



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४३ (४)]

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असाधारण क्रमांक ७७ .

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Bill, 2013 (L. A. Bill No. XXXVII of 2013), introduced in the Maharashtra Legislative Assembly on the 11th December 2013, is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVII OF 2013.

A BILL

further to amend the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Ordinance, 2013, on the 25th October 2013;

Mah. XLI
of 1983.

Mah. Ord.
XVII of
2013.

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

1. (1) This Act may be called the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Act, 2013. Short title and commencement.

(2) It shall be deemed to have come into force on the 25th October 2013.

- Amendment of section 2 of Mah. XLI of 1983. **2.** In section 2 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (hereinafter referred to as "the principal Act"), after clause (l), the following clause shall be inserted, namely :—
- Mah. XLI of 1983.
- “(l-1) “Recruitment Board” means the Maharashtra Agricultural Universities Recruitment Board constituted under section 58;”.
- Amendment of section 12 of Mah. XLI of 1983. **3.** In section 12 of the principal Act, in sub-section (2), in clause (b), after the words “Vice-Chairman of the Council”, the following shall be added, namely :—
- “and the Vice-Chairman shall, subject to the provisions of this Act, hold office for a period of three years from the date of his appointment. The Vice-Chairman shall hold office during the pleasure of the State Government; and the State Government may, if it appears to it to be necessary and expedient so to do in the public interest, by order remove him from office at any time:
- Provided that, the Vice-Chairman of the Council holding the office on the date of commencement of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Act, 2013, shall vacate such office with immediate effect”.
- Mah. of 2013.
- Amendment of section 21 of Mah. XLI of 1983. **4.** In section 21 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Amendment of section 23 of Mah. XLI of 1983. **5.** In section 23 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Amendment of section 24 of Mah. XLI of 1983. **6.** In section 24 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Amendment of section 25 of Mah. XLI of 1983. **7.** In section 25 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Amendment of section 26 of Mah. XLI of 1983. **8.** In section 26 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Amendment of section 27 of Mah. XLI of 1983. **9.** In section 27 of the principal Act, in sub-section (1), for the words “the Selection Committee” the words “the Recruitment Board” shall be substituted.
- Substitution of section 58 of Mah. XLI of 1983. **10.** For section 58 of the principal Act, the following section shall be substituted, namely :—
- “58. (1) No person shall be appointed by the University as a member of the academic staff, except on the recommendation of a Selection Board constituted for the purpose in accordance with the provisions of the Statutes made in that behalf:
- Appointment of academic staff members to be made on recommendation of Selection Board or Recruitment Board.

Provided that, appointments to the posts of Director (other than Director of Students' Welfare), Dean, Associate Dean, Head of Department and Professor shall be made on the recommendation of the Maharashtra Agricultural University Recruitment Board to be constituted by the State Government, common to all the Universities. The Recruitment Board shall be under the control of the State Council.

(2) The Recruitment Board referred to in the proviso to sub-section (1) shall consist of,—

(i) the Chairman to be appointed by the Chairman of the State Council ;

(ii) the Vice-Chancellor of the University concerned ;

(iii) one non-official member to be nominated by the Pro-Chancellor, from amongst the non-official members of the Executive Council of the Universities in the State ;

(iv) two experts to be nominated by the Chancellor ;

(v) two representatives of the Indian Council of Agricultural Research to be appointed by the State Government, one of whom shall be a specialist in the particular field for which the recruitment is to be made.

(3) In the absence of the Chairman of the Recruitment Board, the Chairman of the State Council shall appoint a member of the Recruitment Board to act as the Chairman of the Board.”.

Mah.
Ord.
XVII of
2013.

11. (1) The Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Ordinance, 2013, is hereby repealed.

Repeal of Mah.
Ord. XVII of
2013 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (Mah. XLI of 1983) has been enacted to consolidate and amend the laws relating to the four Agricultural Universities in the Maharashtra, for the purpose of better governance of the said four universities and for more efficient administration and financial control and better organization of teaching, research and extension education in those Universities. For the better co-ordination of education, research, extension and matters common to them and for having transparency in the working of the said Agricultural Universities, it was considered expedient to amend the said Act as follows:—

(a) Section 12 of the said Act provides for constitution of the Maharashtra Council of Agricultural Education and Research and clause (b) of sub-section (2) of the said section 12 empowers the State Government to appoint the Vice-Chairman of the said Council. The said section 12 did not provide for the term of the Vice-Chairman so appointed. It was, therefore, considered expedient to amend the said section 12, suitably, to provide for the term of office of the Vice-Chairman to be of three years and other incidental provisions.

(b) Section 58 of the said Act provided for constitution of Selection Committees for appointment of academic staff and for appointment to the posts of professors and other higher cadres in the University. For the purpose of recommending a person as a member of the academic staff, it was proposed to have a Selection Board which will be constituted for the purpose in accordance with the provisions of Statutes made in that behalf. With a view to ensure selection of the best suitable and meritorious candidates for appointment to the posts of professors and other higher cadres, it was proposed to establish the Maharashtra Agricultural Universities Recruitment Board on the lines of the Agricultural Scientists Recruitment Board, which has been established as an independent recruitment agency under the Ministry of Agriculture, Government of India, charged with the responsibility of recruitment of Scientists and certain other posts through competitive examinations or direct recruitment by selection, etc., as the principal mandate to make available the best human resources to man the various positions in the Indian Council of Agricultural Research in the country.

(c) Consequent to the substitution of section 58 and constitution of the Maharashtra Agricultural Universities Recruitment Board under the proposed section 58, sections 21, 23, 24, 25, 26 and 27 of the said Act were also being amended suitably.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances exist which rendered it necessary for him to take immediate action further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (Mah. XLI of 1983), for the purposes aforesaid, the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Second Amendment) Ordinance, 2013 (Mah. Ord. XVII of 2013), was promulgated by the Governor of Maharashtra on the 25th October 2013.

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

Mumbai,

Dated the 20th November 2013.

RADHAKRISHNA VIKHE-PATIL,

Minister for Agriculture and Marketing.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 10.—Under this clause, which seeks to substitute section 58 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, power is taken,—

(a) to the Agricultural Universities to make the Statues for the constitution and working of a Selection Board which will make recommendations for the purpose of appointment as a member of the academic staff of the University ;

(b) to the State Government to make the Statues for the constitution and working of the Maharashtra Agricultural Universities Recruitment Board which will make recommendations for the purpose of appointment as a Director (other than Director of the Students' Welfare), Dean, Associate Dean, Head of Department and Professor of the Agricultural Universities.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

Clause 10 of the Bill provides for substitution of section 58 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (Mah. XLI of 1983), which provides for the constitution of a Selection Board which will make recommendations for the purpose of appointment as a member of the academic staff of the University and the Constitution of the Maharashtra Agricultural Universities Recruitment Board which will make recommendations for the purpose of appointment as a Director (other than Director of Students' Welfare), Dean, Associate Dean, Head of Department and Professor of the Agricultural University. The expenditure for the functioning of the Selection Board will be borne by the concerned Agricultural Universities. The expenditure for the functioning of the Maharashtra Agricultural Universities Recruitment Board and the payment of salaries and allowances to its Chairman and Members and to its staff will be met by the State Government from the Consolidated Fund of the State and for this purpose, the annual recurring expenditure of about rupees twenty lakhs will be incurred from the Consolidated Fund of the State on the enactment of the Bill as an Act of the State Legislature.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

*(Copy of Government of Maharashtra Order, Law and Judiciary
Department)*

In exercise of the power conferred upon him by clause (3) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of The Maharashtra Agricultural Universities (*Krishi Vidhyapeeths*) Second Amendment) Bill, 2013.