



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XXII OF 1989.

**Dr. BABASAHEB AMBEDKAR
TECHNOLOGICAL UNIVERSITY
ACT, 1989.**

(As modified upto the 23rd November 2012)

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PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS,
MUMBAI AND PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING,
STATIONERY AND PUBLICATION, MAHARASHTRA STATE,
MUMBAI 400 004.

[Price : Rs. 29.00]

**THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL
UNIVERSITY ACT, 1989.**

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MAHARASHTRA ACT No. XXII of 1989.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 5th May 1989.)

Amended by Mah. 7 of 1993 (15th April 1993)*
Amended by Mah. 14 of 2009 (25th May 2009)*
Amended by Mah. 1 of 2010 † (31st August 2009)*

An Act to establish and incorporate a University of technology in the State of Maharashtra.

WHEREAS it is expedient to establish and incorporate a University of technology in the State of Maharashtra and for matters connected therewith; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Dr. Babasaheb Ambedkar Technological University Act, 1989. Short title and commencement.

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

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

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

(2) "academic staff" means such categories of staff as are designated as academic staff of the University ;

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

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

(5) "conducted institution" means the institution conducted by the University ;

(6) "department" means a department designated to be so by the Statutes, with reference to a subject or a group of subjects ;

(7) "Director of Technical Education" means the Director of Technical Education, Maharashtra State ;

(8) "Dean" means the Dean of each Faculty ;

(9) "Dean of Research and Development" means the head of research and development of the head of every centre of advanced study, so appointed, who shall perform such functions including instruction, teaching, training or research as may be prescribed ;

(10) "Executive Council" means the Executive Council of the University ;

(11) "extension education and service" means educational activities undertaken by the University, other than regular training activities for the purpose of transference of technology to the backward areas of the State and includes the work which may be undertaken by the University for organising villagers or groups of families for developmental activities and making them self-reliant by ensuring that necessary services, assistance and help are made available to them from the concerned quarters including the Government Departments and various corporations established by the State Government ;

* This indicates the date of commencement of the Act.

† Maharashtra Ordinance No. XXII of 2009 was repealed by Mah. 1 of 2010, s.4.

(12) “ Faculty ” means a faculty of the University ;

(13) “ Finance Committee ” means the Finance Committee of the University ;

(14) “ Government ” means the State Government ;

(15) “ grievance committee ” means grievance committee constituted to look into the grievances of the employee concerned ;

(16) “ hostel ” means a place of residence for the students provided, maintained or recognised by the University ;

(17) “ Head of the conducted institution ” means the teacher, principally responsible for instructions, or research in the institution ;

(18) “ Head of department ” means the teacher principally responsible for instruction, training or reserch in a department ;

(19) “ Head of the recognised institution ” means the person principally responsible for administration and teaching in the institution ;

(20) “ management ” means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Bombay Public Trusts Act, 1950 or any society registered under the Societies Registration Act, 1860, under whose management an institution to be admitted to the privileges of the Unversity functions ;

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¹[(20-a) “ Other Backward Classes ” means and includes such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes ;]

(21) “ Planning and Evaluation (Monitoring) Board ” means the Planning and Evaluation (Monitoring) Board of the University ;

(22) “ prescribed ” means prescribed by the Statutes, Ordinances or regulations ;

(23) “ recognised institution ” means an institution for specialised studies or research other than a conducted institution and recognised as such by the University and includes all institutions imparting instructions or practical training in the courses prescribed by the University and recognised as such institutions ;

(24) “ Scheduled Castes ” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under Article 341 of the Constitution of India and, for the purposes of this Act includes Nav-Boudhas ;

(25) “ Scheduled Tribes ” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under Article 342 of the Constitution of India residing in any part of the State of Maharashtra and, for the purpose of this Act, includes Vimukta and Nomadic Tribes ;

(26) “ Statutes ”, “ Ordinances ” and “ regulations ” mean, respectively, the Statutes, Ordinances and the regulations of the University made or deemed to have been made under this Act ;

¹ This clause was inserted by Mah. 7 of 1993, s. 18.

(27) “ teacher ” means a full-time professor, assistant professor, reader, lecturer, demonstrator or tutor in any conducted, or recognised institution in the University, and includes any other persons, imparting instruction or guiding research, whether serving full-time or part-time or in an honorary capacity, who are designated to be teachers by the statutes :

Provided that, any such statutes may also declare that any class of persons, whether serving full-time or part-time or in an honorary capacity, shall not be teachers for the purposes of this Act;

(28) “ teacher of the University ” means a full-time or honorary professor, assistant professor, reader or lecturer or such other person as may be appointed or recognised for imparting instructions or guiding research in the University or in any of institution conducted by the University and is designated to be a teacher of the University by the Statutes :

Provided that, any such Statute may also declare that any class of persons whether serving full-time or part-time or in an honorary capacity, shall not be teachers of the University for the purposes of this Act ;

(29) “ University ” means the Dr. Babasaheb Ambedkar Technological University, established under this Act;

(30) “ University area ” means the area of the whole of the State of Maharashtra ;

(31) “ University schools ” means schools established by the University ;

(32) “ Vice-Chancellor ” means the Vice-Chancellor of the University.

CHAPTER II

UNIVERSITY

3. (1) The first Chancellor, the first Vice-Chancellor and the first members of the Executive Council and the Academic Council, and all persons who may hereafter become the Chancellor, the Vice-Chancellor and members of the Executive Council and the Academic Council are hereby constituted and declared to be a body corporate by the name of the “ Dr. Babasaheb Ambedkar Technological University ”; and such body corporate shall have perpetual succession and a common seal, and may, by that name, sue and be sued.

Incorporation of University.

(2) The University shall be of the unitary type of University ; and the territorial limits, within which the powers conferred upon the University by or under this Act shall be exercised, shall comprise the whole of the University area.

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

(4) The principal seat of the University shall be at Lonare in Raigad district in Konkan region, or at such other place as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Objects of University. 4. The University shall be deemed to be established and incorporated for the following purposes, namely :—

(a) to provide facilities and offer opportunities for higher education in engineering technology and allied sciences by instruction, training, research, development and extension, and by such other means as the University may deem fit ;

(b) to devise and implement a programme of education in engineering, technology and allied sciences which are relevant to the current needs of the society, alive to the long-term requirements and responsive to the anticipated changes and developments, in terms of breadth of diversity and depth of specialisation ;

(c) to further the advancement of knowledge in engineering, technology and allied sciences; to prosecute and promote research; to disseminate and advance the knowledge thereon for the betterment of society and to bring about a wide-spread awareness of the tools and methods continuously generated by the advances in engineering, technology and allied sciences; and to achieve transference of Technology to backward regions as well as to under-privileged persons in the State ;

(d) to serve as a centre for fostering co-operation and exchange of ideas between the academic and research community on the one hand, and the industrial and Governmental employers on the other, and to promote entrepreneurship among the students ;

(e) to teach and examine students in such manner, and confer such degrees, diplomas, certificates and other academic distinctions, as the University may deem fit;

(f) to provide integrated technological education at all levels for economic developments of the State and backward areas in particular;

(g) to co-operate with industries both in public and private sectors with a view to devising courses of instruction which would meet the requirements of such industries ;

(h) to establish extension centres at different regions of the University;

(i) such other purposes, not inconsistent with the foregoing provisions of this Act, which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

Medium of instruction and examination of University. 5. The medium of instruction and examination for courses upto certificate level may be Marathi, while that for courses beyond certificate level shall be English.

Admission to University and concessions for certain classes. 6. The University shall be open to all persons, irrespective of caste, creed, religion or sex and no person shall be excluded from admission to any degree, diploma, certificate or other academic distinction or courses of study on the ground only of religion, race, caste, sex, place of birth or political or other opinion :

Provided that, the University may, subject to the previous sanction of the State Government, reserve certain seats for purposes of admission as students for the following classes of persons, namely :—

(i) the Scheduled Castes and Scheduled Tribes, Nomadic Tribes and Vimukta Jatis.

(ii) students coming from State other than Maharashtra in case of selective courses.

7. Subject to the provisions of this Act, the University shall have the following powers and functions, namely :—

Powers and functions of University.

(1) to provide for instruction and training in engineering, technology and allied sciences ;

(2) to provide for research and for advancement and for dissemination of knowledge in engineering, technology and allied sciences ;

(3) to institute degrees, diplomas and other qualifications including academic distinctions in engineering, technology and allied sciences ;

(4) to make provision for conduct of research and transference of technological knowledge through extension education programme ;

(5) to institute courses of study and to hold examinations for and to confer degrees, diplomas, certificates and other academic distinctions ;

(6) to hold examinations and confer degrees, diplomas, certificates and other academic distinctions on persons who have—

(i) pursued a prescribed course of study, or

(ii) carried out research in the University or in any other centre or institution recognised by the University under the prescribed conditions ;

(7) to confer honorary degrees or other academic distinctions in the prescribed manner and under the prescribed conditions ;

(8) to prescribe conditions under which the award of any degree, diploma certificates and other academic distinctions to persons may be withheld ;

(9) to provide training and instructions for persons not enrolled as regular students of University and to grant certificates to them as may be prescribed ;

(10) to establish, develop and maintain faculties, laboratories, libraries and departments and other institutions of higher learning and research for such purposes as the University may determine ;

(11) to act as co-ordinator among the various faculties, laboratories and centres of the University ;

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

(13) to create teaching, research and extension posts and to appoint persons to such posts ;

(14) to create administrative, ministerial and other posts and to appoint persons to such posts ;

(15) to institute and award fellowships, scholarships, prizes and medals in accordance with the Statutes ;

(16) to establish and maintain institutions, schools, centres, workshops and other institutions relating to technology and allied sciences ;

(17) to establish and maintain or recognise hostels for students of the University and residential accommodation for the staff of the University and to withdraw any such recognition ;

(18) to supervise and control the residence (in hostel), conduct and discipline of the students of the University and to make arrangements for promoting their health and welfare ;

(19) to fix, demand and receive such fees and other charges as may be prescribed ;

(20) to make provision for consumers, co-operative societies and institutions under its control ;

(21) to admit to the privileges of the University, colleges and institutions not maintained by the University and withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes ;

(22) to act as trustees or managers for any property, legacy, endowment, bequest or gift for the purpose of education or research or otherwise in furtherance of the work and welfare of the University and to invest any funds representing the same, in accordance with the provisions of this Act and the Statutes made thereunder ;

(23) to assess the needs of the State and the country in terms of subjects, field of specialisation, levels of education and training of technical manpower both on short and long term basis, and to initiate necessary programmes to meet those needs ;

(24) to organise advanced studies and research programme based on a deep understanding of the trends in engineering, technology and in allied sciences so that the profession shall be ensured of persons who are not only upto date in knowledge and learning, but also shall be able to provide the lead ;

(25) to promote research, design, development and extension service activities that have a relevance to social needs and the development programmes of the nation and particularly of backward and under developed areas ;

(26) to initiate measures to enlist the co-operation of industries and Governmental employers to provide complementary facilities ;

(27) to provide for continuous experimentation in imparting knowledge, organisation of training and preparation of textbooks and other instructional materials ;

(28) to arrange for progressive introduction of continuous evaluation and reorientation of the objectives in educational measurement ;

(29) to further entrepreneurial ability among its students ;

(30) to educate the public with regard to the requirement of, and opportunities in, the profession of engineering, technology and allied sciences and its responsibilities and service to the society ;

(31) to enter into any agreement for the merger in the University of any other college or institution and for taking over its rights and liabilities and for any other purpose not repugnant to the provisions of this Act ;

(32) to do all such acts and things, whether incidental to the powers and functions aforesaid or not, as may be necessary or desirable to further the objects of the University.

CHAPTER III

Officers of the University

8. The following shall be the officers of the University, namely :— Officers of University.
- (a) the Chancellor ;
 - (b) the Vice-Chancellor ;
 - (c) the Deans of Faculties ;
 - (d) the Dean of Research and Development ;
 - (e) the Registrar ;
 - (f) the Finance Officer ; and
 - (g) such other officers in the service of the University as may be declared by Statutes to be officers of the University.
9. The Government of Maharashtra shall be the Chancellor of the University. The Chancellor.
10. (1) The Chancellor shall, by virtue of his office, be the Head of the University and shall, when present, preside over the meetings of the authorities of the University and the Convocation of the University. Powers and duties of the Chancellor.
- (2) The Chancellor may call for his information any papers relating to the administration and affairs of the University and such requisition shall be complied with by the University.
- (3) Every proposal to confer an honorary degree shall be subject to the prior approval of the Chancellor.
- (4) The Chancellor may, by an order in writing, annul any proceeding of any officer or authority of the University, which is not in conformity with this Act, the Statutes, the Ordinances or the regulations :
- Provided that, before making any such order, he shall call upon the officer or authority to show cause why such an order should not be made, and if any cause is shown within the time specified by him in this behalf, he shall consider the same, before passing the order.
- (5) The Chancellor shall exercise such other powers as are laid down by this Act, or as may be conferred on him by the Statutes.
11. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, laboratories, libraries, workshops and equipment of any institution or hostel maintained or administered by the University, and of the teaching and other work conducted, by the University, or under its auspices, and of the conduct of examinations or other functions of the University, and to cause an inquiry to be made in respect of any matter connected with the administration and finances of the University. Inspection and inquiry of Chancellor.
- (2) The Chancellor shall, in every case, give due notice to the University of his intention to cause inspection or inquiry to be made, and the University shall be entitled to appoint a representative, who shall have the right to be present and to be heard at such inspection or inquiry.

(3) The Chancellor shall communicate to the University his views with reference to the result of such inspection or inquiry, and may, after ascertaining the opinion thereon of the University with such advice as the Chancellor may offer on the action to be taken thereon, and fix a time-limit for taking such action.

(4) The University shall, within the time-limit so fixed, report to the Chancellor the action which has been taken or is proposed to be taken by it on the advice tendered by him.

(5) The Chancellor may, where action has not been taken by the University to his satisfaction, within the time-limit fixed, and after considering any explanation furnished or representation made by the University, issue such directions, as he may think fit and the University shall comply with such directions.

(6) Notwithstanding anything contained in the preceding sub-sections, if, at any time, the Chancellor is of opinion that in any matter the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act and Statutes, Ordinances and regulations or that special measures are desirable to maintain standards of University teaching, examinations, research or extension educations, administration or finances, the Chancellor may indicate to the University any matter in regard to which he desires an explanation and call upon the University to offer such explanation within such time as may be specified by him. If the University fails to offer any explanation within the time specified or offers an explanation which, in the opinion of the Chancellor is not satisfactory, the Chancellor may issue such directions as he may deem fit, and the University shall comply with such directions.

Vice-Chancellor. **12.** ¹[(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(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 scientist of national repute or a recipient of *Padma* Award in the field of education ;

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Executive Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette* ;

¹ Sub-sections (1), (2), (3), (3A), (3B) and (3C) were substituted for sub-sections (1), (2), and (3) by Mah. 14 of 2009, s. 8(1).

(b) The member nominated by the Chancellor shall be the Chairman of the Committee;

(c) The members nominated shall be the persons who are not connected with the University;

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

(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(3) 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 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.

(3A) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be a distinguished technologist;

(b) be an eminent academician or an administrator of high caliber;

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

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

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

(3B) 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.

(3C) If the Chancellor does not approve the name of any of the persons so recommended by the committee constituted under sub-section (1), he may call for fresh recommendation.]

(4) The Vice-Chancellor shall be a whole-time salaried officer of the University. He shall, subject to the terms and conditions of service, hold office for a term of five years, which term may be extended by the Chancellor, in exceptional circumstances, for a period not exceeding in the aggregate six months, for reasons which shall be stated in the order extending the term.

(5) The Vice-Chancellor may, after giving one months' notice, resign his office, by tendering his resignation in writing to the Chancellor. The resignation shall take effect on its acceptance by the Chancellor.

(6) The emoluments to be paid to the Vice-Chancellor and other conditions of service shall be such as may be prescribed by Statutes and shall not be varied to his disadvantage after his appointment, without his consent.

(7) In the event of the occurrence of a vacancy in the office of the Vice-Chancellor by reason of death, resignation or otherwise, the Chancellor may nominate the senior most Dean or any other suitable person, who shall act as Vice-Chancellor until a regular appointment of Vice-Chancellor is made in accordance with ¹[sub-section (1)] and a new Vice-Chancellor enters upon his office, or ²[until a period of twelve months] from the date on which such nominee entered upon the office of the Vice-chancellor, expires, whichever is earlier.

(8) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or any other reason, a Dean or any other suitable person, nominated by the Chancellor for that purpose shall act, as acting Vice-Chancellor until such date on which the Vice-Chancellor resumes his duties.

(9) No person shall hold or continue to hold the office of Vice-Chancellor after he attains the age of sixty-five years.

Powers and
duties of
Vice-
Chancellor.

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University. He shall, in the absence of the Chancellor, preside at the convocation of the University for conferring degrees, diplomas, certificates and other academic distinctions. The Vice-Chancellor shall be the *ex-officio* Chairman of the Executive Council, the Academic Council, Planning and Evaluation (Monitoring) Board and Finance Committee.

(2) The Vice-Chancellor shall be responsible for the due maintenance of discipline in the University.

(3) The Vice-Chancellor shall have power to convene meetings of the Executive Council and the Academic Council and other bodies or committees.

(4) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the Statutes, Ordinances and regulations are faithfully observed, and he shall have all powers necessary for this purpose.

(5) The Vice-Chancellor shall be responsible for the proper administration of the University and for close co-ordination and integration of teaching, research and extension education, extension service and transfer of technology programme.

(6) The Vice-Chancellor shall manage, through appropriate officers and staff members, the departments, institutions of specialised studies, laboratories, libraries, museums, hostels and schools maintained by the University both at headquarters and outside.

(7) The Vice-Chancellor may call for reports from the University school, college, department or from the recognised institutions, hostels on all activities of the University as he may deem it necessary for the proper functioning of the University.

(8) The Vice-Chancellor shall supervise and control the residence (in hostels), conduct and discipline of the students of the University. He shall also make arrangements for promoting their health and general welfare, in consultation with such committees as may be prescribed.

¹ These words, brackets and figures were substituted for the word, brackets and figure "sub-section (2)" by Mah. 14 of 2009, s. 8(2).

² These words were substituted for the words "until a period of six months" by Mah. 1 of 2010, s. 3.

(9) The Vice-Chancellor shall be responsible for the presentation of the annual accounts and the balance-sheet in time to the Executive Council.

(10) The Vice-Chancellor shall hold, control and administer the property and funds of the University.

(11) The Vice-Chancellor shall administer the funds placed at the disposal of the University for specific purpose and for the purpose for which they have been given.

(12) The Vice-Chancellor shall make provision, within means available to him, for buildings, premises, apparatus and other means needed for carrying on the work of the University.

(13) The Vice-Chancellor, shall, with the concurrence of the Executive Council, enter into, vary, carry out or cancel contracts on behalf of the University in exercise of the performance of the powers and duties assigned to it by or under this Act and the Statutes, on the advice of the Finance Committee, and Legal Committee to be appointed by the Executive Council for the purpose.

(14) In any emergency which, in the opinion of the Vice-Chancellor, requires immediate action, he shall, subject to the control of the Chancellor, take such action which he deems necessary and shall at the earliest opportunity thereafter report his action to the Chancellor and the Executive Council and to such other authorities or officers as would have, in the ordinary course, dealt with the matter :

Provided that, if the authority or body concerned does not approve the action taken by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the Chancellor whose decision shall be final, and who may either confirm the action taken by the Vice-Chancellor or annul the same, or modify it in such manner as he may think fit, and thereupon, it shall cease to have effect, or as the case may be, take effect in the modified form ; so, however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor.

(15) Where any action taken by the Vice-Chancellor under the last preceding sub-section, affects any person in the service of the University to his disadvantage, such person may prefer an appeal to the Executive Council within thirty days from the date on which such person has received notice of the action taken and the Executive Council shall consider the appeal at its next meeting and shall give its decision within three months from the date of appeal.

(16) Any person aggrieved by the appellate order of the Executive Council may, within thirty days from the date of communication of such order, appeal to the Chancellor and the decision of the Chancellor on such appeal shall be final.

(17) Subject to the provisions of the preceding sub-sections, the Vice-Chancellor, shall give effect to the orders of the Executive Council regarding the appointment, suspension, removal or dismissal of any of the employees of the University.

(18) The Vice-Chancellor shall exercise such other powers and perform such other duties as are laid down under this Act or as may be conferred or imposed on him by the Statutes, Ordinances and regulations.

Deans of Faculties. **14.** (1) The Dean of each Faculty shall be whole-time salaried officer and shall be appointed for a period of three years by the Executive Council on the recommendation of the selection committee as prescribed by the Statutes. The Dean shall be eligible for reappointment for a further period of three years :

Provided that, no member of the Executive Council, other than the Vice-Chancellor shall be a member of such a Committee.

(2) No person shall hold the office of Dean beyond the age of 60 years.

(3) The Dean shall perform such functions as may be prescribed by Statutes, Ordinances and Regulations made under this Act.

Registrar. **15.** The Registrar shall be a whole-time salaried officer of the University, and shall act as the Secretary of the Executive Council, Academic Council, Planning and Evaluation (Monitoring) Board and Faculties but shall not be deemed to be a member of any of those authorities.

Appointment of Registrar, his duties and powers. **16.** (1) Registrar shall be appointed by the Executive Council on the recommendation of a selection committee constituted under section 52. His qualifications, emoluments and terms and conditions of service shall be such as may be prescribed by the Statutes.

(2) The Registrar shall be appointed for a period of five years and shall be eligible for reappointment for one more term of five years :

Provided that, no person shall hold the office of Registrar beyond the age of 60 years.

(3) The Registrar shall be responsible for the due custody of the records, the common seal of the University and such other property of the University as the Executive Council shall commit to his charge.

(4) The Registrar shall issue all notices convening meetings of the Executive Council, Academic Council, Planning and Evaluation (Monitoring) Board and such other committees appointed by the authorities other than Finance Committee of the University and keep minutes of such meetings. He shall receive applications for entrance to the University and shall keep a permanent record of all courses, curricula and other information as may be necessary.

(5) The Registrar may, by writing under his own hand addressed to the Vice-Chancellor, resign his office. The resignation shall be delivered to the Vice-Chancellor ordinarily thirty days prior to the date on which the Registrar wishes to be relieved of his office but the Executive Council may at its discretion, relieve him earlier. The resignation shall take effect from the date of relief.

(6) In the temporary absence of the Registrar on leave or for whatever reason or until the vacancy caused by any other reason is filled, the Vice-Chancellor shall appoint any suitable person temporarily for a period not exceeding three months to act as Registrar.

(7) The Registrar shall be responsible for maintaining a permanent record of the academic performance of students of the University including the courses taken, grades obtained, degrees, awards, prizes or other distinctions won and any other items pertaining to the academic performance of the students.

(8) The Registrar shall exercise such other powers and perform such other duties as are laid down under this Act or as may be conferred or imposed on him by the Statutes or as may be directed by the Vice-Chancellor.

17. The Finance Officer shall be a whole-time salaried officer of the University and shall act as *ex-officio*, Secretary of the Finance Committee or committees constituted by it but shall not be deemed to be a member of the Finance Committee. Finance Officer.

18. (1) The Finance Officer shall be appointed by the Executive Council on the recommendation of selection committee constituted under section 55. His qualifications, emoluments and terms and conditions of service shall be such as may be prescribed by the Statutes. Appointment of Finance Officer, his duties and powers.

(2) The Finance Officer shall be appointed for a period of five years and shall be eligible for reappointment :

Provided that, no person shall hold the office of Finance Officer beyond the age of 60 years.

(3) When the office of the Finance Officer falls vacant or when the Finance Officer is, by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed for the time being, by such person as the Vice-Chancellor may appoint for the purpose, for a period not exceeding six months or until a Finance Officer is duly appointed, whichever is earlier.

(4) The Finance Officer shall assist the Vice-Chancellor in financial matters and be under the general control of the Vice-Chancellor. In the exercise of his powers and performance of his duties, the Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise the University as regards its financial policy ;

(b) hold and manage the property and investments, including trust and endowed property, for furthering any of the objects of the University ;

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

(d) be responsible for the preparation of the annual accounts and the budget of the University for the next financial year, and for their presentation to the Executive Council ;

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

(f) watch the progress of collection of revenue and advise on the methods of collection employed;

(g) have the accounts of the University regularly audited;

(h) ensure that the registers of buildings, land and equipments are maintained up-to-date, and that the stock-checking of equipment and other consumable material in all offices, colleges, centres, institutes, laboratories, libraries, work-shops, and stores is conducted regularly;

(i) propose to the Executive Council, through the Vice-Chancellor, that explanation be called for unauthorised expenditure or other financial irregularities in any particular case, and recommend disciplinary action against the persons at fault;

(j) call, from any office, centre, college, laboratory or institution under the control of the University, for any information and returns that he thinks necessary for the proper discharge of his financial responsibilities; and

(k) exercise such other powers, perform such other duties and discharge such other financial functions as are assigned to him by the Executive Council or as may be prescribed by the Statutes.

Other officers. **19.** The appointment of other officers of the University, referred to in clause (g) of section 8, shall be made in such manner, and their terms and conditions of service and powers and duties shall be such, as may be regulated by the Ordinances.

Power to determine conditions of service of University employees. **20.** (1) Subject to the recommendations of the All India Council for Technical Education and the guidelines of the University Grants Commission, as accepted by the State Government, and the provisions of this Act, the designations, qualifications, method of recruitment, pay, allowances and other conditions of service of all teachers of the University and their powers and duties shall be such as may, from time to time, be prescribed by the Statutes, Ordinances and regulations.

(2) The designations, qualifications, method of recruitment, pay, allowances, and other conditions of services of the non-teaching employees of the University shall, subject to the provisions of this Act and the approval of the State Government, be prescribed by the Statutes, Ordinances and regulations.

Authorities and officers responsible for damages. **21.** (1) It shall be the duty of every authority, officer and employee 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 act on the part of any authority or officer or employee of the University not in conformity with the provisions of this Act, the Statutes, Ordinances or regulations, except when done in good faith, or any failure so to act in conformity thereof, or by wilful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or the members concerned thereof or from the officer or the employee concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

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

Authorities of University.

- (a) the Executive Council ;
- (b) the Academic Council ;
- (c) the Planning and Evaluation (Monitoring) Board ;
- (d) the Finance Committee ;
- (e) the Board of Studies ; and
- (f) such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

¹[**22A.** Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University.]

Power of Government to specify eligibility conditions for being member of any authority of University.

23. (1) The Executive Council shall be the principal authority concerned with general policy and vested with powers of supervision, control and execution and shall consist of the following members, namely :—

Executive Council.

- (a) the Vice-Chancellor, *ex-officio* Chairman ;
- (b) the Director of Technical Education or his representative, not below the rank of Joint Director ;
- (c) one nominee of the Chancellor ;
- (d) one representative of the Dean of Research and Development and Deans of Faculties, to be nominated by the Vice-Chancellor by rotation according to seniority ;
- (e) two representatives of the Heads of the University departments, Heads of conducted institutions and Heads of University schools, to be nominated by the Vice-Chancellor by rotation according to seniority ;
- (f) one representative of Heads of recognised institutions, to be nominated by the Vice-Chancellor by rotation according to seniority on the basis of date of recognition of the institution ;
- (g) two teachers of the University, one from among professors and one from among assistant professors, other than those covered in clauses (d) and (e), to be nominated by the Vice-Chancellor by rotation according to seniority ;
- (h) four eminent scientists or renowned technologists, not in the employment of the Government, to be nominated by the Government.

(2) The tenure of membership of representatives under clauses (c) to (h) of sub-section (1) shall be three years.

(3) The member representatives under clauses (d) to (g) of sub-section (1) shall cease to be members of the Executive Council if they cease to be members of the body whom they represent.

¹ Section 22A was inserted by Mah. 14 of 2009, s. 9.

(4) If a member of the Executive Council covered by clauses (c) to (h) of sub-section (1) remains absent without permission of the Executive Council for three consecutive meetings thereof, he shall cease to be the member of the Executive Council and his office shall be deemed to have been vacated.

Meetings of
Executive
Council.

24. (1) Seven members of the Executive Council shall form a quorum of a meeting of the Executive Council.

(2) (a) There shall be at least seven meetings of the Executive Council in a year including one meeting for discussing and approving the financial estimates (budget) of the University.

(b) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than five members of the Executive Council, convene a special meeting of the Executive Council, within twenty-one days of the receipt of such requisition.

(c) When a date has been fixed for the meeting of the Executive Council by the Vice-Chancellor under clauses (a) and (b) of sub-section (2), the Register shall give ten clear days notice in writing to the members of the Executive Council of such meeting.

Powers and
duties of
Executive
Council.

25. (1) Subject to the provisions of this Act and of the Statutes, the Ordinances or the regulations, the Executive Council shall exercise the following powers and perform the following duties, namely :—

(i) to outline broadly programmes of the University ;

(ii) to note and approve annual financial estimates and annual accounts prepared by the Finance Committee ;

(iii) to discuss and review the annual report of the University and make suggestions thereon ;

(iv) to recognise institutions of higher learning and institutions imparting instruction in the courses prescribed by the University and institutions for extension education and extension services, transfer of technology ;

(v) to sanction and award fellowships, including travelling fellowships, scholarships, medals and prizes ;

(vi) to make provision for instruction, teaching, guidance and training in such branches of learning and courses of studies, and for research and the advancement and dissemination of knowledge, as it thinks fit ;

(vii) to make such provision as may enable colleges and institutions to undertake specialisation in studies, and organise and make provision, where necessary or desirable, for common laboratories, libraries, museums and equipment for teaching, and research ;

(viii) to establish and maintain colleges, departments, halls, hostels, gymnasium and institutions of research and specialised studies ;

(ix) to institute degrees, diplomas, certificates and other academic distinctions ;

(x) to confer autonomous status on University departments, colleges and recognised institutions, on the recommendation of the Academic Council ;

(xi) to make, amend or repeal Ordinances and Statutes, and make such recommendations to the Chancellor as it thinks fit ;

(xii) to accept, reject or refer back any regulations framed by the Academic Council ;

(xiii) to hold, control and administer the property and funds of the University ;

(xiv) to enter into, vary, carry out and cancel contracts on behalf of the University, in the exercise or performance of the power and duties assigned to it by or under this Act ;

(xv) to determine the form of a common seal for the University, and provide for its custody and use ;

(xvi) to administer funds placed at the disposal at the University for specific purposes ;

(xvii) to provide buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University ;

(xviii) to accept, on behalf of the University, trusts, bequests, donations and transfers of any movable or immovable property to the University ;

(xix) to transfer by sale, lease or otherwise, any movable or immovable property on behalf of the University ;

(xx) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the University, and decide to join a University and College Development Finance Corporation, as and when established ;

(xxi) to borrow, lend or invest funds on behalf of the University ;

(xxii) to provide for services and activities specified below :—

(I) (a) a Printing and Publication Department ;

(b) University Extension Boards ;

(c) Information Bureaux ;

(d) Employment Guidance Bureaux ;

(e) Co-operative Societies ; and

(f) Health Services ;

(II) (a) the National Service Scheme ;

(b) the National Cadet Corps ;

(c) the National Sports Organisation ;

(d) Physical and military training ;

(e) extra mural teaching and research ;

(f) the Students' Council ; and

(g) any other activities directed towards cultural, economic and social betterment;

(xxiii) to provide for inter-faculty and area or regional studies ;

(xxiv) to manage colleges, departments, institutions of research or specialised studies, laboratories, museums, halls, hostels and gymnasiums maintained by the University ;

(xxv) to provide, if and where it thinks necessary, housing accommodation for teachers and other employees of the University ;

(xxvi) to arrange for inspection of University departments and post-graduate departments in colleges with a view to assessing their academic performance and needs ;

(xxvii) to direct inspection of colleges and recognised institutions, halls and hostels, in order to assess their academic performance and needs, issue instructions where necessary, for maintaining efficiency and ensuing adequate student amenities and proper terms and conditions of employment of their teachers and other employees, and in the event of disregard of such instructions, make modification of the conditions of their recognition, or to take such other measures as it thinks fit.

(xxviii) to cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges and recognised institutions ;

(xxix) to call for reports, returns and other information from colleges, recognised institutions, halls and hostels ;

(xxx) to confer honorary degrees and academic distinctions as prescribed by the Statutes;

(xxxi) to supervise and control the admission, residence (in hostel), conduct and discipline of the students of the University, and to make provisions for promoting their health and general welfare ;

(xxxii) to create posts and appoint officers and other employees of the University, prescribe their qualifications, fix their emoluments, determine the terms and conditions of their service and discipline and, where necessary, their duties ;

(xxxiii) to create posts and appoint teachers of the University in accordance with the qualifications prescribed by the Academic Council for different classes of teachers, including the additional qualifications, if any, if so, prescribed for a particular post of teachers, fix their emoluments, define the terms and conditions of their service and discipline and their duties ;

(xxxiv) to ensure that appointment of teachers, officers and other employees in all colleges and recognised institutions are made in accordance with the qualifications and subject to the terms and conditions of service and discipline and duties prescribed by or under the Statutes and Ordinances ;

(xxxv) to recognise any member of the staff of a college or recognised institution as a teacher of the University and withdraw such recognition ;

(xxxvi) to appoint examiners and moderators and, where necessary, remove them, fix their emoluments and fees, travelling and other allowances and to arrange for the proper conduct and timely publication of the results of the University examinations and other tests ;

(xxxvii) to cancel examinations, in part or in whole, in the event of malpractices, and take disciplinary action against any person or group of persons or institutions found guilty of such malpractices ;

(xxxviii) to take disciplinary action; where necessary, against persons appointed as invigilators, examiners, and other staff for any examinations ;

(xxxix) to take disciplinary action, where necessary, against students enrolled in the University including candidates for any examinations ;

(xl) to fix, demand and receive such fees and other charges as are regulated by the Ordinances ;

(xli) to requisition the facilities of colleges and recognised institutions, where necessary, for promoting the facilities of the University, after giving due notice to the college or recognised institutions ;

(xlii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and regulations ;

(xlili) to exercise all the powers of the University not otherwise provided for in this Act or the Statutes, and all other powers which are required, to give effect to this Act, or the Statutes, Ordinances and regulations ; and

(xliv) to delegate, subject to the approval of the Chancellor, any of its powers, except the power to make Ordinances, to the Vice-Chancellor, the Registrar or the Finance Officer, or such other authority of the University, or a committee appointed by it, as it may think fit.

(2) The powers and duties under clauses (vi) to (x) and clauses (xxxvii) to (xxxv) of sub-section (1) shall not be exercised by the Executive Council except in consultation with the Academic Council.

(3) The Executive Council may, by Ordinances, appoint committees to carry out its administrative work, and define their constitutions, tenure, function and procedure.

26. (1) The Academic Council shall be the principal academic authority of the University and it shall consist of the following members, namely :—

Academic Council.

(a) Vice-Chancellor, *ex-officio* Chairman ;

(b) Dean of Research and Development and all Deans of Faculties ;

(c) all Heads of University schools and departments ;

(d) Director, department of chemical technology, University of Mumbai ;

- (e) Director, Tata Institute of Fundamental Research, *Bombay ;
- (f) Principal, School of Nautical Engineering, Sewree, *Bombay ;
- (g) Chairman or his representative, Rashtriya Chemicals and Fertilizers, *Bombay ;
- (h) Chairman of all Boards of Studies ;
- (i) four experts from different branches of technology, to be nominated by the Vice-Chancellor ;
- (j) three teachers, to be nominated by the Vice-Chancellor, one from among professors, one from among assistant professors and one from among lecturers of the University, by rotation according to their seniority.

(2) The tenure of all nominated members shall be three years :

Provided that, members who become members by virtue of their office, shall cease to be members, on their ceasing to hold that office.

(3) There shall be at least four meetings of the Academic Council in a year.

(4) Fifty per cent. of the total membership shall form a quorum of a meeting of the Academic Council.

Powers and
duties of
Academic
Council.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching, research and examinations in the University.

(2) Without prejudice to the generality of the foregoing provisions, and subject to such conditions as may be prescribed by or under the provisions of this Act, Statutes and Ordinances, the Academic Council shall exercise the following powers and perform the following duties, namely :—

- (a) to make regulations, laying down the courses of study ;
- (b) to make regulations regarding special courses of studies or the division of subjects in colleges and recognised institutions ;
- (c) to make proposals for allocating subjects to the Faculties and assigning its members to the Faculties ;
- (d) to make proposals for the establishment of colleges, departments, institutions of research and specialised studies, libraries, laboratories and museums ;
- (e) to make proposals for the institution of professorships, readerships, lecturerships and any other posts of teachers required by the University, and for prescribing their duties ;
- (f) to prescribe the qualifications for different classes of teachers, including additional qualifications, if any, for a particular post of teacher, whether in the University departments or in any colleges or recognised institutions ;
- (g) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes, and to make regulations for their award ;

* The name "Mumbai" stands restored for "Bombay" by Mah. 25 of 1996, s. 3.

(h) to make regulations for the examinations of the University and the conditions on which the students shall be admitted to such examinations ;

(i) to make regulations for the equivalence of examinations ;

(j) to make regulations for granting exemptions from courses of study prescribed for qualifying for degrees, diplomas, certificates and other academic distinctions ;

(k) to supervise the conduct of the academic policies of the University and give directions, where necessary, regarding methods of instruction, co-operation in teaching among colleges, evaluation of research and improvement of academic standards ;

(l) to effect inter-Faculty co-ordination and appoint committees or boards for engaging in projects on an inter-Faculty basis ;

(m) to appoint committees or boards to review the utility and practicability of existing courses of studies and the desirability or necessity of reviewing or modifying them in the light of new knowledge ;

(n) to make proposals for the conduct of inter-Faculty and area or regional studies ;

(o) to make such other regulations, as it may think fit, for the proper academic conduct of the University and the conditions of discipline, residence (in hostel), corporate life and attendance of students, including fee concessions to them ;

(p) 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 ; and

(q) to generally advise the University on all academic matters.

28. (1) The Planning and Evaluation (Monitoring) Board shall be the principal planning body of the University and also be responsible for the monitoring of the developments of the University in accordance with the objectives of the University. It shall consist of the following members, namely :—

Planning
and
Evaluation
(Monitoring)
Board.

(a) the Vice-Chancellor, *ex-officio* Chairman ;

(b) the Director of Technical Education or his representative, not below the rank of Joint Director ;

(c) the Chancellor's nominee on the Executive Council ;

(d) one member from amongst the Dean of Research and Development and the Deans of Faculties, on rotation as per seniority ;

(e) two members, nominated by the Executive Council;

(f) two members, nominated by the Academic Council;

(g) the Registrar shall act as Secretary of the Board :

Provided that, the members to be nominated under clauses (e) and (f) shall be from amongst persons, who, in the opinion of the Executive Council or the Academic Council, are expert in planning and evaluation.

(2) The tenure of the nominated members shall be three years.

(3) The Planning and Evaluation (Monitoring) Board shall meet at such intervals as it may deem expedient, but it shall meet at least thrice a year.

Powers and duties of Planning and Evaluation (Monitoring) Board.

29. (1) Subject to the provisions of this Act, or the Statutes, the Ordinances or regulations, the Planning and Evaluation (Monitoring) Board shall exercise the following powers and perform the following duties, namely :—

(a) to recommend to the Executive Council the broad development programmes in education, having regard to the objectives of the University ;

(b) to review the maintenance of standards of instruction, education, research, training and examinations within the University;

(c) to arrange for inspection of University departments, schools and post-graduate departments in colleges with a view to assessing their academic performance and needs;

(d) to recommend to the Executive Council and Academic Council inspection of colleges and recognised institutions, halls and hostels in order to assess their academic performance and needs, where necessary, with a view to maintain efficiency, ensure adequate student amenities and proper terms and conditions of employment of their teachers and other employees and to recommend modification of the conditions of recognition or such other measures as it deems fit;

(e) to advise the Academic Council and Executive Council on any matter which it may deem necessary for the fulfilment of the objects of the University.

(2) The Planning and Evaluation (Monitoring) Board may constitute committee or committees for the Planning or Monitoring of the programmes of the University.

Finance Committee, its constitution, meetings and powers.

30. (1) The Finance Committee shall consist of—

(a) the Vice-Chancellor, *ex-officio* Chairman ;

(b) the Director of Technical Education or his representative, not below the rank of Joint Director ;

(c) one representative of the All India Council of Technical Education ;

(d) two members from amongst Dean of Research and Development and Deans of Faculties, to be nominated by the Academic Council ; and

(e) two members, to be nominated by the Executive Council from amongst its members, one of whom shall be the nominee of the Chancellor on the Executive Council ;

(f) one person nominated by State Government ;

(g) the Registrar.

(2) The Finance Officer shall act as the secretary of the Finance Committee.

(3) The quorum at the meeting of the Finance Committee shall be four members.

(4) All members of the Finance Committee, other than *ex-officio* members shall hold office for a term of three years.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the budgetary provisions available.

(6) The financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and recommendations and for submission thereafter to the Executive Council for approval.

(7) The Finance Committee shall scrutinise the annual accounts to satisfy itself that the moneys shown as having been disbursed were properly available for the purposes for which they were spent, and that the expenditure incurred was in accordance with the provisions of this Act, the Statutes or the Ordinances. The Finance Committee shall submit its report to the Executive Council from time to time and suggest any action to be taken thereon regarding any lapses or irregularities which come to its notice and thereupon, the Executive Council shall take such action as it thinks necessary.

(8) The Finance Committee shall recommend to the Executive Council the limits for the total recurring and non-recurring expenditure for the year, based on the income and resources of the University, including the proceeds of loans given for productive works.

(9) The Finance Committee shall take necessary steps to have the University accounts audited by auditors appointed by the Executive Council.

(10) All proposals relating to creation of posts, revision and upgradation of pay-scales and those items which have not been included in the budget would be examined by the Finance Committee before they are considered by the Executive Council.

(11) The powers and duties of the Finance Committee and procedure at its meeting shall be such as may be prescribed by the Statutes.

31. (1) There may be a Board of Studies for every subject or group of subjects, as may be prescribed under the Statutes. The Board may consist of,—

Board of studies.

(a) the Head of the University school of studies concerned ;

(b) the Head of the University department or the departments in recognised and conducted institutions in the particular subject, if any ;

(c) one person who has specialised knowledge of the subject, to be nominated by the Vice-Chancellor ; and

(d) two technologists, to be co-opted by the Board from amongst the teachers who are not the Heads of University departments or departments in recognised and conducted institutions.

(2) The term of the office of the members shall be three years.

(3) The Head of the University school in the subject shall be the Chairman of the Board of Studies :

Provided that, if there is no school of the University in that subject, the Chairman shall be nominated by the Vice-Chancellor.

(4) The powers, functions and duties of the Board of Studies shall be,—

(a) to recommend, upon reference to it by the Executive Council or the Academic Council, or otherwise, the courses of study in the subject or group of subjects within its purview ;

(b) to recommend books, including text books, for such courses of study ;

(c) to recommend to the Academic Council, for being forwarded to the Executive Council for its approval, the preparation and publications of selections or anthologies of the writings or works of authors and other masters in any subject or group of subjects, together with synopsis of the selections or anthologies, and the names of the authors and masters and of the persons who may, in its opinion, be appointed to make the selection ; and

(d) to bring to the notice of the Planning Evaluation (Monitoring) Board, Academic Council or the Executive Council, as the case may be, matters of importance relating to the examinations in such subjects or group of subjects.

Other
authorities
of the
University.

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

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

Statutes. **33.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) the constitution, powers and duties of the authorities of the University;

(b) the emoluments and other conditions of service of the Vice-Chancellor and his powers and duties ;

(c) the designations, qualifications, methods of recruitment, pay, allowances and other conditions of service of various categories of employees of the University and their powers and duties ;

¹[(c-a) provision for reservation of adequate number of posts of teachers, officers and other employees of the University and recognised Institutions, for members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes ;]

(d) the constitution, re-constitution or abolition of a Faculty or the Board of Studies and their powers and duties ;

¹ Clause (c-a) was inserted by Mah. 7 of 1993, s, 19.

- (e) the establishment of departments of teaching a conducted institutions ;
 - (f) the conferment of honorary degrees and academic distinctions ;
 - (g) the institution of pension or provident fund or insurance scheme, or all or any one or more of them, for the benefit of employees of the University ;
 - (h) the qualifications of professors, assistant professors, readers, lecturers, demonstrators and other members of the academic staff of the University and recognised institutions ;
 - (i) registration of graduates and maintenance of a register of registered graduates ;
 - (j) recognition of examinations of other Universities or educational institution as equivalent to the examinations of the University ;
 - (k) any matter which is to be or may be prescribed under this Act ;
- and
- (l) any other matter which is necessary to give effect to the provisions of this Act.

34. (1) The first Statutes necessary for effective working of the University, with regard to all or any of the matters set out in section 33, may be made by the first Vice-Chancellor with the approval of the Chancellor. How Statutes are made.

(2) The Executive Council may make new or additional Statutes or amend or repeal the Statutes, from time to time, in the manner hereinafter provided.

(3) The Executive Council, if it thinks necessary, may also obtain the opinion of any other authority of the University in regard to any draft Statutes which is before it for consideration.

(4) Every Statute passed by the Executive Council shall be submitted to the Chancellor, who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.

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

35. Subject to the provisions of this Act and the Statutes, the Executive Council may make Ordinances to provide for all or any of the following matters, namely :— Ordinances.

- (a) the conditions under which students shall be admitted to courses of study for degrees, diplomas, certificates and other academic distinctions ;
- (b) the fees to be charged for enrolment of students for attending such course in the University and recognised institutions including the tuition fees and hostel charges which shall, as far as possible, be uniform for the institutions situated in the same local area, for admission to the examinations leading to degree, diploma, certificates, and other academic distinctions, and for registration of graduates ;

(c) the conditions of residence (in hostels), conduct and discipline of the students of the University, and the action to be taken against them for breach of discipline or misconduct, including the following :—

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

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

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

(d) the qualifications and classification of teachers in University departments, schools and recognised institutions ;

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

(f) the conduct of examinations and other tests and the manner in which the candidates shall be assessed or examined by the examiners ;

(g) the recognition of halls and hostels ;

(h) the inspection of recognised institutions, halls and hostels ;

(i) the recognition of teachers of the University and the conditions subject to which persons may be recognised as qualified to give instructions in the University and recognised institutions ;

(j) the mode of execution of contracts or agreements for, or on behalf of the University ;

(k) the rules to be observed and enforced by recognised institutions regarding transfer of students ;

(l) the powers and functions of students, associations and other organisations in conducted or recognised institutions ;

(m) all other matters which, by or under this Act or the Statutes, are to be, or may be provided by Ordinances ; and

(n) generally, all matters for which provision is, in the opinion of the Executive Council, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Executive Council by or under this Act or the Statutes.

How
Ordinances
are made.

36. (1) The first Ordinances necessary for effective working of the University, with regard to all matters set out in section 35, may be made by the first Vice-Chancellor with the approval of the Chancellor.

(2) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(3) No Ordinance shall be made by the Executive Council unless draft thereof has been proposed by the Academic Council.

(4) The Executive Council shall not have the power to amend any draft proposed by Academic Council under sub-section (3), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Executive Council may suggest; and the Academic Council after taking into consideration the amendments suggested by the Executive Council propose the draft

Ordinance to the Executive Council and the Executive Council shall make the Ordinance accordingly.

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

37. (1) The first regulations and rules necessary for effective working of the University may be made by the first Vice-Chancellor with the approval of the Chancellor. Regulations and Rules.

(2) The Academic Council may make regulations consistent with this Act, the Statutes and the Ordinances, providing for all or any of the matters which, by or under this Act, the Statutes or Ordinances, are to be or may be provided by regulations, and for all other matters solely concerning itself.

(3) Any authority or body of the University shall subject to the previous approval of the Executive Council, make rules consistent with this Act, the Statutes, Ordinances and regulations for—

(a) giving notice of the date and hour of its meeting and or the business to be conducted thereat ;

(b) regulatng the procedure at its meetings and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings ;

(c) providing for all matters which, by or under this Act, the Statutes, Ordinances or regulations are to be, or may be, determined by rules ; and

(d) providing for all other matters solely concerning such authority or body.

(4) Such rules shall be submitted to the Executive Council, which may amend or annul them in such manner as it thinks fit, after ascertaining and considering the views of the authority or body making them.

CHAPTER VI

RECOGNITION OF INSTITUTIONS

38. (1) The Executive Council shall have the power after consultation with the Academic Council, to recognise any institution of research or specialised studies under the management of any authority other than the University as recognised institution for the purpose of providing means of instruction and research and extension education and extension service to meet particularly the requirements of the University for technical education and for transfer of technology to backward areas. Recognition of institutions of research and specialised studies.

(2) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in such letter in respect of the following matters, namely :—

- (a) constitution and personnel of the managing body;
- (b) subjects and courses in regard to which recognition is sought;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;
- (d) strength of the staff, their qualifications and salaries and the research work done by them; and
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings, roads and equipment and for the continued maintenance and efficient working of the institution.

(3) On receipt of the letter under sub-section (2), the Executive Council shall,—

- (a) direct an expert inquiry to be made by a competent person or persons authorised by it in this behalf;
- (b) make such further inquiry as may appear to it to be necessary; and
- (c) take such decision as it deems fit after consulting the Academic Council, on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (a) and (b).

(4) The Executive Council shall also have power, after consultation with the Academic Council, to recognise any institution for lower level education, such as technical education under the management of any authority other than the University as a recognised institution for the purpose of providing means of instruction in lower level education in technology and allied activities. The procedure prescribed in sub-sections (2) and (3) for applying for and granting or refusing to grant recognition to any institution of research or specialised studies, shall apply *mutatis mutandis* for applying for and granting or refusing to grant recognition to any institution for lower technical education.

(5) Every such resolution of the Executive Council relating to the recognition of an institute shall be subject to the approval of the State Government.

Withdrawal
of
recognition.

39. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period by the Executive Council, if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interests of technical education or research.

(2) A motion for such withdrawal or suspension shall be initiated only in the Executive Council. The member of the Council who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Executive Council shall send a copy of the notice and written statement mentioned in sub-section (2), to the Head of the institution concerned, together with the intimation that any representation in writing on behalf of the institution, submitted within a period specified in such intimation, shall be considered by the Executive Council :

Provided that, the period so specified may, if necessary, be extended by the Executive Council.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Executive Council, after considering the notice of motion, statement and representation, and after such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall decide on the action to be taken in the matter. If the Executive Council decides to withdraw the recognition, the grounds for such withdrawal shall be stated in the resolution of the Executive Council passed for the purpose. Every such resolution of the Executive Council regulating the withdrawal of recognition to institutions shall be subject to the approval of the Chancellor.

40. (1) Every recognised institution shall furnish such reports, returns and other information as the Executive Council may require to enable it to judge the efficiency and necessity of the institution with respect to the University requirements. Inspection of institutions and reports.

(2) The Executive Council shall cause inspection by one or more competent persons authorised by it in this behalf.

(3) The Executive Council may call upon any recognised institution so inspected to take, within a specified period, steps necessary in respect of any of the matters referred to in section 38 and this section.

CHAPTER VII

ORGANISATION OF UNDERGRADUATE, POST-GRADUATE TEACHING AND EXTENSION EDUCATION

41. (1) The University shall establish, within the University campus, all or any of the following schools and such other institutions and laboratories as it may deem fit :— Schools of University.

- (a) the School of Engineering and Technology ;
- (b) the School of Health Sciences ;
- (c) the School of Management Studies ;
- (d) the School of Applied Social Sciences ;
- (e) the School of Marine Sciences ;
- (f) the School of Earth Sciences.

(2) The University may, according to need, establish additional institutions for implementing its academic programme.

(3) The University may, according to need, start additional training centres or close down either permanently or temporarily any of the training institution or classes under its control as it may consider

appropriate. Outside the University campus the programme of the University may be conducted at such institutions or other places in any part of the University areas as the University may decide.

(4) The University shall provide for undergraduate as well as post-graduate instruction and shall ensure for the economy and efficiency in teaching and research.

(5) The Post-Graduate teaching and research shall, as far as possible, be conducted at the University schools only.

Academic staff of the University.

42. Each academic staff member of the University shall hold the rank of a professor, assistant professor, lecturer or any other prescribed rank, as the case may be, in accordance with his qualifications and status in the University, irrespective of the duties of teaching, research or extension education, extension services or transference of technology, for the time being allotted to him.

Teaching programme.

43. The recognised institutions of the University shall gradually be brought on the common pattern of teaching and organisation as may be directed by the University from time to time.

Extension education programme.

44. The University shall establish extension education service, and shall, subject to the provisions in this Act, the Statutes and the Ordinances, make useful information based upon the findings of research available to the people in the rural areas to help to solve their problems. It shall conduct demonstration and training programme, for the benefit of students, extension workers, and other rural people, by establishing regional extension centres and extension service units.

Co-ordination of teaching, Research and extension education and curriculum, and services.

45. (1) The Vice-Chancellor shall be responsible for taking, such steps in consultation with the appropriate officers of the University as may be necessary for the full co-ordination of teaching, research and extension education activities of the University.

(2) The Vice-Chancellor shall be responsible, working through the appropriate officers and staff of the University, for ensuring that conditions are established whereby there is maximum feasible progress on the development of new information and technology in the natural, physical and relevant aspects of social sciences related to technology and their transfer to the teaching curriculum and to the educational programmes leading to their understanding and adoption, where applicable in practice in the University area.

(3) The Vice-Chancellor shall be responsible, working through the appropriate officers and staff of the University, to ensure that there is an appropriate inter-relation to the different curriculum and courses offered by the different Boards of Studies of the University, so as to avoid unnecessary duplication of functions among the Boards.

(4) The University shall develop its programme of instruction, research, extension education, extension services and transfer of technology keeping in view the needs of the State in general, and backward areas in particular, and shall provide appropriate consultative advice to the State Government.

CHAPTER VIII

ENROLMENT AND DEGREES

46. A person to be enrolled as a student of the University should have minimum educational qualifications as may be laid down by the regulations.

Enrolment of students.

47. Notwithstanding anything contained in section 46, a student to be enrolled for degree courses as a student of the University should,—

Minimum essential qualification for enrolment of students.

Mah. XLI of 1965.

(i) have passed the Higher Secondary Certificate Examination conducted by a Divisional Board established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 ;

(ii) have passed the entrance examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as may be prescribed ;

(iii) have passed any other examination prescribed as equivalent to the examinations held by the University ; or

(iv) possess such other qualifications as may be prescribed.

48. The Executive Council may consider and decide the conferment of an honorary degree or other academic distinction on any person without requiring him to undergo any test or examination, 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 Executive Council, being not less than one-half of its total membership :

Honorary degrees.

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

49. (1) The Chancellor may, on the recommendation of the Executive Council, supported by a majority of not less than two-thirds of the members of Executive Council present at its meeting, such majority comprising not less than one-half of the members of the Executive Council, remove the name of any person from the register of graduates, for such period as the Chancellor thinks fit, if such person has been convicted by a Court, of any offence which, in the opinion of the Executive Council, is a serious offence involving moral turpitude.

Removal of name from register of graduates on conviction for certain offences.

(2) No action under this section shall be taken unless the person concerned is, as prescribed by the Statutes, given an opportunity of being heard in his defence.

CHAPTER IX

COMMITTEES

Committee
for selection
and
appointment
of University
teachers.

50. (1) The selection and appointment of teachers of the University, other than those recognised by the University, for imparting instruction on its behalf, shall be in accordance with this and the next succeeding section.

(2) (a) There shall be selection committees for making recommendations to the Executive Council for the appointment of all such teachers of the University.

(b) Every selection committee shall consist of,—

(i) the Vice-Chancellor, *ex-officio* Chairman ;

(ii) one person, nominated by the Chancellor ;

(iii) two representatives, one each of the All India Council of Technical Education and Director of Technical Education ;

(iv) the Head of the University department concerned, if he is a professor ; and

(v) three persons, nominated by the Executive Council out of a panel of not less than six names of persons recommended by the Academic Council, being persons not connected with the University, who have special knowledge of the subject for which the teacher is to be selected;

(vi) one person belonging to the Scheduled Castes, ¹[Scheduled Tribes or, as the case may be, Other Backward Classes] from amongst persons who are experts in educational field, nominated by the Chancellor.

(3) The Registrar shall act as Secretary of the Committee.

(4) (a) Every post of a teacher of the University, to be filled by selection, shall be duly and widely advertised according to a draft approved by the Executive Council together with particulars of the minimum and other additional qualifications, if any, required, the emoluments and the number of posts to be filled, out of the posts to be filled the number of posts, if any, which are reserved for the members of the Scheduled Castes, ²[Scheduled Tribes or Other Backward Classes] and reasonable time shall be allowed within which the applicants may, in response to the advertisements, submit their applications.

(b) The date of the meeting of every election committee shall be so fixed as to allow notice thereof being given of at least thirty days to each member and to the candidates, and the particulars of each candidate shall be so sent to each member as to reach him at least seven days before the date of the meeting.

(c) The quorum at a meeting of every selection committee shall be four members of whom at least two shall be persons nominated under sub-clause (v) of clause (b) of sub-section (2).

¹ These words were substituted for the words “ or Scheduled Tribes ” by Mah. 7 of 1993, s. 20 (a).

² These words were substituted for the words “ or Scheduled Tribes ” by *ibid* ; S. 20 (b).

(d) The selection committee shall interview, adjudge the merits of each candidate in accordance with the qualifications advertised, and report to the Executive Council the names arranged in order of merit of the person or persons, if any, whom it recommends for appointment to the general posts and the reserved posts, if any, as advertised :

Provided that, for the posts of professor a selection committee may in preference to the candidates who have applied and appeared before it recommend for appointment the names of any other person who may not have applied or appeared before it and who are duly qualified.

(e) The Executive Council shall appoint from amongst the persons so recommended, the number of persons required to fill the general post and reserved posts, if any, as advertised :

Provided that, where the Executive Council proposes to make an appointment otherwise than in accordance with the order of merit arranged by the selection committee, it shall record its reasons in writing and submit them to the Chancellor, who may approve the proposal or return it to the Executive Council for reconsideration. After reconsideration, if the Executive Council desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision which shall be final :

Provided further that, where a selection committee recommends to the Executive Council the name of one person only and that person is not acceptable to the Executive Council, the Executive Council shall record its reasons in writing for not accepting the recommendation, and direct the Registrar to advertise the vacancy again and convene a meeting of the selection committee for making fresh recommendations, and, in so doing, communicate to every member of the selection committee the reason recorded as aforesaid.

(5) If, on a petition by any person directly affected, or *suo motu*, the Chancellor, after making or having made such inquiries or obtaining or having obtained such explanations, as may be or may have been necessary, is satisfied that the appointment of a teacher of the University, made by any authority or officer of the University at any time on or after this Act comes into force, is not in accordance with the law at that time in force, the Chancellor, may order, notwithstanding anything contained in the contract relating to the conditions of service of such teacher, direct the Vice-Chancellor to terminate his appointment after giving him one month's notice, or one month's salary in lieu of such notice, and the Vice-Chancellor shall forthwith comply and take steps for a fresh selection to be made. The person whose appointment has been so terminated shall be eligible to apply again for the same post.

(6) Any order made by the Chancellor under sub-section (5) shall be final, and a copy of the order shall, as far as possible, be served on the teacher concerned by the Vice-Chancellor within three days from its receipt.

(7) It shall be the duty of the Vice-Chancellor to ensure that no payment whatsoever is made to any person, by way of salary or allowance,

from the funds of the University, for any period after the termination of his services, and any authority or officer authorising or making any such payment shall be liable to reimburse to the University the amount so paid.

Filling temporary vacancies of University teachers. **51.** Where an appointment is to be made to a temporary vacancy of a teacher of the University, the appointment shall be made, if the vacancy is for a period of one year or more, on the recommendation of the selection committee in accordance with the provisions of section 50 :

Provided that, if the Vice-Chancellor is satisfied that in the interest of teaching, it is necessary to fill the vacancy immediately, he may make the appointment of a person duly qualified for the post for a period not exceeding one year on the recommendation of a local selection committee constituted as follows and shall inform the Executive Council of such appointment :—

- (a) the Vice-Chancellor, *ex-officio* Chairman ;
- (b) the Head of the school concerned ;
- (c) the Head of the department concerned ; and
- (d) one person nominated by the Vice-Chancellor, except that, where the Head of the department is also the Head of the school, the Vice-Chancellor shall nominate two persons instead of one :

Provided further that, before the expiry of six months, the Vice-Chancellor shall take steps to convene a meeting of the selection committee for appointment in accordance with the provisions of section 50.

Selection committee for appointment of Registrar. **52.** (1) No person shall be appointed Registrar except on the recommendation of a selection committee constituted for the purpose and consisting of—

- (a) the Vice-Chancellor, *ex-officio* Chairman;
- (b) the nominee of the Chancellor on the Executive Council; and
- (c) three persons, nominated by the Executive Council from amongst its members.

Committee for recognition of teachers of University. **53.** (1) No person shall be recognised as a teacher of the University except on the recommendation of a committee constituted for the purpose and consisting of—

- (a) the Vice-Chancellor, *ex-officio* Chairman;
- (b) the Dean of the Faculty concerned;
- (c) the Head of the University department concerned; and
- (d) four persons having special knowledge of the subject for which the teacher is to be recognised, of whom two shall be nominated by the Executive Council from amongst persons other than teachers of the University and two by the Academic Council from amongst its members.

(2) The Executive Council shall, after considering the recommendations of the committee, grant or withdraw recognition to such teachers in the manner regulated by the Ordinances.

- 54.** (1) No person shall be appointed principal of a college or an institution maintained by the University except on the recommendation of a selection committee constituted for the purpose.
- (2) The committee shall consist of—
- (i) the Vice-Chancellor, *ex-officio* Chairman, and
 - (ii) three persons having special knowledge of the subject or subjects in which instruction is being provided by the college or institution, of whom two shall be nominated by the Executive Council and one by the Academic Council, being persons not in the service of the University.
- (3) The procedure for selection and appointment of such principal shall be the same as prescribed by section 50.
- 55.** (1) No person shall be appointed Finance Officer by nomination, except on the recommendation of a selection committee constituted for the purpose consisting of—
- (i) the Vice-Chancellor, *ex-officio* Chairman;
 - (ii) the Director of Accounts and Treasuries, Maharashtra State, or his nominee not below the rank of Deputy Director of Accounts and Treasuries;
 - (iii) the nominee of the Chancellor on the Executive Council;
 - (iv) two persons nominated by the Executive Council, from amongst its members ; and
 - (v) the Registrar, *ex-officio* Secretary.
- (2) The procedure to be followed at the meeting of the selection committee shall be such as may be prescribed by the Statutes.
- 56.** (1) No person shall be appointed Librarian except on the recommendation of a selection committee constituted for the purpose and consisting of—
- (i) the Vice-Chancellor, *ex-officio* Chairman ; and
 - (ii) two persons having special knowledge of Library Science and Library Administration, not being in the service of the University, to be nominated by the Executive Council.
- (2) The qualifications for the post of Librarian and the procedure to be followed at the meeting of the selection committee shall be such as may be prescribed by the Statutes.
- 57.** (1) There shall be a library committee for administering, organising and maintaining the library of the University consisting of—
- (a) the Vice-Chancellor, *ex-officio* Chairman ;
 - (b) three Heads of Schools, nominated by the Vice-Chancellor ;
 - (c) three Heads of University departments, nominated by the Vice-Chancellor ;
 - (d) two teachers, nominated by the Executive Council ;
 - (e) the Registrar ; and
 - (f) the Librarian *ex-officio* Secretary.

Selection committee for appointment of principal of college or institution maintained by University.

Selection committee for appointment of Finance Officer.

Selection committee for appointment of librarian.

Library committee.

(2) All members of the committee, other than *ex-officio* members, shall hold office for a period of three years.

(3) The powers and duties of the committee and the procedure at its meeting shall be such as may be prescribed.

Certain appointment under contract. **58.** (1) Save as otherwise provided by or under this Act, every salaried officer and academic staff member shall be appointed under a written contract. The contract shall be lodged with the Registrar and a copy thereof shall be furnished to the employee concerned :

Provided that, the contract of serving of the Vice-Chancellor shall be lodged with the Chancellor whose Secretary shall execute such contract on behalf of the Chancellor.

(2) No such employees shall receive any remuneration for any work in or outside the University except as may be provided by the Statutes.

Appointment of other academic staff, officers and employees members to be made on recommendation of selection committee. **59.** No person shall be appointed by the University as a member of the other academic staff, officer or employees except on the recommendation of a selection committee constituted for the purpose in accordance with the provisions of the Statutes made in that behalf.

Resignation and cessation of membership. **60.** (1) Save as otherwise provided in this Act, any member of any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor. On acceptance of the resignation by Vice-Chancellor, the office of such member shall become vacant.

(2) Any member of any authority or body of the University shall cease to be a member thereof on his being convicted by a Court of law for an offence which involves moral turpitude.

Casual vacancy. **61.** When any vacancy occurs in the office of a member other than an *ex-officio* member, of any authority or body of the University before the expiry of the term of office of such member, the vacancy shall be filled, as soon as conveniently may be, by nomination, appointment or co-option, as the case may be, of a member who, shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Acts and proceedings not invalidated merely on ground of defect in constitution or vacancy. **62.** Notwithstanding that any authority or body or committee of the University, is not duly constituted, or there is a defect in its constitution or reconstitution at any time, or that there is a vacancy in the membership of any such authority or body or committee, no act or proceeding of such authority or body shall be invalidated by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof or on any such ground or grounds.

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

Questions regarding interpretations and disputes regarding constitution of University, Authority or Body, etc.

Provided that, such reference shall be made by the Vice-Chancellor to the Chancellor upon a requisition signed by not less than five members of the Executive Council.

64. (1) A committee shall be constituted every year for each University school for the purpose of preparing lists of persons for appointment as University examiners and the committee shall consist of—

Committee for appointment of examiners.

- (i) the Vice-Chancellor, *ex-officio* Chairman;
- (ii) the Head of the concerned University school;
- (iii) two members, nominated by the Executive Council;
- (iv) one member, nominated by the Academic Council;
- (v) one member, nominated by the Planning and Evaluation (Monitoring) Board; and
- (vi) the Chairman of the Board of Studies in the particular subject.

(2) The committee shall prepare lists from amongst persons included in panels to be prepared by the Board of Studies, and shall submit them for approval to the Executive Council, which shall then appoint the examiners :

Provided that, the committee may, after recording its reasons in writing, include the names of the persons in such lists even if those names are not included in the panel prepared by the Board of Studies :

Provided further that, no change in the lists shall be suggested or made by the Executive Council except by passing a resolution stating the specific ground on which each change suggested or made is based.

(3) If, for any reason, any examiner is unable to accept the examinership and fresh appointment cannot be made in time by the Executive Council, the Vice-Chancellor shall appoint another examiner and report such appointment to the Executive Council.

(4) No member of the Executive Council or of the committee shall be appointed as examiner except by a resolution of the Executive Council passed by a majority of two-thirds of the members present at the meeting.

65. Every authority of the University shall have the power to appoint committees including grievance committee for dealing with any matter within its purview, and such committees may include persons, other than members of the authority itself, not connected with the University :

Other committees.

Provided that, the Board of Studies and other authorities shall not appoint persons to such committees who are not members of the authority appointing the committee, except with the previous approval of the Vice-Chancellor.

CHAPTER X

FINANCE

- University fund. **66.** (1) The University shall establish a fund to be called the University Fund.
- (2) The following shall form part of, or be paid into, the University Fund—
- (a) any contribution or grant made by the State or Central Government, University Grants Commission, All India Council for Technical Education or any other authority ;
- (b) the income of the University from all sources including income from fees and charges and sale proceeds, if any ; and
- (c) all income or moneys from trusts, subventions, bequests, donations, endowments and other grants, if any, received by the University.
- (3) The University Fund shall, at the discretion of the Executive Council, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949, or in a Co-operative Bank approved by the State Government for the purposes of the University, or be invested in securities authorised by the Indian Trust Act, 1882, or, subject to the maximum limit of rupees five lakhs in the Unit Trusts of India or in the shares of, or by giving loans to the consumers' co-operative societies established for the purposes of the University, or any recognised institution. II of 1934.
X of 1949.

II of 1882.
- Contingency fund. **67.** The University shall maintain a Contingency Fund under a separate head of account in the University accounts, to which the amount to be credited shall be such as may, from time to time, be granted as contributions or grants by the State or Central Government through the Director of Technical Education specially for this purpose. Such fund shall be used for meeting the initial expenditure and thereafter for making advances for the purposes of meeting unforeseen expenditure.
- Special fund and depreciation fund. **68.** With the previous sanction of the State Government, any portion of the University Fund may, from time to time, be credited by the University to a separate head of account as special fund or depreciation fund in the University accounts :
- Provided that, there shall be credited and debited to such funds only such sums as shall expressly relate to the objects for which a special fund or depreciation fund is so created and for the purpose specified or for depreciation of equipment as may be provided by Statutes.
- Annual financial estimates. **69.** (1) (a) Notwithstanding anything contained in this Act, during the period of stabilisation of the University, the State Government shall specify the date by which and the manner in which the University shall prepare the annual financial estimates of receipts and expenditure of the University.
- (b) The Executive Council shall consider the estimates as prepared and approve them, with or without modifications and submit them, as approved by it, to the State Government for its sanction.

(c) The State Government may pass such orders with reference to the said estimates as it may think proper and communicate the same to the University which shall give effect to such orders.

(2) (a) After the period of stabilisation of University is over, the Vice-Chancellor shall cause to be prepared by the Finance Officer of the University on or before such date as may be prescribed, the annual financial estimates of receipts and expenditure of the University for the ensuing year and submit them to the Executive Council, through the Finance Committee.

(b) The Executive Council shall consider the annual financial estimates so prepared and approve them with or without any modifications.

70. (1) The annual accounts of the University shall be prepared by the Finance Officer under the direction of the Vice-Chancellor, and all monies accruing to or received by the University from whatever source and all amounts disbursed and paid by the University shall be entered in the accounts.

Annual accounts and audit report.

(2) The annual accounts and the balance sheet shall be submitted by the Vice-Chancellor to the State Government which shall cause an audit to be carried out by an auditor appointed by it, in consultation with the Comptroller and Auditor General of India. The accounts, when audited, shall be printed and copies thereof together with the copies of the audit report shall be presented by the Vice-Chancellor to the Executive Council and the Chancellor.

(3) The Executive Council shall submit a copy of the accounts and the audit report to the State Government along with the statement of the action taken by the University on the audit report, and the State Government shall cause the same to be laid before each House of the State Legislature.

71. The annual report of the University shall be prepared under the direction of the Executive Council, on or before such date as may be prescribed. The report as approved by the Executive Council shall be submitted by the Vice-Chancellor to the Chancellor and the State Government. The State Government shall cause the report to be laid before each House of the State Legislature.

Annual report.

CHAPTER XI

MISCELLANEOUS PROVISIONS

72. Notwithstanding anything contained in this Act, the State Government may, for the purpose of securing and maintaining uniform standards, by notification in the *Official Gazette*, prescribe a standard code providing for the classification, manner and mode of selection and appointment, reservation of posts in favour of members of the Scheduled Castes, ¹[Scheduled 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 recognised institutions, other than those managed and maintained by the State Government. When such code is prescribed, the provisions made in the code shall prevail, and the provisions made in the Statutes, Ordinances, regulations and rules relating to matters included in the code shall, to the extent to which they are repugnant to the provisions of the code, be void.

Power to prescribe standard code for employees of University and recognised institutions.

¹ These words were substituted for the words " and Scheduled Tribes " by Mah. 7 of 1993, s. 21.
H 1056—6a

Powers of State Government to cause inquiry to be made in respect of any matter connected with University.

73. (1) The State Government shall have the right to cause an inquiry to be made by such person or persons as it may direct in respect of any matter connected with the University.

(2) The State Government shall, in every case, give notice to the University of its intention to cause an inquiry to be made and the University shall be entitled to be represented at such inquiry. It shall communicate to the University its views with reference to the result of such inquiry and may, after ascertaining the opinion of the University thereon, advise the University upon the action to be taken and fix a time-limit for taking such action.

(3) The University shall, within the time limit so fixed, report to the State Government the action taken or proposed to be taken on the advice tendered by it.

(4) If the University does not take action within the time specified in sub-section (2) or if the action taken by the University is, in the opinion of the Government not satisfactory, the Government may, after considering any explanation offered or representation made by the University, issue such directions as it may deem fit and the University shall comply with such directions.

Financial control of Government.

74. Without the prior approval of the State Government or an officer authorised by it in this behalf, the University shall not—

(a) fill any new posts of officers, teachers or other employees, created by it ;

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

(d) divert any earmarked funds for any other purpose ; or

(e) incur any expenditure on any development work.

Special provision for Scheduled Castes, ⁴[Scheduled Tribes and other Backward Classes] in services and posts in University, Colleges and institutions.

75. (1) The University and the recognised institutions shall take into consideration, consistently with the maintenance of teaching standards and efficiency of administration, the claims of the members of the Scheduled Castes, ¹[Scheduled Tribes and Other Backward Classes] in making appointments to teaching and non-teaching posts under their respective control; and the University shall make the necessary Statutes for reservation of adequate number of posts for members of such Castes ²[Tribes and Classes] in the University and recognised institutions.

(2) Notwithstanding anything contained in this Act, the State Government shall have power to give to the University, from time to time, such directions as it may consider necessary in regard to categories of posts in which reservation of posts shall be made in favour of the members of the Scheduled Castes, ³[Scheduled Tribes and Other Backward Classes] percentage of the posts to be reserved for them, and any other matters connected with such reservation, and the University shall comply with such directions.

¹ These words were substituted for the words “ and Scheduled Tribes ” by Mah. 7 a)(i).

² These words were substituted for the words “ and Tribes ” *ibld.*, s. 22(a)(ii).

³ These words were substituted for the words “ and Scheduled Tribes ” *ibld.*, s. 22(b).

⁴ These words were substituted for the words “ and Scheduled Tribes ” *ibld.*, s. 22(c).

76. The Convocations of the University for conferring degrees or for any other purpose shall be held in the manner prescribed by the Statutes. Convocations.

77. 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 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 authority delegating them. Delegation of powers.

78. (1) All powers relating to discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor. Maintenance of discipline among students of University.

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

(3) The Vice-Chancellor may, in the exercise of his powers, by order, direct that any student or students be expelled or rusticated for specified period, or be not admitted to a course or courses of study in any institution, school or department of the University for a specified period, or be punished with fine, not exceeding three hundred rupees, or be debarred from taking an examination or examinations conducted by the University, school, college, institution or a department for a period not exceeding five years, or that the results of the student concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) Without prejudice to the powers of the Vice-Chancellor, the Heads of the University schools, conducted and recognised institutions, and the Heads of teaching departments in the University, shall have authority to exercise all such powers over the students in their respective charge as may be necessary for the maintenance of proper discipline.

(5) Without prejudice to the powers of the Vice-Chancellor, the Heads of institutions and the Heads of teaching departments in the University, and the Vice-Chancellor shall, subject to the approval of the Executive Council, make rules of discipline and proper conduct for the students of the University which shall also apply to the students of all institutions and every student shall be supplied with a copy of such rules.

(6) The Heads of institutions may make such supplementary rules of discipline and proper conduct, not inconsistent with the rules made by the Vice-Chancellor, as they think necessary, and every student shall be supplied with a copy of such supplementary rules.

(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor, and the other officers and authorities of the University and the authorities of the institutions, and shall observe and abide by the rules made by the Vice-Chancellor in that behalf, and, in so far as they may apply, the supplementary rules made by the Heads of Institutions.

(8) All powers relating to disciplinary action against students in an institution not maintained by the University shall vest in the Head of the Institution, as regulated by the Ordinances.

Protection
of acts and
orders.

79. All acts and orders done or passed in good faith by the University, or any of its authorities, bodies or officers, shall be final, and no suit or other legal proceeding shall be instituted against such bodies or officers for anything done or purporting to have been done in pursuance of the provisions of this Act and the Statutes, Ordinances, regulations and rules made thereunder.

Absorption
of persons
on
deputation
in the
service of
University.

80. (a) It shall be lawful for the University to take into its service persons on deputation, persons from the other University or Government.

(b) Notwithstanding anything contained in any other law for the time being in force, any person taken on deputation either from any other University or State Government, shall be subject to the provisions of this Act, and the Statutes and regulations made thereunder :

Provided that, if such a person desires that he should be permanently absorbed in the service of the University, he may, by notice, in writing, so indicate within two years from the date of his deputation and thereupon if the University absorbs him permanently in its service, any service rendered or deemed to be rendered by him under the State Government or other University shall be deemed to be service under this University, and he shall be entitled to receive from the University, such terms and conditions of service, in respect of remuneration, leave and pension and such rights in respect of disciplinary matters or rights similar thereto, as the changed circumstances may permit, as are not less favourable than those to which that person was entitled to immediately before the date of commencement of this Act ; or

(c) He may be permitted to revert to the service of that University or of the State Government, as the case may be; and thereupon he shall revert to the service specified by him in the notice, on the same terms and conditions of service applicable to him immediately before such commencement ;

(d) If any person taken over by the University under clause (b) fails to give such notice in time, he shall be deemed to have opted to be permanently absorbed in the service of the University under the proviso to clause (b);

(e) Notwithstanding anything contained in this section, if in the opinion of the University, such person is not suitable or is surplus to its requirements, the University may move the Government concerned or the State Government, as the case may be, within a period of two years from the date of deputation of such person, to repatriate him to the service of the concerned University or the Government, as the case may be. Upon such a request by the University, that University or the Government, as the case may be, shall take back the person in its service.

CHAPTER XII

TRANSITORY PROVISIONS

81. (1) Notwithstanding anything contained in section 13 of this Act, the first Vice-Chancellor shall be appointed by the State Government, as soon as possible, for a period of three years on such terms and conditions as the State Government may fix.

Appointment of first Vice-Chancellor, first Registrar and first Finance Officer.

(2) The first Registrar shall be appointed by the State Government, as soon as possible, for a period of five years, and on such terms and conditions as the State Government may fix.

(3) The first Finance Officer shall be appointed by the State Government, as soon as possible for a period of five years, and on such terms and conditions as the State Government may fix.

82. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for forming the Executive Council, the Academic Council and other authorities of the University, in accordance with the provisions of this Act, within a period of two years from the commencement of this Act. The State Government may, however, extend the said period, if found necessary, so, however, that the period so extended shall not exceed three years in the aggregate.

Duties of first Vice-Chancellor.

(2) The first Vice-Chancellor shall, subject to the provisions of this Act and with prior approval of the Chancellor, make the first Statutes, Ordinances, regulations and rules necessary for giving effect to the provisions of this Act and for effective working of the University.

(3) Each authority formed under sub-section (1) shall hold their first meeting on such date as the Vice-Chancellor may direct.

83. (1) Notwithstanding anything contained in section 23, from the date of commencement of this Act, until such time as the Executive Council constituted in accordance with the provisions of that section holds its first meeting, the Executive Council consisting of such members as the State Government may nominate, shall be deemed to be the Executive Council for the purposes of this Act.

Constitution of the first Executive Council.

(2) The Registrar shall be the *ex-officio* Secretary of the Executive Council, but he shall not be deemed to be a member of the Executive Council.

84. Notwithstanding anything contained in section 26 until such time as the Academic Council constituted in accordance with the provisions of that section holds its first meeting, the Academic Council consisting of such members as by State Government may nominate, shall be deemed to be the Academic Council for the purposes of this Act.

Constitution of the first Academic Council.

85. If any difficulty arises regarding the first constitution or reconstitution of any authority or body of the University after the commencement of this Act, or in giving effect to the provisions of this Act, the State Government may, by order, after consultation with the Chancellor, do anything, not inconsistent with the objects and purposes of this Act, which it thinks necessary or expedient for the purpose of removing the difficulty :

Removal of difficulties.

Provided that, such order shall not be made later than two years from the date of commencement of this Act.

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