

L. A. BILL No. XXX OF 2022.

A BILL

further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya (University) Act, 1997 and the Maharashtra Public Universities Act, 2016.

(As Passed by the Legislative Assembly on the 21st December 2022.)

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Yashwantrao Chavan Maharashtra Open University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 and the Maharashtra Public Universities Act, 2016, for the purposes hereinafter appearing ; and, therefore, promulgated the Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Ordinance, 2022 (Mah. Ord. XIII of 2022), on the 24th November 2022 ;

HB-2402—1.

Mah. XX
of 1989.
Mah.
XXXIII
of 1997.
Mah. VI
of 2017.
Mah.
Ord.
XIII of
2022.

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

CHAPTER I

PRELIMINARY.

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Short title
and
commencement.

1. (1) This Act may be called the Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 24th November 2022.

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CHAPTER II

AMENDMENTS TO THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989.

Amendment
of section 10
of Mah. XX of
1989.

2. In section 10 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (hereinafter, in this Chapter, referred to as “the Open University Act”),—

Mah. XX
of 1989.

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(1) in sub-section (1),—

(a) in clause (a),—

(i) for the words “a Committee” the words “a search-cum-selection committee” shall be substituted;

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(ii) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“(i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

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(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) a member to be nominated by the Chairman, University Grants Commission;”;

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(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the committee shall be persons who are not connected in any manner with the University or any college or any recognized institution of the University;”;

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(c) in clause (d), the word “three” shall be deleted ;

(2) in sub-section (1D),—

(a) for clause (a), the following clauses shall be substituted, namely :—

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“(a) be a person possessing highest level of competence, integrity, morals and institutional commitment ;

(a-1) be a distinguished academician, with a minimum of ten years of experience as a Professor in any university or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership;”;

(b) in clause (d), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

(3) after sub-section (1F), the following sub-section shall be inserted, namely :—

“(1G) If a person selected by the Chancellor does not take over the charge of the post of Vice- Chancellor, the Chancellor may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.”.

3. For section 10A of the Open University Act, the following section shall be substituted, namely :—

Substitution of section 10A of Mah. XX of 1989.

“10A. It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Board of Management. The Board of Management shall, on the recommendation of the Vice-Chancellor, appoint a Pro-Vice-Chancellor for the University. The Pro-Vice-Chancellor shall be appointed for such terms and on such emoluments and other conditions of services and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.”.

Pro-Vice-Chancellor.

CHAPTER III

AMENDMENTS TO THE KAVI KULAGURU KALIDAS SANSKRIT VISHVAVIDYALAYA (UNIVERSITY) ACT, 1997.

Mah. XXXIII of 1997. 4. In section 12 of the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 (hereinafter, in this Chapter, referred to as “the *Sanskrit Vishvavidyalaya* (University) Act”),—

Amendment of section 12 of Mah. XXXIII of 1997.

(1) in sub-section (1),—

(a) in clause (a),—

(i) for the words “a Committee” the words “a search-cum-selection committee” shall be substituted;

(ii) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“(i) a member nominated by the *Kuladhipati*, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely :—

(iv) a member nominated by the Chairman, University Grants Commission;”;

(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the committee shall be persons who are not connected in any manner with the university or any college or any recognised institution of the university;”;

(c) in clause (d), the word “three” shall be deleted;

(2) in sub-section (3A),—

(a) for clause (a), the following clauses shall be substituted, namely :— 10

“(a) be a person possessing highest level of competence, integrity, morals and institutional commitment;

(a-1) be a distinguished academician, with a minimum of ten years of experience as a Professor in any University or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership;”;

(b) in clause (d), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

(3) in sub-section (4),— 20

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, if a person selected by the *Kuladhipati* does not take over the charge of the post of the *Kulaguru*, the *Kuladhipati* may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.”;

(b) in the existing proviso, for the words “Provided, however, that” the words “Provided further that,” shall be substituted. 30

Amendment
of section 13
of Mah.
XXXIII of
1997.

5. In section 13 of the *Sanskrit Vishvavidyalaya* (University) Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) It shall be the prerogative of the *Kulaguru* to recommend a person to be the *Sama-Kulaguru* to the *Vyavasthapanā Parishad*. The *Vyavasthapanā Parishad* shall, on the recommendation of *Kulaguru*, appoint a *Sama-Kulaguru* for the university.”. 35

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA
PUBLIC UNIVERSITIES ACT, 2016.

Mah. VI of 2017. 5 **6.** In section 11 of the Maharashtra Public Universities Act, 2016 (hereinafter, in this Chapter, referred to as “the Public Universities Act”),— Amendment of section 11 of Mah. VI of 2017.

(1) in sub-section (3),—

(a) in clause (a),—

(i) for the words “a committee” the words “a search-cum-selection committee” shall be substituted;

10 (ii) for sub-clause (i), the following sub-clause shall be substituted, namely :—

15 “(i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely :—

20 “(iv) a member nominated by the Chairman, University Grants Commission;”;

(b) for clause (c), the following clause shall be substituted, namely :—

25 “(c) The members nominated on the committee shall be persons who are not connected in any manner with the university concerned or any college or any recognized institution of that university;”;

(c) in clause (d), the word “three” shall be deleted;

(d) in clause (f),—

(i) for sub-clause (i), the following sub-clauses shall be substituted, namely :—

30 “(i) be a person possessing highest level of competence, integrity, morals and institutional commitment ;

35 (i-a) be a distinguished academician, with a minimum of ten years of experience as a Professor in any University or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership ;”;

(ii) in sub-clause (iv), for the words “educational qualifications” the words “additional educational qualifications” shall be substituted;

40 (2) in sub-section (4),—

(a) before the existing proviso, the following proviso shall be inserted, namely :—

45 “ Provided that, if a person selected by the Chancellor does not take over the charge of the post of the Vice-Chancellor, the Chancellor may select another suitable person from the remaining persons from the panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.”;

(b) in the existing proviso, for the words “Provided that,” the words “Provided further that,” shall be substituted.

Amendment of section 13 of Mah. VI of 2017. **7.** In section 13 of the Public Universities Act, for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Management Council. The Management Council shall, on the recommendation of the Vice-Chancellor, appoint a Pro-Vice-Chancellor for the university.”.

Amendment of section 109 of Mah. VI of 2017.

8. In section 109 of the Public Universities Act,—

(1) in sub-section (3), after clause (g), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, with a view to extend the dates of making application for seeking Letter of Intent for opening new college or institution of higher learning, scrutiny of application by the Board of Deans and forwarding the same to the State Government and grant of Letter of Intent by the State Government, for the academic year 2023-2024, the day or dates referred to in clauses (a), (c) and (d) of sub-section (3) as specified in column (2) of the Table given below, shall be read as day or dates as provided in column (3) of the said Table :—

TABLE

Clauses	Day or dates provided in existing provision	Day or dates provided for Academic Year 2023-24
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the Letter of Intent is sought.	on or before 15th January 2023
(c)	on or before 30th of November of the year in which such application is received by the university.	on or before 28th February 2023
(d)	on or before 31st January of the immediately following year after the recommendations of the university.	on or before 1st April 2023.”;

(2) in sub-section (4), after clause (d), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, with a view to extend the date of making application for seeking permission to start a new course of study, subjects, faculties, additional divisions or satellite centers for the academic year 2023-24, the day or date referred to in clause (a) of sub-section (4) as specified in column (2) of the Table given below, shall be read as day or date as provided in column (3) of the said Table :—

TABLE

Clause	Day or date provided in existing provision	Day or date provided for Academic Year 2023-24
(1)	(2)	(3)
5 (a)	before the last day of September of the year preceding the year in which the permission is sought.	on or before 15th January 2023.”.

CHAPTER V

MISCELLANEOUS.

- Mah. Ord. XIII of 2022. **9.** (1) The Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Ordinance, 2022, is hereby repealed. Repeal of Mah. Ord. XIII of 2022 and saving.
- Mah. XX of 1989. Mah. XXXIII of 1997. Mah. VI of 2017. 15 (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Yashwantrao Chavan Maharashtra Open University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 and the Maharashtra Public Universities Act, 2016, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Acts, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sections 10 and 10A of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (Mah. XX of 1989), sections 12 and 13 of the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 (Mah. XXXIII of 1997) and sections 11 and 13 of the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) provides for eligibility criteria and constitution of Selection Committee for appointment of Vice-Chancellor and appointment of Pro-Vice-Chancellor.

2. The provisions of the eligibility criteria and constitution of Selection Committee for appointment of Vice-Chancellor and appointment of Pro-Vice-Chancellor have been modified subsequently by the University Grants Commission *vide* the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 framed under the University Grants Commission Act, 1956 (3 of 1956).

3. The Supreme Court has recently in the cases of Gambhirdan K Gadhvi v/s State of Gujarat & Ors. (Writ Petition (Civil) No. 1525 of 2019) and Professor (Dr.) Sreejith P.S. v/s Dr. Rajasree M.S.& Ors. (Civil Appeal Nos. 7634-7635 of 2022), held that the eligibility criteria and appointment of Vice-Chancellor shall be always as per the relevant UGC Regulations and the State Act if not on a par with the UGC Regulations must be amended to bring it on a par with the applicable UGC Regulations and until then it is the applicable UGC Regulations that shall prevail.

4. The terms of Vice-Chancellors and Pro-Vice-Chancellors of certain universities in the State have already expired and new appointments are due.

5. In view of above, the then existing provisions regarding appointments of Vice-Chancellors and Pro-Vice-Chancellors contained in the said State Acts relating to universities needed to be amended suitably so as to make them in consonance with the UGC Regulations.

6. Section 109 of the Maharashtra Public Universities Act, 2016 provides for certain time limits for various stages in the process of granting permission for opening new college or institution of higher learning, new course of study, subjects, faculties, additional divisions or satellite centers.

The time limits for various stages in the process of granting permission for opening new college or institution of higher learning, new course of study, etc., were extended for the academic year 2022-23. Due to which the procedure for permission for opening new college or new course, etc., from the academic year 2023-24 could not be carried out within the specified time limit therefor. Therefore, it was considered expedient to specify extended time limit for the same for the academic year 2023-24.

7. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the

Yashwantrao Chavan Maharashtra Open University Act, 1989, the *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) Act, 1997 and the Maharashtra Public Universities Act, 2016, for the purposes aforesaid, the Yashwantrao Chavan Maharashtra Open University, *Kavi Kulaguru Kalidas Sanskrit Vishvavidyalaya* (University) and Maharashtra Public Universities (Amendment) Ordinance, 2022 (Mah. Ord. XIII of 2022), was promulgated by the Governor of Maharashtra on the 24th November 2022.

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

Mumbai,

Dated the 7th December, 2022.

CHANDRAKANT PATIL,

Minister for Higher and

Technical Education.

(Mah. XX of 1989)

* * * *

10A. The Pro-Vice-Chancellor shall be appointed by the Vice-Chancellor in such manner, for such terms and on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

11. to 40.	*	*	*	*
SCHEDULES	*	*	*	*

*(Extracts from the Kavi Kulguru Kalidas Sanskrit Vishvavidyalaya
(University) Act, 1997.)*

(Mah. XXXIII of 1997.)

1. to 11.	*	*	*	*
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Appointment
of Kulaguru.

12. (1) The Kulaguru shall be appointed by the Kuladhipati in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Kuladhipati for appointment of Kulaguru, namely :—

(i) a member nominated by the Kuladhipati, 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) and (iii)	*	*	*	*
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(b)	*	*	*	*
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(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) and (3)	*	*	*	*
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(3A) A person for being recommended by the Committee for appointment as a Kulaguru shall,—

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

(b) and (c)	*	*	*	*
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(d) 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 Kuladhipati.

(3B)	*	*	*	*
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(4) The Kuladhipati may appoint one of the persons included in the panel to be the Kulaguru :

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

(5) to (13) * * *

13. (1) The Kuladhipati shall, in consultation with the Kulaguru, appoint a Sama-Kulaguru for the university. Manner of appointment of sama-kulaguru.

(2) to (5) * * *

14. to 92. * * *

(Extracts from the Maharashtra Public University Act, 2016.)

(Mah. VI of 2017.)

1. to 10. * * *

11. (1) and (2) Appointment of Vice-Chancellor.

(3) 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 scholar of national repute or a recipient of Padma Award in the field of education;

(ii) and (iii) * * *

(b) * * *

(c) The members nominated on the committee shall be persons who are not connected with the university or any college or any recognized institution of the university.

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

(e) * * *

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

(i) be an eminent academician and an administrator of high caliber;

(ii) and (iii) * * *

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

(g) * * *

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

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

(5) to (14) * * *

12. * *

Pro-Vice-Chancellor. **13.** (1) to (5) * *

(6) The Chancellor shall, in consultation with the Vice-Chancellor, appoint a Pro- Vice-Chancellor for the university.

(7) to (13) * * *

14. to 108. * *

Procedure for permission for opening of new college or new course, Subject, faculty, division. **109.** (1) and (2) * *

(3) (a) to (f) * *

(g) after considering the report of the university under clause (f), the State Government may grant final approval to such management as it may consider fit and proper in its absolute discretion, taking into account the State Government's budgetary resources, and other relevant factors, the suitability of management seeking permission to open new institution, etc. The final approval under this clause may be granted on or before 15th June, of the year in which such new college or institutions are proposed to be started. Such approval from the State Government shall be communicated to the university. Approvals granted thereafter shall be given effect by the university only in the subsequent academic year:

Provided however that, in exceptional cases and for the reasons to be recorded in writing any compliance report on the Letter of Intent, which is not recommended by the university, may be approved by the State Government.

Provided further that, with a view to extend the dates of making an application for seeking Letter of intent for opening a new college or institution of higher learning, scrutiny of application by Board of Deans and forwarding the same to the State Government, grant of Letter of Intent by the State Government, scrutiny of compliance report and forward the same to the State Government and grant of final approval by the State Government, for the academic year 2022-2023, the day or dates referred to in clauses (a),

(c), (d), (f) and (g) of sub-section (3), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :-

TABLE

Clauses	Day or date provided in existing provision	Day or date provided for Academic Year 2022-23
(1)	(2)	(3)
(a) and (c)	*	*
(d)	on or before 31st January of the immediately following year after the recommendations of the university.	on or before 17th August 2022.
(f)	on or before 1st day of May in which compliance report has been received.	on or before 24th August 2022.
(g)	on or before 15th June of the year in which such new colleges or institutions are proposed to be started.	on or before 1st day of September 2022.

(4) (a) The management seeking permission to start a new course of study, subjects, faculties, additional divisions or satellite centers shall apply in a prescribed format to the Registrar of the University before the last day of the September, of the year preceding the year in which the permission is sought;

(b) only those applications complying with the requirement and received within the prescribed time limit shall be accepted and considered by the university;

(c) all such applications received within the aforesaid prescribed time limit, shall be scrutinized by the Board of Deans and be forwarded to the State Government with the approval of Management Council on or before the 1st day of April of the year, with such recommendation duly supported by relevant reasons as are deemed appropriate by the Management Council;

(d) out of the applications recommended by the university, the State Government may grant permission on or before 15th June of the year to such institutions as it may consider fit and proper in its absolute discretion, taking into account other relevant factors, the budgetary resources of the State Government and other relevant factors, the suitability of the management seeking permission, etc. The permission shall be communicated by the State Government to the university, on or before the date specified in this clause:

Provided however that, in exceptional cases and for the reasons to be recorded in writing any application not recommended by the university may be approved by the State Government.

Provided further that, with a view to extend the dates of, making application for seeking permission to start a new course of study, subjects, faculties, etc., scrutiny of the application by the Board of Deans and forwarding the same to the State Government and grant of permission by the State Government, for the academic year 2022-2023, the day or dates referred to in clauses (a), (c) and (d) of sub-section (4), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :-

Clauses	Day or date provided in existing provision			Day or date provided for Academic Year 2022-23
(1)	(2)			(3)
(a) and (c)	*	*	*	*
(d)	on or before 15th June of the year in which permission is granted by the State Government.			on or before 17th August 2022.
(5) to (9)	*	*	*	*
110. to 148.	*	*	*	*
SCHEDULES	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXX OF 2022.]

**[A Bill further to amend the the
Yashwantrao Chavan Maharashtra
Open University Act, 1989, the Kavi
Kulaguru Kalidas Sanskrit
Vishvavidyalaya (University) Act,
1997 and the Maharashtra Public
Universities Act, 2016.]**

**[SHRI CHANDRAKANT PATIL,
Minister for Higher and Technical
Education.]**

**[As Passed by the Legislative Assembly
on the 21st December 2022.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**