



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ५, अंक १५(४)]

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असाधारण क्रमांक ३०

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 Spicer Adventist University (Amendment) Bill, 2019 (L. A. Bill No. XVI of 2019), introduced in the Maharashtra Legislative Assembly on the 19th June 2019, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XVI OF 2019.

A BILL

to amend the Spicer Adventist University Act, 2014.

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 to amend the Spicer Adventist University Act, 2014, for the purposes hereinafter appearing ; and, therefore, promulgated the Spicer Adventist University (Amendment) Ordinance, 2019, on the 10th March 2019 ;

Mah.
XIV of
2014.
Mah.
Ord. XII
of 2019.

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

(१)

Short title and commencement.	<p>1. (1) This Act may be called the Spicer Adventist University (Amendment) Act, 2019.</p> <p>(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 10th March 2019.</p>	
Substitution of section 51 of Mah. XIV of 2014.	<p>2. For section 51 of the Spicer Adventist University Act, 2014 (hereinafter referred to as “the principal Act”), the following section shall be substituted and shall be deemed always to have been substituted, namely :—</p>	Mah. XIV of 2014.
Secretarial Committee.	<p>“51. (1) There shall be a Secretarial Committee in order to verify and ensure fulfillment of the undertakings given by the sponsoring body.</p> <p>(2) The said Committee shall consist of Secretaries of Higher and Technical Education Department, Finance Department and Planning Department. The Committee shall submit its report to the Government. After considering the report, the Government may issue necessary orders.”.</p>	
Addition of section 52 in Mah. XIV of 2014.	<p>3. After section 51 of the principal Act, as so substituted, the following section shall be added, namely :—</p>	
Punishment.	<p>“52. Contravention of any of the provisions of this Act, shall be an offence and the University as well as all 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 a fine not less than rupees fifty thousand which may extend to rupees five lakhs:</p> <p>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, prior to the Spicer Adventist University (Amendment) Act, 2019. ”.</p>	Mah. of 2019.
Repeal of Mah. Ord. XII of 2019 and saving.	<p>4. (1) The Spicer Adventist University (Amendment) Ordinance, 2019 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provision of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.</p>	Mah. Ord. XII of 2019.

STATEMENT OF OBJECTS AND REASONS.

Section 51 of the Spicer Adventist University Act, 2014 provided for the Secretarial Committee in order to verify and ensure fulfilment of the tasks as per the undertakings provided by the sponsoring body. The said section 51 also provided for the issuance of the notification operationalizing the University after the receipt of the report of the Secretarial Committee. The said University became operational on the 26th July 2016 *i.e.* from the date of issuance of notification by the State Government under the said section 51.

2. However, it had been reported that the said University had admitted the students from the academic session 2014-2015, prior to the compliance of the provisions of the said section 51 and without fulfilling the requirements under the Act, as well as, of the University Grants Commission's guidelines in this behalf.

3. Since, the University had admitted the students before the issuance of the notification under section 51 of the said Act, the admissions of the students became irregular. However, to protect the interest of the students which have been admitted before the date of the issuance of notification, *i.e.* on 26th July 2016, it is considered expedient to substitute section 51.

To ensure that the University and its officers would in future comply with the provisions of the Act, it was considered expedient to provide that the contravention of any of the provisions of the said Act by the University as well as all officers of the University shall be an offence and be punishable with imprisonment and fine. Therefore, it was considered, expedient to amend the said Act, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Spicer Adventist University Act, 2014 (Mah. XIV of 2014), for the purposes aforesaid, the Spicer Adventist University (Amendment) Ordinance, 2019 (Mah. Ord. XII of 2019), was promulgated by the Governor of Maharashtra on the 10th March 2019.

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

Mumbai,
Dated the 27th May 2019.

VINOD TAWDE,
Minister for Higher Education.