2) The qualifications for the post of Registrar and the procedure to be followed at the meeting of the Selection Committee shall be as prescribed by the Statutes.

62. Selection Committee For Appointment Of Finance Officer :-

(1) No person shall be appointed Finance Officer by nomination] except on the recommendation of a Selection Committee constituted for the purpose and consisting of-

(i) the Vice-Chancellor-a Chairman

2[(ii) the Director of Accounts and Treasuries, Maharashtra State, or his nominee not below the rank of Deputy Director of Accounts and Treasuries;]

(iii) the nominee of the Chancellor on the Executive Council

(iv) two persons nominated by the Executive Council, from amongst its other members, and

(v) the Registrar-ex-officio Secretary.

(2) The qualifications for the post of Finance Officer and the procedure to be followed at the meeting of the Selection Committee shall be as prescribed by the Statutes.

1. These words were substituted for the words No persons shall be appointed Finance officer by Mah. 32 of 1978, S. 12(a).

2. Clause (ii) was substituted for the original, *ibid.*, S. 12(b).

63. Selection Committee For Appointment Of Librarian :-

(1) No person shall be appointed Librarian except on the recommendation of a Selection Committee constituted for the purpose and consisting of-

(i) the Vice-Chancellor-ex-officio Chairman, and

(ii) two persons having special knowledge of Library Science and Library Administration, not being in the service of the University, to be nominated by the Executive Council.

(2) The qualifications for the post of Librarian and the procedure to be followed at the meeting of the Selection Committee shall be as prescribed by the Statutes.

64. Committee For Appointment Of Examiners :-

(1) A Committee shall be constituted every year for each Faculty for the purpose of preparing lists of persons for appointment as University Examiners, and the Committee shall consist of-

- (i) the Vice-Chancellor Chairman
- (ii) the Dean of the Faculty concerned
- (iii) two members nominated by the Executive Council;
- (iv) two members nominated by the Academic Council,
- (v) the Chairman of the Board of Studies in the particular subject.

(2) The Committee shall prepare the lists from amongst persons included in panels to be prepared by the Board of Studies, and shall submit them for approval to the Executive Council, which shall then appoint the examiners

Provided that, no change in the lists shall be suggested or made by the Executive Council except by passing a resolution stating the specific ground on which each change suggested or made is based.

(3) If, for any reason, any examiner is unable to accept the examination and a fresh appointment cannot be made in time by the Executive Council, the Vice-Chancellor shall appoint another examiner and report such appointment to the Executive Council.

(4) No member of the Executive Council or of the Committee shall be appointed as examiner except by a resolution of the Executive Council passed by two-thirds of the members present.

65. Academic Planning And Evaluation Committee :-

(1) There shall be an Academic Planning and Evaluation Committee for preparing long-term and short-term plans and programmes for the further development and improvement of the University and its courses and facilities from the point of view of new knowledge and national needs, for evaluating and reviewing the progress of such plans and programmes periodically, for examining and evolving new methods of teaching and instruction, and, for all or any of these purposes, effecting consultation and exchange of information with representative organisations of agriculture, trade, commerce, industry, the social services, the scientific and technological professions, including engineering and medicine, and with other Universities and research institutions.

(2) the Committee shall consist of-

- (i) the Vice-Chancellor-at-officio Chairman
- (ii) one person nominated by the State Government;

- (iii) three Deans of Faculties appointed as prescribed by the Statutes;
 - (iv) three members of the Executive Council and two of the Academic Council, nominated by the Executive Council;
 - (v) three Heads of Departments nominated by the Vice-Chancellor by rotation every year, and
 - (vi) three members co-opted by the Committee representing the above interests and professions, either by rotation every year or according as the matter or matters under consideration may require.
- (3) the Registrar shall act as Secretary of the Committee.
- (4) The term of office of the members of the Committee, other than ex-officio members, shall except where otherwise provided for, be three years.

66. Finance Committee :-

- (1) There shall be a Finance Committee consisting of-
- (i) the Vice-Chancellor-cc-officio Chairman
 - (ii) one person nominated by the State Government;
 - (iii) two Deans of Faculties nominated by the Academic Council
 - (iv) three persons nominated by the Executive Council, from amongst its members
 - (v) two persons nominated by the Senate, from amongst its members
 - (vi) the Registrar ; and
 - (vii) the Finance Officer-ex-officio Secretary.
- (2) The quorum for constituting a meeting of the Finance Committee shall be five members.
- (3) All members of the Committee, other than cc-officio members, shall hold office for a term of three years.
- (4) The Committee shall meet at least twice every year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the provisions available.
- (5) The annual statement of accounts and the financial estimates of the University, prepared by the Finance Officer shall be laid before the Committee for consideration and recommendations and for submission thereafter to the Executive Council for such action as it thinks fit.
- (6) The Committee shall recommend to the Executive Council the limits for the total recurring and non-recurring expenditure for the year, based on the income and resources of the University,

including the proceeds of loans given for productive works.

(7) The Committee shall take necessary steps to have the University accounts audited by auditor appointed by the Senate.

(8) The other powers and duties of the Committee and the procedure at its meetings shall be as prescribed.

67. University Accounts Committees :-

(1) There shall be a University Accounts Committee consisting of -

(i) the nominee of the Chancellor, from amongst the members of the Senate-Chairman

(ii) one person nominated by the State Government:

(iii) three persons nominated by the Senate, from amongst its members; and

(iv) two persons nominated by the Academic Council from amongst its members.

(2) The Finance Officer shall act as Secretary of the Committee.

(3) The members of the Committee shall hold office for a period of three years.

(4) The Committee shall scrutinise the annual accounts to satisfy itself that the moneys shown as having been disbursed were properly available for the purposes for which they were spent and that the expenditure incurred was in accordance with the law at that time in force. The Committee shall submit its report to the Senate from time to time and suggest any action to be taken thereon regarding any lapses or irregularities which come to its notice; and thereupon, the Senate shall take such action as it thinks necessary.

(5) The other powers and duties of the Committee and the procedure at its meetings shall be such as prescribed by the Statutes.

68. Library Committees :-

(1) There shall be a Library Committee for administering, organising and maintaining the Library of the University consisting of-

(i) the Vice-Chancellor-ex-officio Chairman

(ii) three Deans of Faculties nominated by the Vice-Chancellor

(iii) three Heads of University Departments nominated by the Vice-Chancellor;

(iv) two Teachers nominated by the Executive Council;

(v) the Registrar ; and

(vi) the Librarian-ex-officio Secretary.

(2) All members of the Committee, other than ex-officio members, shall hold office for a period of three years.

(3) The powers and duties of the Committee and the procedure at its meetings shall be as prescribed.

69. Other Committees :-

Every authority of the University shall have the power to appoint Committees, for dealing with any matter within its purview and such Committees may include persons, other than members of the authority itself, not connected with the University

Provided that, the Faculties, Boards of Studies and other authorities shall not appoint persons to such Committees who are not members of the authority appointing the Committee, except with the previous approval of the Vice-Chancellor.

CHAPTER 11 FINANCE

70. University Fund :-

(1) The University shall establish a Fund to be called the University Fund -

(2) The following shall form part of, or be paid into, the University Fund-

(a) all contributions or grants made, by the State Government, the Central Government and the University Grants Commission

(b) all income of the University from any source whatsoever, including income from fees, and charges

(c) all income or moneys from trusts, bequests, donations, endowments subventions and other grants

(d) any sums borrowed from the University and College Development Finance Corporation, as and when established, and

(e) any sums borrowed from the Banks with the permission of the State Government.

(3) The University shall have and maintain a Contingency Fund under a separate head in the University accounts, to which shall be credited such sums as may, from time to time, be granted as contributions or grants by the State Government especially for this purpose. Such Fund shall be used only for making advances for the purpose of meeting unforeseen expenditure.

(4) With the previous sanction of the State Government, any portion of the University Fund may, from time to time, be credited

by the University to a separate head in the University accounts
Provided that there shall be credited and debited to such special head only such sums as shall expressly relate to the objects for which such separate fund is created

Provided further that, the Executive Council may, by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts.

(5) The University Fund shall at the discretion of the Executive Council, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under Section 22 of the Banking Regulation Act, 1949, or in a Co-operative Bank approved by the State Government for the purpose, or in the University and College Development Finance Corporation, as and when established, or be invested in Securities authorised by the Indian Trusts Act, 1882, or, subject to the maximum limit of rupees five lakhs, in the shares of, or by giving loans to the Consumers Co-operative Societies established for the purposes of the University, or of any of the colleges or Recognised Institutions.

71. Annual Accounts And Financial Estimates :-

(1) The annual accounts (including the balance sheet) of the University shall be prepared by the Finance Committee under the direction of the Executive Council and shall be audited within six months for the close of the financial year by the auditors appointed by the Senate.

(2) The accounts, when audited, shall be published by the Executive Council and a copy thereof shall, together with the copy of the audited report, be submitted to the Senate.

(3) The Finance Committee shall prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The financial estimates, as approved by the Executive Council, shall be submitted, to the Senate, which shall consider and pass them with such modifications as it thinks fit. The annual accounts as approved by the Executive Council shall be submitted to the Senate, which may consider and pass such resolutions thereon as it thinks fit.

(5) The financial year of the University shall be the same as that of the State Government.

72. Annual Report :-

The Annual report of the University shall be prepared under the direction of the Executive Council, shall be submitted to the Senate on or before such date as May be prescribed by the Statutes, and shall be considered by the Senate at its Annual Meeting. The Senate may pass resolutions thereon and communicate them to the Executive Council, which shall consider and take such action thereon as it thinks fit; and the Executive Council shall then inform the Senate at its next meeting of the action taken by it, or its reasons for taking no action on such resolutions, if any.

CHAPTER 12 MISCELLANEOUS PROVISIONS

73. Conditions Of Service :-

(1) Except as otherwise provided by or under this Act, the Vice-Chancellor and every salaried officer and Teacher of the University shall be appointed under a written contract, which shall be lodged with the Registrar and a copy thereof furnished to the officer or Teacher concerned, but the contract with the Vice-Chancellor shall remain with the Chancellor and a copy thereof with the Vice-Chancellor.

(2) The contract of service of Teachers of University and of officers other than the Vice-Chancellor shall be as prescribed by the Statutes and contract of service of the Vice-Chancellor shall be as determined by the Chancellor in consultation with the State Government.

(3) The emoluments and terms and conditions of service of all employees of the University shall be as prescribed by the Statutes.

(4) All salaried officers and employees of the University, including those appointed by the University for specified periods or for specified work, or who received any remuneration such as allowances, fees or other payments from the University Fund, shall be deemed to be public servants for the purposes of all criminal laws for the time being in force.

74. Tribunal Of Arbitration :-

Any dispute arising out of, or relating to, the contract between the University and any Officer or Teacher of the University shall, on the request of the Officer or Teacher concerned, be referred, within thirty days from the receipt of such request, to a Tribunal of Arbitration consisting of one member appointed by the Executive

Council, one member nominated by the Officer or Teacher concerned and an umpire appointed by the Chancellor, and on request based on such dispute shall, for any reason whatsoever, be declined or withheld. The decision of the Tribunal shall be final, and no suit or other legal proceeding shall lie in any Civil Court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration on the terms of this section within the meaning of the Arbitration Act, 1940 and the provisions of that Act shall apply accordingly.

75. Pension, Insurance And Provident Fund :-

The University shall make such provision for the benefit of its officers, teachers and other employees in matters like insurance, pension and provident fund or other benefits, as it thinks fit and in the manner and subject to the conditions, if any, prescribed by the Statutes.

76. Inspection And Inquiry :-

(1) The Chancellor shall have the right to cause an inspection to be made, by such person, or persons or body of persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college, hall or hostel maintained or recognised by or affiliated to the University and of the examinations, teaching and other work conducted by or on behalf of the University; and to cause an inquiry to be made in like manner regarding any matter connected with the administration or finances of the University, colleges or institutions.

(2) The Chancellor shall in every such case, give notice of his intention to cause an inspection or inquiry to be made -

(a) to the University, if such an inspection or inquiry is to be made regarding the University or any college or institution maintained by it, or

(b) to the management of the college or institution, if the inspection or inquiry is to be made regarding a college or an institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representation to the Chancellor, as it thinks necessary.

(3) After considering such representation, if any, the Chancellor may cause such inspection or inquiry to be made.

(4) When an inspection or inquiry has been caused to be made, the University or the management, as the case may be, shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(5) The Chancellor may, if the inspection or inquiry is made regarding the University or any college or institution maintained by it, address the Vice-Chancellor on the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor, with such advice as the Chancellor may offer on the action to be taken thereon.

(6) The Chancellor may, if the inspection or inquiry is made regarding any college or institution admitted to the privileges of the University, address the Vice-Chancellor, for communication to the management, on the result of such inspection or inquiry, and the Vice-Chancellor shall transmit to the management the views of the Chancellor with such advice as the Chancellor may offer on the action to be taken thereon.

(7) The Executive Council or the management, as the case may be, shall communicate to the Chancellor, through the Vice-Chancellor, such action, if any, as it proposes to take or has been taken by it, with reference to the views and advice of the Chancellor on the result of such inspection or inquiry.

(8) Where the Executive Council or the management does not, within the time fixed by the Chancellor, take action to his satisfaction, the Chancellor may after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he thinks fit; and the Executive Council or the management, as the case may be, shall comply with such directions.

(9) If the Executive Council or the management fails or omits to comply with any such directions within the time fixed, the Chancellor may cause such action to be taken by the Executive Council, or any other authority of the University, or by the management of any other person, as he thinks fit and direct that the expenses therefor, if any, shall be forthwith paid by the authority concerned or the management as the case may be.

(10) Any direction issued or order made by the Chancellor under this section shall be final.

76A. Powers Of The Chancellor To Issue Directions When Affairs Of The University Are Not Managed In Furtherance Of Its Objects, Etc :-

Notwithstanding anything contained in this Act or the Statutes made thereunder, if at any time the Chancellor is of the opinion that the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act and the Statutes, Ordinances or Regulations made thereunder, or that special measures are desirable to maintain the standard of University teaching, examinations, research or extension education, or any action taken by the University or its authorities or officers is prejudicial to the interest of the University, the Chancellor may issue such directions as appear to him to be necessary and the Vice-Chancellor and the authorities and officers concerned shall comply with such directions.

76B. Powers Of The Chancellor To Disqualify Members :-

If upon a report received or otherwise, the Chancellor is satisfied that (a) any member of any authority or body of the University behaves in a manner which is unbecoming of a member of that authority or body and his continued participation in the proceedings of the authority or body of the University of which he is a member would be prejudicial to the interest of the University or,

(b) any case against the member of any authority or body of the University in respect of any criminal offence involving moral turpitude for which charge is framed, is under trial,

the Chancellor may, after giving him an opportunity to offer his explanation in writing, by order disqualify him from all or such of the offices held by him in any authority or body of the University, for such period or until the criminal or other proceedings, if any, are terminated by acquittal or discharge of the accused or otherwise as may be specified in the order:

Provided that, if a member of any authority or body of the University is disqualified in the above manner by the Chancellor, his membership of that authority or body and of any other authority or body of the University of which he is member, as the case may be, shall be deemed to have been suspended, for the period for which he stands disqualified by the Chancellor.

77. Powers To Annul Suspend. Etc., Proceeding Of The Officers And Authorities :-

Without prejudice to the provisions of the last preceding e or any

other provisions of this Act, the Chancellor may, by order in writing, annul, suspend or modify any resolution, order or proceeding of any officer or authority of the University which in his opinion, is not in conformity with this Act, or the Statutes, Ordinances or Regulations Provided that, before making any such order the Chancellor shall call on the officer or authority to show cause why such an order should not be made and if any cause is shown within the time fixed by the Chancellor he shall consider the same and decide, and his decision shall be final.

77A. Power To Prescribe Standard Code For Employees Of University And Affiliated Colleges And Recognised Institutions :-

Notwithstanding anything contained in this Act, the State Government may, for the purpose of securing and maintaining uniform standards, by no in the Official Gazette, prescribe a Standard Code 2[providing for the classification, manner and mode of selection and appointment, reservation of posts in favour of members of the Scheduled Castes and Scheduled Tribes,] duties,, workload, pay, allowances, post- retirement benefits, other benefits conduct and disciplinary matters and other conditions of service of the Officers, Teachers and other employees of the University and the Teachers and other employees in the affiliated Colleges and Recognised Institutions (other than those managed and maintained by the State Government). When such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances, Regulations and Rules for matters included in the Code shall to the extent to which they are repugnant to the provisions of the Code, be void.

77B. Financial Control Or State Government :-

Without the prior approval of the State Government or an officer authorised by it in this behalf, the University shall not-

- (a) create any new posts of Officers, Teachers or other employees;
- (b) revise the pay, allowances, post-retirement benefits and other benefits of its Officers, Teachers and other employees;
- (c) grant any special pay, allowance or other extra remuneration of any, description whatsoever, including ex-gratia payment or other benefits having financial implications, to any of its Officers, Teachers or other employees;
- (d) divert any earmarked funds for any other purposes;
- (e) incur any expenditure on any development work.

1. Section 77A and 77B were inserted by Mah. 11 011978, S. 4.
2. These words were substituted For the words for defining the classification" by Mah 32 of 197B, S. 13.
3. Section 77C was inserted. ibid, S. 14.

77C. Special Provision For Scheduled Castes And Tribes In Services And Post In University And Colleges And Institutions :-

(1) The University, the affiliated Colleges and the recognised Institutions shall take into consideration, consistently with the maintenance of teaching standards and efficiency of administration, the claims of the members of the Scheduled Castes and Scheduled Tribes in making appointments to teaching and non-teaching posts under their respective control; and the University shall make the necessary Statutes for reservation of adequate number of posts for members of such Castes and Tribes in the University, affiliated Colleges and recognised Institutions.

(2) Notwithstanding anything contained in this Act, the State Government shall have power to give to the University, from time to time, such directions as it may consider necessary in regard to categories of posts in which reservation of posts shall be made in favour of the members of the Scheduled Castes and Scheduled Tribes percentage of the posts to be reserved for them and any other matters connected with such reservation and the University shall comply with such directions.

78. Elections To Be By Proportional Representation :-

Every election to the Senate, the Executive and Academic Councils or any other authority or body of the University shall be held by ballot according to the system of proportional representation by means of the single transferable vote, and as prescribed by the Statutes.

79. Vacating Office :-

(1) The Vice-Chancellor may resign his office, by writing and signature under his hand addressed to the Chancellor.

(2) Any members of any authority or body of the University other than a nominee of the Chancellor or the State Government may resign his office by writing and signature under his hand addressed

to the Vice-Chancellor, and on the Vice-Chancellor accepting the designation, the office of such members shall fall vacant.

(3) Any member of any authority or body of the University shall cease to be a member on his being convicted by a Court of an offence which involves moral turpitude.

80. Casual Vacancy :-

When any vacancy occurs in the office of a member, other than an ex-officio member, of any authority or other body of the University before the expiry of his term, the vacancy shall be filled, as soon as may be, by the election, nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated, appointed or co-opted would have held it, if the vacancy had not occurred

Provided that, if the vacancy be of an elected member of the Senate, and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled except by election by the Senate at its next meeting;

Provided further that vacancies arising in the Executive Council due to the completion of the term of Principals who come on the Senate by rotation, shall not be treated as casual vacancies

81. Registered Graduates :-

(1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the Register of Registered Graduates or to be Registered Graduates, namely, persons -

(a) who are graduates of the University

(b) who are graduates of the University of Poona constituted under the Poona University Act, 1948; and

(c) who, being graduates of any other University, are recognised as Registered Graduates, as prescribed by the Statutes.

(2) A person who-

(a) is of unsound mind and stands so declared by a competent Court;

(b) is an undischarged insolvent;

(c) is convicted by a Court of an offence punishable with imprisonment for more than six months, if such offence involves moral turpitude; and

(d) is a Registered Graduate of any other University established by

law in the State of Maharashtra, shall not be qualified to have his name entered in the Register of Graduates, or be a Registered Graduate:

Provided that such disqualification in clause (d) of this sub-section shall not apply to a person referred to in clause (b) of sub-section (1) if, within six months from the commencement of this Act, such person elects to be a Registered Graduate only of the University, and intimates to the Registrar that he has so elected whereupon he shall cease to be a Registered Graduate of any other University established by law in the State of Maharashtra.

(3) Every person who intends to be a Registered Graduate shall make an application to the Registrar in such form and on payment of such fees as are prescribed by the Statutes. The Vice-Chancellor shall, after making such inquiry as he thinks fit decide whether a person is entitled to be a Registered Graduate.

(4) If any question arises whether a person is entitled to have his name entered in the Register of Graduates or be a Registered Graduate or is not qualified to be a Registered Graduate, it shall be decided by the Vice-Chancellor after making such inquiry as he thinks fit, and his decision shall be final.

82. Convocations :-

The Convocations of the University for conferring degrees or for any other purpose shall be held in the manner prescribed by the Statutes.

83. Acting Chairman Of The Meetings :-

Where no provision is made by or under this Act for a President or Chairman to preside over a meeting of any authority or body of the University or when the President or Chairman so provided for is absent, and no provision is made for any other person to preside, the members present shall elect a person from amongst themselves to preside at the meeting.

84. Delegation Of Powers :-

Subject to the provisions of this Act and the Statutes, any officer or authority of the University may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and Regulations to any other officer or authority under his or its control and subject to the conditions that the ultimate responsibility for

the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

85. Acts And Proceedings Not Invalid Merely On The Ground Of Defect In The Constitution, Vacancies, And Irregularity In Procedure Etc :-

No act or proceeding of the Senate or the Executive or Academic Council or any other authority or any body or committee of the University, shall be deemed to be invalid at any time merely on the ground, that

(a) any of the members of any such authority, body or committee are not elected, appointed or nominated or for any other reason are not available to take office at the time of the constitution or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more vacancies in the offices of members thereof;

(b) there is any irregularity in the procedure of any such authority, body or committee not affecting the merits of the matter under consideration, and the validity of such act or proceeding shall not be questioned in any Court or before any authority or officer merely on any such ground.

86. Questions Regarding Interpretation And Disputes Regarding Constitution Of The University, Authority Or Body, Etc :-

If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or whether a person has been duly elected or appointed as or is entitled to be, a member of any authority or body of the University, the matter may be referred, on petition by any person or body directly affected, or suo motu, by the Vice-Chancellor to the Chancellor, who shall after taking such advice as he thinks necessary, decide the question, and his decision shall be final

Provided that, such reference shall also be made by the Vice-Chancellor upon a requisition signed by not less than twenty-five members of the Senate.

1. Section 85 was substituted for the original by Ma 60 of 1975, S. 8.

87. Maintenance Of Discipline Among The Students Of The University :-

(1) All powers relating to discipline and disciplinary action in relation to the students of the University shall vest in the Vice Chancellor.

(2) The Vice-Chancellor may, by order, delegate all or any of his powers under this Section as he thinks fit to such other, officer as he may nominate, in that behalf.

(3) The Vice-Chancellor may, in the exercise of his powers, by order direct that any student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in a college, institution or Department of the University for a specified period, or be punished with fine, not exceeding three hundred rupees or be debarred from taking an examination or examinations conducted by the University, college, institution or a Department for a specific period not exceeding five years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) Without prejudice to the powers of the Vice-Chancellor, the Principals of Colleges and Institutions and Heads of Teaching Departments in the University shall have authority to exercise all such powers over the students in their respective charge as may be necessary for the maintenance of proper discipline.

(5) Without prejudice to the powers of the Vice- Chancellor, the Principals of Colleges and Heads of Institutions .and the Heads of Teaching Departments in the University, the Vice-Chancellor shall, subject to the approval of the Executive Council, make rules of discipline and proper conduct for the students of the University which shall also apply to the students of all colleges and institutions, and every student shall be supplied with a copy of such rules.

(6) The Principals of Colleges and Heads of Institutions may make such supplementary rules of discipline and proper conduct not inconsistent with the rules made by the Vice-Chancellor, as they think necessary, and every student shall be supplied with a copy of such supplementary rules.

(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities of the University and the authorities of the colleges and institutions, and shall observe and abide by the rules made by the Vice-Chancellor in

that behalf, and, in so far as they may apply, the supplementary rules made by the Principals of Colleges and Heads of Institutions.

(8) All powers relating to disciplinary action against students in a college of institution not maintained by the University shall vest in the Principal of the college or Head of the Institution, as regulated by the Ordinances.

88. Protection Of Acts And Orders :-

All acts and orders done or passed in good faith by the University, or any of its officers, authorities or bodies, shall be final; and accordingly, no suit or other legal proceedings shall be instituted against, or maintained, or damage claimed from, the University or its officers, authorities or bodies for anything done or passed, or purporting to have been done or passed, in good faith and in pursuance of the provisions of this Act and the Statutes, Ordinances, Regulations and Rules.

89. Removal Of Difficulties :-

If any difficulty arises regarding the first constitution or reconstitution of any authority or body of the University after the commencement of this Act, or otherwise in first giving effect to any of the provisions of this Act, the State Government may by order, after consulting the Chancellor, do anything not inconsistent with the objects and purposes of this Act, which it thinks necessary or expedient for the purpose of removing the difficulty:

Provided that, such order shall not be made later than two years from the commencement of this Act.

90. Repeal :-

The Poona University Act, 1948, herein after referred to as "the said Act", is hereby repealed.

91. Saving :-

1[(I)] Notwithstanding the repeal of the said Act

(i) any person holding office immediately before the commencement of this Act as Vice-Chancellor, shall on such commencement, be the Vice-Chancellor of the University, and shall continue to hold the said office and exercise all the powers and perform all the duties conferred on the Vice-Chancellor by or under this Act, until a Vice-Chancellor is appointed under this Act;

(ii) (a) all members of Court, the members of the Executive Council and the Academic Council, the Boards of .Studies and all other authorities, bodies and committees of the University constituted under the said Act and in office immediately before the commencement of this Act, shall be deemed to be respectively the members of the Senate, of the Executive and Academic Councils, .the Boards, of Studies and other corresponding authorities; bodies and committees of the University and shall, until the date being 2[not later than the 31st day of December, 1975,] on which the Vice-Chancellor 3[declares under sub-section (2) that the Senate shall be deemed to be duly constituted,] exercise all the powers and perform all the duties conferred on the authorities, bodies and committees under this Act;

(b) if any vacancy occurs, otherwise than by efflux of time, in the office of a member of the Senate or of any of the authorities, bodies or committees referred to in this clause, it shall not be necessary to fill the same

Provided that, the Chancellor may, after consulting the Vice-Chancellor nominate any person to fill any such vacancy;

Provided further that, the omission to fill any such vacancy shall not invalidate any act or decision of any such authority, body or committee by reason only of the omission to fill the said vacancy;

(iii) all Faculties and Departments constituted under the said Act shall be deemed to have been constituted under this Act

(iv) all colleges affiliated, colleges made constituent, institutions recognised and all secondary schools and higher secondary schools registered under the said Act, and entitled to the privileges of the University under that Act, immediately before the commencement of this Act, shall be deemed to be affiliated, made constituent, recognised or registered or admitted to the privileges of the University, as the case may be, under this Act, except in so far as such privileges may be withdrawn, restricted or modified by or under this Act

(v) all Graduates Registered or deemed to be Registered before the commencement of this Act shall, unless they are disqualified under clauses (a), (b) or (c) of sub-section (2) of section 81, be deemed to be registered under this Act:

Provided that, if any such graduate is a Registered Graduate of any other University established by law in the State of Maharashtra before the commencement of this Act, he shall cease to be a Registered Graduate unless he has elected as required by the proviso to the said sub-section (2) of section 81;

(vi) all property, movable or immovable, and all rights, interest of whatsoever kind, powers and privileges of the University constituted under the said Act shall be transferred to and shall, without further assurance, vest in the University and be applied to the objects and purposes for which the University is constituted

(vii) all benefactions accepted or received by the University constituted under the said Act and held by it immediately before the commencement of this Act, shall be deemed to have been accepted or received or held by the University under this Act, and all the conditions on which such benefactions were accepted or received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act

(viii) all debts, liabilities and obligations incurred before the commencement of this Act, and lawfully subsisting against the University constituted under the said Act, shall be discharged and satisfied by the University

(ix) any will, deed or other document made before the commencement of this Act, which contains any bequest, gift, terms or trust in favour of the University constituted under the said Act shall, on the commencement of this Act, be construed as if the University constituted under this Act is named therein instead of the University constituted under that Act;

(x) all references in any enactment or other instruments issued under an enactment, to the University constituted under the said Act shall be construed as references to the University

(xi) the appointment of the Registrar and all other officers and employees of the University constituted under the said Act, and validly made under that Act, and subsisting immediately before the commencement of this Act, shall be deemed to have made under and for the purposes of this Act; and the Registrar and such other officers and employees shall continue to hold office and to act, subject to the conditions governing the terms of their office or employment, except in so far as such conditions may be altered by a competent authority;

(xii) the appointment of examiners validly made under the said Act and subsisting immediately before the commencement of this Act shall be deemed to have been made under and for the purposes of this Act, and such examiners shall continue to hold office and to act until fresh appointments are made under this Act

(xiii) all Statutes, Ordinances, Regulations and Rules. all notices and orders made or issued under the said Act, shall in so far as

such Statutes, Ordinances, Regulations and Rules are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under this Act, until they are superseded or modified by the Statutes, Ordinances, Regulations, Rules, Notices and Orders made or issued by or under this Act

Provided that, no Statute, Ordinance, Regulation, Rule, Notice or Order made or issued under the said Act, and in force immediately before the commencement of this Act, shall be deemed to be inconsistent with the provisions of this Act by reason only that the power to make or issue such Statute, Ordinance, Regulation, Rule, Notice or Order under this Act vests in a different authority or body or officer, or that the subject-matter thereof is permissible only under a different form of subordinate legislation or instrument to be made under this Act.

(2) For the purpose of sub-clause (a) of clause (ii) of sub-section (1), after the date of commencement of the Maharashtra Universities (Second Amendment) Act, 1975, the Vice-Chancellor may, at any time, on or before the 31st day of December, 1975, by notification in the Official Gazette, publish the names of the persons whoever may have been duly elected, nominated or otherwise appointed by that time as members of the Senate and declare that, with effect from the date of publication of such notification in the Official Gazette, the Senate shall, notwithstanding that some of the members may not have been elected, nominated or appointed or for any other reason may not be available to take office, be deemed to be duly constituted.

1. Section 91 was renumbered as sub-section (1) by Mah. 60 of 1975, S. 9(a).

2. This portion was substituted for the words, figures and letters, "not later than 31st day of March, 1975" by Mah. 10 of 1975, S. 2.

3. These words, brackets and figures were substituted for the words "declares that the Senate has duly constituted" by Mah. 60 of 1975, S. 9(b).