

YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989

20 of 1989

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**YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY
ACT, 1989
20 of 1989**

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An Act to establish and incorporate an Open University in the State of Maharashtra for the introduction and promotion of the Open University and distance education system in the Educational Pattern of the State. WHEREAS it is expedient to enact a law to establish and incorporate an Open University in the State of Maharashtra for the introduction and promotion of the Open University and distance education system in the educational pattern of the State of Maharashtra, as a measure in the decentralisation and reorganisation of University education in that state and to provide for matters connected therewith or supplemental or incidental thereto; it is hereby enacted in the fortieth year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the YASHWANTRAOCHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989 .

(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, and the Statutes made thereunder, unless the context otherwise requires:-

(1) "Academic Council" means the Academic Council of the University;

(2) "Authorities" means the authorities of the University specified in Section 15 as the context may require;

(3) "Board of Management" means the Board of Management of the University;

(4) "Chancellor" means the Chancellor of the University;

(5) "distance education system" means the system of imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;

(6) "employee" means any person appointed by the University, and includes teachers and other academic staff of the University;

(7) "Finance Committee" means the Finance Committee of the University as constituted under Section 19 ;

(8) "Planning Board" means the Planning Board of the University as constituted under Section 18 ;

(9) "prescribed" means prescribed by the Statutes, Ordinances, regulations or rules made under this Act;

(10) "recognised institution" means an institution established for research or specialised studies and recognised to be so by the University;

(11) "regional centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;

(12) "regulations" means the regulations made by an authority of the University under this Act;

(13) "Scheduled Castes" means such caste, 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 Art.341 of the Constitution of India and, for the purposes of this Act includes Nav-Boudhas;

(14) "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 Art.342 of the Constitution of India residing in any pan of the State of Maharashtra and, for the purposes of this

Act, includes denotified and nomadic tribes;

(15) "school" means a school of studies of the University;

(16) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University;

(17) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(18) "study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counseling, evaluating or for rendering any other assistance required by the students;

(19) "teachers" means professors, readers, lecturers and such other persons as may be designated by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;

(20) "University" means the Yashwantrao Chavan Maharashtra Open University established under Section 3 ;

(21) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. Establishment and incorporation of University :-

(1) There shall be established a University by the name of "Yashwantrao Chavan Maharashtra Open University";

(2) The headquarters of the University shall be located at Nashik; and the University may establish, maintain or recognise institutes, schools, regional centres and study centres at such other places in the State as it may deem fit.

(3) The first Vice-Chancellor and the first members of the Board of management, the Academic Council and the Planning Board and all persons who may hereafter become such other officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of Yashwantrao Chavan Maharashtra Open University; and such body corporate shall have perpetual succession and a common seal and may sue and be sued by the said name.

4. Objects of University :-

The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education system in the educational pattern of the State and the University shall, in organizing its activities, have due regard to the objects specified in the First Schedule.

5. Powers of University :-

(1) The University shall have the following powers namely:-

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research and extension;

(ii) to plan and prescribe courses of study of degrees, diploma, certificates or for any other purpose;

(iii) to hold examinations and confer degree, diplomas, certificates or other academic distinctions or recognitions on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which distance education in relation to the academic programmes of the University may be organised;

(vi) to institute professorship, readership, lectureships and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities including guidance, designing and delivery of courses and evaluation of the work done by the students and to prescribe their qualifications;

(vii) to appoint or recognise persons as teachers;

(viii) to co-operate with, and seek the co-operation of, other Universities and institutions of higher learning professional bodies and organisations for such purposes as the University considers necessary;

(ix) to hold and manage trust and endowments and institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit as the University may deem fit;

(x) to establish, maintain or recognise such regional centres as may be determined by the University from time to time;

(xi) to establish, maintain or recognise study centres in the manner laid down by the Statutes;

(xii) to provide for the preparation of instructional material, including films, cassettes, tapes, videocassettes and other software;

(xiii) to organize and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;

(xiv) to recognise examinations of, or periods of study (whether in full or in part) at, other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;

(xv) to make provision for research and development in educational technology and matters related thereto;

(xvi) to create administrative, ministerial and other necessary posts and to make appointment thereto;

(xvii) to receive benefications, donations and gifts for educational and other social or national causes and maintain proper accounts thereof;

(xviii) to acquire and hold property both moveable and immoveable to lease, sell or otherwise transfer or dispose of any moveable or immoveable property, which may vest in, or be acquired by it, for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act;

Provided that, no lease, sale or transfer of moveable property shall be made without the prior consent of the State Government:

Provided further that, where the State Government is satisfied that any such property should, in the interest of the University, be given an lease, sold or otherwise transferred or disposed of. the Stale Government shall issue necessary directions to the University and the University shall comply with such directions forthwith;

(xix) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University;

(xx) to enter into, carry out, vary or cancel contracts;

(xxi) to demand and receive such fees and other charges, as may be laid down by the Ordinances;

(xxii) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees and their code of conduct;

(xxiii) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;

(xxiv) to appoint, either on, contract, or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers and such other persons who may contribute to the advancement of the objects of the University;

(xxv) to recognise persons working in other Universities, institutions or organisations as teachers on such terms and conditions as may be laid down by the Ordinances;

(xxvi) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examinations, evaluations and any other method of testing;

(xxvii) to make arrangements for the promotion of the general health and welfare of the employees;

(xxviii) to do all such other acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conducive to the promotion of all or any of the objects of the University.

(2) Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), shall be the duty of the University to take all such steps as it may deem fit for the promotion of the Open University and distance education systems in the State and for the determination of standards of teaching, evaluation and research in such systems.

6. Jurisdiction :-

The University shall, in the exercise of its powers, have jurisdiction over the whole of the State of Maharashtra.

7. University open to all classes, castes and creeds :-

(1) The University shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession of political other opinion in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University or to graduate thereat, or to enjoy or exercise any privilege thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provisions for the appointment or admission of women or of persons belonging to the weaker section of the society, and in particular, of persons belonging to the Scheduled Tribes, in accordance with the directives, if any given from time to time by the State Government.

8. Chancellor and his powers :-

(1) The Governor of Maharashtra shall be the Chancellor of the University.

(2) The Chancellor shall be competent to call from time to time such information or records:- relating to any affairs of the University, and the Vice- Chancellor shall furnish the same. It shall also be lawful for the Chancellor, after perusal of such information or records, to give in the interest of the University such directives to the Vice-Chancellor, or as he deems fit, and the vice-Chancellor shall comply with such directives.

(3) Subject to the provisions of sub-section (4) and (5), the Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and any regional center or study centre and also of the examination, instruction and other work conducted or done by the University, and to cause an enquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor shall, in every case, give notice to the University

of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, such representation to him as it may consider necessary.

(5) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advise with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advise tendered body him upon the action to be taken thereon.

(8) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(9) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such direction as he may think fit and the Board of Management shall be bound to comply with such directions.

(10) Without prejudice to the foregoing provisions of this section the Chancellor may, by an order in writing annul, suspend or modify any resolution, order or proceedings of the University which is not in conformity with this Act, the Statutes or the Ordinances or is not in the interest of the University;

Provided that, before making any such order, he shall call upon the University to show cause why such an order should not be made and if any cause is shown within a time limit fixed by the

Chancellor, he shall consider the same.

(11) The Chancellor shall have such other powers as may be specified by the Statutes.

9. Officers of University :-

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

(1) The Vice-Chancellor;

(2) The Directors;

(3) The Registrars;

(4) The Finance Officers; and

(5) Such other officers as may be declared by the Statutes to be officers of the University.

10. Vice-Chancellor :-

(1) The Vice-Chancellor shall be appointed by the Chancellor in such manner, for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be principal academic and executive officer of the University, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) Notwithstanding anything contained in this Act, the Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority the action taken by him on such matter in its next meeting:

Provided that, if the authority concerned is of the opinion that such action ought not have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that, any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management may confirm, modify or reverse the action taken by the Vice- Chancellor.

(4) Notwithstanding anything contained in this Act, the Vice-Chancellor, if he is of the opinion that any decision of any authority

is beyond the powers of the authority conferred on it by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within 60 days of such decision and if the authority refuses to review its decision either in whole or in part as directed by the Vice- Chancellor or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Provided that, the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Chancellor, as the case may be under this sub-section.

(5) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

11. Director :-

The Director shall be appointed in such manner and on such emoluments and other conditions of service and shall exercise such powers and shall perform such functions, as may be prescribed by the Statutes.

12. Registrar :-

The Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) A Registrar empowered by the Board of Management shall have the power to enter in to and sign, agreement and authenticate records on behalf of the University.

(3) Every Registrar shall exercise such powers and perform such functions as may be prescribed by the Statutes.

13. Finance Officers :-

The Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

14. Other Officers :-

The manner of appointment, emoluments, powers and duties of the other officers of the University shall be such as may be prescribed

by the Statutes.

15. Authorities of University :-

Authorities of University The following shall be the authority of the University, namely:-

- (1) The Board of Management;
- (2) The Academic Council;
- (3) The Planning Board;
- (4) The Finance Committee;
- (5) Such other authorities as may be declared by the Statutes to be the authorities of the University.

16. Board of Management :-

- (1) The Board of Management shall be the principal executive body of the University.
- (2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

17. Academic Council :-

- (1) The Academic Council ;hall be the principal academic body of the University and shall, subject to the provision of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such powers and perform such other functions as may be conferred or imposed upon it by the Statutes.
- (2) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.

18. Planning Board :-

- (1) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall also be responsible for the monitoring of the developments of the University on the lines indicated in the objects of the University.
- (2) The constitution of the Planning Board, the term of office of its

members and its powers and functions shall be prescribed by the Statutes.

19. Finance Committee :-

The constitution, powers and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

20. Other authorities :-

The constitution, powers and functions of other authorities which may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.

21. Statutes :-

Subject to the provisions of the Act, the Statutes may provide for all or any of the following matters, namely:-

(a) the manner of appointment of the Vice-Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of the Director, Registrar, Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by such authorities;

(c) the constitution of the Board of Management and other authorities of the University, the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(d) the manner of appointment of teachers and other employees of the University, their emoluments, qualifications, code of conduct and other conditions of service including the manner of termination of service and other disciplinary action;

(e) the conferment of honorary degrees;

(f) the acceptance and management of trusts, bequest, donations and endowments;

(g) laying down the policy and norms regarding:-

(i) fixation of examination fees and employments travelling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work;

- (ii) payment for teachers, lesson writers, evaluators and other academic staff appointed for organisation and conducting refresher courses, workshops, seminars and other programmes;
- (iii) rates of tuition fees and other charges receivable from the students;
- (iv) rates of remuneration to visiting professors, emeritus professors, consultants, fellows, scholars, artists course writers;
- (h) the principles governing the seniority of service of the employees of the University;
- (i) the procedure for the settlement of dispute between the University and the students;
- (j) all other matters which, by or under this Act, are to be, or may be, provided by the Statutes.

22. Statutes how made :-

(1) The first Statutes are those set out in the Second Schedule.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that, the Board of Management shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express, within the time fixed by the Board of Management, its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observation, if any, made by him.

(4) A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has been assented by the Chancellor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may make new or additional Statutes or

amend or repeal the Statutes referred to in sub-section (1) during the period of five years immediately after the commencement of this Act.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may either suo moto or in consultation with Government direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

23. Ordinances :-

(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-

(a) the admission of students, the course of study and the fees therefor, the qualifications, pertaining to degrees, diplomas, certificates and other courses, the condition for the grant of fellowships, awards and the like;

(b) the conduct of examinations, including the terms and conditions for the appointment of examiners, moderators and such other staff and their duties;

(c) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct, including the following namely:-

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

(ii) 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

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

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

- (e) the inspection of study centres and recognised institutions;
- (f) the mode of execution of contracts or agreements for, or on behalf of the University;
- (g) the rules to be observed and enforced by the study centres and recognised institution regarding transfer of students;
- (h) the holding of convocations to confer degrees, diplomas, certificates and other academic distinctions;
- (i) collaboration with other Universities in the State and other statutory authorities and collaboration with departments of the State Government;
- (j) the appointment for a specified period or periods of teachers and other academic staff working in any other University or organisation for undertaking joint projects;
- (k) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for members of the Scheduled Castes'and Scheduled Tribes;
- (l) manner of withdrawal of recognition;
- (m) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Chancellor and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in such manner as may be prescribed by the Statutes.

24. Regulations :-

The authorities of the University may, subject to the approval of the Board of Management, make regulations, consistent with this Act, the Statutes and Ordinances, for the conduct of their own business and that of the committees, if any appointed by them and not provided for by this Act, the Statutes or the Ordinances, in such manner as may be prescribed.

25. University fund :-

(1) The University shall establish a fund to be called the University fund.

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

Fund namely:-

(a) all contributions or grants made by the State Government, the Central Government, the Indira Gandhi National Open University 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 money from trusts, bequests, donations, endowments, subventions and other grants;

(d) any sum borrowed from the banks, with the previous 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 sum as may, from time to time, be granted as contributions or grant by the State Government specially for this purpose. Such Fund shall be used only for making advances for the purposes 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 sum as shall expressly relate to the objects for which such separate fund is created:

Provided further that, the Board of Management 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 Board of Management, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934), which holds licence issued by the Reserve Bank of India under S.22 of the Banking Regulations Act, 1949 (10 of 1949), or in a Co-operative Bank approved by the State Government for the purpose, or be invested in securities authorised by the Indian Trusts Act, 1882 (2 of 1882), or subject to the maximum limits of rupees five lakhs, in the shares of, or by giving loans to the Consumer's Co-operative Societies established for the purposes of the University, or recognised institutions.

26. Annual financial estimates :-

(1) The annual financial estimates of the University for ensuring financial year shall be prepared by the Finance Officer, under the direction of the Board of Management at least five months before the commencement of the financial year.

(2) The Financial year of the University shall be the same as that of the State Government.

(3) The Financial estimates shall be submitted to the Board of Management for its approval.

(4) The Financial Officer shall thereafter forward the copies of the financial statements to the Chancellor, the State Government and the Director of Higher Education.

27. Annual accounts and its audit :-

(1) The annual statement of accounts of the University for a financial year shall be prepared by the Finance Officer, under the direction of the Board of Management, within a period of two months, after the close of the financial year.

(2) The annual accounts as approved by the Board of Management shall be audited by the Auditor appointed by the State Government.

(3) The annual accounts as approved by the Board of Management shall be printed and copies thereof shall, together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and points raised by the auditor in his previous reports shall be forwarded by the Board of Management as soon as possible and in any case within the period of nine months from the end of financial year to :-

(a) the Chancellor;

(b) the State Government;

(c) the Director of Higher Education;

(d) the Auditor appointed by the State Government.

(4) The State Government shall place the annual report, the annual accounts, the audit report and the statements showing the action taken by the University on the points raised by the Auditor in his previous report before each House of the State Legislature.

(5) It "shall be competent for the State Government to give directions to the University regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained or to take necessary action against authority, the officer or any employee of the University found guilty in the audit report for committing irregularities and the University shall act according to the directions of the State Government.

28. Annual report :-

(1) The annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards fulfillment of its objectives.

(2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the State Government which shall, as soon as may, because the same to be laid before both the Houses of the State Legislature.

29. Financial control of State Government :-

(1) Without obtaining the prior approval of the State Government or any officer authorised by it in this behalf, the University shall not:-

(i) create any new posts of officers, teachers or other employees;

(ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications, offered to its officers, teachers and other employees;

(iii) incur any expenditure on any development work.

(2) Any posts created, any financial benefits offered to its officers, teachers and other employees or any expenditure incurred on any development work, without the prior approval of the State Government or such authorised officer, may be treated by the State Government or such authorised officer, as unapproved expenditure for the purposes of payment of grant-in-aid.

30. Conditions of service of employees :-

(1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

31. Hemang :-

Tribunal of Arbitration:- (1) Any dispute arising out of contract of employment referred to in Section 30 between the University and an employee shall, at the request of either party, be referred to a Tribunal of Arbitration which shall consist of the member nominated by the Board of Management, one member nominated by the employees concerned and an umpire to be nominated by the Chancellor.

(2) Every such reference shall be deemed to be a submission to arbitration upon the terms of this section within the meaning Section 2 of the Arbitration Act, 1940 (2 of 1940.) and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

(3) The procedure for regulating the work of the Tribunal of Arbitration shall be prescribed by the Statutes.

(4) The decision of the Tribunal of Arbitration shall be final and binding on the parties, and no suit shall lie in any Court in respect of the matters decided by the Tribunal.

32. 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 officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

33. Disputes as to constitution of University authorities and bodies :-

(1) If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authorised or other body of the University, the matter shall be

referred to the Chancellor whose decision thereon shall be final.

(2) Any nominee or ex officio member appointed on any authority or body of the University shall be deemed to have vacated his office whenever his nominations or appointment is cancelled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

34. Fillings of casual vacancies :-

All the casual vacancies among the members (other than ex officio members), of any authority or other body of the University shall be filled as soon as may be convenient, by the person or body who appoints, or co-opts the member whose place has become vacant and any person appointed or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

35. Proceedings of University authorities or bodies not invalidated by vacancies :-

No Ad or proceeding of any authority or other body shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

36. Authorities and Officers responsible for damages :-

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

(2) It is found that a damage or loss has been cause to the University by any action on the part of any authority or officer or employee of the University not in conformity with the provisions of this Act, the Statutes, Ordinances or regulations except when done in good faith, or on any failure so to act in conformity thereof, by willful neglect or default on its part, such damage or loss shall be liable to be recovered from the authority or the members concerned thereof or from the officer or the employee concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.

37. Protection of action taken in good faith :-

No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the Statutes or the Ordinances.

38. Mode of proof of University record :-

A copy of any receipt, application notice, order, proceedings, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar shall, notwithstanding anything contained in the Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force, be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

39. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary, or expedient for removing the difficulty:

Provided that, no such order shall be made under this section after the expiry of two years from the commencement of this Act.

40. Transitional provisions :-

Notwithstanding anything contained in this Act and the Statutes: -

(a) The first Vice-Chancellor, the first Registrar and the first Finance Officer shall be appointed by the Chancellor in consultation with the State Government and they shall be governed by the terms and conditions of service specified by the Statutes:

Provided that, the first Vice-Chancellor shall be eligible for appointment in the manner specified in the Statutes for regular term.

(b) The first Board of Management shall consist of not more than nineteen members who shall be nominated by the Chancellor in consultation with the State Government and they shall hold office for a term of three years.

(c) The first Planning Board shall consist of not more than ten members who shall be nominated by the Chancellor in consultation with the State Government and they shall hold office for a term of three years.

(ii) The Planning Board shall, in addition to the powers and functions conferred on it by this Act, exercise the powers of the

Academic Council, until the Academic Council is constituted under the provisions of this Act and the Statutes, and in the exercise of such powers, the Planning Board may co-opt such members as it may decide.

SCHEDULE 1

The Objects Of The University

(See section 4)

SCHEDULE 1

The Objects Of The University

(See section 4).

The objects of the
Yashwantrao Chavan
Maharashtra Open
University shall be:-

(a) to provide through instructions, teaching and training and other educational opportunities, access to larger and larger segments of the population and in particular to the disadvantaged groups such as those living in remote and

rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;

(b) to strengthen and diversify the degree, diploma and certificate courses, at various educational levels, to fulfill the knowledge, skill and developmental needs of the individuals, institutions and society in general, by relating, particularly, the courses to the needs of employment and economic development of the State on the basis of its natural and human resources;

(c) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing educational network with the use of modern communication media and technologies appropriate for a learning society.

(d) to provide an innovative system of University level education, flexible and open, in regard to methods and pace of learning combination of courses, eligibility for enrolment, age of entry, conduct of

examination and operation of the programmes with view to promote learning and encourage excellence in all fields of knowledge;

(f) to contribute to the improvement of the educational system in the State by providing a non-formal channel complementary to the formal system and encouraging transfer of credits and exchange of teaching

staff by making wide use of texts and other software developed by the University. to develop innovative, need based vocational courses and establish industry, institution linkage for developing the society;

(g) to provide through incidental and non-formal means for continuing and extension of education in various cultural forms, arts, crafts and skills of the country,

raising their quality and improving their availability to the people;

(h) to provide suitable post-graduate courses of study and promote and make provision for

research and development in various fields of knowledge and particularly in the field of educational technologies and distance or mediated education for effective and efficient teaching, learning, evaluation and dissemination of knowledge;

(i) to provide or arrange for training of teachers required for open and distance education system;

(j) to provide for counseling and guidance to its students; and

(k) to promote national

integration, integrated
development of the
human personality and

advance the culture of the people of Maharashtra in particular, and India in general, using rich cultural heritage and traditions of social reform of the people of Maharashtra.

(l) to provide major part of its resources and direct efforts in designing, developing and offering need-based and relevant vocational and technical courses forming major thrust of the University;

(m) to have least dependence on the grants of the State Government and, after the initial formative period of about five years, be self-supporting in its operating cost by attracting social and private contributions to its programmes and by charging fees based on unit operating cost;

(n) to develop working
culture and achieving
economics of scale
through mechanization,
computerization and
economic and efficient
administration without
any loss of quality and

standards in education.

2. The University shall strive through teaching, training, research and extension to fulfill the above

objectives by employing diversity of means and media of distance education and developing self-learning materials disseminated to every student or through broadcast, non-broadcast and correspondence channels and a net-work of study centres, by using mainly Marathi and English as the media of instructions, and shall functions in co-operation with the existing universities and institutions of higher learning and make full use of the latest scientific knowledge and new educational technologies to offer education of high quality, diversity and relevance which fulfills the requirement of a leaning society and develops the University into a mass-varsity.

SCHEDULE 2

Statutes Of The University