



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ९६

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 Maharashtra International sports University Bill, 2020 (L. A. Bill No. LIII of 2020), introduced in the Maharashtra Legislative Assembly on the 14th December 2020, is hereby published under the authority of the Governor.

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

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

L.A. BILL No. LIII OF 2020.

A BILL

to establish and incorporate an International Sports University, Maharashtra in the State of Maharashtra, a specialized University first of its kind, to create competent personnel in sports, to promote physical education and sports education in the areas of sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training, besides functioning as the State training center for select sports disciplines by adopting best international practices and for matters connected therewith or incidental thereto.

Whereas, it is expedient to establish and incorporate an International Sports University, Maharashtra, in the State of Maharashtra, a specialized

(१)

University first of its kind, to create competent personnel in sports, to promote physical education and sports education in the areas of sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training, besides functioning as the State training center for select sports disciplines by adopting best international practices and for matters connected therewith or incidental thereto, it is hereby enacted in the Seventy-first Year of the Republic of India, as follows:—

CHAPTER I

PRELIMINERY

Short title,
extent and
commencement.

1. (1) This Act may be called the Maharashtra International Sports University Act, 2020.

(2) It extends to the whole of the State of Maharashtra.

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

Definitions.

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

(a) “Academic and Activity Council” means the Academic and Activity Council of the University constituted under section 25;

(b) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances;

(c) “affiliated college” means a college, which is under the management of any authority other than a University and is affiliated to the University;

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

(e) “Board of Studies” means the Board of Studies of a Department of the University constituted under section 28;

(f) “Campus” means the Campus of the University as may be established by it at any place within State;

(g) “Chancellor” means the Chancellor of the University;

(h) “choice based credit system” means the curricular system that offers multiple interdisciplinary choices for students to select from the courses (core, elective or minor or skill-enhancement courses) to accumulate credits as prescribed in Statutes;

(i) “College” means a College or other academic institution established or maintained by, or admitted to the privileges of the University;

(j) "Dean" means the Head of the School;

(k) "Department" means the Department established by University under different Schools for teaching a particular subject or a group of subjects;

(l) "Director" means the head of the Regional Centre or a head of a recognized institution ;

(m) "employee" means any person appointed by the University and includes teachers and other staff of the University and Colleges ;

(n) "fee" means tuition fee, other fees and charges, including developmental charges;

(o) "Finance Committee" means the Finance Committee of the University;

(p) "Fund" means the University Fund referred to in section 61;

(q) "Governing Council" means the Governing Council of the University constituted under section 23;

(r) "Government or State Government" means the Government of Maharashtra;

(s) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of the University;

(t) "Knowledge Resource Centre" means a library established by the University on the Campus or Regional Centre of the University to hold in print, electronic and audio-video format material, monographs, reference volumes, text and review books, all types of journals and any other material in various format useful for education, research, extension services or for similar purposes;

(u) "prescribed" means prescribed by Statutes or Ordinances or Regulations, as the case may be, made by or under this Act;

(v) "Principal" means the Head of a College maintained by the University or affiliated to the University;

(w) "recognized institution" means institution granted recognition by the University for the purpose of conducting various courses of the University;

(x) "Regional Centre" means a Regional Centre established or maintained by the University for the purpose of conducting various courses of the University and 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 Governing Council;

(y) "School" means a School of Studies established by the University;

(z) "section" means the section of this Act;

(za) "sports education" includes sports coaching, sports training, sports sciences, sports medicine, sports technology, sports journalism, sports governing, sports management, sports media and communication, etc;

(zb) "State" means the State of Maharashtra;

(zc) "State Council" means the Maharashtra Council of Sports Education and Research, constituted under section 20 of the Act;

(zd) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, the Ordinances and the Regulations of the University made under the Act;

(ze) "Study Centre" means a Centre established, maintained or recognized by the University for the purpose of physical education, sports education, training, counselling, advising or for rendering any other assistance required by the students;

(zf) "Teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training, coaching or conducting research in the University or in any Campus, College or Institution or Regional Centres and Study Centres, maintained by the University and are designated as Teachers by the Ordinances;

(zg) "University" means the International Sports University, MAHARASHTRA established and incorporated as a University under this Act;

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

CHAPTER II

UNIVERSITY

Establishment
of University.

3. (1) There shall be established a University by the name of the "International Sports University, Maharashtra".

(2) The University shall be a body corporate, by the name specified in sub-section (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of University, and to contract and do all other things necessary for the purposes of this Act:

Provided that, no such lease, sale or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior consent of the Government.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or any other person authorized in this behalf, and all process in suits and proceedings shall be issued to and served on the Registrar.

(5) The headquarters of the University shall be in Pune and it may establish or maintain Campuses, Colleges, Regional Centres and Study Centres at such other places as it may deem fit:

Provided that, the University may, with the prior approval of the Government and approval of the University Grants Commission, also establish Campuses and Study Centres outside State.

4. The objects of the University shall be,—

Objects of
University.

(i) to create competent personnel in the field of physical education, sports sciences, sports, medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching, sports training besides functioning as the State training centre for select sports disciplines by adopting best international practices and for matters connected therewith or incidental thereto;

(ii) to provide for research and development and dissemination of knowledge in physical education and sports education by providing specially designed academic and training programmes in various areas of physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training, in advanced technologies of sports;

(iii) to strengthen physical education and sports training programmes to promote sports including traditional and tribal sports and games;

(iv) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(v) to provide professional and academic leadership to other institutions in the field of physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training;

(vi) to provide vocational guidance and placement services in physical education, sports sciences, sports medicine, sports technology,

sports governing, sports management, sports media and communication, sports coaching and training and other related fields;

(*vii*) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of physical education, sports sciences, sports medicine, sports management, sports technology and high performance training for all sports and games;

(*viii*) to generate capabilities to provide infrastructure of international standard for sports education, training and research in the areas related to physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(*ix*) to prepare highly qualified professionals in the fields of physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games and sports governing education;

(*x*) to serve as a Centre of Excellence for the elite and other talented sports persons of all sports and games and innovation in physical education and sports education and to carry out, endorse and propagate research;

(*xi*) to function as a leading resource centre for knowledge and development in the areas of physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(*xii*) to provide international collaboration in the fields of physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(*xiii*) to establish close linkage with sports academies, Schools, Colleges, sports and recreation clubs, sports associations and international federations for the purpose of teaching, training and research in physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(*xiv*) to train talented athletes so as to help them to evolve into elite athletes of State, National and International level;

(*xv*) to make India and the State of Maharashtra a sporting power;

(*xvi*) to provide a comprehensive centre for evaluation of sports person and expertise;

(xvii) such other objects, not inconsistent with the provisions of this Act, which the State Government may, by notification in the *Official Gazette*, specify in this behalf.

5. (1) The University shall have the following powers and functions, Powers and functions of University.
namely :—

(i) to plan, design, develop and prescribe courses of study and conduct appropriate academic and training programmes in physical education and sports education including sports sciences, sports medicine, sports technology, sports governing, sports media and communication, sports coaching and other related fields and to provide for instruction and training in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide opportunities to the students of the University to participate in the sports tournaments and competitions in co-ordination with Maharashtra Olympic Association, established International Sports Federations, National Sports Federations, Indian Olympic Association and Association of Indian Universities and any recognized sports association dealing with any individual or a group of sports;

(iv) to have liaison or membership with various national, international professional sports organizations or bodies;

(v) to establish and maintain, with the prior approval of the State Government, such Campuses, Regional Centres, Study Centres specialized laboratories or other units for research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(vi) to initiate under graduate, post graduate, research, innovation and skill development programme related to sports education and physical education;

(vii) to establish, maintain Colleges, Schools, Campuses, Regional Centres and Study Centres and affiliated colleges and recognized institutions in the manner laid down by the Statutes;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to create posts of Principals, Professors, Associate Professors, Assistant Professors and other teaching or academic posts, required by the University and to appoint persons to such posts of Principals, Professors, Associate Professors, Assistant Professors or other teaching or academic posts;

(x) to appoint persons working in any other University or academic institution or a reputed sports organization, including those in a University or a sports organisations located outside India for a specified period, as visiting professors or coaches or trainers or consultants;

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

(xii) to collaborate or develop linkages with any other University or authority or Institution of higher learning, including those located outside the country, in such manner and for such purposes as the University may determine;

(xiii) to provide facilities through the distance education system to such persons and in such manner as may be prescribed by the Statutes;

(xiv) to institute and award fellowships, scholarships, studentship, medals and prizes for raising academic and research standards;

(xv) to organize and to undertake studies, training and extension services;

(xvi) to make provisions for research and advisory services and for that purpose, to enter into such agreements with other institutions, industrial or other organizations, as the University may deem necessary;

(xvii) to organize and conduct induction programmes, orientation programmes, refresher courses, workshops, seminars and other programmes for teachers, trainers, coaches, evaluators, other academic staff and students;

(xviii) to conduct innovative experiments and promote new methods and technologies in the fields of physical education, sports sciences, sports medicine, sports technology, sports governing and other related fields;

(xix) to purchase or to take on lease any land or building or sports complex or sports infrastructure and scientific sports research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;

(xx) to collaborate with any national and international sport institutions or organizations for imparting specific training to students;

(xxi) to enter into Memorandum of Understanding (MOU) with sport institutions or organizations, for imparting training, infrastructure facilities sharing, method of evaluation, award of degrees, diplomas and certificates, etc;

(xxii) to hire services of world class trainers and coaches;

(xxiii) to hire staff on contract (teaching, non-teaching, technical, trainers and coaches) for short term and long term basis;

(xxiv) to start any new allied course or research programme or diploma or training program and discontinue any course or training programme;

(xxv) to provide training, coaching and other back up to high level sports persons for achieving success in different national and international sports competitions;

(xxvi) to appoint on contract or otherwise visiting professors, emeritus professors, consultants, trainers, coaches and such other persons who may contribute to the advancement of the objects of the University;

(xxvii) to determine standards of admission to the University, which may include an entrance examination, evaluation or any other method of testing;

(xxviii) to demand and receive payment of fees and other charges;

(xxix) to provide and supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxx) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxxi) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxxii) to make arrangements for promoting the health and general welfare of the employees;

(xxxiii) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the State Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxxiv) to borrow, with the previous approval of the State Government, on the security of the property of the University, money for the purposes of the University;

(xxxv) to provide for the preparation of instructional and training materials, including films, cassettes, tapes, video cassettes and other software;

(xxxvi) to recognise persons for imparting instructions in any affiliated College, recognized institution, School, Campuses, Regional Centres or Study Centres admitted to the privileges of the University;

(xxxvii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in the nationalized banks in the interest of the University;

(xxxviii) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the State Government;

(xxxix) to act as a technical advisory body to the Government of Maharashtra and other States, National Organizations, established State and National Sports Federations, institutes on all matters related to sports;

(xl) to give effect to the procedures and standards provided under the National Sports Talent Search and Identification Scheme and any other identified scheme;

(xli) to confer autonomous status on affiliated College or recognised Institution in the manner laid down by the Statutes;

(xlii) to admit to its privileges any College or Institution in or outside the State subject to such conditions as may be laid down by the Statutes:

Provided that, no College or Institution shall be so admitted except with the prior approval of the State Government; and

(xliii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admissions of students shall be made on all-India basis through appropriate procedures approved by the Governing Council of the University and also making provision for admission of certain percentage of students from the Maharashtra, as may be recommended by the Academic and Activity Council and approved by the Governing Council;

(ii) foreign students shall be admitted by the University to various courses and programmes as per the policy and schemes of the Government of India and the procedure approved by the Governing Council ;

(iii) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other universities and academic institutions for credit transfer and joint degree or dual degree programmes;

(iv) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(v) accreditation shall be obtained from the National Assessment and Accreditation Council (NAAC) or any other accrediting agency at the national level;

(vi) e-governance shall be introduced with effective governing information.

6. (1) The jurisdiction of the University shall extend to the whole of the State of Maharashtra. Jurisdiction and admission to privileges of University.

(2) If a College or Institution, public or private, Indian or foreign, seeks to be associated with or be admitted to the privileges of the University, such association or admission may be permitted with the sanction of the State Government and consent of the concerned University.

(3) Any such privilege enjoyed from any other University before the date of such association or admission by any college or institution situated in the State shall be deemed to be withdrawn with effect from such sanction and permission.

7. (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: University to be open to all caste, creed, race or class.

Provided that, the University may establish, maintain, accredit or recognize any college or institution exclusively for women, or reserved for women.

(2) The University shall adopt Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes for appointment to different posts of teachers and non-teaching employees and for the purpose of admission of students in the affiliated or conducted or community Colleges, University Departments, University Institutions or recognized institutions.

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

Control of
State
Government
on University.

8. (1) Without prior approval of the State Government, the University shall not,—

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

(b) revise the pay, allowances, post-retirement benefits and other benefits of its teachers, officers and other employees;

(c) grant any special pay, allowance or other extra remuneration of any description whatsoever, including ex-gratia payment or other benefits having financial implications, to any of its teachers, officers or other employees;

(d) divert any earmarked funds received for any purpose, other than that for which it was received;

(e) transfer by sale or lease of immovable property ;

(f) incur expenditure on any development work from the funds received from the State Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received;

(g) take any decision regarding affiliated colleges resulting in increased financial liability, direct or indirect, for the State Government.

(2) The University shall be competent to incur expenditure, in consonance with the policies and directives of the State Government issued from time to time, from the funds received from,—

(a) various funding agencies without any share or contribution from the State Government;

(b) contributions received from individuals, industries, institutions, organizations or any person whatsoever, to further the objectives of the University;

(c) contributions or fees for academic or other services offered by the University for aided and self-supporting academic programmes;

(d) development fund, or any other fund established by the University; for the purposes of,—

(i) creation of posts in various cadres;

(ii) granting pay, allowances and other benefits to the posts created through its own funds provided those posts are not held by such persons, who are holding the posts for which Government contribution is received;

(iii) starting any academic programmes on self-supporting basis;

(iv) granting remunerations or incentives to its employees for performing any task assigned to them other than their regular duties and responsibilities;

(v) incurring expenditure on any development work and on welfare activities of its students and employees:

Provided that, there is no financial liability, direct or indirect, immediate or in future, on the State Government.

(3) The State Government may, in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards in the University, by notification in the *Official Gazette*, prescribe a Standard Code providing for the classification, manner and mode of selection, appointment, induction and advance training, field exposure, deputation and reservation of post in favour of members of the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the University and the teachers and other employees in the affiliated colleges and recognized institutions (other than those managed and maintained by the State Government, Central Government and the local authorities) and the provisions for absorption of teachers and employees in the University Departments, affiliated or conducted colleges and institutions who are aided and rendered surplus. However, the unaided teachers and employees who are rendered surplus in the University Departments, affiliated or conducted colleges and institutions shall not be eligible, for absorption at the aided vacancies in the University affiliated or conducted colleges and institutions. Where such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances and Regulations made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.

(4) The qualifications and experience for the purpose of appointment of non-teaching employees in the University, affiliated colleges and recognized institutions (other than those managed and maintained by the State Government, Central Government and the local authorities) shall be as may be specified by the Government, by an order published in the *Official Gazette*.

(5) Notwithstanding anything contained in this Act, if the circumstances so require and the State Government considers it necessary to do so, it may appoint, on deputation, a suitable person possessing the requisite qualifications to perform the duties of the Registrar, Finance and Accounts Officer or the Director of the Board of Examinations and Evaluation, for a period of not more than one year at a time and not more than three years in the aggregate.

(6) The State Government through any officer not below the rank of Director, Sports and Youth Welfare shall have right to cause inspection of any affiliated, conducted, or autonomous college, recognized institution or University Department or Campus or Regional Centre or Study Centre.

(7) In case of failure of the University to exercise powers or perform duties specified in section 5, or where the University has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by the State Government, or under any other circumstances as the State Government may deem fit, the State Government may issue a directive to the University for proper exercise of such powers or performance of such duties or comply with the order; and it shall be the duty of the University to comply with such direction. In case the University fails to comply with the directives, the State Government shall call upon the University to give reasons in writing as to why the directives were not complied with. If the State Government is not satisfied with the explanation, it may refer the matter to the Chancellor for taking necessary action under sub-section (3) of section 10.

(8) The State Government shall carry out test audit or full audit of the accounts of a University, College, School, Institution, Campus, Regional Centre, Study Centre, regularly at such intervals as it may deem fit.

State
Government
to review
work and
progress of
University.

9. (1) The State Government may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges, Institutions, Schools, Campuses, Regional Centres, Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the State Government may, after obtaining the views of the Governing Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

(2) The State Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, sports complexes, libraries, laboratories and equipment, and of any College, Institution, School, Campus, Regional Centre or Study Centre maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges, Institutions, Schools, Campus, Regional Centres or Study Centres.

(3) The State Government shall, in every matter referred to in sub-section (2), give notice of its intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the State Government, as it may consider necessary.

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

(5) Where any inspection or inquiry has been caused to be made by the State Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(6) The State Government may, if the inspection or inquiry is made in respect of the University or any College, Institution, School, Campus, Regional Centre or Study Centre established or maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the State Government may be pleased to offer, and on receipt of address made by the State Government, the Vice-Chancellor shall communicate to the Governing Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.

(7) The Governing Council shall communicate through the Vice-Chancellor to the State Government such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(8) Where, the Governing Council does not, within a reasonable time, take action to the satisfaction of the State Government, it may, after considering any explanation furnished or representation made by the Governing Council, issue such directions, as it may think fit, and the Governing Council shall comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the State Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances :

Provided that, before making any such order, the State Government shall call upon the Vice-Chancellor to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, it shall consider the same.

(10) The State Government shall have such other powers, in respect of the affairs of the University, as may be prescribed by the Statutes.

CHAPTER III

OFFICERS OF THE UNIVERSITY

10. (1) The Governor of Maharashtra shall be the Chancellor of the University and the Chancellor, by virtue of his office, shall be the Head of the University. Chancellors
and his
powers.

(2) The Chancellor, when present, shall preside over the convocation of the University and may issue directions to the Vice-Chancellor to convene

the meeting of any authority of the University for specific purposes, whenever necessary, and the Vice-Chancellor shall submit the minutes of such meeting to the Chancellor for his perusal.

(3) The Chancellor,—

(a) shall, on receiving a reference from the State Government under sub-section (7) of section 8 in such matter; or

(b) may, in any matter *suo motu* or otherwise,

call for a report or an explanation or such information and record relating to such matter or any matter or affairs of the University, and shall, after considering such report or explanation, or information or record, issue such directions thereupon as may be deemed fit in the interest of the University or student or larger interest of the public, and his directions shall be final and shall be complied with by the University forthwith.

(4) The Chancellor may, after taking report in writing from the Vice-Chancellor, suspend or modify any resolution, order or proceeding of any authority, body, committee or officer which, in his opinion, is not in conformity with this Act, Statutes, Ordinances or Regulations made thereunder, or is not in the interest of the University and the University, authority, body, committee and officer, shall comply with the same :

Provided that, before making any such order, the Chancellor shall call upon the University, authority, body, committee or, as the case may be, officer to show cause why such an order should not be made, and if any cause is shown, within the time fixed by the Chancellor, he shall consider the same and wherever he deems it necessary, after consulting the State Government, decide the action to be taken in the matter, and his decision shall be final.

(5) Where, in the opinion of the Chancellor, the conduct of any nominated or appointed or co-opted member is detrimental to the smooth functioning of the University or any authority or body or committee, he may, after giving such member an opportunity to offer his explanation in writing and after considering such explanation, if any, and satisfying himself that, it is necessary so to do, disqualify such member or suspend him for such period, as he may deem fit.

(6) The Chancellor shall, exercise such other powers and perform such other duties, as may be conferred upon or vested in him by or under this Act.

Other officers
of University.

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

(1) the Vice-Chancellor;

(2) the Registrar;

(3) the Dean of Schools;

(4) the Finance and Accounts Officer;

- (5) the Director of Board of Examinations and Evaluation;
- (6) the Director of Knowledge and Resource Centre; and
- (7) such other officers as may be declared by the Statutes to be the officers of the University.

12. (1) There shall be a Vice-Chancellor who shall be the principal academic and executive officer of the University and *ex-officio* Chairperson of the Governing Council, Academic and Activity Council, Board of Examinations and Evaluation, Finance and Accounts Committee, and shall preside in the absence of the Chancellor at any convocation for conferring degrees :

Appointment
of Vice-
Chancellor.

Provided that, first Vice-Chancellor shall be appointed by the State Government.

(2) Save as otherwise provided, pay and allowances, terms and conditions of service of the Vice-Chancellor shall be such, as may be determined by the State Government, from time to time.

(3) The Vice-Chancellor shall be appointed by the Chancellor in the following manner:—

(a) There shall be a committee consisting of the following members to recommend suitable names to the Chancellor, for appointment of Vice-Chancellor, namely:—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scholar of national repute or a recipient of Padma Award, in the field of education or sports;

(ii) the Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, of the School Education and Sport Department or any officer not below the rank of Secretary to Government nominated by the State Government;

(iii) the Director or Head of sports institute or sports organization of national repute established by an Act of Parliament, nominated by the Governing Council and the Academic and Activity Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette*.

(b) The member nominated by the Chancellor shall be the Chairman of the committee.

(c) The members nominated on the committee shall be persons who are not connected with the University or any College or any recognized institution or School or Campus or Regional Centre or Study Centre of the University.

(d) No meeting of the committee shall be held unless all the three members of the committee are present.

(e) The committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names of the persons so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability of each person included in the panel.

(f) A person recommended by the committee for appointment as Vice-Chancellor shall,-

(i) be an eminent academician and an administrator of high caliber; or be a person with proven record of experience in physical education or sports education or sports promotion holding doctoral degree and with experience of working in a University;

(ii) be able to provide leadership by his own example;

(iii) be able to provide vision; and have ability to translate the same into reality in the interest of students and society; and

(iv) possess such educational qualifications and experience as may be specified by the State Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(g) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(4) The Chancellor may appoint one of the persons included in the panel to be the Vice-Chancellor:

Provided that, if the Chancellor does not approve any of the persons so recommended, he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.

(5) The process of preparing the panel of the suitable persons for being appointed as the Vice-Chancellor, shall begin at least six months before the probable date of occurrence of the vacancy of the Vice-Chancellor, and the process of appointment of the Vice-Chancellor shall be completed at least one month before the probable date of occurrence of the vacancy of the Vice-Chancellor.

(6) The person appointed as the Vice-Chancellor shall, subject to the terms and conditions of contract of service, hold office for a period of five years from the date on which he takes charge of his office or till he attains the age of sixty-five years, whichever is earlier and he shall not be eligible for re-appointment.

(7) The person appointed as the Vice-Chancellor shall hold a lien, if any, on the substantive post held by him prior to the appointment.

(8) In any of the following circumstances, the exigency whereof shall solely be judged by the Chancellor, namely:-

(i) where the committee appointed under clause (a) of sub-section (3) is unable to recommend any name within the time limit specified by the Chancellor;

(ii) where the vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise, and it cannot be conveniently and expeditiously filled in, in accordance with the provisions of sub-sections (3) and (4);

(iii) where the vacancy in the office of the Vice-Chancellor occurs temporarily because of leave, illness or other causes; or

(iv) where there is any other emergency; the Chancellor may appoint any suitable person, to act as the Vice-Chancellor for a term not exceeding twelve months, in the aggregate as may be specified in his order :

Provided that, the person so appointed shall cease to hold such office on the date on which the person appointed as the Vice-Chancellor in accordance with the provisions of sub-sections (3) and (4) assumes office or the Vice-Chancellor resumes office.

(9) The Vice-Chancellor shall be a whole-time salaried officer of the University and shall receive pay and allowances, and other facilities as determined by the State Government. In addition, he shall be entitled to free furnished residence, a motor car including its maintenance, repairs and fuel required therefor, with the service of a chauffeur, free of charge.

(10) Such sumptuary allowance shall be placed at the disposal of the Vice-Chancellor, as the State Government may approve.

(11) If a person receiving an honorarium from the Consolidated Fund of the State, or if a Principal of an affiliated college or a recognized institution or a University teacher is appointed as Vice-Chancellor, his terms and conditions of service shall not be altered to his disadvantage during his tenure as Vice-Chancellor.

(12) Notwithstanding anything contained in the foregoing sub-sections, the person referred to in sub-section (7) shall stand retired from his original post in accordance with the terms and conditions of service of that post.

(13) The Vice-Chancellor may, by writing under his signature addressed to the Chancellor, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of his resignation by the Chancellor or from the date of expiry of the said notice period, whichever is earlier.

(14) The Vice-Chancellor may be removed from his office if the Chancellor is satisfied that the incumbent,—

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

(d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability; or

(e) has 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 or any other conditions, prescribed by the State Government under sub-section (2), or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University ; or

(f) is a member of, or is otherwise associated with, any political party or any organization which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity.

Explanation.—For the purposes of this sub-clause, whether any party is a political party, or whether any organization takes part in politics or whether any movement or activity falls within the scope of this sub-clause, the decision of the Chancellor thereon shall be final :

Provided that, the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under sub-clauses (d), (e) and (f).

Powers and
duties of
Vice-
Chancellor.

13. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

(2) Vice-Chancellor shall be entitled to be present, with the right to speak, at any meeting of any other authority or body or committee of the University, but shall not be entitled to vote thereat, unless he is the Chairperson or member of that authority or body.

(3) The Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers it necessary to do so.

(4) The Vice-Chancellor shall ensure that directions issued by the Chancellor are strictly complied with or, as the case may be, implemented.

(5) It shall be the duty of the Vice-Chancellor to ensure that the directives of the State Government, if any, and the provisions of this Act, Statutes, Ordinances and Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are not inconsistent with this Act, Statutes, Ordinances and Regulations are properly implemented.

(6) The Vice-Chancellor may defer implementation of a decision taken or a resolution passed by any authority, body or committee of the University if, he is of the opinion that the same is not consistent with the directives of the State Government or with the provisions of the Act, Statutes, Ordinances and Regulations or that such decision or resolution is not in the interest of the University and at the earliest opportunity refer it back to the authority, body or committee concerned for reconsideration in its next meeting with reasons to be recorded in writing. If differences persist, he shall within a week, giving reasons, submit it to the Chancellor for decision and inform about having done so to the members of the authority, body or committee concerned. After receipt of the decision of the Chancellor, the Vice-Chancellor shall take action as directed by the Chancellor and inform the authority, body or committee concerned, accordingly.

(7) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, or if any action is required to be taken in the interest of the University, he shall take such action, as he thinks necessary, and shall at the earliest opportunity, report in writing the grounds for his belief that there was an emergency, and the action taken by him, to such authority or body as shall, in the ordinary course, have dealt with the matter. In the event of a difference arising between the Vice-Chancellor and the authority or body whether there was in fact an emergency, or on the action taken where such action does not affect any person in the service of the University, or on both, the matter shall be referred to the Chancellor whose decision shall be final:

Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Governing Council.

Explanation.—For the purposes of this sub-section, action taken by the Vice-Chancellor shall not include disciplinary action taken against any employee of the University.

(8) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but no Statutes, Ordinances or Regulations are made in that behalf or where there is an exigency to amend Statutes, Ordinances or Regulations, the Vice-Chancellor may, for the time being, regulate the matter by issuing such directions as he thinks necessary, and

shall, at the earliest opportunity thereafter, place them before the Governing Council or other authority or body concerned for approval. He shall, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf:

Provided that, such direction shall have to be converted into Statute, Ordinance or Regulation, as the case may be, within six months of issuing of such direction failing which such direction shall automatically lapse.

(9) The Vice-Chancellor shall be the appointing and disciplinary authority for the University teachers.

(10) The Vice-Chancellor shall be the appointing and disciplinary authority for officers of the University of the rank of Assistant Registrar and of the rank equivalent thereto and above.

(11) As the Chairperson of the authorities or bodies or committees of the University, the Vice-Chancellor shall be empowered to suspend member from the meeting of the authority, body or committee for persisting to obstruct or stall the proceedings or for indulging in behavior unbecoming of a member, and shall report the matter accordingly, to the Chancellor.

(12) The Vice-Chancellor shall place before the Governing Council a report of the work of the University periodically as provided under the Ordinances.

(13) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon him by or under this Act.

Registrar. **14.** (1) The Registrar shall be the Chief Administrative Officer of the University. He shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(2) The qualifications and experience for the purpose of selection of the Registrar shall be as laid down by the University Grants Commission and approved by the State Government.

(3) The Registrar shall be appointed by the Vice-Chancellor on the recommendation of a selection committee constituted for the purpose under this Act.

(4) Appointment of the Registrar shall be for a term of five years or till he attains the age of superannuation whichever is earlier and he shall be eligible for re-appointment by selection on the recommendation of a selection committee constituted for the purpose, for only one more term of five years.

(5) When the office of the Registrar falls vacant or the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties

of his office for a period not exceeding six months, the Vice-Chancellor shall appoint a suitable person to officiate as the Registrar until the new Registrar assumes duty or the Registrar resumes duty, as the case may be.

(6) The Registrar shall,—

(a) act as a Member-Secretary of the Governing Council, Academic and Activity Council and such other authorities, bodies and committees, as prescribed by or under this Act;

(b) be the appointing and the disciplinary authority of the employees of the University other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above;

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

(d) conduct elections to various authorities and bodies of the University as per the programme approved by the Vice-Chancellor;

(e) prepare and update the Handbook of the Statutes and Regulations approved by the authorities, bodies or committees, from time to time, and make them available to all members of the authorities and officers of the University;

(f) receive complaints and suggestions in regard to the improvement of administration and consider them for appropriate action;

(g) render necessary assistance for inspection of the University, its buildings, class rooms, sport facilities, laboratories, libraries, knowledge resource centre, museums, workshops and equipment is made by such person or persons or body of persons, as directed by the Vice-Chancellor;

(h) organise training and orientation of non-teaching employees in the University and Campuses, Regional Centres, Study Centres;

(i) have the power to enter into agreements, sign documents and authenticate records on behalf of the University, subject to the decision of the authorities of the University;

(j) place before the Governing Council a report of the development activities of the University every six months;

(k) have the power to seek information in regard to any matter of the University, from the Dean, Finance and Accounts Officer and any other officer of the University for submission to the State Government and other external agencies;

(l) exercise such other powers and perform such other duties, as prescribed by or under this Act or assigned to him, by the Vice-Chancellor, from time to time.

(7) Any person aggrieved by the decision of the Registrar may prefer an appeal, within thirty days from the date of communication of such decision, to the Vice-Chancellor.

Dean of
Schools.

15. (1) There shall be a Dean for each School, who shall be a full time salaried officer.

(2) The Dean shall be appointed by the Vice-Chancellor on the recommendations of the selection committee constituted for the purpose.

(3) The Dean shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(4) The term of Dean shall be co-terminus with the term of office of the Vice-Chancellor or till he attains the age of superannuation, whichever is earlier:

Provided that, the new Vice-Chancellor may continue his services as a Dean till the new Dean is duly appointed:

Provided further that, in case vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise, the Dean shall continue to hold the post till the end of that academic year.

(5) The qualification and experience for the purpose of selection of the Dean shall be such as may be prescribed by Statutes.

Powers and
duties of
Dean.

16. The Dean shall,—

(a) be responsible for implementation of sports policies approved by the Academic and Activity Council;

(b) be responsible for development and application of quality benchmarks or parameters for various sports activities;

(c) ensure appropriate actions, as are needed for maintenance of quality of teaching spelt out by the Internal Quality Assurance Cell;

(d) organize inter-institutional and intra-institutional workshops, seminars, games and sports competition;

(e) interact with State Quality Assurance Cell in the pre-accreditation and post-accreditation quality assessment, sustenance and enhancement endeavors;

(f) recommend to the Governing Council through Academic and Activity Council proposals for the institution of fellowship, travelling fellowship, scholarship, studentship, medals and prizes and making Regulations for their award;

(g) regulate and co-ordinate research activities to maintain standards in physical education, sports education and research in the Schools, University Departments, in Colleges, recognized institutions, Campus, Regional Centres, Study Centres, etc ;

(h) recommend to the Academic and Activity Council proposals for conduct of courses in University Departments, in Colleges, recognized institutions, Schools, Campuses, Regional Centres, Study Centres;

(i) prepare proposals for award of fellowship, scholarship and other distinctions in the Schools for submission to the Academic and Activity Council;

(j) prepare reports as required by the various authorities or bodies of the University, the State Government, the Central Government, or Councils, Commission and any such other body;

(k) be responsible for proper implementation of the decisions of the Governing Council, Academic and Activity Council, Board of Studies and the Board of Examinations and Evaluation;

(l) exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him by the Vice-Chancellor, from time to time.

17. (1) The Director, Board of Examinations and Evaluation shall be a full time salaried officer and shall work directly under the directions and control of the Vice-Chancellor. He shall discharge his functions under the superintendence, direction and guidance of the Board of Examinations and Evaluation, and shall be concerned with the implementation of the policies and directives given by the Board of Examinations and Evaluation.

Director of
Board of
Examinations
and
Evaluation.

(2) The qualifications and experience for the purpose of selection of the Director, Board of Examinations and Evaluation shall be as may be specified by the State Government, by an order published in the *Official Gazette*.

(3) The Director, Board of Examinations and Evaluation shall be appointed by the Vice-Chancellor on the recommendation of the selection committee constituted for the purpose under this Act.

(4) Appointment of the Director, Board of Examinations and Evaluation shall be for a term of five years or till he attains the age of superannuation, whichever is earlier and he shall be eligible for re-appointment by selection on the recommendation of a selection committee constituted for the purpose, for only one more term of five years.

(5) The Director, Board of Examinations and Evaluation shall,—

(a) be the principal officer-in-charge of the conduct of University examinations, tests and evaluation, and declaration of their results;

(b) be the Member-Secretary of the Board of Examinations and Evaluation and of the committees appointed by the Board except the committees constituted for appointment of paper-setters, examiners and moderators;

(c) be responsible for making all arrangements necessary for holding examinations, tests and evaluation, and for timely declaration of results ;

(d) evolve and implement in consultation with the Board of Examinations and Evaluation, processes for proper and smooth conduct of examinations and evaluation ;

(e) implement decisions taken by the various University authorities, connected with the examination and evaluation process ;

(f) carry out all other duties and functions assigned to him by the Board of Examinations and Evaluation ;

(g) exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him by the Vice-Chancellor, from time to time.

Finance and
Accounts
Officer.

18. (1) The Finance and Accounts Officer shall be the principal finance, accounts and audit officer of the University. He shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(2) The Finance and Accounts Officer shall be appointed by the Vice-Chancellor on the recommendation of the selection committee constituted for the purpose under this Act.

(3) The Finance and Accounts Officer shall be a person who is a Chartered Accountant or a Cost Accountant, with professional experience of not less than five years.

(4) In case, the person possessing the qualifications and experience as specified in sub-section (3) cannot be appointed, the Finance and Accounts Officer may be appointed from amongst the Government Officers of the State Finance and Accounts Service, holding the post not below the rank of Deputy Director.

(5) The appointment of the Finance and Accounts Officer shall be for a term of five years or till the age of superannuation, whichever is earlier, and he shall not be eligible for re-appointment.

(6) The Finance and Accounts Officer shall,—

(a) exercise general supervision over the funds of the University and advise the Vice-Chancellor as regards the finances of the University;

(b) hold and manage the funds, property and investments, including trust and endowed property, for furthering the objects of the University, with the approval of the Vice-Chancellor ;

(c) ensure that the limits fixed by the University for recurring and non-recurring expenditure for a year are not exceeded, and that all allocations are expended for the purposes for which they are granted or allotted ;

(d) keep watch on the state of the cash and bank balances and investments;

(e) ensure effective revenue governing by keeping watch on the process and progress of collection of revenue, and advise the Vice-Chancellor on the methods to be employed in this regard ;

(f) perform the duties under clauses (a) to (e) as per the Maharashtra Universities Account Code ;

(g) get the accounts of the University audited, regularly ;

(h) call for, from any Office, Campuses, Regional Centres, Study Centres of the University or University Institution or, any information and returns that he thinks necessary for the proper discharge of his financial responsibilities ;

(i) maintain the minutes of the meetings of the Finance and Accounts Committee ;

(j) be responsible for preparation and maintenance of accounts by double entry accounting system, on accrual basis, presenting the annual financial estimates (budget), statement of accounts and audit reports, to the Finance and Accounts Committee and to the Governing Council ;

(k) prepare financial reports as required by the various authorities or bodies of the University, the State Government, the Central Government, the Central Educational Commissions or Councils, Commission, University Grants Commission and All India Council for Technical Education and any such body providing funds to the University ;

(l) exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him by the Vice- Chancellor, from time to time.

19. (1) The Director, Knowledge Resource Center shall be a full time salaried officer of the University and shall be in-charge of the Knowledge Resource Centre in the University. He shall work directly under the superintendence, direction and control of the Vice-Chancellor.

Director of
Knowledge
Resource
Centre.

(2) The qualifications, experience, emoluments and terms and conditions of service of the Director, Knowledge Resource Center shall be as recommended by the University Grants Commission, in the case of University librarian and adopted by the State Government.

(3) The appointment of the Director, Knowledge Resource Center shall be made by the Vice-Chancellor.

(4) The Director, Knowledge Resource Center shall,—

(a) be a Member-Secretary of the Knowledge Resource Centre Committee and shall ensure proper implementation of the decisions taken by the Knowledge Resource Centre Committee ;

(b) be the custodian of all books, periodicals, manuscripts, journals in print and audio, video recordings of various events, games, sports and competitions in digital format ;

(c) evolve and implement such processes and procedures to ensure that the books, periodical, manuscripts, journals, audio and video recordings and equipment in the Knowledge Resource Centre are not lost or damaged, and no irregularities take place in the Knowledge Resource Center ;

(d) cause periodical verification of stock, prepare appropriate report that includes losses, and place it before the Knowledge Resource Centre Committee ;

(e) be responsible for the development, modernization, up keeping and governing of University Knowledge Resource Center ;

(f) render assistance and guidance to the concerned officer at Colleges, Schools, Campuses, Regional Centres or Study Centres of the University ;

(g) render assistance and advice to libraries and librarians of affiliated Colleges, recognized Institutions, Campuses, Regional Centres, Study Centres by conducting annual meeting thereof ;

(h) conduct training programmes and workshops to update the skills and knowledge of librarians of affiliated Colleges, recognized institutions, Schools, Campuses, Regional Centres, Study Centres ;

(i) create awareness among the students of various schools and departments of the University regarding the availability of resources, information, search techniques and databases through the information literacy programme ;

(j) undertake any other task assigned to him by the University authorities to ensure that the objectives of Knowledge Resource Centre are accomplished ;

(k) exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him by the Vice-Chancellor, from time to time.

CHAPTER IV

STATE COUNCIL

Constitution
of State
Council and
its powers
and functions.

20. (1) For the purpose of effective co-ordination of various sports related activities in the State with the University particularly in education to teaching, research, skill development and other matters of common interests and for having periodical evaluation of the functioning of the University and supervision over the University and their academic financial activities and

programs, the State Government shall constitute a Council to be called as the Maharashtra Council of Sports Education and Research.

(2) The Minister for Sports and Youth Welfare, Maharashtra State, shall be the Chairperson of the State Council.

(3) The Minister of State for Sports and Youth Welfare, Maharashtra State, shall be the Vice - Chairperson of the State Council.

(4) The Additional Chief Secretary or Principal Secretary or Secretary of the School Education and Sports Department, as the case may be, shall be the Member of the State Council.

(5) The Vice-Chancellor of the University shall be ex-officio Member of the State Council.

(6) The Commissioner for Sports and Youth Services shall be the Member of the State Council.

(7) Officer not below the rank of Deputy Secretary, School Education and Sports Department shall be the Member Secretary of the State Council.

(8) The State Council shall have the following powers and perform the following functions, namely:-

(a) to review, from time to time, work done by the University;

(b) to appraise the Chancellor for the functioning of the University in the light of periodically evaluation made by it;

(c) to move the State Government to release funds to the University, both plan and non-plan on the basis of the decision taken by the State Council.

CHAPTER V

AUTHORITIES OF UNIVERSITY

21. The following shall be the authorities of the University, namely:— Authorities of University.

(a) the Governing Council;

(b) the Academic and Activity Council;

(c) the Board of Studies;

(d) the Board of Examinations and Evaluation;

(e) such other authorities as may be prescribed by the Statutes to be the authorities of the University.

22. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government shall, by an order published in the *Official Gazette*, specify the eligibility conditions for being nominated or co-opted as a member of the authority of the University. Power of State Government to specify eligibility conditions for being member of authority of University.

Governing
Council.

23. (1) The Governing Council shall be the principal executive and policy making authority of the University and shall be responsible for administering the affairs of the University and carrying out such duties, which are not specifically assigned to any other authority.

(2) There shall be not less than four meetings of the Governing Council in a year.

(3) The procedure for conduct of business to be followed at a meeting including the quorum at the meeting and such other matters in relation to meetings as may be necessary, shall be such as may be prescribed by the Statutes.

(4) The Governing Council shall consist of the following members, namely :—

(a) the Vice-Chancellor-Chairperson ;

(b) four eminent persons from the field of higher education or sports education or sports industry, of which two shall be former Vice-Chancellors in the Public University in Maharashtra to be nominated by the Chancellor ;

(c) two Dean of Schools to be nominated by the Vice-Chancellor for tenure of two year, by rotation on the basis of seniority ;

(d) two head of Department to be nominated by the Vice-Chancellor from amongst the head of the Departments of the University for a tenure of two years, by rotation :

Provided that, in rotating the heads amongst the Departments or the University institutions, the earlier Departments or University institutions, which were given an opportunity of representation shall be ignored ;

(e) two members nominated by the Academic and Activity Council from amongst its members, one shall be a woman ;

(f) two principals to be nominated by the Vice- Chancellor ;

(g) one eminent-expert from the sports institute or sports organization of National repute to be nominated by the Vice-Chancellor ;

(h) the Additional Chief Secretary/Principal Secretary/ Secretary, School Education and Sports or his nominee not below the rank of Deputy Secretary or Joint Director of Sports and Youth Services ;

(i) the Commissioner, Sports and Youth Services ;

(j) the Registrar – Member Secretary :

Provided that, the persons belonging to the Scheduled Castes or Schedule Tribes or de-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes shall be appointed, by rotation.

(5) The Finance and Accounts Officer, Dean, Director, Board of Examinations and Evaluation and Director of Knowledge Resource Centre, shall be invitees of the Governing Council, but they shall have no right to vote.

24. The Governing Council shall have the following powers and duties, namely:—

Powers and duties of Governing Council.

(a) to review and deliberate on short and long term reforms in academic, research and development activities in physical education, sports education and training, that are taking place at the national and global level with a view to allow them to percolate into the University;

(b) to make such provisions, as may enable Colleges, Institutions Campuses, Regional Centres and Study Centres to undertake specialized studies and courses of physical education, sports education and training, and where necessary or desirable, organize and make provision for common laboratories, libraries, and to provide sports equipment's for practice;

(c) to establish coaching centres in Colleges, Schools, Institutions, Campuses, Regional Centres, Study Centres for sports activities;

(d) to establish Departments, Colleges, Schools, Institutions, Campuses, Regional Centres, Study Centres of physical education, sports education and training, research and specialized studies, on the recommendation of the Academic and Activity Council;

(e) to use technology including learning online education for operation, maintenance of electronics and sophisticated sports Gadget;

(f) to make, amend or repeal Statutes, Ordinances and Regulations;

(g) to control and arrange for administration of assets and properties of the University;

(h) to discuss and approve with modifications, if any, the annual financial estimates or budget, that is to say the fund which may be received from State Government, University funds and other funding agencies separately, as received from the Finance and Accounts Committee;

(i) to consider proposals to enter into, amend, carry out and cancel contracts on behalf of the University;

(j) to determine the form of common seal for the University and provide for its use;

(k) to accept, on behalf of the University the transfer of any trusts, bequests, donations and transfer of any movable, immovable and intellectual property to the University;

(l) to transfer by sale or otherwise, any movable or immovable or intellectual property rights on behalf of the University;

(m) to transfer by sale or lease or contract any immovable property to other organization with the prior permission of the State Government:

Provided that, any immovable property may be permitted to be used for the specific period, for the purpose of providing essential physical facilities for accomplishment of objects of the University, such as bank, canteen, post office, mobile towers, etc., without prior approval of the State Government;

(n) to create immovable assets in the form of land, building and other infrastructure out of reserve funds, for its Campuses, Regional Centres, Study Centres;

(o) to borrow, lend or invest funds on behalf of the University as recommended by the Finance and Accounts Committee;

(p) to lay down policy for administering funds at the disposal of the University for specific purposes;

(q) to provide buildings, premises, infrastructure, furniture, equipment and other resources needed for the conduct of the work of the University;

(r) to recommend the conferment of honorary degrees and academic distinctions;

(s) to institute and confer such degrees, diplomas, certificates and other academic distinctions as recommended by the Academic and Activity Council and arrange for convocation for conferment of the same, as provided by the Ordinances;

(t) to institute fellowship, travelling fellowship, scholarship, studentship, exhibitions, awards, medals and prizes, and prescribe Regulations for their award;

(u) to make Regulations for collaborations with other universities, institutions and organizations for mutually beneficial academic and training programmes of physical education and sports education recommended by the Board of Studies;

(v) to create posts of University officers, teachers, trainers, non-teaching skilled, administrative, and non-vacation academic staff from the funds of the University and from the funds received from other funding agencies, on the recommendation of the Academic and Activity Council, as and when required, and prescribe their qualifications, experience and pay-scales;

(w) to prescribe honoraria, remunerations, fees and travelling and other allowances for trainers, paper-setters and other examination staff,

visiting experts, and fees or charges for any other services rendered to the University;

(x) to consider and approve proposals for change or transfer of governing and shifting of locations of Colleges, Institutions, Campuses, Regional Centres, and Study Centres as prescribed in the Statutes;

(y) to receive and consider report of the development activities of the University received from the Registrar every six months;

(z) to assess and approve proposals for academic and physical education and sports education programmes received from the Academic and Activity Council;

(za) to consider and adopt the annual report, annual accounts and audit report in respect of State Government funds, University funds and funds received from other agencies separately;

(zb) to cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of Colleges, Institutions, Campuses, Regional Centres, Study Centres or Departments of the University;

(zc) to delegate, any of its powers, except the power to make, amend or repeal Statutes and Ordinances, to the Vice-Chancellor or such officer or authority of the University or a committee appointed by it, as it thinks fit;

(zd) to define the functions, duties, powers and responsibilities of non-teaching employees in the University, in respect of the posts created from the funds of the University and from the funds received from other funding agencies ;

(ze) to deal with the cases related to the violation of prescribed fees according to the provisions of the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987 and other relevant Acts;

(zf) to accept donations, gifts and other forms of financial support from alumni, philanthropists, industries and other stakeholders and prescribe the procedure to be followed by the University for accepting such donations, gifts, etc;

(zg) to impose penalties upon the erring colleges or recognized institutions after following the procedure laid down by the Statutes;

(zh) to exercise such other powers and perform duties as prescribed by Statutes.

25. (1) The Academic and Activity Council shall be the principal academic authority of the University and shall be responsible for regulating and maintaining the standards of physical education, sports education and sports training, research and evaluation in the University. It shall also be responsible

Academic
and Activity
Council.

Mah. VI
of 1988.

for laying down the academic policies in regard to maintenance and improvement of standards of physical education, sports education and sports training, research, extension, collaboration programmes.

(2) The Academic and Activity Council shall meet not less than four times in a year.

(3) The Academic and Activity Council shall consist of the following members, namely:—

(a) the Vice-Chancellor, Chairperson;

(b) Deans of each School;

(c) Heads of each Department;

(d) Directors of Campuses, Regional Centres, Study Centres;

(e) the Vice-Chancellor shall nominate the following members, in consultation with the Chancellor, namely:—

(i) three Principals of affiliated colleges which are accredited by the National Assessment and Accreditation Council (NAAC) or National Board of Accreditation (NBA), as the case may be, of whom one shall be woman and one shall be a person belonging Scheduled Castes or Scheduled Tribes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class, by rotation;

(ii) two professors representing each Departments out of whom one shall be a person belonging to the Scheduled Castes or Scheduled Tribes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class, by rotation;

(iii) one head of a recognized institution;

(e) two teachers, representing each School, with not less than fifteen years of teaching experience to be nominated by the Vice-Chancellor out of whom one each shall be a person belonging to the Scheduled Castes or Scheduled Tribes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Class, provided that the reservation per faculty shall be decided by drawing lots;

(f) five eminent experts from the field of sports nominated by the Chancellor;

(g) the Commissioner of Sports and Youth Services or his nominee, not below the rank of the Joint Director, Sports and Youth Services;

(h) Director, Board of Examinations and Evaluation;

(i) Chairpersons of Board of Studies;

(j) Registrar-Member Secretary.

26. (1) The Academic and Activity Council shall have the following powers and duties, namely:—

Powers and duties of Academic and Activity Council.

(a) to ensure that the University becomes a vibrant hub for promotion of sports education, training, research and development, interactions and linkages with sports academics;

(b) to consider and approve curricula with modification, if any, and any other matter referred to it by the Board of Studies through the School;

(c) to ensure that there are choice based credit systems for all certificates diplomas, degrees, post-graduate programmes and other academic distinctions;

(d) to ensure that the spirit of research and entrepreneurship percolates to all Colleges, Institutions, Campuses, Regional Centres and Study Centres of the University;

(e) to approve fees, other fees and charges as recommended by the Board of Studies through the fee fixation committee;

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

(g) to propose draft of Ordinances relating to the academic matter to the Governing Council;

(h) to make amend or repeal Ordinances and Regulations relating to academic matters;

(i) to prescribe qualifications and norms for appointment of paper-setters, examiners, moderators and others, concerned with the conduct of examinations and evaluation;

(j) to consider and make recommendations to the Governing Council for creation of posts of University teachers and non-vacation academic staff, required by the University from the funds of the University and from the funds received from other funding agencies and prescribe their qualifications, experience and pay-scales;

(k) to prescribe norms for recognition of any member of the staff of an affiliated college or recognized institution as a teacher of the University, in consonance with the norms of the University Grants Commission and the State Government;

(l) to prescribe norms for granting affiliation, continuation of affiliation, extension of affiliation to colleges, and recognition, continuation of recognition, extension of recognition to institutions of physical education, sports education and research or specialized studies;

(m) to grant affiliation to colleges or institutions in accordance with the provisions of this Act, the Statutes, Ordinances and Regulations;

(n) to prepare and approve annual plan for the location of Colleges, Institutions, Campuses, Regional Centres and Study Centres of sports education, as recommended by the Governing Council;

(o) to approve new courses, inter-disciplinary courses and short-term training programmes referred to it by respective School or the Board of Studies;

(p) to approve the course syllabi, paper-setters, examiners and moderators and evaluation schemes of various courses recommended by the School concerned;

(q) to advise the University on all academic matters and submit to the Governing Council feasibility reports on academic programmes;

(r) to create policy, procedure and practice for choice based credit system for all academic programmes;

(s) to work out the procedures, policies and practices to introduce more flexible approach to sports education and other academic programmes;

(t) to prepare academic calendar of the University for the subsequent academic year as per the guidelines from the University Grants Commission and the State Government, three months before the expiry of the current academic year;

(u) to recommend to the Governing Council, establishment of Departments, Colleges, Schools, Campuses, Study Centres, Institutions of higher learning, research, specialized studies in physical education and sports training;

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

(2) The Academic and Activity Council shall refer all matters or decisions involving financial implications to the Governing Council for approval.

Schools of studies.

27. (1) The University shall have the following School of studies,-

(a) School of Physical Education and Sport Education;

(b) School of Sports Management;

(c) School of Sports Journalism and Technology;

(d) School of Sports Medicine;

(e) School of Sports Science;

(f) School of Interdisciplinary Studies;

(g) Such other Schools as may be prescribed by Statutes.

(2) Each School shall have one Department or a group of Departments on subjects as prescribed by Statutes.

(3) The School shall be headed by Dean and the Department shall be headed by Head of Department.

(4) The powers and duties of the Dean and Head of the Department shall be such as may be prescribed by Statutes.

28. (1) There shall be a Board of Studies for every subject or group of subjects prescribed by the Statutes. The Board of Studies shall be the primary academic body of the University. Board of Studies.

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

(a) Director or Head of each School shall be the Chairperson of the respective Board of Studies;

(b) heads of the University Department of the relevant subject;

(c) six teachers having minimum ten years teaching experience in the field of physical education or sports education, nominated by the Vice-Chancellor in consultation with the Head of Department of the respective subject;

(c) three teachers from affiliated colleges and recognized institutions to be elected from amongst the collegiums of Heads of Departments of affiliated colleges and recognized institutions;

(e) one Professor from other universities shall be co-opted;

(f) four experts as may be prescribed by Statutes.

29. The Board of Studies shall have the following powers and duties, namely:— Powers and duties of Board of Studies.

(a) to recommend to the Governing Council through the School or Department concerned and the Academic and Activity Council, the introduction of new diplomas and degrees;

(b) to recommend to the Governing Council through the School or Department concerned and the Academic and Activity Council, the discontinuation of diplomas and degrees which have become irrelevant;

(c) to recommend to the Academic and Activity Council through School concerned, the course syllabi, course structures and evaluation schemes of various courses;

(d) to recommend the reference books or supplementary reading books and such other material to be included in the syllabus useful for study of the course;

(e) to recommend to the School and Department modifications in respect of addition or deletion or updating of courses;

(f) to prepare the panels of paper-setters, examiners and moderators for the University examinations and evaluation, based on the criteria laid down by the Academic and Activity Council and recommend them to the Board of Examinations and Evaluation;

(g) to encourage learning by collaboration and participation by using information and communication technology tools;

(h) to audit the academic and other sports related programs and recommend changes, periodic audit and its follow-up.

(i) to exercise such other powers and perform duties as may be prescribed by Statutes.

Board of
Examinations
and
Evaluation.

30. (1) The Board of Examinations and Evaluation shall be the authority to deal with all matters relating to the examinations and evaluation.

(2) The Board of Examinations and Evaluation shall meet at least twice in a academic year.

(3) The Board of Examinations and Evaluation shall consist of the following members, namely:—

(a) the Vice-Chancellor - Chairperson;

(b) Deans of all Schools;

(c) two Heads of Department, nominated by the Governing Council;

(d) one Professor of the University Departments having background of physical education and sports education, to be nominated by the Governing Council;

(e) one teacher from affiliated Colleges other than heads of Departments or Principals with the minimum teaching experience of fifteen years to be nominated by Governing Council;

(f) one expert in the field of evaluation in computerized environment, nominated by the Vice-Chancellor;

(g) one expert not below the rank of Deputy Registrar of other Statutory University from the State of Maharashtra who has experience related to examination work in computerized environment as an invitee to be nominated by Vice-Chancellor;

(h) Commissioner of Sports and Youth Services or his nominee not below the rank of Joint Director, Sports and Youth Services ;

(i) Director, Board of Examinations and Evaluation - Member-Secretary.

Powers and
duties of
Board of
Examinations
and
Evaluation.

31. The Board of Examinations and Evaluation shall have the following powers and duties, namely:—

(a) to devise policy, mechanism and operational strategies, to do the tasks relating to assessment of performance of students, efficiently and in a time bound manner;

(b) to ensure proper organization of examinations and tests of the University, including moderation, tabulation, evaluation and timely declaration of results;

(c) to prepare the financial estimates relating to examinations and evaluation for incorporation in the annual financial estimates (budget) of the University and shall submit the same to the Finance and Accounts Committee;

(d) to arrange for strict vigilance during the conduct of examinations so as to avoid use of unfair means by the students, teachers, invigilators, supervisors, etc.;

(e) to establish procedures and devise operative mechanism for credit assessment in the modular structure by the teachers and use computer technology for the entire process of assessment and evaluation including creating and effectively using a repository of question banks;

(f) to ensure that the assessment of answer books for award of degrees, diplomas or certificates shall be done centrally through central assessment system by following system of masking and de-masking or barcoding of answer books or any other alternative system for ensuring the objective of secrecy;

(g) to undertake examination and evaluation reforms in order to make examination and evaluation system more efficient;

(h) to appoint paper-setters, examiners and moderators from amongst the persons included in the panels prepared by the respective Boards of Studies and having regard to the recommendations made by the committee remove them or debar them, if they are involved in the malpractices, directly or indirectly and found guilty;

(i) to approve detailed programme of examinations and evaluation as prepared by the Director, Board of Examinations and Evaluation;

(j) to consider the reports of review of results of University examinations forwarded by the Director, Board of Examinations and Evaluation;

(k) to hear and decide the complaints relating to conduct of examinations and evaluation;

(l) to exercise such other powers in relation to examinations and evaluation as may be assigned to it by or under this Act.

32. The constitution, powers, functions and duties of the authorities of the University, not laid down under any of the provisions of this Act shall be such as may be prescribed by the Statutes.

Powers, functions and duties of Authorities.

Term of office
of members of
Authorities.

33. (1) The term of every authority constituted under this Act shall commence on the 1st September and shall be of five years from the said date and the term of the members of every authority shall expire on the expiry of the said period of five years, irrespective of the date on which a member has entered upon his office.

(2) The process of nomination, appointment and co-option shall be commenced at least three months before expiry of the term of the authority and shall be completed not later than 30th November in that year.

Cessation of
membership.

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

Disqualifica-
tion for
membership of
Authority.

35. A person shall be disqualified for being a member of any of the authorities, bodies and committee of University and voting to the authorities, bodies and committees, if he-

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

(b) is an undischarged insolvent; or

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

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

(e) has been punished for indulging in or promoting unfair practices in the conduct of any examination and evaluation, in any form, anywhere; or

(f) has willfully omitted or refused to carry out the provisions of this Act, Statutes or Ordinances, or has acted in any manner detrimental to the interests of the University; or

(g) has been punished in any form, by the competent authority for committing a misconduct; or

(h) discloses or causes to disclose to the public, in any manner whatsoever, any confidential matter, in relation to the examination and evaluation, the knowledge of which he has come to be in possession, due to his official position:

Provided that, the right of voting of the person in respect of clauses (e) and (g) shall remain suspended during the term of punishment under the said clauses.

Ineligibility
for second
consecutive
term.

36. No person shall be appointed as a member of Governing Council or Chairman of Board of Studies, for a second consecutive term whether, as a nominated or co-opted member, as the case may be:

Provided that, any person who was the member of the Governing Council of the University or Chairman of the Board of Studies, for the first time whether as nominated or co-opted member, as the case may be, on the date of commencement of this Act, shall not be deemed to have enjoyed the consecutive term if he is nominated or co-opted for the first time after the commencement of this Act.

37. (1) A member, other than an *ex-officio* member, may resign by writing under his signature. A nominee of the Chancellor may resign by addressing to the Chancellor, and any other member may resign by addressing to the Vice-Chancellor. The person shall cease to be a member upon his resignation being accepted by the Chancellor or the Vice-Chancellor, as the case may be, or upon expiry of thirty days from the date of resignation, whichever is earlier.

Resignation of membership.

(2) If a person nominated, appointed or co-opted to any authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and he shall cease to be a member from the date of the third such meeting in which he has remained absent.

38. The procedure of meetings of the authorities, bodies and committees shall be such as may be prescribed by Statutes.

Procedure of meeting of authorities, bodies and committees.

39. (1) When any vacancy occurs in the office of a member, other than an *ex-officio* member or, a member nominated by the Chancellor, of any authority or other body of the University except Governing Council before the expiry of his normal term, the vacancy shall be filled by nomination of a person by the Standing Committee constituted under sub-section (3).

Filling of vacancy.

(2) In case, any vacancy occurs in the office of a member, other than an *ex-officio* member of Governing Council of the University, it shall be filled as soon as possible, by nomination or co-option, as the case may be, of resignation of membership. The person so nominated or co-opted shall be a person who is otherwise eligible to be nominated or co-opted on the said authority or body from the same category. The person so nominated or co-opted shall hold office only so long as the member in whose place he has been nominated or co-opted shall have held it, if the vacancy had not occurred.

(3) The constitution of the Standing Committee for filling in the vacancies mentioned in sub-section (1) shall be as follows, namely :—

(a) Vice-Chancellor - Chairman;

(b) Chancellor's nominee on the Governing Council, nominated by the Council;

(c) one Dean nominated by Governing Council;

(d) one elected member of the Governing Council nominated by that Council;

(e) one member nominated by Academic and Activity Council from amongst its members;

(f) Registrar - Member-Secretary.

(4) The term of the Standing Committee shall commence on the 1st September and shall be of five years from the said date. The term of the members shall expire on the expiry of the said period of five years, irrespective of the date on which a member has entered upon his office.

CHAPTER VI

STATUTES, ORDINANCES AND REGULATIONS

Statutes and their subject matters.

40. (1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) conferment of honorary degrees and academic distinctions;

(b) establishment and maintenance of the Campuses, Regional Centres, Study Centres, University Departments, Institutions, conducted colleges, institutions of higher learning, research or specialized studies and hostels;

(c) constitution, powers, duties and functions of authorities of the University not laid down under any of the provisions of this Act;

(d) abolition of University Departments or Institutions, Campuses, or Regional Centres or Study Centres;

(e) rules of procedure for conduct of business at the meetings of authorities of the University;

(f) appropriation of funds of the University for furtherance of the objects of the University;

(g) norms for grant of autonomy to University Departments or institutions, affiliated colleges and recognized institutions ;

(h) acceptance and governing of trusts, bequests, donations, endowments and grants from individuals or organizations;

(i) disciplinary action against defaulting teachers, officers and other employees of the University, affiliated colleges and Institutions, Campuses, Regional Centres, Study Centres, other than the Colleges or Institutions managed and maintained by the State Government or Central Government or local authorities;

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

(i) use of unfair means in an examination, or abetment thereof;

(ii) refusal to appear or give evidence in any authorized inquiry by an officer in charge of an evaluation and examination, or by any officer or authority of the University ; or

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

(k) mechanism and procedure for redressal of grievances of the students;

(l) functions and duties of Students' Council in University, Colleges and recognized institutions;

(m) procedure for conduct of elections to various authorities and bodies;

(n) conditions and procedure for grant of approval to the appointments of the teachers in the colleges and recognized institutions and suspension or withdrawal thereof ;

(o) inspection of Colleges, Schools, Campuses, Regional Centres, Study Centres, recognized Institutions;

(p) procedure to be followed while granting permission for transfer of governing ;

(q) norms and procedure to be followed while nominating members on authorities, boards and committees by the Vice-Chancellor under this Act ;

(r) norms of grant and withdrawal of affiliations to Colleges and Institutions ;

(s) transferring, in public interest, of the governing of a College or Institution by the University and the conditions for such transferring, subject to the approval of the State Government;

(t) qualifications, recruitment, code of conduct, terms of office, duties and conditions of service including periodic training and advance training, field exposure, deputation, assessment of teachers, officers and other employees of the University and affiliated colleges except those colleges or institutions which are maintained by the State or Central Government or local authority, retirement benefits and the manner of termination of their services as approved by the State Government, provided that these shall not be in contravention of State Government policies in this regard;

(u) procedure to be followed for purchases by Purchase Committee;

(v) any matter which is to be prescribed by Statutes or which is necessary to give effect to the provisions of this Act.

(2) The First Statute shall be made by the State Government.

Statutes how
made.

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

(2) The Statute Committee shall be constituted by the Governing Council as under:-

(a) one member of Governing Council from amongst the nominated members of that Council - as Chairman;

(b) one Dean nominated by the Vice-Chancellor;

(c) one Professor of University Department or affiliated colleges nominated by the Vice-Chancellor;

(d) one Principal of affiliated college nominated by the Vice-Chancellor;

(e) Registrar of the University;

(f) Law Officer of the University as Member-Secretary.

(3) The Statute Committee shall prepare draft Statutes concerning the matters referred to in the last preceding section and shall present to the Governing Council.

(4) The Governing Council may take into consideration the draft of a statute either of its own motion or on a proposal by the Statute Committee.

(5) The Governing Council, if it thinks necessary, may obtain the opinion of any officer, authority or body of the University with regard to any draft Statute which is before it for consideration.

(6) Every Statute passed by the Governing Council shall be submitted to the Chancellor who may give or withhold his assent thereto or send it back to the Governing Council for reconsideration. The Chancellor may send the draft Statutes to the State Government for its views, if there are implications, financial or otherwise, on the part of the State Government in the implementation of such Statutes.

(7) No Statute passed by the Governing Council shall be valid or shall come into force until assented to by the Chancellor.

(8) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor, either *suo motu* or on the advice of the State Government, may, direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Governing Council fails to initiate adopt the direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Governing Council for its inability to comply with such direction, make or amend the Statutes in that respect, suitably.

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

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

(10) The Statute Committee shall recommend the draft Statutes to Governing Council for approval and every Statute passed by the Governing Council shall be submitted to the Chancellor.

42. (1) Subject to the provisions of this Act, the Ordinances may provide for all or any of the following matters, namely :—

Ordinances
and their
subject
matters.

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

(b) norms and process of fixation of fees, other fees and charges for courses and programs to be adopted by fee fixation committee under this Act ;

(c) fees for affiliation and recognition to colleges and institutions ;

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

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

(f) recognition of teachers of the University and the conditions subject to which persons may be recognized as qualified to give instruction in the University Departments, Schools, Colleges, recognized institutions, Campuses, Regional Centres, Study Centres;

(g) norms to be observed and enforced by Schools, Colleges, recognized institutions, Campuses, Regional Centres, Study Centres regarding transfer of students ;

(h) the constitution, powers, duties and functions of the Equal Opportunity Cell including provisions for establishing a Cell in accordance with the provisions of the Rights of persons with Disabilities Act, 2016 and the guidelines and directives of the University Grants Commission issued from time to time ;

(i) mechanism for prevention of ragging of students of Schools, Colleges, recognized institutions, Campuses, Regional Centres, Study Centres ;

(j) mechanism for prevention of sexual harassment of teachers, employees, students of University and Schools, Colleges, recognized

institutions, Campuses, Regional Centres, Study Centres and redressal of grievances relating to sexual harassment, incidences and penalty for those who indulge in sexual harassment, in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; 14 of 2013.

(k) any academic matter which, by or under this Act or the Statutes is to be prescribed by the Ordinance or which is necessary to give effect to the provisions of this Act.

(2) The First Ordinance shall be made by the Government.

Ordinances
and their
making.

43. (1) The Governing Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(2) The Dean of School shall prepare and propose draft Ordinances concerning the matters referred to in section 42.

(3) No Ordinance concerning academic matters shall be made, amended or repealed by the Governing Council unless a draft thereof has been proposed by the Dean of School.

(4) All Ordinances made by the Governing Council shall have effect from the date of the meeting or from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within two weeks from the date of the meeting. The Chancellor shall have the power to direct the Governing Council, within four weeks of the receipt of the Ordinance, to suspend its operation, and he shall, as soon as possible, inform the Governing Council of his objection to it. He may, after receiving the comments of the Governing Council, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Regulations.

44. (1) Subject to the provisions prescribed by or under this Act, Governing Council may make Regulations consistent with this Act, Statutes and Ordinances, for,-

(a) institution of fellowship, travelling fellowship, scholarship, studentship, medals and prizes and for their award;

(b) collaborations with other universities, institutions and organizations for mutually beneficial academic programmes ;

(c) preservation of record of the University ;

(d) providing for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided by Regulations ;

(e) all non- academic matters for which provision is, in the opinion of the Governing Council, necessary for the purposes of this Act, Statutes or Ordinances.

(2) Subject to the provisions prescribed by or under this Act, the Academic and Activity Council may make Regulations relating to the academic matters, consistent with this Act, Statutes and Ordinances.

(3) The Dean of Schools shall draft and place for approval of the Governing Council or the Academic and Activity Council, as the case may be, the Regulations providing for the matters referred to in sub-sections (1) and (2) and for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided by Regulations.

(4) The First Regulation shall be made by the Government.

CHAPTER VII

GRIEVANCES OF TEACHERS AND EMPLOYEES

45. (1) There shall be a Grievances Committee in University to deal with all types of grievances, except grievances against the State Government including its officials, teachers and other employees of the University, affiliated and autonomous colleges and recognized institutions, other than those managed and maintained by the State Government, Central Government or a local authority.

Grievances
Committee
and
Grievances
Redressal
Cell .

(2) The University shall establish a Grievances Redressal Cell headed by the officer of the University not below the rank of the Assistant Registrar for providing administrative assistance to the Grievances Committee.

(3) The Grievances Committee shall consist of the following members, namely :-

(a) retired Judge not below the rank of the District Judge, nominated by the Vice-Chancellor - Chairperson ;

(b) one Dean, nominated by the Vice-Chancellor;

(c) one Chancellor's nominee on the Governing Council, nominated by the Vice-Chancellor;

(d) Registrar ;

(e) one teacher belonging to Scheduled Castes or Scheduled Tribes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes and one non-teaching employee nominated by the Governing Council from amongst its members ;

(f) Law Officer of the University - Member-Secretary.

(4) The nomination of a retired Judge as the Chairperson and of a Dean as the member of the Grievances Committee, shall be for such period, not exceeding three years in aggregate, as the Vice-Chancellor may from time to time, in each case decide.

(5) The retired judge nominated as the Chairperson of the Grievances Committee shall be entitled for remuneration and conveyance charges, as may be determined by the University.

(6) The Grievances Committee shall hear, settle and decide grievances as per the law, as far as may be practicable, within three months, from the date of filing of the complaint.

Tribunal. **46.** The Tribunal established under the Maharashtra Public Universities Act, 2016, for the Savitribai Phule University, Pune shall be the tribunal for the purposes of this Act, for adjudication of disputes between the employees of the University and University, and between the employees of affiliated colleges or recognized institutions of this University, other than those managed and maintained by the State Government, Central Government or local authority and their respective managements, with regard to the matters specified in sub-section (1) of section 47. Mah. VI of 2017.

Right of Appeal. **47.** (1) Notwithstanding anything contained in any law for the time being in force, any teacher or other employee in the University, Regional Centres, Campuses, Study Centres, governed by this Act or in affiliated college or recognized institution, other than that managed and maintained by the State Government, Central Government or a local authority, who is –

(a) dismissed or removed or whose services are otherwise terminated or who is compulsorily retired or who is reduced in rank by the University or Governing and who is aggrieved; or

(b) aggrieved by the decision of the Grievances Committee established under this Act,

shall have a right of appeal and any appeal against any such order or decision shall lie to the Tribunal:

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided or pending before a Court or Tribunal on the date of commencement of this Act or where the order of dismissal, removal, otherwise termination of service, compulsory retirement or reduction in rank, or decision of the Grievances Committee was passed at any time before the date on which this Act comes into force and in which case the period for filing an appeal has expired.

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

Provided that, where such order was made before the date of commencement of this Act, such appeal may be made if the period of thirty days from the date of receipt of such order or decision has not expired.

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

(4) Every appeal shall be accompanied by a fee as prescribed which shall not be refundable and shall be credited to the University fund :

Provided that, it shall be lawful for the State Government to revise, by notification in the *Official Gazette*, such fees as it may deem fit, from time to time.

Mah. VI
of 2017.

(5) The provisions of filing of appeal and procedure of Tribunal under the Maharashtra Public Universities Act, 2016 shall *mutatis mutandis* apply for the purposes of this Act.

CHAPTER VIII

ADMISSIONS, EXAMINATIONS AND EVALUATIONS

48. Subject to the reservation policy of the State Government for the weaker sections of the society, admissions to all courses in the University Departments, affiliated colleges and recognized institutions shall be made on the basis of competitive merit in accordance with the rules, if any, made by the State Government and published in the *Official Gazette*, or Ordinances made by the University: Admissions.

Provided that, where model rules have been framed by the State Government in the interest of students throughout the State, the University shall adopt the same and such rules shall be published by the University before the commencement of the academic session :

Provided further that, having regard to the maintenance of discipline, the authority concerned shall have the power to refuse admission to a student, except at the entry point of any academic programme.

49. All the disputes relating to admissions to University Departments, Regional Centres, Study Centres, affiliated colleges or recognized institutions shall be adjudicated by the University Students Grievance Redressal Cell. Disputes relating to admission.

50. Before the end of each academic year, the University shall prepare and publish a schedule of examinations for the next academic year and choice based credit system of evaluations for each and every course where ever applicable, conducted by itself or by any affiliated college or recognized institutions within its jurisdiction and shall strictly adhere to the schedule. Failing which the concerned authority or officer of the University shall have to make a reasoned report to Chancellor's Office within thirty days and the directions or decisions of the Chancellor in this regard shall be final and binding. Admission and evaluation.

Explanation. I. - "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:

Provided that, in case the University is unable to follow the said schedule due to reasons and circumstances beyond its control it shall, as soon as practicable, submit a report to the Chancellor and to the State Government incorporating the detailed reasons for making a deviation from the published schedule.

Declaration of results.

51. 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 that particular course and shall in any case declare the results latest within forty-five days thereof :

Provided that, if for any reasons whatsoever, the University is unable to finally declare the results of any examination and evaluation within the aforesaid period of forty-five days, Director, Board of Examinations and Evaluation shall prepare a detailed report incorporating the reasons for such delay submit the same through Vice-Chancellor to Chancellor and to the State Government, and the direction of the Chancellor in this regard shall be final and binding.

CHAPTER IX

COMMITTEES

Committees.

52. (1) The following shall be the Committees and Councils constituted under this Act, namely:-

- (a) Advisory Council ;
- (b) Finance and Accounts Committee ;
- (c) Internal Quality Assurance Committee ;
- (d) Knowledge Resource Committee ;
- (e) College Development Committee ;
- (f) Purchase Committee ;
- (g) Buildings and Works Committee ;
- (h) Fee Fixation Committee;

(i) Internal Complaint Committee for redressal of complaints of woman employees in regard to sexual harassment.

(j) such other committees as may be prescribed by Statutes.

(2) The constitution, powers and functions of the Council and Committees specified in sub-section (1) shall be such as may be prescribed by Statutes.

CHAPTER X

PERMISSION, AFFILIATION AND RECOGNITION

Mah. VI
of 2017.

53. The provisions of the Maharashtra Public Universities Act, 2016, shall *mutatis mutandis* apply for permission, affiliation and recognition of Colleges and Institutions.

CHAPTER XI

ENROLLMENT, DEGREE AND CONVOCATION

54. All post-graduate instruction, teaching, training, research, research collaborations and partnerships, shall normally be conducted within the University area by the University, Schools, Campuses, Centres, Study Centres, affiliated colleges and the recognized institutions in such manner as may be prescribed by the Ordinance.

Post graduate
teaching and
research.

55. A person to be enrolled as student of the University shall possess such qualifications and fulfill such conditions as may be prescribed by the Ordinance.

Enrollment of
students.

56. (1) All powers relating to discipline and disciplinary action in relation to the students of the University Departments and institutions and colleges maintained by the University, shall vest in the Vice-Chancellor.

Disciplinary
powers and
discipline
amongst
students.

(2) The Vice-Chancellor may, by an order, delegate all or any of his powers under sub-section (1), as he deems fit, to such other officer as he may nominate in that behalf.

(3) The provisions as regards discipline and proper conduct for students of the University and the action to be taken against them for breach of discipline or misconduct shall be as may be prescribed by the Statutes.

57. (1) The Governing Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic and Activity Council.

Degrees,
Diplomas,
Certificates
and other
academic
distinctions.

(2) The Governing Council may institute and confer post- doctoral degrees such as D.Litt., as may be recommended by the Academic and Activity Council.

(3) The Chancellor may, on the recommendation of the Governing Council and the Academic and Activity Council, supported by a majority of not less than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of the members of each such authority, withdraw the degree or diploma or certificate or any other academic distinction permanently or for such period as the Chancellor thinks fit, if such a person is convicted by a court of law for any offence involving moral turpitude or has been found to have sought admission to any degree or diploma or certificate course by fraudulent means or has been found to have

obtained such degree or diploma or certificate or any other academic distinction by fraudulent means. No such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

Honorary
degree.

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

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

Convocation.

59. The convocation of the University shall be held at least once during an academic year in the manner prescribed by the Statutes for conferring degrees, postgraduate diplomas or for any other purpose.

CHAPTER XII

UNIVERSITY FUNDS, ACCOUNTS AND AUDIT

Annual
financial
estimates.

60. (1) The annual financial estimates (budget) of the University for ensuing financial year shall be prepared by the Finance and Accounts Officer under the direction of the Finance and Accounts Committee, at least two months before the commencement of the financial year.

(2) The Finance and Accounts Officer shall thereafter forward copies of annual financial estimates (budget) as approved by the Governing Council to the Chancellor, the Maharashtra State Commission for Higher Education and Development and the State Government.

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

University
funds.

61. (1) The University shall establish the following funds, namely :-

- (a) general fund ;
- (b) salary fund-(i) for all posts approved by the State Government;
- (ii) for all other posts separately;
- (c) trust fund;
- (d) development and programme fund;
- (e) contingency fund;
- (f) any other fund which, in the opinion of the University, is deemed necessary to establish.

(2) The following shall form part of, or be paid into, the general fund:-

(a) non-salary contribution or grant, received from the State Government or Central Government or University Grants Commission ;

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

(c) any sums borrowed from the banks or any other agency, with the permission of the State Government;

(d) sums received from any other source or agency.

(3) The salary fund shall consist of all amounts received from the State Government, Central Government or University Grants Commission or any other endowment or contribution received towards full or part payment of the salary and allowances. No amount from this fund shall be utilized for the purpose other than payment of salary and allowances.

(4) All income or moneys from trusts, bequests, donations, endowments, subventions and similar grants shall form part of the trust fund.

(5) (a) The development and programme fund of the University shall consist of all infrastructure development grants received from the State Government, all contributions made by the University Grants Commission for development and research grants received from other funding agencies of the Central Government, United Nations and its affiliates, other international agencies, industry, banks and financial institutions or any person or institution;

(b) no amount from this fund shall be appropriated to any other fund of the University or expended for any other purpose ;

(c) the development and programme fund shall be utilized in the manner consistent with the object of the programme and as per guidelines of the funding agency on expenditure and audit, to be granted and approved by the Governing Council.

(6) The University shall have and maintain a contingency fund under a separate head of the University accounts which shall be used only for the purpose of meeting any unforeseen expenditure.

(7) Surplus money at the credit of these funds, including accruals thereto, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time to time, be deposited in the Nationalized or Scheduled Banks or invested in any other Equity or securities issued by the corporations having financial participation of the State Government.

(8) The Government shall remain committed to provide requisite funds for development of sports education and youth welfare in University.

Annual
accounts and
audit.

62. (1) The accounts of the University shall be maintained on the basis and principles of double entry accounting system, and the method of accounting to be followed shall be the mercantile system by following the Maharashtra Universities Account Code as prescribed by the State Government.

(2) The accounts of the University shall be audited at least once every year and in any case within four months of the close of the financial year by the auditors appointed by the Governing Council from amongst the firms of Chartered Accountants whose partners have no interest in any of the authorities or affairs of the University. The University shall comply with the remarks and discrepancies as shown in the audit report in any case within one month of the receipt of such audit report.

(3) The audited accounts shall be published by the University and a copy thereof, together with the copy of the auditor's report and compliance report shall be submitted to the Chancellor and the State Government and shall be submitted for approval before the Governing Council in any case within six months from the close of the financial year.

(4) The State Government shall cause the audited annual accounts of the University, received by it, to be laid before each House of the State Legislature.

(5) The State Government shall provide for conduct of the test audit or full audit of the accounts of the University at regular intervals by the auditors appointed by the State Government.

Annual
report.

63. (1) The Dean of Schools shall prepare the Annual Report containing the administrative, academic, research and development and other activities of the University, colleges and institutions under its jurisdiction, for each academic year and submit it to the Governing Council for consideration. The Governing Council shall discuss and approve the Annual Report and shall be submitted to the Chancellor and the State Government, within one year from the conclusion of the academic year.

(2) The State Government shall cause the Annual Report to be laid before each House of the State Legislature.

CHAPTER XIII

MISCELLANEOUS

Authorities
and officers
responsible
for damages.

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

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

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

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

Questions regarding interpretation and disputes regarding constitution of university authority or body, etc.

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

Protection of acts and orders.

67. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and Regulations to any other officer or authority under his or its control, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

Delegations of powers.

68. No act or proceeding of the Governing Council or the Academic and Activity Council or any other authority or anybody or committee of the University, including a committee appointed by the Chancellor for the appointment of a Vice-Chancellor, shall be deemed to be invalid at any time merely on the ground that –

Acts and proceedings not invalid merely on ground of defect in constitution, vacancies, irregularity in procedure, etc.

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

(b) there is any irregularity in the procedure of any such authority, body or committee not affecting the merits of the matter under consideration, and the validity of such act or proceeding shall not be

Act to have
over-riding
effect.

questioned in any court or before any authority or officer merely on any such ground.

Removal of
difficulties.

69. The provisions of this Act and any regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

70. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by 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 the purpose of removing the difficulty:

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

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

Indemnity.

71. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Vice-Chancellor, the authorities or officers of the University or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Act or any Regulations made thereunder.

CHAPTER XIV

TRANSITORY PROVISIONS

Appointment
of first Vice-
Chancellor.

72. The first Vice-Chancellor shall be appointed by the Government of Maharashtra, with the approval of the Chancellor.

Provided that, the first Vice-Chancellor shall hold office until regular Vice-Chancellor is appointed under section 12.

Transitory
provisions.

73. Notwithstanding anything contained in this Act, and the Regulations made thereunder, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Regulations.

STATEMENT OF OBJECTS AND REASONS

Progress of a country is measured not only on the basis of economic criteria but also on the basis of different aspects such as education, health, employment, etc. Amongst these aspects, education is most important and sports are an indivisible part of education. Hence merit in the field of education and sports is most important from point of view of development of any country. It is very much essential to create technical manpower in the field of different faculties of sports, such as physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and sports training, etc. Different courses in the field of sports are in existence in our country and in foreign countries. To make available, advance courses to the sports persons, sports coaches and trainers, it is necessary to establish sports University of International standard in the State.

2. The State of Maharashtra is one of the best State in India for sporting profile. Sport is a strong cultural element of Maharashtra and also the part of fabric of the State. The Government of Maharashtra has framed the Sports Policy, 2012, wherein it is decided to establish Sports University in the State. A number of players of national and international level in different sports have emerged from the State of Maharashtra. In future also many players will achieve high standards and medals in competitions at international level. The Government of Maharashtra is committed to deliver best support to coaches and athletes for their performance.

3. The Government is keen to establish International Sports University, in the State. It will be the first sports University in Maharashtra of its kind to promote sports education in the areas of physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and sports training, etc. Establishment of International Sports University will make it easy to give exclusive focus on creation of high standard infrastructure for the development of sports science and training of athletes apart from providing Bachelors Degree, Master's Degrees and Research and Training in various areas related to sports.

Establishment of International sports University will help to create competent personnel in the field of physical education, sports sciences, sport medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching, sports training besides functioning as the State training centre.

4. The salient features of the Bill are as follows:—

(a) to promote traditional and tribal sports and games;

(b) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(c) to provide for research and development and dissemination of knowledge in physical education and sports education by providing specially designed academic and training programmes in various areas of physical education and sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training and to strengthen physical education and sports training programmes;

(d) to provide professional and academic leadership to other institutions in sports education;

(e) to create competent personnel in the field of sports education;

(f) to provide specially designed academic and training programmes in various areas of sports education;

(g) to provide for research and development and dissemination of knowledge in sports education;

(h) to generate employment in the sports;

(i) to provide vocational guidance and placement services in physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training and other related fields;

(j) to generate capabilities for the development of knowledge, skills and competences at various levels and to provide infrastructure of international standard for sports education;

(k) to prepare highly qualified professionals in the fields of sports education;

(l) to serve as a Centre of Excellence for the elite and other talented sports persons of all sports and games and innovation in physical education and sports education and to carry out, endorse and propagate research in the areas of physical education, sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and high performance training for all sports and games;

(m) to provide international collaboration in the fields of sports education and high performance training for all sports and games;

(n) to establish close linkage with sports academies, schools, colleges, sports and recreation clubs, sports associations and international

federations for the purpose of teaching, training and research in the field of sports education;

(o) to train talented athletes so as to help them to evolve into elite athletes of State, National and International level;

(p) to make India and the State of Maharashtra a sporting power and to provide a comprehensive Centre for evaluation of sports person and expertise;

(q) to establish Governing Council, Academic and Activity Council, Board of studies, Board of Examinations and Evaluation.

(r) to establish and maintain Colleges, Schools, Campuses, Regional Centres and Study Centres and affiliated colleges and recognized institutions.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 10th December 2020.

SUNIL KEDAR,

Minister for Sports and Youth Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

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

Clause 1(3).—Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 4(xvii).—Under this clause, power is taken to the State Government to specify by notification in the *Official Gazette*, the other objects of the University.

Clause 8.—Under this clause,—

(a) in sub-clause (3), power is taken to the State Government, to prescribe, by notification in the *Official Gazette*, a standard code providing for classification, manner and mode of selection, appointment, induction and advance training, field exposure, deputation and reservation of post, etc., in favour of members of the Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the university and the teachers and other employees in the affiliated colleges and recognized institutions (other than those managed and maintained by the State Government, Central Government and the local authorities) and the provisions for absorption of teachers and employees in the University Departments, affiliated or conducted colleges and institutions who are aided and rendered surplus;

(b) in sub-clause (4), power is taken to the State Government, to specify, by an order published in the *Official Gazette*, the qualifications and experience for the purpose of appointment of non-teaching employees in the University, affiliated colleges and recognized institutions, other than those managed and maintained by the State Government, Central Government and the local authorities.

Clause 12(3).—Under this clause,—

(a) under paragraph (a) (iii), power is taken to the State Government to specify, by an order published in the *Official Gazette*, the Director or Head of sports institute or sports organization of national repute established by an Act of Parliament, nominated by the Governing Council and Academic and Activity Council, jointly, as the member of the Committee for appointment of Vice-Chancellor;

(b) under paragraph (f) (iv), power is taken to the State Government, to specify, by an order published in the *Official Gazette*, the educational qualifications and experience for appointment of the Vice-Chancellor.

Clause 17(2).- Under this clause, power is taken to the State Government to specify, by an order published in the *Official Gazette*, the qualifications and experience for the purpose of selection of the Director, Board of Examinations and Evaluation.

Clause 22.-Under this clause, power is taken to the State Government to specify, by an order published in the *Official Gazette*, the eligibility conditions for being nominated or co-opted as a member of the Authority of the University

Clause 40(2).-Under this clause, power is taken to the State Government, to make First Statutes.

Clause 41(1).-Under this clause, power is taken to the University to make Statutes.

Clause 42(2).-Under this clause, power is taken to the State Government to make First Ordinance.

Clause 43(1).-Under this clause, power is taken to the Governing Council, to make, amend or repeal Ordinances.

Clause 44.-(a) Under sub-clause (1), power is taken to the Governing Council to make Regulations consistent with the Act, Statutes and Ordinances;

(b) under sub-clause (4), power is taken to the State Government to make First Regulation.

Clause 47(4).- Under this clause, -

(a) power is taken to the State Government to prescribe the fee for appeal ;

(b) power is taken to the State Government to revise the fee, by notification in the *Official Gazette*, as it may deem fit.

Clause 48.-Under this clause, power is taken to the State Government to prescribe, by rules, the basis of competitive merit for the admission to the weaker section for all courses in the University Departments, affiliated colleges and recognized institutions.

Clause 70.-Under this clause, power is taken to the State Government to issue an order in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

Sub-clause (1) of clauses 3 of the Bill provides for the establishment of International Sports University, Maharashtra.

2. The total expenditure towards establishment of the University is estimated to be Rs.2840.74 lakhs. This includes Rs.2440.74 lakhs recurring expenditure and Rs. 400.00 lakhs is non-recurring expenditure. Out of this expenditure, initially for first year, i.e. for the year 2021-22 expected recurring expenditure is Rs.1677.68 lakhs and non-recurring expenditure is 100.00 lakhs, respectively. The recurring expenditure is expected on salary, honorarium, administrative expenses, educational expenses and other expenses. The non-recurring expenditure is expected for building and corpus fund. The expenditure will be incurred from the Consolidated Fund of the State.