

L. A. BILL No. XXXV OF 2021.

A BILL

further to amend the Maharashtra Public Universities Act, 2016.

Mah. VI 5 **WHEREAS**, it is expedient further to amend the Maharashtra Public
of 2017. Universities Act, 2016, for the purposes hereinafter appearing ; it is hereby
enacted in the Seventy-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Public Universities Short title.
(Third Amendment) Act, 2021.

Mah. VI 10 2. In section 2 of the Maharashtra Public Universities Act, 2016 Amendment
of 2017. (hereinafter referred to as “the principal Act”), for clause (8), the following of section 2 of
clause shall be substituted, namely:— Mah. VI of
2017.

“(8) “Chancellor”, “Pro-Chancellor” and “Vice-Chancellor” means respectively, the Chancellor, Pro-Chancellor and Vice-Chancellor of the university;”.

Insertion of section 9A in Mah. VI of 2017.

3. After section 9 of the principal Act, the following section shall be inserted, namely :—

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Pro-Chancellor and his powers and duties.

“9A.(1) The Minister for Higher and Technical Education shall be the Pro-Chancellor of the university and shall, in the absence of the Chancellor, preside over the convocation of the university.

(2) The Pro-Chancellor may call for any information relating to the academic and administrative affairs of the university and such requisition shall be complied with by the university.

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(3) The Pro-Chancellor shall exercise such powers and perform such duties of the Chancellor as the Chancellor may, by an order in writing, delegate to the Pro-Chancellor and such delegation may be subject to such restrictions and conditions as may be specified in such order.”.

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Amendment of section 10 of Mah. VI of 2017.

4. In section 10 of the principal Act, after clause (13), the following clause shall be inserted, namely :—

“(13a) the Director, Preservation and Promotion of Marathi Language and Literature;”.

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Amendment of section 11 of Mah. VI of 2017.

5. In section 11 of the principal Act,—

(1) in sub-section (3),—

(a) in clause (a),—

(i) for the words “suitable names to the Chancellor” the words “suitable names to the State Government” shall be substituted;

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

“(iv) two former Vice-Chancellors of statutory public universities in the State to be nominated by the State Government.”;

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(b) in clause (c), after the words “institution of the university” the following shall be added, namely :—

“in the capacity of teacher or officer or member of any authority of the university presently.”;

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

(d) in clause (e), for the words “for the consideration of the Chancellor for being appointed as the Vice-Chancellor” the words “to the State Government” shall be substituted;

(2) for sub-section (4), the following sub-sections shall be substituted, namely:—

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“(4) The State Government may recommend names of two persons to the Chancellor from the panel recommended by the committee, for being appointed as the Vice-Chancellor:

Provided that, if the State Government does not approve any of the person so recommended, it 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 (4A) The Chancellor shall appoint one person included in the panel forwarded by the State Government to be the Vice-Chancellor within thirty days.” .

6. In section 13 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely :—

Amendment of section 13 of Mah. VI of 2017.

10 “(6) The Chancellor shall, appoint Pro-Vice-Chancellor for the university, from the panel of three names recommended by the State Government out of the names suggested by the Vice-Chancellor to the State Government.”.

15 7. After section 24 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 24A in Mah.VI of 2017.

“24A. (1) The Head of the Department of Marathi Language of the university shall be the *ex officio* Director, Preservation and Promotion of Marathi Language and Literature.

Director of Preservation and Promotion of Marathi Language and Literature.

20 (2) When the office of the Director, Preservation and Promotion of Marathi Language and Literature falls vacant or the Director is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the Vice-Chancellor shall appoint a suitable person from amongst teachers in the Department of Marathi Language of the university, to officiate as the Director, until new Director assumes duty or the Director resumes duty, as the case may be.

25 (3) The Director, Preservation and Promotion of Marathi Language and Literature shall exercise the following powers and perform the duties, namely :—

30 (a) to take measures to encourage Marathi as a medium of instruction and communication;

(b) to take measures for translation of books in various subjects in collaboration with other national or international institutions, private universities, non-governmental organization, public sector companies ;

35 (c) to take measures to encourage extensive use of information and communication technology to enrich and spread Marathi language and literature;

40 (d) to take measures to promote research in Marathi Language related to cultural and linguistic relation to other languages, carry out translation work of literature from other languages into Marathi Language keeping in mind inter-culturalism;

(e) to promote courses of professional and applied nature in Marathi Language in colleges and university ;

45 (f) to undertake any other task that may be assigned to him by the university authorities, so as to carry out objectives of the Board of Preservation and Promotion of Marathi Language and Literature;

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

Amendment
of section 26
of Mah. VI
of 2017.

8. In section 26 of the principal Act, after clause (17), the following clauses shall be inserted, namely :—

“(17a) the Board of Preservation and Promotion of Marathi Language and Literature;

(17b) Board of Equal Opportunity;”.

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Amendment
of section 28
of Mah. VI
of 2017.

9. In section 28 of the principal Act,—

(1) in sub-section (2),—

(a) after clause (a), the following clause shall be inserted, namely :—

“ (aa) Pro-Chancellor;”;

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(b) after clause (l), the following clause shall be inserted, namely :—

“(la) the Director, Board of Preservation and Promotion of Marathi Language and Literature;”;

(c) after clause (u), the following clauses shall be inserted, namely :—

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“(ua) five persons nominated by the State Government, who shall be director or head of institutes of national importance, national laboratories, senior scientists, recipient of padma award in education, social work, culture, sports, literature and co-operative movement, environmentalist with significant contribution, persons of national repute who worked for promotion of women rights and empowerment, head or director of communication institutions or educational institutions or an editor or award winning journalist of national newspaper or electronic media ;

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(ub) one award winner sportsperson in olympic, commonwealth, world championship, asiad or at national level to be nominated by the State Government ;

(uc) one person in the field of social work having Ph.D. degree to be nominated by the State Government;”;

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(2) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The Chancellor shall normally preside over the Senate and in his absence, the Pro-Chancellor, and in absence of the Pro-Chancellor, the Vice-Chancellor shall preside.”.

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Amendment
of section 30
of Mah. VI
of 2017.

10. In section 30 of the principal Act, in sub-section (4), after clause (k), the following clause shall be inserted, namely :—

“(ka) one member to be nominated by the State Government from the director or head of institutes of national importance, national laboratories, recipient of padma award, national level recognised or national award winner in the field of environment, women development or communication and media ;

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(kb) one person in the field of social work having Ph.D. degree to be nominated by the State Government;”.

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11. After section 60 of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 60A and 60B in Mah.VI of 2017.

5 “60A. (1) There shall be a Board of Preservation and Promotion of Marathi Language and Literature to preserve and develop Marathi as an official language of the State and as well as local language for communication of masses.

Board of Preservation and Promotion of Marathi Language and Literature.

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

(a) Pro-Vice-Chancellor- Chairperson ;

(b) Director of *Rajya Marathi Vikas Sanstha* or his nominee ;

10 (c) one former President of *Akhil Bharatiya Marathi Sahitya Sammelan* to be nominated by the President of *Akhil Bharatiya Marathi Sahitya Sammelan* ;

15 (d) two members of civil societies or organizations working for promotion and development of Marathi Language and Literature to be nominated by the Vice-Chancellor ;

(e) senior most professor in the university department of Marathi other than head of the department ;

(f) one head of the department of Marathi from affiliated college to be nominated by the Vice-Chancellor ;

20 (g) Director of Preservation and Promotion of Marathi Language and Literature - Member - Secretary.

(3) The Board of Preservation and Promotion of Marathi Language and Literature shall have the following powers and duties, namely :—

25 (a) to encourage Marathi as a medium of instruction and communication ;

(b) to prepare textbooks in Marathi Language as resource material in print format and electronic format for students ;

30 (c) to translate academic classic works particularly from English and other modern languages into Marathi in print format and electronic format for students ;

(d) to undertake the translation of other Languages books in various subject into Marathi in collaboration with national or international institute, private universities, non-governmental organizations, public sector companies ;

35 (e) to make extensive use of information and communication technology to enrich and spread Marathi Language and Literature;

40 (f) to undertake advance research in Marathi related to cultural and linguistic relation to other languages, carry out translation of works of literature from other languages into Marathi keeping in mind inter-culturalism ;

(g) to encourage conceptual, critical, creative thoughts and theory in Marathi ;

(h) to prepare and offer courses of professional and applied nature in Marathi Language through colleges and university departments ;

(i) to carry out research in variance of Marathi Language in different regions ;

(j) to facilitate publishing reports, monographs, books, research volumes in Marathi.

Board of
Equal
Opportunity.

60B. (1) There shall be a Board of Equal Opportunity in each university which shall be responsible to plan, monitor, guide and co-ordinate various developments and welfare programmes, schemes, regulation and policies in regard to the welfare, developments and social protection of teachers, non-teaching employees and students belonging to various categories of weaker sections of the society, minorities, women, LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and Others) and persons with disabilities, to promote and establish values of freedom, secularism, equality, equal opportunity, dignity and social justice enshrined in the Constitution of India and also create policy, procedure and practice for inclusive education in the university.

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

(a) Pro-Vice-Chancellor-Chairperson;

(b) Commissioner of Social Justice, Maharashtra State or his nominee not below the rank of Deputy Commissioner ;

(c) nine senior most teachers from university departments, one each shall be from category of the Scheduled Castes, Scheduled Tribes, either of De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes, Other Backward Classes, minority, women, LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and Others) and persons with disabilities to be nominated by the Vice-Chancellor ;

(d) two senior Principals of affiliated colleges, out of which one shall be from the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes nominated by the Vice-Chancellor, by rotation of equal duration;

(e) one student from the university departments, from the Scheduled Castes, Scheduled Tribes, either or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes, Other Backward Classes, minority, women, LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and Others) or persons with disabilities to be nominated by the Vice-Chancellor ;

(f) one eminent social worker to be nominated by the Vice-Chancellor ;

(g) Registrar- Member-Secretary.

(3) The Board of Equal Opportunity shall have at least three meetings in a year.

(4) The Board of Equal Opportunity shall have the following powers and duties, namely :—

(a) to make action plan to promote and establish values of freedom, secularism, equality, equal opportunity, dignity and social justice enshrined in the Constitution of India and to promote basic attitude and values of essence on national development ;

(b) to make action plan to promote equitable distribution and equal opportunity in teaching, learning, training, research and other support services facilities of higher education ;

5 (c) to make action plan to generate and promote a sense of self-respect and dignity among the weaker sections of the society and also promote gender equality and sensitivity in society ;

10 (d) to create policy, procedure and practice for inclusive education in the university and ensure the participation of weaker sections making authorities or bodies of the university and various committees constituted by the university, from time to time ;

(e) to monitor and evaluate the effective implementation of Government policies, regulations or orders issued from time to time in regard to promotion of equity in higher education institutions and reservation in recruitment and admission ;

15 (f) to monitor and evaluate the implementation of the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government, from time to time ;

20 (g) to prepare an action plan for overall development and welfare of the students and employees of the university belonging to weaker sections ;

25 (h) to monitor, evaluate and asses the utilization of grants by the university, affiliated colleges and recognized institutions in respect of various schemes or projects sanctioned by the Government and non-government funding agencies for the development and welfare of the weaker sections, and submit the report to the Management Council with recommendations, for appropriate action ;

30 (i) to prepare the financial estimate in respect of the implementation of action plan formulated by the Board and send it to the Finance and Accounts Committee for consideration.

(j) to cause an inquiry to be made by the committee constituted by the Board on reference made by the Vice-Chancellor,—

35 (i) any complaint received from students, teachers or non-teaching employees of the university and affiliated colleges against the discrimination based on caste, ethnicity, religion, colour and gender ;

40 (ii) evaluation and assessment of the utilization of grant by the university and affiliated colleges in respect of various schemes and project sanctioned by the Government and non-government organization for development and welfare of weaker sections ;

45 (k) to undertake any other task as may be assigned by the Vice-Chancellor so as to carry out objectives of the university and the Board.”.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) provides for the regulations of the non-agricultural and non-medical public universities in the State. The Government of India has introduced the National Education Policy, 2020, on 20th July 2020. In view of the said policy and also to strengthen the governance structure of the public universities and make them able to improve the quality of higher education and research, the Government of Maharashtra considers it expedient to amend the said Act.

2. Considering the provisions of the National Education Policy, 2020 and different aspects of the governance structure of the universities, higher education, learning and research, the Government of Maharashtra has appointed a committee to recommend amendments to the said Act. The said committee has submitted Part I of its report, consisting of the recommendations relating to amendments in the Maharashtra Public Universities Act, 2016 for consideration of the Government. After considering the recommendations of the said committee, the Government considers it expedient to amend the said Act, suitably.

3. The salient features of the proposed Bill are as under,—

- (a) provisions for Pro-Chancellor ;
- (b) provisions for post of the Director for the Board of Preservation and Promotion of Marathi Language and Literature ;
- (c) provisions for manner of appointment of Vice-Chancellor and recomposition of committee for recommending panel ;
- (d) provisions for constitution of the Board of Preservation and Promotion of Marathi Language and Literature and the Board of Equal Opportunity;
- (e) provisions for nomination of members on the Senate and Management Council by the State Government.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st December, 2021.

UDAY SAMANT,
Minister for Higher and
Technical Education.

ANNEXURE TO THE L. A. BILL No. XXXV OF 2021–
THE MAHARASHTRA PUBLIC UNIVERSITY
(THIRD AMENDMENT) BILL, 2021.

(Extracts from the Maharashtra Public University Act, 2016)

(Mah. VI of 2017)

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|------------------|--|---|---|---|--------------------------------|
| 1. | * | * | * | * | |
| 2. | In this Act, unless the Context otherwise requires, | | | | Definitions |
| (1) to (7) | * | * | * | * | |
| (8) | “Chancellor” and “Vice-Chancellor” means, respectively, the Chancellor and the Vice-Chancellor of the university; | | | | |
| (9) to (68) | * | * | * | * | |
| 3. 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) | 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 organization of national repute established by an Act of Parliament, nominated by the Management Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the <i>Official Gazette</i> . | | | | |
| (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) | The committee shall recommend a panel of not less than 5 suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names of the persons so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability of each person included in the panel. | | | | |
| (f) and (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 (12) * * * *

14. to **27.** * * * *

Senate.

28. (1) and (2) * * * *

(3) The Chancellor shall normally preside over the senate and in his absence the Vice-Chancellor shall preside.

(4) * * * *

29. to **148.** * * * *

SCHEDULE * * * *

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXV OF 2021.]

**[A Bill further to amend the Maharashtra
Public Universities Act, 2016.]**

[SHRI UDAY SAMANT,
Minister for Higher and
Technical Education]

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.