



The NICMAR University, Pune Act, 2022

Act No. 36 of 2022

Keywords:

Adjunct Professor, Distance and Online Education

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक २५]

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असाधारण क्रमांक ५४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the NICMAR University, Pune Act, 2022 (Mah. Act No. XXXVI of 2022), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

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

MAHARASHTRA ACT No. XXXVI OF 2022.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 12th May 2022).

An Act to provide for establishment, incorporation and regulation of the NICMAR University, Pune, for the development and advancement of higher education in the State of Maharashtra and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the establishment, incorporation and regulation of the NICMAR University, Pune, for the development and advancement of higher education in the State of Maharashtra and for matters connected therewith or incidental thereto, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-third Year of the Republic of India, as follows :-

1. (1) This Act may be called as the NICMAR University, Pune Act, 2022.

Short title
and comm-
encement.

(2) It shall be come into force on such date, as the State Government may by notification in the *Official Gazette*, appoint.

(१)

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “adjunct professor”, “adjunct associate professor” or “adjunct assistant professor” means a person from industry, trade, commerce, social, cultural, academic or any other allied fields who is so designated during the period of collaboration or association with the university ;

(b) “authorities” means the authorities of the university as specified by or under this Act ;

(c) “Board of Management” means the Board of Management constituted under section 22 of this Act ;

(d) “campus” means the area of the university within which it is established ;

(e) “center of excellence” means the state-of-the-art training or research center established in collaboration with industry or for the benefit of the industry and society, to provide all types of relevant skills to students, in-service employees, working professionals and to undertake joint projects ;

(f) “distance and online education” means education imparted by combination of any two or more means of communication, *viz.* broadcasting, telecasting, correspondence courses, seminars, contact programs and any other such methodology ;

(g) “employee” means any person appointed by the university and includes teachers, officers and other staff of the university ;

(h) “fee” means monetary collection made by the university or its colleges, institutions or study centers, as the case may be, from the students by whatever name it may be called, which is not refundable ;

(i) “Government” or “State Government” means the Government of Maharashtra ;

(j) “Governing Body” means the Governing Body constituted under section 21 of this Act ;

(k) “higher education” means pursuit of knowledge beyond learning at the stage of higher secondary school education ;

(l) “hostel” means a place of residence for the students of the university, or its institutions and study centers, established or recognized to be as such by the university ;

(m) “notification” means a notification published in the *Official Gazette* ;

(n) “*Official Gazette*” means the *Maharashtra Government Gazette* ;

(o) “prescribed” means prescribed by statutes or ordinances or regulations, as the case may be, made by or under this Act ;

(p) “President” means the President of the university who shall also be Chancellor of the university ;

(q) “regulating body” means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as the University Grants Commission, All India Council of Technical Education, National Council of Teacher Education, Medical Council of India, Pharmacy Council of India, National Council of Assessment and Accreditation, Indian Council of Agriculture Research, Distance Education Council, Council of Scientific and Indian Research, etc., and includes the Government ;

(r) "rules" means the rules made by the State Government ;

(s) "section" means a section of this Act ;

(t) "sponsoring body" in relation to the university established under this Act, means the National Institute of Construction Management and Research, registered as a society under the Societies Registration Act, 1860 and a Public Trust under the Maharashtra Public Trusts Act having its registered office at Walchand Terraces, Ground Floor, Opp. AC Market, Tardeo, Mumbai.

(u) "State" means State of Maharashtra ;

(v) "statutes", "ordinances" and "regulations" mean respectively, the statutes, ordinances and regulations of the university made under this Act ;

(w) "student" means a person enrolled in the university for taking a course of study for a degree, diploma or other academic distinction instituted by the university, including a research degree ;

(x) "study center" means a center established and maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students in the context of distance education ;

(y) "teacher" means a Professor, Associate Professor, Assistant Professor, Adjunct Professor or any other person required to impart education or to guide research or to render guidance in any form to the students for pursuing a course of study of the university ;

(z) "university" means the NICMAR University, Pune.

3. (1) There shall be established a university by the name of the **Incorporation.**
NICMAR University, Pune.

(2) The President, the Vice-Chancellor, the Governing Body, the Board of Management, the Academic Council and all other persons who may hereafter become such 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 "the NICMAR University, Pune".

(3) The university shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The university shall function as a non-affiliating university established under this Act and it shall not affiliate any other college or institute for the award conferment of degree, diploma and certificate to the students admitted therein.

(5) The university shall be situated and have its head-quarters at the NICMAR University, Building No./ Plot No. 25/1, NIA Post Office, Balewadi, Taluka Haveli, District Pune, Maharashtra 411 045.

4. The objects of the university shall be as follows, namely :—

Objects of
university.

(a) to provide learning, teaching, capacity, capability and skills development and research and development in higher and technical education, covering Liberal Arts, Humanities, Social Sciences, Life Sciences and Biotechnologies, Nano-Sciences and Technologies, Professional Disciplines such as Engineering, Technology, Management, Business and Commerce, Applied and Creative Arts, Vocational Education, Media, Information and Communication Technology and Education per se and

their inter-disciplinary studies and development with emphasis on Construction, Real Estate, Infrastructure and Project (CRIP);

(b) to provide instructions, teaching and training in Higher and Technical Education, Arts, Sports, Culture, Film, Space Technologies, Marine Research and make provisions for research ;

(c) to create higher level of cognitive, affective and psychomotor (head, hearts and hands) abilities ;

(d) to create higher levels of intellectual abilities;

(e) to create and deploy new educational programs to promote creativity, innovation and entrepreneurship for inventing of new ways for development and social reconstruction and transformation ;

(f) to establish state-of-the-art facilities for education and development;

(g) to carry out teaching and research and offer continuing quality education programmes ;

(h) to create centers of excellence for research and development in Science and Technology and socio-economic development, and for sharing knowledge and its application ;

(i) to use modern and post-modern processes, mechanisms and technologies for governance and management of learning, teaching, researching, evaluating, developing, organizing and creating socio-economic wealth for individuals and society in 21st century ;

(j) to provide professional and development services to the industry and public organizations and society ;

(k) to start higher education programs, courses in new and emerging areas with innovative approaches ;

(l) to establish links, collaborations and partnerships with other higher education and research institutions in India and abroad;

(m) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examinations, or any other methods of evaluation ;

(n) to establish innovative approaches for creation of seamlessness in academic structures, learning time-frames, and working and continuous evaluation processes for nurturing and cultivation of creativity and entrepreneurship ;

(o) to pursue any other objectives as may be suggested by the Government ;

(p) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions conferred by a university are not lower than those laid down by the All India Council for Technical Education or the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993 or the University Grants Commission constituted under the University Grants Commission Act, 1956 or the Pharmacy Council of India constituted under the Pharmacy Act, 1948 or the Bar Council of India constituted under the Advocates Act, 1961 or any other statutory body, as the case may be.

5. The university shall have the following powers and functions, namely : —

Powers and functions of university.

(i) to make provisions and adopt all measures (including adoption and updating of the curricula) in respect of study, teaching and research, relating to the courses through traditional as well as new innovative modes including on-line education mode ;

(ii) to institute and confer degrees, diplomas, certificates, awards, grades, credits and academic distinctions;

(iii) to conduct and hold examinations;

(iv) to provide for the degrees, diplomas, certificates, equivalent or corresponding to the degrees, diplomas, certificates of other recognized universities, Boards or Councils ;

(v) to take all necessary measures for setting up campus;

(vi) to set up central library, departmental libraries, museums and allied matters;

(vii) to institute and confer honorary degrees as may be prescribed;

(viii) to institute and award fellowships, scholarships, studentships as may be specified ;

(ix) to take special measures for spreading educational facilities among the educationally backward strata of the society;

(x) to encourage and promote sports and other extra-curricular activities ;

(xi) to create technical, administrative and other necessary posts and to make appointments thereto;

(xii) to undertake research projects on mutually acceptable terms and conditions ;

(xiii) to provide consultancy services;

(xiv) to frame statutes, ordinances, rules and regulations for carrying out the objects of the university in accordance with the provisions of the Act ;

(xv) to encourage and promote co-curricular activities for personality development of the teachers, students and employees of the university ;

(xvi) to provide for dual degrees, diplomas or certificates *vis-a-vis* other universities on reciprocal basis within and outside the country, as per instructions of the State Government, Government of India and University Grants Commission ;

(xvii) to make provisions for integrated courses in different disciplines in the educational programmes of the university ;

(xviii) to set-up colleges, institutions, off-campus centers and study centres only in the State, as per the instructions issued by the State Government, Central Government and University Grants Commission, from time to time ;

(xix) to receive donations, gifts and grants and to acquire, hold, manage and dispose of any property, movable or immovable, including trust or endowed property within or outside the State for the purposes and objects of the university and to invest funds ;

(xx) to prescribe the fee structure for various courses, from time to time, as per the provisions of this Act;

(xxi) to demand and receive payments of such fees and other charges as may be specified, from time to time ;

(xxii) to seek collaboration with other institutions on mutually acceptable terms and conditions ;

(xxiii) to determine salaries, remunerations and honoraria to teachers and employees of the university in accordance with the norms, specified by the University Grants Commission and the other regulatory bodies;

(xxiv) to organize and to undertake extra-mural teaching and extension services ;

(xxv) to establish and maintain, halls and hostels ;

(xxvi) to recognize, supervise and control halls and hostels not maintained by the university for the residence of the students and to withdraw any such recognition ;

(xxvii) to regulate and enforce discipline among students and employees of the university and to take such disciplinary measures as may be deemed necessary ;

(xxviii) to make arrangements for promoting health and general welfare of the students and the employees of the university ;

(xxix) to co-operate with any other university in and outside the country, authority or any public or private body, having in view the promotion of purposes and objects similar to those of the university for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be specified ;

(xxx) to provide for the printing, re-printing and publication of research and other work, including text books, which may be issued by the university ;

(xxxi) to comply and follow, from time to time, the provisions of the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 or any other regulations or directions issued by the University Grants Commission ;

(xxxii) to comply with and carry out directives issued by the State Government, from time to time, with reference to above powers, duties and responsibilities of the university ;

(xxxiii) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the university.

University
open to all.

6. (1) No citizen of India shall be excluded from any office of the university or from membership of any of its authorities, bodies or committees, or from appointment to any post, 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, caste, place of birth, religious belief or profession, or political or other opinion.

(2) The university shall adopt the Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes, Special Backward Category and Economically Weaker Section (EWS) for the purpose of admission of students in the university departments and institutions.

(3) The university shall adopt the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government, from time to time.

7. The university shall be self-financed and it shall not be entitled to receive any grant or other financial assistance from the Government. University to be self-financed.

8. (1) The sponsoring body shall establish a permanent statutory fund to be called the "Endowment Fund for the university" which shall comprise of at least ten crore rupees which may be increased *suo motu* but shall not be decreased. Endowment Fund.

(2) The Endowment Fund shall be kept as security deposit to ensure strict compliance of the provisions of this Act or rules, regulations, statutes or ordinances made thereunder.

(3) The Government shall have the powers to forfeit, in the prescribed manner, a part or whole of the Endowment Fund in case the university or the sponsoring body contravenes any of the provisions of this Act, rules, statutes, ordinances or regulations made thereunder.

(4) Income from Endowment Fund may be utilized for the development of infrastructure of the university but shall not be utilized to meet out the recurring expenditure of the university.

(5) The amount of Endowment Fund shall be kept invested, until the dissolution of the university, by way of long term securities received or guaranteed by the Government subject to the condition that the amount so invested from the Fund shall not be withdrawn without the permission of the Government.

(6) The certificates of the long term securities shall be kept in the safe custody of the Government; and the Government shall have the right to encash the deposit amount for the purpose mentioned in sub-section (3).

9. The university shall also establish a fund, which shall be called the General Fund to which the following shall be credited, namely :— General Fund.

- (i) fees and other charges received by the university ;
- (ii) any contribution made by the sponsoring body ;
- (iii) any income received from consultancy and other works undertaken by the university ;
- (iv) bequests, donations, endowments and any other grants ; and
- (v) all other sums received by the university.

10. The General Fund shall be utilized for meeting all expenses, recurring or non-recurring in connection with the affairs of the university : Application of General Fund.

Provided that, no expenditure shall be incurred by the university in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without the prior approval of the Board of Management.

Officers of university.

11. The following shall be the officers of the university, namely :—

- (i) the President who shall also be the Chancellor ;
- (ii) the Vice-Chancellor ;
- (iii) Deans of Faculties ;
- (iv) the Registrar ;
- (v) the Chief Finance and Accounts Officer ;
- (vi) the Controller of Examinations ; and
- (vii) such other persons in the service of the university as may be declared by the statutes to be the officers of the university.

President.

12. (1) The President shall be appointed by the sponsoring body for a period of three years, with the approval of the Government in such manner, as may be prescribed by the rules.

(2) The eligibility criteria for the post of the President shall be as may be prescribed by the rules issued by the State Government.

(3) The President shall be the Head of the university.

(4) The President shall preside over at meetings of the Governing Body and convocation of the university for conferring the degrees, diplomas or other academic distinctions.

(5) The President shall have the following powers, namely :—

(a) to call for any information or record from any officer or authority of the university, relating to the affairs of the university ;

(b) to appoint the Vice-Chancellor ;

(c) to remove the Vice-Chancellor in accordance with the provisions of sub-section (7) of section 14 ;

(d) such other powers as may be specified by the statutes.

Removal of President.

13. The President may be removed from his office by the sponsoring body, if it is satisfied that the incumbent,—

(a) becomes insane and stands so declared by a competent court; or

(b) has been convicted by a court for any offence involving moral turpitude; or

(c) become an undischarged insolvent and stands so declared by a competent court; or

(d) become physically unfit and incapable of discharging the functions or duties of the office due to protracted illness or physical disability; or

(e) willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or any other conditions laid down by the statutes, or has abused the powers vested in him or if the continuance of the President in the office has become detrimental to the interests of the university :

Provided that, the President shall be given a reasonable opportunity to show cause by the sponsoring body before taking recourse to action under clauses (d) and (e) for his removal from the said office.

14. (1) The Vice-Chancellor shall be appointed by the President, on such terms and conditions as may be specified by statutes, from a panel of three persons recommended by the Governing Body and shall, subject to the provisions contained in sub-section (7), hold office for a term of three years: Vice-Chancellor.

Provided that, after the expiry of the term of three years, the Vice-Chancellor shall be eligible for re-appointment for another term of three years:

Provided further that, the Vice-Chancellor shall continue to hold office even after the expiry of his term till the new Vice-Chancellor joins his duties, however, in any case, this period shall not exceed one year.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the university and shall have the powers of superintendence and control over the affairs of the university and shall execute the decisions of various authorities of the university.

(3) The Vice-Chancellor shall preside over at the convocation of the university in the absence of the President.

(4) If in the opinion of the Vice-Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter, report his action to such officer or authority as would have in the ordinary course dealt with the matter :

Provided that, if in the opinion of the concerned officer or authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the President, whose decision thereon shall be final.

(5) If, in the opinion of the Vice-Chancellor, any decision of any authority of the university is outside the powers conferred by this Act or statutes, ordinances, regulations or rules made thereunder or is likely to be prejudicial to the interests of the university, he shall request the concerned authority to revise its decision within fifteen days from the date of decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the President and his decision thereon shall be final.

(6) The Vice-Chancellor shall exercise such powers and perform such duties as may be specified by the statutes or the ordinances.

(7) If at any time upon representation received or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the university, the President with approval of the Governing Body may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order :

Provided that, before taking an action under this sub-section, the Vice-Chancellor shall be given an opportunity of being heard.

15. (1) The Deans of Faculties shall be appointed by the President in such manner and on such terms and conditions of service as may be specified by the statutes. Deans of Faculties.

(2) The Deans of Faculties shall assist the Vice-Chancellor in managing the academic and other affairs of the university and shall exercise such powers and perform such functions as may be prescribed by the regulations or be entrusted by the President and Vice-Chancellor.

Registrar.

16. (1) The Registrar shall be appointed by the President in such manner and on such terms and conditions of service as may be specified by the statutes.

(2) The Registrar shall be the Chief Administrative Officer of the university. Subject to the decision of the authorities of the university, he shall have the power to enter into agreement, contract, sign documents and authenticate records on behalf of the university. He shall exercise such powers and perform such duties as may be specified by the statutes.

(3) The Registrar shall be the Member-Secretary of the Governing Body, Board of Management and Academic Council, but shall not have the right to vote.

(4) The Registrar shall be the custodian of the records, the common seal and such other property of the university as the Governing Body may, commit to his charge.

(5) The Registrar shall exercise such other powers and perform such other duties as may be prescribed by or under this Act, or, as may be conferred on him by the statutes or, may be assigned to him, by the Vice-Chancellor, from time to time.

Controller of Examinations.

17. (1) The Controller of Examinations shall be appointed by the President in such manner and on such terms and conditions of service as may be specified by the statutes.

(2) The Controller of Examinations shall be the Principal officer-in-charge of the conduct of examinations and tests of the university and declarations of their results. He shall discharge his functions under the superintendence, directions and guidance of the Vice-Chancellor.

(3) The Controller of Examinations shall be a full-time salaried officer of the university and shall work directly under the direction and control of the Vice-Chancellor of the university. His appointment shall be for a term of three years and he shall be eligible for re-appointment for a term not exceeding three years. The qualifications and experience for the purpose of selection of the Controller of Examinations shall be such as may be prescribed by the statutes.

(4) The Controller of Examinations shall be responsible for,—

(a) preparing and announcing in advance the calendar of examinations;

(b) arrangement for printing of question papers;

(c) arrangement for the timely publication of result of examinations and other tests;

(d) taking disciplinary action where necessary against the candidates, paper-setters, examiners, moderators, or any other persons connected with examinations and found guilty of malpractices in relations to the examinations;

(e) reviewing from time to time, the results of the university examinations and forward reports thereon to the Academic Council;

(f) the Controller of Examinations shall exercise such other powers and perform such other duties as may be prescribed or assigned to him.

18. (1) The Chief Finance and Accounts Officer shall be the principal finance, accounts and audit officer of the university. Chief Finance and Accounts Officer.

(2) The Chief Finance and Accounts Officer shall be appointed by the President in such manner and on such terms and conditions of service as may be specified by the statutes.

(3) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties, as may be specified by the statutes.

19. (1) The university may appoint such other officers as may be necessary for its functioning. Other officers.

(2) The manner of appointment of other officers of the university, the terms and conditions of service of such officers and their powers and functions shall be such as may be specified by the statutes.

20. The following shall be the authorities of the university, namely :— Authorities of university.

(a) the Governing Body ;

(b) the Board of Management ;

(c) the Academic Council;

(d) the Board of Examinations ; and

(e) such other authorities as may be declared by the statutes to be the authorities of the university.

21. (1) The Governing Body of the university shall consist of the following members, namely :— Governing Body.

(a) the President ;

(b) the Vice-Chancellor ;

(c) five persons, nominated by the sponsoring body out of whom two shall be eminent educationists ;

(d) one expert of management or information technology from outside the university, nominated by the President ;

(e) two persons, nominated by the State Government ;

(f) two representatives of the industries to be nominated by the President ; and

(g) the Registrar of the university shall be the permanent invitee to the Governing Body but shall not have right to vote.

(2) The Governing Body shall be the supreme authority of the university.

(3) The Governing Body shall have the following powers, namely :—

(a) to provide general superintendence and directions and to control functioning of the university by using all such powers as are provided by this Act or the statutes, ordinances, regulations or rules made thereunder ;

(b) to review the decisions of other authorities of the university in case they are not in conformity with the provisions of this Act or the statutes, ordinances, regulations or rules made thereunder ;

(c) to approve the budget and annual report of the university ;

(d) to lay down the policies to be followed by the university ;

(e) to recommend to the sponsoring body about the voluntary liquidation of the university if a situation arises when smooth functioning of the university does not remain possible, in spite of all efforts; and

(f) such other powers as may be prescribed by the statutes.

(4) The Governing Body shall meet at least thrice in a calendar year.

(5) The quorum for meetings of the Governing Body shall be five.

Board of
Management.

22. (1) The Board of Management shall consist of the following members, namely :—

(a) the Vice-Chancellor;

(b) two members of the Governing Body, nominated by the sponsoring body;

(c) two Deans of the university, by rotation, to be nominated by the Vice Chancellor;

(d) three persons, who are not the members of the Governing Body, nominated by the sponsoring body; and

(e) three persons from amongst the teachers, nominated by the sponsoring body.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be specified by the statutes.

(4) The Board of Management shall meet at least once in every two months.

(5) The quorum for meetings of the Board of Management shall be five.

Academic
Council.

23. (1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be specified by the statutes.

(2) The Vice-Chancellor shall be the *ex officio* Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the university and shall, subject to the provisions of this Act and the rules, statutes and ordinances made thereunder, co-ordinate and exercise general supervision over the academic policies of the university.

(4) The quorum for meetings of the Academic Council shall be such as may be specified by the statutes.

Board of
Examination.

24. (1) The Board of Examination shall be the principal authority of the university for conducting the examinations and making policy decisions in regard to organizing and holding examinations, improving the system of examinations, appointing the paper-setters, examiners and moderators and also prepare the schedule of dates for holding the examinations and declaration of the results. The Board of Examination shall also oversee and regulate the conduct of examinations in the study centers or any center related to the university.

Explanation.—For the purposes of this section and of section 38, the expression “schedule of examinations” means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations.

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

- (a) the Vice-Chancellor – Chairperson ;
- (b) Professor of each subject – Member ;
- (c) one evaluation expert, co-opted by the Board of Examination – Member ;
- (d) the Controller of Examinations – Member - Secretary.

(3) The powers and functions of the Board of Examination shall be such as may be laid down by the statutes.

25. The constitution, powers and functions of other authorities of the university shall be such as may be specified by the statutes. Other authorities.

26. A person shall be disqualified for being a member of any of the authorities or bodies of the university, if he,— Dis-qualification.

(i) is of unsound mind and stands so declared by a competent court; or

(ii) has been convicted of any offence involving moral turpitude; or

(iii) is conducting or engaging himself in private coaching classes; or

(iv) has been punished for indulging in or promoting unfair practices in the conduct of any examination, in any form, anywhere.

27. No act or proceeding of any authority or body of the university shall be invalid merely by reason of any vacancy or defect in the constitution thereof. Vacancies not to invalidate proceedings of any authority or body of university.

28. In case there occurs any casual vacancy in any authority or body of the university, due to the death, resignation or removal of a member, the same shall be filled, as early as possible, by the person or body who appoints or nominates the member, whose place becomes vacant and person appointed or nominated to a casual vacancy shall be a member of such authority or body for the residue of the term of such member in whose place he has been so appointed or nominated. Filling of casual vacancies.

29. (1) The authorities or officers of the university may constitute committees with such terms of reference for specific tasks to be performed by such committees as may be necessary. Committees.

(2) The constitution of such committees shall be such as may be specified by the statutes.

30. (1) The First Statutes of the university shall be made by the Governing Body and shall be submitted to the Government for its approval. First Statutes.

(2) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes of the university may provide for all or any of the following matters, namely :—

(a) the constitution, powers and functions of the authorities and other bodies of the university as may be constituted, from time to time;

(b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions ;

(c) the manner of appointment and terms and conditions of service of the Deans of Faculties, Registrar and Chief Finance and Accounts Officer and their powers and functions ;

(d) the manner of appointment and terms and conditions of service of the employees and their powers and functions ;

(e) the procedure for arbitration in case of disputes between the employees, students and the university ;

(f) the conferment of honorary degrees ;

(g) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships ;

(h) provisions regarding the policy of admissions, number of seats in different courses including regulation of reservation of seats ; and

(i) provisions regarding fees to be charged from the students.

(3) The Government shall consider the First Statutes, submitted by the university and shall within four months from the date of its receipt give its approval thereon with such modifications, if any, as it may deem necessary.

(4) The Government shall publish the First Statutes, as approved by it, in the *Official Gazette* and thereafter, such Statutes shall come into force from date of such publication.

Subsequent
statutes.

31. (1) Subject to the provisions of this Act and the rules made thereunder, the subsequent statutes of the university may provide for all or any of the following matters, namely :—

(a) creation of the new authorities of the university ;

(b) accounting policy and financial procedure ;

(c) representation of teachers in the authorities of the university;

(d) creation of new departments and abolition or restructuring of existing department ;

(e) institution of medals and prizes ;

(f) creation of posts and procedure for abolition of posts;

(g) revision of fees;

(h) alteration of the number of seats in different syllabi ; and

(i) all other matters which under the provisions of this Act are to be specified by the statutes.

(2) The statutes of the university other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Board of Management may, from time to time, make new or additional statutes or may amend or repeal the statutes so made in the manner hereinafter provided in this section :

Provided that, the Board of Management shall not make any statute or any amendment in the statutes affecting the status, powers or constitution of any existing authority of the university until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Governing Body.

(4) Every such statute or addition to the statutes or any amendment or repeal of the statutes shall be subject to the approval of the Government :

Provided that, no statutes shall be made by the Board of Management affecting the discipline of students and standards of teaching, education and examination except in consultation with the Academic Council.

32. (1) The First Ordinances of the university shall be made by the the First Ordinances.
Governing Body and shall be submitted to the Government for its approval.

(2) Subject to the provisions of this Act or the rules or statutes made thereunder, the Board of Management may make such First Ordinances with the approval of the Governing Body as it deems appropriate for the furtherance of the objects of the university and such ordinances may provide for all or any of the following matters, namely :—

(a) the admission of students to the university and their enrollment as such;

(b) the courses of study to be laid down for the degrees, diplomas and certificates of the university ;

(c) the award of the degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(d) the conditions for awarding of fellowships, scholarships, stipends, medals and prizes ;

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of the examining bodies, examiners and moderators ;

(f) fees to be charged for the various courses, examinations, degrees and diplomas of the university ;

(g) the conditions of residence of the students in the hostels of the university ;

(h) provisions regarding disciplinary action against the students ;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the university ;

(j) the manner of co-operation and collaboration with other universities and institutions of higher education ; and

(k) all other matters which are required to be provided by the ordinances under the provisions of this Act or the statutes made thereunder.

(3) The Government shall consider the First Ordinances submitted by the Vice-Chancellor under sub-section (1) and shall give its approval within four months from the date of its receipt, with such modifications, if any, as it may deem necessary.

33. (1) All ordinances other than the First Ordinances shall be made Subsequent ordinances.
by the Academic Council which after being approved by the Board of Management shall be submitted to the Governing Body for its approval.

(2) The Academic Council shall either modify the ordinances incorporating the suggestions of the Board of Management and the Governing Body or give reasons for not incorporating the suggestions, and shall return the ordinances along with such reasons, if any, the Board of Management and the Governing Body shall consider the suggestions of the Academic Council and shall approve the ordinances of the university with or without such modification and then the ordinances, as approved by the Governing Body shall come into force.

Regulations. **34.** The authorities of the university may, subject to the prior approval of the Board of Management, make regulations, consistent with the provisions of this Act and the rules, statutes and the ordinances made thereunder, for the conduct of their own business and of the committees appointed by them.

Admissions. **35.** (1) Admission in the university shall be made strictly on the basis of merit.

(2) Merit for admission in the university may be determined either on the basis of marks or grade obtained in the qualifying examination, for admission and achievements in co-curricular and extra-curricular activities, or on the basis of marks or grade obtained in the entrance test conducted at State level, either by an association of the universities conducting similar courses or by any agency of the State:

Provided that, the admission in professional and technical courses shall be made only through the entrance test.

(3) Seats for admission in the university, for the students belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jattis*), Nomadic Tribes, Other Backward Classes, Special Backward Category and Economically Weaker Section (EWS) and students with disability, shall be reserved as per the policy of the State Government.

(4) Out of the total approved intake capacity, forty per cent. of the seats shall be reserved for the students having domiciled in the State of Maharashtra.

Fee Fixation Committee. **36.** (1) There shall be a Fee Fixation Committee to fix the fee structure of the university.

(2) The composition, term of the Committee and its members, mechanism and procedure to be followed by the Fee Fixation Committee shall be such as may be specified by the State Government, by notification in the *Official Gazette*:

Provided that, every such notification shall, as soon as may be, laid before each House of the State Legislature.

(3) The allowances and honorarium of the Chairman and members of the Fee Fixation Committee shall be such as may be specified by the State Government, from time to time, which shall be paid by the university.

Prohibition of capitation fee. **37.** (1) No capitation fee shall be collected by or on behalf of the university or by any person who is in charge of, or is responsible for, the management of such institution, from or in relation to any student in consideration of his admission to and prosecution of any course of study or of his promotion to a higher standard or class in such institution.

(2) Notwithstanding anything contained in sub-section (1), the management may in good faith collect or accept donations in cash or kind, in the prescribed manner, from benevolent persons or organization or public trusts or any other association of persons, for opening of new educational institutions or for creation of endowment fund for award of scholarship, prizes or the like, but while collecting or accepting such donations the management shall not reserve any seats in any educational institution run by it in consideration of such donations. Where in consideration of accepting such donations any seat is reserved for admission to any student in such institution such acceptance of donation shall be deemed to be collection of capitation fee, within the meaning of clause (a) of section 2 of the Mah. VI Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, of 1988. 1987.

38. At the beginning of each academic session and in any case not later than 30th June of every calendar year, the university shall prepare and publish a semester-wise or annual, as the case may be, Schedule of Examinations for each and every course conducted by it and shall strictly adhere to such Schedule: Schedule of Examinations.

Provided that, if for any reason whatsoever, university is unable to follow this Schedule, it shall, as soon as practicable, submit a report to the Government giving the detailed reasons for making a departure from the published Schedule of Examinations. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

39. (1) The university shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for a particular course and shall in any case declare the results latest within forty-five days from such date : Declaration of results.

Provided that, if for any reason whatsoever, the university is unable to finally declare the results of any examination within the period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

(2) No examination or the results of an examination shall be held invalid only for the reasons that the university has not followed the Schedule of Examinations as stipulated in section 38 or that the university has failed to declare the results within the period specified in sub-section (1).

40. The convocation of the university shall be held in every academic year in the manner as may be specified by the statutes for conferring the degrees, diplomas or for any other purpose. Convocation.

41. The university shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, within three years of its establishment and inform the Government and such other regulating bodies which are connected with the courses taken up by the university about the grade provided by the National Council of Assessment and Accreditation (NAAC) to the university. The university shall get renewed such accreditation at an interval of every five years thereafter. Accreditation of university.

University to follow rules, regulations, norms, etc. of regulating bodies.

42. Notwithstanding anything contained in this Act, the university shall be bound to comply with all the rules, regulations, norms, etc. of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Annual report.

43. (1) The annual report of the university shall be prepared by the Board of Management which shall include among other matters, the steps taken by the university towards the fulfillment of its objects and shall be approved by the Governing Body and copy of the same shall be submitted to the sponsoring body.

(2) Copies of the annual report prepared under sub-section (1) shall also be presented to the Government.

(3) The State Government shall cause such report to be laid before each House of the State Legislature.

Annual accounts and audit.

44. (1) The annual accounts including balance sheet of the university shall be prepared under the directions of the Board of Management and the annual accounts shall be audited at least once in every year by the auditors appointed by the university for this purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the Governing Body.

(3) A copy of the annual accounts and audit report along with the observations of the Governing Body shall be submitted to the sponsoring body.

(4) Copies of the annual accounts and balance sheet prepared under sub-section (1) shall also be presented to the Government.

(5) The advice of the Government, if any, arising out of the accounts and audit report of the university shall be placed before the Governing Body and the Governing Body shall issue such directions, as it may deem fit and compliance thereof shall be reported to the Government.

Powers of Government to inspect university.

45. (1) For the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the university, the Government may, after consultation with the Vice-Chancellor, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The Government shall communicate to the university its recommendations in regard to the result of such assessment for corrective action and the university shall take such corrective measures as are necessary so as to ensure the compliance of the recommendations.

(3) If the university fails to comply with the recommendations made under sub-section (2) within a reasonable time, the Government may give such directions as it may deem fit which shall be binding on the university.

Dissolution of university by sponsoring body.

46. (1) The sponsoring body may dissolve the university by giving a notice to this effect to the Government, the employees and the students of the university at least one year in advance :

Provided that, dissolution of the university shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded the degrees, diplomas or awards, as the case may be.

(2) On the dissolution of the university all the assets and liabilities of the university shall vest in the sponsoring body :

Provided that, in case the sponsoring body dissolves the university before fifteen years of its establishment, all the assets of the university shall vest in the Government, free from all encumbrances.

47. (1) If it appears to the Government that the university has contravened any of the provisions of this Act or the rules, statutes or ordinances made thereunder or has contravened any of the directions issued by it under this Act or has ceased to carry out any of the undertakings given under section 5, or a situation of financial mis-management or mal-administration has arisen in the university, it shall issue a notice requiring the university to show cause within forty-five days as to why an order of its liquidation should not be made.

Special powers of State Government in certain circumstances.

(2) If the Government, on receipt of reply of the university on the notice issued under sub-section (1) is satisfied that there is, a *prima facie*, case of contravention of all or any of the provisions of this Act or the rules, statutes or ordinances made thereunder or of contravention of the directions issued by it under this Act or of ceasing to carry out the undertaking given under section 5 or of financial mis-management or mal-administration, it shall make an order of such enquiry as it may consider necessary.

(3) The Government shall, for the purpose of any enquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence ;

(c) requisitioning any public record from any court or office; and

(d) any other matter which may be prescribed.

(5) The inquiry officer or officers, inquiring under this Act, shall be deemed to be a civil court for the purposes of section 195 and Chapter 26 of the Code of Criminal Procedure, 1973.

(6) On receipt of the enquiry report from the officer or officers appointed under sub-section (3) if the Government is satisfied that the university has contravened all or any of the provisions of this Act or the rules, statutes, or ordinances made thereunder or has violated any of the directions issued by it under this Act or has ceased to carry out the undertakings given by it under section 5, or a situation of financial mis-management and mal-administration has arisen in the university which threatens the academic standard of the university, it shall issue a preliminary order for the liquidation of the university and appoint an administrator.

(7) The administrator appointed under sub-section (6) shall have all the powers and be subject to all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the university until the last batch of the students of the regular courses have completed their courses and they have been awarded the degrees, diplomas or awards, as the case may be.

(8) After having awarded the degrees, diplomas or awards, as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to this effect to the Government.

(9) On receipt of the report under sub-section (8), the Government shall, by notification in the *Official Gazette*, issue a final order dissolving the university and from the date of publication of such notification, the university shall stand dissolved and all the assets and liabilities of the university shall vest in the sponsoring body from such date.

Secretary
Level
Committee.

48. (1) Immediately after the commencement of this Act, there shall be established a Secretary Level Committee in order to verify and ensure compliance of the requirements to the guidelines relating to the establishment of the self-financed universities, framed by the State Government from time to time; and of the undertakings submitted by the sponsoring body. The committee shall consist of the Secretaries of the Higher and Technical Education Department, the Finance Department and the Planning Department.

(2) The committee constituted under sub-section (1), shall submit its report to the Government.

(3) On receipt of the report under sub-section (2), the State Government shall, publish a notification in the *Official Gazette*, allowing the operationalization of the university.

(4) The university shall, admit the students only after issuance of the notification under sub-section (3).

Inspection by
Secretary
Level
Committee.

49. The Secretary Level Committee established under sub-section (1) of section 48, may carry out an inspection of the university as and when directed by the Government and verify and ensure compliance of the requirements of the guidelines issued by the State Government or the Central Government, from time to time, relating to the establishment of self-financed universities and of the compliance of the provisions of the relevant laws for the time being in force.

Punishment.

50. The contravention of any of the provision of this Act, shall be an offence and the university as well as officers of the university specified under section 11 shall be punished with imprisonment for a term which shall not be less than three months but which may extend to one year and fine not less than rupees fifty thousand which may extend to rupees five lakhs :

Provided that, nothing in this section shall be construed as preventing the Government from initiating any action, whether civil or criminal, for non-compliance of the provisions of this Act including proceedings for liquidation of the university.

Power to
make rules.

51. (1) The Government may, by notification published in the *Official Gazette*, make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) manner of appointment of the President under sub-section (1) of section 12 ;

(b) eligibility criteria for the post of the President under sub-section (2) of section 12 ;

(c) manner for causing an assessment for the purpose of ascertaining the standards of teaching, examination and research of the university under sub-section (1) of section 45 ;

(d) matters to be prescribed under clause (d) of sub-section (4) of section 47; and

(e) any other matter which is required to be, or may be, prescribed by rules.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done thereunder.

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

Power to
remove
difficulties.

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

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