

# **The Maharashtra University of Health Sciences Act, 1998**

MAHARASHTRA

India

## **The Maharashtra University of Health Sciences Act, 1998**

### **Act 10 of 1999**

- Published on 21 January 1999
- Commenced on 21 January 1999
- [This is the version of this document from 21 January 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra University of Health Sciences Act, 1998 Maharashtra Act No. 10 of 1999 (This Act received the assent of the Governor on the 21st January 1999; assent was first published in the Maharashtra Government Gazette Part IV, on the 21st January, 1999.) For Statement of Objects and reasons See Maharashtra Government Gazette, Extraordinary, Part V-A dated the 21st July 1998, page 460. An Act to establish and incorporate a University of Health Sciences in the State of Maharashtra and to provide for matters connected therewith and incidental thereto. Whereas it was expedient to establish and incorporate an independent University of Health Sciences for the purposes of ensuring proper and systematic instruction, teaching, training and research in modern medicine and Indian System of Medicine in the State of Maharashtra, and to have balanced growth in the medical sciences so also an uniformity in various courses in medical faculty in the State and to provide for matters connected therewith and incidental thereto; And Whereas it was considered necessary to immediately make a law for the same; And Whereas both Houses of the State Legislature were not in session; And Whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes aforesaid; and therefore, promulgated the Maharashtra University of Health Sciences Ordinance, 1998, on the 3rd June 1998; And Whereas upon the reassembly of the State Legislature on the 20th July 1998, the Maharashtra University of Health Sciences Bill, 1998 (L.A. No. XXXV of 1998), for converting the said Ordinance into an Act of the State Legislature, was introduced in the Maharashtra Legislative Assembly on the 21st July 1998 and was passed by the Legislative Assembly on the 30th July 1998 and was then transmitted to the Legislative Council and was passed by the Legislative Council with amendments on the 7th August 1998; And Whereas both Houses of the State Legislature were prorogued on the 7th August 1998, and therefore, it was not possible to complete the procedure laid down in Article 197(1) for the passing of the said Bill second time by the Legislative Assembly; And Whereas as provided under Article 213(2)(a) of the Constitution of India, the said Ordinance was to cease to operate after the 30th August 1998, on which date the period of six weeks from the date of reassembly of the State Legislature was to expire; And Whereas it was expedient to take immediate action to continue the operation of the

provisions of the said Ordinance by Saw; And Whereas both Houses of the State Legislature were not in Session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the provisions of the said Ordinance; and therefore, by repealing by withdrawal the said Ordinance, promulgated with retrospective effect, that is with effect from the 3rd June 1998, the Maharashtra University of Health Sciences (Continuance) Ordinance, 1998 on the 29th August, 1998; And Whereas it is expedient to replace the provisions of the Maharashtra University of Health Sciences Ordinance, 1998 followed by the Maharashtra University of Health Sciences (Continuance) Ordinance, 1998 by an Act of the State Legislature; it is hereby enacted in the Forty-ninth Year of the Republic of India as follows:-

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent and commencement.**

(1) This Act may be called the Maharashtra University of Health Sciences Act, 1998. (2) It extends to the whole of the State of Maharashtra. (3) It shall be deemed to have come into force on the 3rd June, 1998.

#### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(1) "academic services unit" means a University science and instrumentation centre, academic staff college, computer centre, University printing press or any other unit providing specialised services for the promotion of any of the objectives of the University; (2) "affiliated college" means a college imparting education in Health Sciences which has been granted affiliation by the University; (3) "approved institution" means a hospital, health centre, affiliated college or such other institution recognised by the university as an institution in which a person may undergo training, if any, required by a course of study before the conferral of any degree, diploma or other academic distinction of the university; (4) "authorities" means the authorities of the University as specified by or under this Act; (5) "autonomy" means a privilege of the University conferred by Statutes permitting a college, institution or a University department to conduct academic programmes and examinations, develop syllabus for the respective subjects and issue certificates of passing the examinations, etc. A college, institution or a University department which has been granted autonomy shall have full academic, administrative and financial autonomy to the provisions of this Act and Statutes; (6) "autonomous college", "autonomous institution" or "autonomous department" means a college, institution or department to which autonomy is granted and is designated to be so by Statutes; (7) "bodies", means the bodies of the University formed by the respective authorities; (8) "Central Councils", means various Councils of Health Sciences constituted by the Central Government; (9) "Chancellor", "Pro-Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" means, respectively, the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the University; (10) "collaboration" means collaborative academic activity of the University with other universities, academic institutions (local, regional, national or international), research institutions and organizations; (11) "college" means a college imparting

education in Health Sciences conducted by the University or affiliated to the University situated in the State of Maharashtra;(12)"conducted college" means a college maintained and managed by the University;(13)"department" means a department teaching a particular subject or a group of subjects in a college as prescribed in Statutes;(14)"Director" means a head of an institution including a centre, or a school of the University as designated by the Management Council;(15)"Director of Medical Education and Research", "Director of Health Services" and "Director of Ayurveda" means respectively, the Director of Medical Education and Research, Maharashtra State, the Director of Health Services, Maharashtra State and the Director of Ayurveda, Maharashtra State;(16)"Government" means the Government of Maharashtra;(17)"Health Sciences" means modern scientific medicine in all its branches concerning preventive, promotive, curative and rehabilitative services and includes surgery, obstetrics and gynaecology [\* \*] [The words 'Pharmacy' was deemed always to have been deleted by Maharashtra 56 of 2000, section 2.], dental science, nursing and other allied subjects including the Indian Systems of Medicine in all their branches;(18)"hostel" means unit of residence for the students of the University maintained or recognised by the University in accordance with the provisions of this Act;(19)"Indian Systems of Medicine" includes Ayurveda, Unani, Homoeopathy, Naturopathy, Yoga and such other disciplines as may be prescribed;(20)"Local Managing Committee" means a Committee constituted for a College under the provisions of this Act;(21)"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 the management of which one or more colleges or recognised institutions or other institutions are conducted and admitted to the privileges of the University:Provided that, in relation to any college or institution established or maintained by the Central Government or the State Government or a local authority such as a Zilla Parishad, municipal council or municipal corporation, it means, respectively, the Central Government or the State Government or the concerned local authority that is the Zilla Parishad, municipal council or municipal corporation, as the case may be;(22)"non-vocational academic staff" means such staff as the Government may classify to be non-vocational academic staff and includes all such staff which is complimentary to academic staff, shall not include the staff engaged purely in discharging administrative functions;(23)"Other Backward Classes" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be the Other Backward Classes and Vimukta Jatis and Nomadic Tribes;(24)"post-graduate department" means a department in a college or institution of higher learning, research or specialised studies, imparting postgraduate instruction or guidance for research recognised to be so by the University;(25)"prescribed" means prescribed by Statutes or Ordinance or Rules or Regulations, as the case may be, made by or under this Act;(26)"Principal or Dean" means hie head of a college, specialised educational institution, post-graduate centre or other recognized institution duly approved by the University;(27)"recognised institution" means an institution of higher learning research or specialised studies other than an affiliated college and recognised to be so by the University;(28)"Registrar" means the Registrar of the University appointed under section 18 and includes Deputy Registrar and Assistant Registrar;(29)"registered graduate" means a graduate registered or deemed to be registered under this Act;(30)"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-Buddhas;(31)"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;(32)"school" means a school of studies maintained by or recognised as such by the University;(33)"Statutes", "Ordinances", "Rules" and "Regulations" means respectively, the Statutes, Ordinances, Rules and Regulations of the University made by or under this Act;(34)"student of the University" means a person enrolled in the University for undergoing a course of study for a degree, diploma or other academic distinctions of the University;(35)"teachers" means full time approved Demonstrators, Tutors, Assistant Lecturers, Lecturers, Readers, Associate Professors, Professors and other persons teaching or giving instructions on full time basis in affiliated colleges or approved institutions in the University;(36)"University" means the Maharashtra University of Health Sciences, established under section 3 of this Act;(37)"University department" means a department established and maintained by the University;(38)"University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956;(39)"University institution" means a centre, a school, or an institute established and maintained by the University;(40)"University teacher" means a teacher appointed by the University.

## **Chapter II**

### **The University**

#### **3. Establishment and incorporation of University.**

(1)There shall be established a University by the name "The Maharashtra University of Health Sciences" with jurisdiction over the whole of the State of Maharashtra.(2)The University shall be a body corporate, by the name specified in subsection (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.(3)The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act:Provided that, no such lease, sale or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior consent of the Government.(4)In all suits and other legal proceedings by or against the University, the pleading shall be signed and verified by the Registrar or any other person authorised in this behalf, and all process in suits and proceedings shall be issued to and served on the Registrar.(5)The headquarter of the University shall be located at Nashik and it may establish additional campuses at such other places with the prior approval of the Government within the State of Maharashtra as it may deem fit and appropriate.(6)The University shall be both, a teaching and an affiliating University.

#### **4. Objects of University.**

- The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service and by effective demonstration and

influence of its corporate life on society, in general, and in particular the objects shall be, - (a) to carry out its responsibility of creation, preservation and dissemination of knowledge; (b) to promote discipline and the spirit of intellectual inquiry and to dedicate itself as a fearless academic community to the sustained pursuit of excellence; (c) to encourage individuality and diversity within a climate of tolerance and mutual understanding; (d) to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to be catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development; (e) to extend the benefits of knowledge and skills for development of individuals and society by associating the University closely with local and regional problems of development; (f) to carry out social responsibility as an informed and objective critic, to identify and cultivate talent, to train the right kind of leadership in all walks of life and to help younger generation to develop right attitudes, interests and values; (g) to promote equitable distribution of facilities of Health Sciences Education; (h) to provide for efficient and responsive administration, scientific management and develop organisation of teaching and research; (i) to promote acquisition of knowledge in rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing educational network related to Health Sciences with use of modern communication media and technologies appropriate for a learning society; (j) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students; (k) to impart education and training to achieve the goal of physical, mental and spiritual health of every individual, (l) to create better understanding between different systems of medicines through inter-disciplinary study and research; (m) to establish and develop Indian Systems of Medicine so as to keep health of a healthy individual and to cure the disease of diseased individual.

## **5. Powers and duties of University.**

- The University shall have the following powers and duties, namely: - (a) to make provision to enable conducted and affiliated colleges and recognised institutions to undertake specialised studies; (b) to establish, maintain and manage University departments, laboratories, libraries, museums and equipments of teaching or research; (c) to establish, maintain and manage departments and institutions of research, specialised studies or academic services unit; (d) to organise, maintain and manage colleges, institutions, hostels, health centres, auditoria and gymnasiums; (e) to provide for establishment of campuses for serving a group of affiliated colleges, and also to provide for and maintain common resources centres in such campuses in the form of libraries, laboratories, computer centres, and the like centres of learning: Provided that, in case of any industry of any non-Government organisations availing themselves of such facility of the University or such organisations providing the facility to the University prior approval of the Government shall be obtained by the University; (f) to create posts of directors, principals, teachers and other teaching or non-vacation academic posts required by the University with the prior approval of the State Government and to prescribe their qualifications and make appointments thereto; (g) to appoint or recognise persons working in any other University or organisation as teacher of the University for specified period; (h) to create non-teaching skilled, administrative, ministerial and other posts and prescribe the qualifications and pay-scales for such posts, with prior approval of the State

Government and to make appointments thereto;(i)to facilitate mobility of teachers within the University and to other Universities with the consent of the teacher concerned;(j)to make provision, wherever feasible in the University department, affiliated colleges, institutions, recognised institutions and schools, for survey and collection of statistics, data and other particulars relevant to various developmental activities including State and National plans evaluation of the developmental schemes with the participation of the students as a part of their curricular activities;(k)to control and regulate admission of students for various courses of study in University departments conducted and affiliated colleges, institutions, schools and recognised institutions;(l)to lay down the conditions of affiliation of colleges and recognition of institutions taking into account the credibility of the management and norms of academic performance of colleges, faculties and subjects, as may be laid down from time to time, and satisfy itself by periodical assessment or otherwise that those conditions are fulfilled;(m)to designate a University department, conducted college, an affiliated college, institution or school as an autonomous University department, conducted college, affiliated college or institution or school, as the case may be, in accordance with the guidelines, if any, laid down by the University Grants Commission;(n)to monitor and evaluate the academic performance of affiliated colleges and recognised institutions for affiliation and periodical accreditation;(o)to inspect, where necessary, affiliated colleges and recognised institutions through suitable machinery established for the purpose, and take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;(p)to hold and to manage trusts and endowments and institute and award, fellowships, travelling fellowships, scholarships, studentship, medals and prizes for teachers and students of the University and colleges;(q)to make arrangements for promoting welfare of employees of the University;(r)to co-ordinate and regulate teaching and research in the affiliated colleges and recognised institutions;(s)to provide for the training and quality improvement of teachers and non-teaching employees;(t)to provide for periodical assessment of the performance of teachers and non-teaching employees of the colleges, institutions and University in accordance with the provisions of Statutes;(u)to regulate and provide for attendance of the teachers on the premises of the University or colleges or institutions during teaching hours and beyond teaching hours, as prescribed and to prohibit teachers from taking or conducting private tuition or private coaching classes;(v)to prescribe for conduct and discipline rules for teaching and nonteaching staff and to ensure the enforcement thereof;(w)to prescribe the Code of Conduct for managements;(x)to establish, maintain and manage, whenever necessary, - (i) a printing and publication department; (ii) university extension boards; (iii) information bureaus; (iv) employment guidance bureaus; and (v) such other activities as may be necessary and possible to fulfill the objects of the University;(y)to co-operate or collaborate with any other University, institution, authority or organisation for research and advisory services and for such purposes to enter into appropriate arrangement with other Universities, institutions, authorities, or organisations to conduct certain courses as the situation may demand;(z)to rescind affiliation granted to the college;(aa)to explore the possibilities of augmenting the resources of the University by exploring or innovating activities such as research and development, consultancy, training programmes and providing services for different clients from industry, trade or any other non-government organisations;(bb)to recommend to the Government to take over, in the public interest, the management of an affiliated college, institution or autonomous college in case where irregularities or commissions or omissions of criminal nature by the Management of such college, or institution are prima facie evident to the

committee of enquiry appointed by the University;(cc)to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and Government in that behalf;(dd)to lay down for teachers and University teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the University, may be necessary in academic matters;(ee)to undertake development programmes in Health Sciences, research, consultancy based projects and training programmes for outside agencies, by charging fees so as to generate resources;(ff)to provide for instruction and training in such branches of medicine and allied sciences, as may be considered suitable and to make provision for research and for the advertisement and dissemination of knowledge in Health Sciences, striving to maintain at all times highest possible standards of academic excellence;(gg)to institute and award degrees, diplomas, certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University, college or an affiliated college unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University or shall have carried on research satisfactorily under conditions as may be prescribed;(hh)to develop, upgrade and start department in medical specialities as may be required and to provide instructions for such courses of study as it may determine;(ii)to hold examinations and to confer honorary degrees or other distinctions under conditions as may be prescribed;(jj)to prescribe conditions under which the award of any degree, title, diploma and other academic distinctions may be withheld;(kk)to institute, maintain and administer University, colleges, hospitals and laboratories and institutes of research, library or other institutions necessary to carry out the object of the University,(ll)to affiliate or recognise colleges and institutions and to withdraw such affiliation or recognition;(mm)to establish, maintain and administer hostels, to recognise hostels not managed by the University and to suspend or withdraw such recognition therefrom;(nn)to exercise such control over the students of the University, as well to secure their health, well being and discipline and to exercise through the affiliated colleges control for similar purposes over the students of affiliated colleges;(oo)to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in any manner that the University may deem fit:Provided that, no donation from a foreign country, foreign foundation or any person in such country or foundation shall be accepted by the University, save with the approval of the Government;(pp)to borrow money with or without security for such purposes, as may be approved by the Government, from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act;(qq)to fix fees and demand and collect such fees as may be prescribed;(rr)to undertake publication of works of merit and research pertaining to Health Sciences;(ss)to establish and maintain University Libraries, Research Station and Museums;(tt)to establish research posts and to appoint suitable persons to such posts;(uu)to establish suitable residential accommodation to the staff of the University to the extent feasible,(vv)generally to do such other acts or make such other provisions as may be deemed necessary or desirable to further the objects of the University;(ww)to comply with and carry out any directives issued by Government from time to time, with reference to above powers, duties and responsibilities of the University.

## 6. Jurisdiction and admission to privileges of University.

(1) No college in the State of Maharashtra imparting education in Health Sciences shall, save with the consent of the University and the sanction of Government, be associated in any way with or seek admission to any privileges of any other University in India or abroad. (2) Any such privilege enjoyed from other University before the date of commencement of this Act by any Medical College or Institution of Health Sciences situated in the State shall be deemed to be withdrawn with effect from such date. (3) On and from the date of commencement of this Act, all colleges and autonomous Institutions of Health Sciences previously admitted to the privileges of or affiliated to the Universities specified in the Schedule appended to this Act, shall be deemed to be admitted to the privileges of or affiliated to, the Maharashtra University of Health Sciences established under section 3 of this Act. (4) [\* \* \*] (5) [\* \* \*]

Sub-section (4) and (5) were deleted by Maharashtra 50 of 2005, section 2, w.e.f 31-10-2005. Deleted sub-section (4) and (5) reads as follows: (4) Notwithstanding anything contained in sub-sections (1) to (3) or any other provisions of this Act, on the date of coming into force of the Maharashtra University of Health Sciences (Amendment) Act, 2001 (hereinafter in this section referred to as "the said date"), all colleges and autonomous institution of Health Sciences admitted to the privileges of or affiliated to, the University under sub-section (3), conferring Post Graduate degrees in Medical, Dental, Ayurved, Unani and Homoeopathy Sciences and all the students who, on the said date stood enrolled or are thereafter enrolled, by such colleges or institutions for such Post Graduate degree courses in Medical, Dental, Ayurved, Unani and Homoeopathy Sciences, shall, so far as such Post Graduate degrees are concerned, stand re-admitted to the privileges of, or re-affiliated to, their respective universities specified in the Schedule to the Maharashtra Universities Act, 1994, to which they were, immediately before the coming into force of this Act, admitted or affiliated, until the Post Graduate degrees in Medical, Dental, Ayurved, Unani and Homoeopathy Sciences granted by the University are recognised by the Central Government on the recommendations of the Medical Council of India, the Dental Council of India, the Central Council of Indian Medicine and the Central Council of Homoeopathy, respectively; Provided that, such re-admission or re-affiliation granted to such, colleges or autonomous institutions and the students prior to receiving such recognition under this sub-section shall not be revoked or withdrawn or in any way changed by the State Government or any other authority till those students have acquired such Post Graduate degrees from their respective universities under the Maharashtra Universities Act, 1994, irrespective of the grant of the recognition by the Central Government, to the said Post Graduate degrees being conferred by the University. Explanation.- For the purposes of this sub-section, the expression "Post Graduate degree in Medical Sciences" shall mean Post Graduate degree in modern scientific medicine and shall include the Post Graduate degree in Occupational Therapy, Physiotherapy, Audiology, Speech Therapy and Prosthetics and Orthotics. (5) Notwithstanding anything contained in sub sections (1) to (4) or any other provisions of this Act, on the date of coming into force of the Maharashtra University of Health Sciences (Amendment and Continuance) Act, 2002 (hereinafter referred to as "the said date"), all colleges and autonomous institutions of Health Sciences admitted to the privileges of, or affiliated to, the University under sub-section (3), conferring Post Graduate Diploma in Medical, Dental, Ayurved, Yoga and Naturopathy, Unani and Homoeopathic Sciences and



all the students who, on the aid date stood enrolled or are thereafter enrolled, by such colleges or Institutions for such Post Graduate Diploma Courses in Medical, Dental, Ayurved, Yoga and Naturopathy, Unani and Homoeopathic Sciences, shall, so far as such Post Graduate Diplomas are concerned, stand re-admitted to the privileges of, or re-affiliated to, their respective universities specified in the Schedule to the Maharashtra Universities Act, 1994, to which they were, immediately before the coming into force of this Act, admitted or affiliated, until further orders in this behalf from the Government: Provided that, such re-admission or re-affiliation granted to such colleges or autonomous institutions and the students shall not be revoked or withdrawn or in any way changed by the State Government or any other authority till those students have acquired such Post Graduate Diplomas from their respective Universities under the Maharashtra Universities Act, 1994.]

## **7. University open to all irrespective of sex, creed, class, caste, place of birth, religion or opinion.**

(1) No citizen of India shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession or political or other opinion: Provided that, the University may maintain, accredit or recognise any college or institution exclusively for women or reserved for women. (2) The University shall adopt: Government policy and orders or directions issued from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment to different posts of teachers and non-teaching officers and employees and for the purpose of admission of students in the affiliated or conducted colleges, University departments, University institutions or recognised institutions. (3) The University shall adopt the general policy of Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the Government, from time to time.

## **8. Transfer of Government Colleges to University.**

(1) The Government may at any time, by notification in the Official Gazette, transfer any Government college of Health Sciences to the University and from the date of such transfer the said college shall be a University college. (2) When any Government college is transferred to the University under sub-section (1) with effect from the date on which such transfer takes place, the following consequences shall ensue, namely:-(i) all the assets including the properties and liabilities pertaining to the said college shall stand transferred to and vest in the University; (ii) all members of the teaching staff or other employees of the said college who immediately before the date of such transfer were serving in or were attached to that college shall stand transferred to the appropriate cadre or category of posts in the University on the same conditions of service as were applicable to them before such transfer and unless and until such conditions are altered with the consent of such persons: Provided that, no such member of the teaching staff or other employee of the said college shall be transferred unless he has given his consent in this behalf: Provided further that, if any such teacher or other employee does not give his consent for such transfer, he shall, notwithstanding any

contract or anything contained in any provision of law for the time being in force, be retired from service. He shall not be entitled for any damages or compensation in respect of such retirement, but shall be entitled to all benefits or retirement for the period of service rendered by him till the date of retirement.

## **9. Control of Government.**

(1) Without prior approval of the Government, University shall not, - (a) create any new posts or teachers, officers or other employees; (b) revise pay, allowances, post-retirement benefits and other benefits of its teachers, officers and other employees; (c) grant any special pay, allowance or other extra remuneration of any description whatsoever, including ex-gratia payment or other benefits having financial implication, to any of its teachers, officers or other employees; (d) divert any earmarked funds received for any purpose other than that for which it was received; (e) incur expenditure on any developmental work from the funds received from the Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received; (f) take any decision regarding affiliate colleges resulting in increased financial liability, direct or indirect, for the Government. (2) The University shall be competent to incur expenditure from the funds received from, - (a) various funding agencies without any share or contribution from the Government; (b) fees for academic programmes started on self-supporting basis; (c) contributions received from the individuals, industries, institutions, organisations or any person whosoever, to further the objectives of the University; (d) contributions of fees for academic or other services offered by the University; (e) development fund, if any, established by the University; for the purposes of - (i) creation of posts in various categories for specific period; (ii) granting pay, allowances and other benefits to the posts created through its own funds, provided, those posts are not held by such persons, who are holding the posts for which Government contribution is received; (iii) starting any academic programme on self-supporting basis; (iv) incurring expenditure on any development work; without referring the matter for approval of the Government provided there is no financial liability, direct or indirect, immediate or in future on the Government. (3) The Government may, in accordance with the provisions contained in this Act, 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, absorption of teachers and employees rendered surplus, reservation of posts in favour of members of the Scheduled Castes, 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 the affiliated colleges and recognised institutions (other than those managed and maintained by the Government, Central Government and the local authorities). When such Code is prescribed the provisions made in the Code shall prevail and the provisions made in Statutes, Ordinances, Regulations and Rules made under this Act; for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid. (4) In case of failure of the University to exercise powers or perform duties specified in section 5 or where the University has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by Government, the Government may, on making such enquiry as it may deem fit, issue a directive

to the University for proper exercise of such powers or performance of such duties or comply with the order; and it shall be the duty of the University to comply with such direction.(5)The Government may carry out test audit or full audit of the accounts of the University or a college, school or institution conducted by the University regularly at such intervals as the Government may deem fit.

## **Chapter III**

### **Officers of the University**

(A)The Chancellor

#### **10. Chancellor and his powers.**

(1)The Governor of Maharashtra shall be the Chancellor of the University and the Chancellor by virtue of his office shall be the Head of the University.(2)The Chancellor, when present, shall preside over the convocation of the University and may issue direction to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes, whenever necessary, and the Vice-Chancellor shall submit the minutes of such meeting to the Chancellor for the Chancellor's perusal.(3)The Chancellor may call for such information and record relating to any affairs of the University and issue such directions thereupon as the Chancellor may deem fit in the interest of the University and the authorities and officers of the University shall comply with such directions.(4)The Chancellor may, after taking report in writing from the Vice-Chancellor, suspend, or modify any resolution, order or proceedings of any authority, body, Committee or officer, which in the opinion of the Chancellor, is not in conformity with this Act, Statutes, Ordinances, Rules or Regulations made thereunder, or is not in the interest of the University and the University authority, body, Committee and officer shall comply with the same:Provided that, before making any such order, the Chancellor shall call upon the University, authority, body, committee or, as the case may be, officer to show cause within the period specified, why such an order should not be made, and if any cause is shown the Chancellor shall consider the same and wherever he deems it necessary, after consulting the Government, decide the action to be taken in the matter, and such decision shall be final.(5)Where, in the opinion of the Chancellor, the conduct of any elected or nominated or appointed or co-opted member is detrimental to the smooth functioning of the University or any authority or body of committee, the Chancellor may, after giving such member an opportunity to offer explanation in writing and after considering such explanation, if any and being satisfied that it is necessary so to do, suspend or disqualify such member for such period as the Chancellor may deem fit.(6)(a)The Chancellor shall have the right to cause an inspection to be made, by such person or persons or body of persons, as he may direct, of the University, its buildings, hospitals, libraries, museums, workshops and equipments of any college, institution or hostel maintained, administered or recognised by the University and of the teaching and other work conducted by or on behalf of the University or under its auspices of and of the conduct of examinations or other functions of the University and to cause an inquiry to be made in like manner regarding any matter connected with the administration or finances of the University;(b)The Chancellor shall, in every case, give the due notice to the University of his intention to cause an 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 the inspection or enquiry;(c)After an inspection or inquiry has been caused to be made, the Chancellor may address the Vice-Chancellor on the result of such inspection or inquiry and the Vice-Chancellor shall communicate to the Management Council the views of the Chancellor and call upon the Management Council to communicate to the Chancellor through him its opinion thereon within such time as may have been specified by the Chancellor. If the Management Council communicates its opinion within the specified time limit, after taking into consideration that opinion or where the Management Council fails to communicate its opinion in time, after the specified time-limit is over, the Chancellor may proceed and advise the Management Council upon the action to be taken by it, and fix a time limit for taking such action;(d)The Management Council shall, within the time limit so fixed, report to the Chancellor through the Vice-Chancellor the action which has been taken or is proposed to be taken on the advice tendered by him;(e)The Chancellor may, where action has not been taken by the Management Council to his satisfaction within the time limit fixed, and after considering any explanation furnished or representation made by the Management Council, issue such directions as the Chancellor may think fit, and the Management Council and other authority concerned shall comply with such directions;(f)Notwithstanding anything contained in the preceding sub-sections, if at any time the Chancellor is of the 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 the Statutes and Regulations or that special measures are desirable to maintain the standards of University teaching, examination, research, administration or finances, the Chancellor may indicate to the Management Council through the Vice-Chancellor any matter in regard to which he desires an explanation and call upon the Management Council to offer such explanation within such time as may be specified by him. If the Management Council 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 appear to him to be necessary, and the Management Council and any other authority concerned shall comply with such directions;(g)The Management Council shall furnish such information relating to the administration and finances of the University as the Chancellor may, from time to time, require;(h)The Management Council shall furnish to the State Government such return or other information with respect to the property or activities of the University as the State Government may, from time to time, require.(7)The Chancellor shall exercise such other powers and perform such other duties as may be conferred upon or vested in the Chancellor by or under this Act.(B)The Pro-Chancellor

## 11. Pro-Chancellor.

(1)The Minister incharge of the Medical Education in Maharashtra 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 his information any papers relating to the administration of the affairs of the University and such requisition shall be complied with by the University.(3)The annual programme of work of the University shall be referred to the Pro-Chancellor for his information and any suggestion made by him shall be considered by the Management Council.(4)He shall also exercise such powers and perform such duties of the Chancellor as the Chancellor may, by order in writing, delegate to the Pro-Chancellor and such

delegation may be subject to such restriction and conditions as may be specified in such order.(C)Other Officers of the University

## **12. Other officers of University.**

- The following shall be other officers of the University, namely(1)the Vice-Chancellor;(2)the Pro-Vice-Chancellor;(3)the Deans of Faculties;(4)the Registrar;(5)the Controller of Examinations;(6)the Finance and Accounts Officer;(7)such other officers in the service of the University, as may be prescribed by Statutes to be the officers of the University.

## **13. Vice-Chancellor and Pro-Vice-Chancellor.**

(1)There shall be a Vice-Chancellor appointed as provided in section 14 who shall be the principal executive and academic officer of the University and ex-officio Chairperson of the Management Council, Academic Council, Board of Examinations, Finance Committee and Library Committee, and shall preside, in the absence of the Chancellor and Pro-Chancellor, at any convocation for conferring degrees and also at any meeting of the senate. The powers and duties of the Vice-Chancellor shall be as provided in section 16.(2)The Pro-Vice-Chancellor shall be appointed as provided in section 15 and the Pro-Vice-Chancellor, whenever appointed, shall be responsible for the duties allotted to the Pro-Vice-Chancellor specifically by the Vice-Chancellor with the approval of the Management Council and the Pro-Vice-Chancellor shall preside over the meetings of the authorities of the University in the absence of the Vice-Chancellor.(3)Save as otherwise provided, the emoluments and terms and conditions of services of the Vice-Chancellor and Pro-Vice-Chancellor shall be such as may be determined by Government, from time to time.(4)The other officers of the University shall be appointed in such manner and exercise such powers and perform such duties as provided in this Chapter.(5)The conditions of services of the other officers of the University, shall be such as may be prescribed by Statutes.

## **14. [ Appointment of Vice-Chancellor. [[Sub-section (1) was substituted by Maharashtra 26 of 2009 section 2(a) w.e.f. 30.11.2009.**

Substituted sub-section (1) reads as follows:-

### **14. Appointment of Vice-Chancellor. - (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 for appointment as the Vice-Chancellor, namely:-(i)The Secretary, Medical Education and Drugs Department of Government;(ii)A nominee of the University Grants Commission;(iii)One member nominated by the Chancellor; -(iv)One member nominated by the Management Council,(v)One member nominated by the Academic Council;(vi)A nominee of the Medical Council of India;(b)The members nominated shall be the persons who are not connected with the University or any college or any recognized institution of the University;(c)the Chancellor shall nominate one of them as the

Chairperson of the Committee;(c)The quorum for the meeting of the Committee shall be three.]](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 Health Science Education;(ii)the Secretary or Principal Secretary of Medical Education and Drugs Department or any officer not below the rank of Secretary to Government, nominated by the State Government;(iii)the Director or Head of an institute or organisation of national repute and dealing with Health Science and related research, such as, the All India Institute of Medical Sciences, New Delhi, National Institutes under Indian Council of Medical Research or any other National Health Science Institute or Research Laboratory, nominated by the Management Council and the Academic Council, jointly, in the manner specified by the State Government by an order published in the Official Gazette;(b)The member, nominated by the Chancellor shall be the Chairman of the Committee;(c)The members nominated shall be the persons who are not connected with the University or any college or any recognised institution of 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, 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 recommended by the Committee for appointment as a Vice-Chancellor shall,-(a)be an eminent academician or an administrator of high calibre;(b)be able to provide leadership by his own example;(c)be able to provide vision and have ability to translate the same into reality in the interest of students and society; and(d)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.(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.] [[These sub-sections were substituted for sub-section (3) by Maharashtra 26 of 2009, section 2(b), w.e.f. 30.11.2009.Substituted sub section (3) reads as follows:-(3)The Committee shall recommend, a panel of not less than three suitable persons from amongst eminent Medical Educationists, however preference may be given to the persons who have held the post of Professor or Principal in institutions of Health Sciences for not less than ten years, for the consideration of the Chancellor, for being appointed as the Vice-Chancellor. The names shall be in alphabetical order. The report shall be accompanied by a detailed write-up on suitability for each person included in the panel.]](4)The Chancellor may appoint one of the persons included in the panel to be the Vice-Chancellor:Provided however that,-(a)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;(b)the first Vice-Chancellor shall be appointed by the Chancellor

on recommendation of the Government, the person so recommended shall fulfil the criteria laid down in sub-section (3).(5)The person appointed as the Vice-Chancellor shall, subject to the terms and conditions of his contract of service hold office for the contract period of five years from the date on which he enters upon his office or till attaining the age of sixty-five years, whichever is earlier and shall not be eligible for reappointment.(6)The person appointed as the Vice-Chancellor shall hold a lien, if any, on the post in which he is confirmed prior to the appointment.(7)In any of the following circumstances, the existence whereof shall solely be judged by the Chancellor, namely:-(a)where the committee appointed under sub-section (1) is unable to recommend any name within the time-limit specified by the Chancellor;(b)where the vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise, and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (1) to (4);(c)where the vacancy in the office of the Vice-Chancellor occurs temporarily because of leave, illness or other causes;(d)where the term of Vice-Chancellor has expired; or(e)where there is any other emergency;the Chancellor may appoint any suitable person, to act as the Vice-Chancellor, [for a term not exceeding twelve months] [These words were substituted for the words 'for the term not exceeding six months' by Maharashtra 17 of 2010, section 2, w.e.f. 30.6.2010.], in the aggregate as the Chancellor may specific in his order:Provided that, the person so appointed shall cease to hold such office on the date on which the person appointed as the Vice-Chancellor, in accordance with the provisions of sub-sections (1) to (4), assumes office or the Vice-Chancellor resumes office.(8)The Vice-Chancellor shall be a whole-time salaried officer of the University and shall receive such pay and allowances as determined by the Government.In addition, the Vice-Chancellor shall be entitled to free furnished residence, a motor car (including its maintenance, repairs and fuel required therefor), with the service of a chauffer free of charge.(9)Such sumptuary allowance shall be placed at the disposal of the Vice-Chancellor as the Government may approve, from time to time.(10)If a person receiving an honorarium from the Consolidated Fund of the State or if the principal of an affiliated college or a recognised institution or a University teacher is appointed as the Vice-Chancellor, the terms and conditions of service shall not be altered to the disadvantage during such person's tenure as the Vice-Chancellor:Provided that, the resultant vacancy in such post shall not be filled in by a long term appointment during the tenure of such persons as the Vice-Chancellor.(11)Notwithstanding anything contained in the foregoing sub-sections, the person referred to in sub-section (6) shall stand retired from that person's original post in accordance with the terms and conditions of service of that post.(12)The Vice-Chancellor may, by writing under own signature addressed to the Chancellor, after giving one month's notice, Resign from that office and shall come to hold that office, on the acceptance of the resignation by the Chancellor or from the date of expiry of the said notice period whichever is earlier.(13)The Vice-Chancellor may be removed from the office if the Chancellor is satisfied that the incumbent-(a)has become insane and stands so declared by a competent court;(b)has been convicted by a court for any offence involving moral turpitude;(c)has become an undischarged insolvent and stands so declared by a competent court;(d)has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;(e)is a member of, or be otherwise associated with, any political party or any organization which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity.Explanation. - For purposes of this sub-clause, whether any party is a political party, or whether any organization takes part in politics or whether any movement or activity falls within the scope of this sub-clause, the decision of the Chancellor thereon shall be final:Provided that, the

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

## **15. Manner of appointment of Pro-Vice-Chancellor.**

(1)The Chancellor may, in consultation with the Vice-Chancellor appoint a suitable person, who is an eminent medical educationist as a Pro-Vice-Chancellor of the University:Provided that, the Pro-Vice-Chancellor shall be a person who has held the post of Professor or Principal in an institution of Health Sciences for a period of not less than seven years.(2)The term of Pro-Vice-Chancellor shall be co-terminus with the term of office of the Vice-Chancellor or till he attains the age of sixty years, whichever is earlier.(3)The Pro-Vice-Chancellor shall be a full time salaried officer of the University, and the pay and allowances admissible to him as well as the terms and conditions of his service shall be such as determined by the Government.(4)When the office of the Pro-Vice-Chancellor falls vacant or when the Pro-Vice-Chancellor is, by reasons of illness or absence or any other cause; unable to perform the duties of his office, the Chancellor, upon the recommendation of the Vice-Chancellor, may appoint a suitable person qualified to be appointed as Pro-Vice-Chancellor, to officiate as Pro-Vice-Chancellor, till the Pro-Vice-Chancellor resumes office, or new Pro-Vice-Chancellor assumes duties, as the case may be.

## **16. Powers and duties of Vice-Chancellor.**

(1)The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.(2)He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the University but, shall not be entitled to vote thereat, unless he is the Chairperson or member of that authority or body.(3)The Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers it necessary so to do.(4)The Vice-Chancellor shall ensure that directions issued by the Chancellor are strictly complied with or, as the case may be, implemented.(5)It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, Statutes, Ordinances, Rules and Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are not inconsistent with the Act, Statutes, Ordinances, Rules or Regulations are properly implemented.(6)The Vice-Chancellor may defer implementation of a decision taken or a resolution passed by any authority, body or committee of the University if, he is of the opinion that the same is not consistent with the provisions of this Act, Statutes, Ordinances, Rules or Regulations or that such decision or resolution is not in the interest of the University and at the earliest opportunity refer it back to the authority, body or committee concerned for reconsideration in its next meeting with reasons to be recorded in writing. If differences persist, he shall within a week, giving reasons submit it to the Chancellor for decision and inform about having done so to the members of the authority, body or committee concerned. After receipt of the decision of the Chancellor, the Vice-Chancellor shall take the action as directed by the Chancellor and inform the authority, body or committee concerned accordingly.(7)If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires



immediate action to be taken, he shall, take such action, as he thinks necessary, and shall at the earliest opportunity, report in writing, the grounds for his belief that there was an emergency, and the action taken by him, to such authority or body as would, in the ordinary course, have dealt with the matter. In the event of a difference arising between the Vice Chancellor and the authority or body whether there was in fact an emergency, or on the action taken (where such action does not affect any person in the service of the University), or on both, the matter shall be referred to the Chancellor whose decision shall be final: Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date of the receipt of the notice of such action, an appeal to the Management Council. (8) Where any matter is required to be regulated by Statutes, Ordinances, Rules or Regulations but no Statutes, Ordinances, Rules or Regulations are made in that behalf, the Vice-Chancellor may, for the time being, regulate the matter by issuing such directions as the Vice-Chancellor thinks necessary, and shall at the earliest opportunity thereafter, place them before the Management Council or other authority or body concerned for approval. The Vice-Chancellor may, at the same time place before such authority or body for consideration the draft of Statutes, Ordinances, Rules or Regulations, as the case may be, required to be made in that behalf. (9) The Vice-Chancellor shall be the appointing authority for the University teachers on the recommendations of the selection committee constituted for the said purpose and after approval by the Management Council. (10) The Vice-Chancellor shall be the appointing authority for officers of the University of the rank of Assistant Registrar and of the rank equivalent thereto and above and after approval by the Management Council. (11) As the Chairperson of the authorities or bodies or committees of the University the Vice-Chancellor shall be empowered to suspend a member from the meeting of the authority, body or committee for persisting to obstruct or stall the proceedings or for indulging in behaviour unbecoming of a member, and shall report the matter accordingly, to the Chancellor. (12) The Vice-Chancellor shall place before the Management Council a report of the work of the University periodically as provided under the Ordinances. (13) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon the Vice-Chancellor by or under this Act.

## **17. Deans of Faculties.**

(1) There shall be a Dean for each faculty, who shall be a teacher with minimum ten years teaching experience. The Dean shall be an academic officer of the University concerned with and responsible for implementation of the academic policies approved by the Academic Council in respect of academic development, maintenance of standards of teaching and research and training of teachers within his faculty. (2) The Dean of every faculty shall be elected by the members of the faculty from amongst themselves. (3) The Dean shall convene meetings of the faculty, as and when required, in consultation with the Vice-Chancellor and shall preside over the same. The Dean shall formulate the policies and development programme of the faculty and present the same to appropriate authorities for their consideration. (4) The Dean shall be responsible for the academic development of the faculty and shall ensure proper implementation of the decisions of the Management Council, Academic Council, Board of College and University Development and the Board of Examinations in respect of the Dean's faculty and the decisions of the faculty and Boards of Studies under the Dean's purview. (5) Subject to the superintendence, direction and control of the Vice-Chancellor the Dean

shall, after taking such advice as the Dean thinks necessary, decide upon the grievances of students regarding the enrolment, eligibility, migration, scholarships, studentships or freeships, grant of terms, admission to University examinations.(6)The Dean shall enquire, on being directed by the Academic Council, into any malpractice related to any academic programme in the Dean's faculty by a University department, affiliated or conducted college or recognized institution and report the finding to the Academic Council.(7)The Dean shall prepare proposals for the award of fellowships, scholarships and other distinctions in the Dean's faculty for submission to the Academic Council.

## **18. Registrar.**

(1)The Registrar shall be appointed by the Vice-Chancellor on the recommendation of a selection committee constituted for the purpose.(2)The Registrar shall be the Chief Administrative Officer of the University. He shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the Vice-Chancellor.(3)Appointment of the Registrar shall be for a term of five years and he shall be eligible for reappointment. The qualifications and experience for the purpose of selection of the Registrar shall be as laid down by the University Grants Commission and approved by the State Government.(4)When the office of the Registrar falls vacant or when the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office for a period not exceeding six months, the Vice-Chancellor shall appoint a suitable person to officiate as the Registrar until a new Registrar is appointed and assumes office or the Registrar resumes duty, as the case may be.(5)The Registrar shall act as Secretary of the Senate, Management Council, Academic Council and such other authorities, bodies and committees as prescribed by or under this Act.(6)The Registrar shall be the appointing and the disciplinary authority of the employees of the University other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above. An appeal by a person aggrieved by the decision of the Registrar may be preferred within thirty days from the date of communication of such decision, to the Vice-Chancellor.(7)Subject to the decisions of the authorities of the University, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.(8)The Registrar shall be custodian of the records, the common seal and such other property of the University as the Management Council may, commit to his charge.(9)The Registrar shall conduct elections as per the programme approved by the Vice-Chancellor.(10)The Registrar shall prepare and update the Handbook of the Statutes, Ordinances and Regulations approved by the authorities, bodies or committees from time to time, and make them available to all the respective members of the authorities and officers of the University.(11)The Registrar shall receive complaints and suggestions in regard to the improvement of administration and consider them for appropriate action.(12)The Registrar shall exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him, from time to time by the Vice-Chancellor.

## **19. Controller of Examinations.**

(1)(a)Controller of Examinations shall be appointed by the Vice-Chancellor on the recommendations of a selection committee constituted for the purpose;(b)The Controller of Examinations shall be the principal officer-in-charge of the conduct of examinations and tests of the University and

declaration of their results and shall discharge the functions under the superintendence, direction and guidance of the Board of Examinations. The Controller shall be a full-time salaried officer of the University and shall work directly under the control of the Vice-Chancellor;(c)The appointment of the Controller shall be for a term of five years, and the Controller shall be eligible for re-appointment. The qualifications and experience for the purpose of selection of the Controller shall be such as may be prescribed by Statutes.(2)The Controller shall be the Member-Secretary of the Board of Examination and of the committee appointed by the board; except the committees constituted under clause (a) of sub-section (5) of section 31; for appointment of paper-setters, examiners and moderators. The Controller shall be responsible for prompt and proper implementation of their decisions.(3)Without prejudice to the generality of the provisions of clause (b) of subsection (1), the Controller shall be responsible for making all arrangements necessary for holding examinations and tests and declaration of results. It shall be the Controller's responsibility,-(a)to prepare and announce in advance the calendar of examinations;(b)to arrange for printing of question papers;(c)to arrange to get performance of the candidates at the examinations properly assessed, and process the results;(d)to arrange for the timely publication of results of examinations and other tests;(e)to postpone or cancel examinations, in part or in whole, in the event of malpractices or if the circumstances so warrant, and take disciplinary action or initiate any civil or criminal proceedings against any person or a group of persons or a college or an institution alleged to have committed malpractices;(f)to take disciplinary action where necessary against the candidates, paper-setters, examiners, moderators, or any other persons connected with examinations and found guilty of malpractices in relation to the examinations;(g)to review from time to time, the results of University examinations and forward reports thereon to the Academic Council.(4)The Controller shall exercise such other powers and perform such other duties as may be prescribed or assigned to the Controller, from time to time, by the Board of Examinations.

## **20. Finance and Accounts Officer.**

(1)(a)The Finance and Accounts Officer shall be the principal finance, accounts and audit officer of the University. Such officer shall be full-time salaried officer and shall work directly under the control of the Vice-Chancellor;(b)The Finance and Accounts Officer shall be appointed by the Management Council either by nomination or by obtaining the services of a suitable officer on deputation from the Government:Provided that, if no officer is available on deputation, the Finance and Accounts Officer may be appointed on recommendation of the selection committee constituted for this purpose;(c)The salary and other conditions of the services of the Finance and Accounts Officer shall be such as may be prescribed by Statutes.(2)The Finance and Accounts Officer shall be the Member-Secretary of the Finance and Accounts Committee and shall have the right to be present, speak and otherwise take part in the proceedings of the Management Council on matters which have financial implications but shall not be entitled to vote.(3)The Finance and Accounts Officer shall maintain minutes of the meetings of Finance and Accounts Committee and the committees appointed by the Finance and Accounts Committee.(4)The Finance and Accounts Officer shall be responsible for presenting the annual budget, statement of accounts and audit reports, to the Finance and Accounts Committee and to the Management Council.(5)The duties of the Finance and Accounts Officer shall be to-(a)exercise general supervision over the funds of the University, and shall advise the Vice-Chancellor as regards the finances of the University;(b)hold

and manage the funds, property and investments, including trust and endowed property, for furthering any of the objects of the University;(c)ensure that the limits fixed by the University for recurring and nonrecurring expenditure for a year are not exceeded, and that all allocations are expended for the purposes for which they are granted or allotted;(d)keep watch on the state of the cash and bank balances and of investments;(e)keep watch on the progress of collection of revenue and advise the Vice-Chancellor on the methods to be employed for collection;(f)have the accounts of the University audited regularly;(g)ensure that the registers of buildings, land, equipment and machinery are maintained up-to-date and that the stock taking of equipments and other consumable materials in all offices, colleges, workshops and stores of the University is conducted regularly;(h)propose to the Vice-Chancellor that explanation be called for unauthorized expenditure or other financial irregularities from any academic members of University;(i)propose to the Registrar that explanation be called from any non-academic member for unauthorized expenditure or irregularities in any particular case, and recommend disciplinary action against the persons at fault;(j)call from any office, centre, laboratory, college, department of the University or University institution, any information and returns as deemed necessary for the proper discharge of the financial responsibilities; and(k)exercise such other powers, perform such other duties, and discharge such other financial functions as are assigned, by the Vice-Chancellor or are prescribed by Ordinances.

## **21. Officers, members of authorities, bodies and employees of University deemed to be Public servants.**

- All salaried officers, members of the authorities, committees or bodies, teachers of the University and other employees of the University, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

## **Chapter IV Authorities of University**

### **22. Authorities of University.**

- The following shall be the authorities of the University, namely:-(1)the Senate,(2)the Management Council,(3)the Academic Council,(4)the Faculty,(5)the Planning Board,(6)the Board of Studies,(7)the Board of Examinations.(8)Such other bodies of the University as are designated by Statutes to be the authorities of the University.

### **22A. [ Power of Government to specify eligibility conditions for being member of any authority of University. [Section 22A was inserted by Maharashtra 35 of 2010, section 2, w.e.f. 5-10-2010.]**

- Notwithstanding anything contained in any other provisions of this Act, the Government may, in consultation with the Chancellor, by an order published in the Official Gazette, specify the eligibility

conditions for being elected or nominated as a member of any authority of the University.]

## 23. Senate.

(1)The Senate shall be the principal authority for all financial estimates and budgetary appropriations and for providing social feed back to the University on current and future academic programmes.(2)The Senate shall consist of the following members, namely:-(a)the Chancellor;(b)the Pro-Chancellor;(c)the Vice-Chancellor;(d)the Pro-Vice-Chancellor;(e)the Secretary to Government, Medical Education and Drugs Department, his nominee not below the rank of Deputy Secretary to Government;(f)the Director of Medical Education and Research;(g)the Director of Health Services;(h)the Director of Ayurveda;(i)[ three members of the Maharashtra Legislative Assembly, one each from the areas of three Development Boards, nominated by the Speaker of the Maharashtra Legislative Assembly and two members of the Maharashtra Legislative Council nominated by the Chairman of the Maharashtra Legislative Council;] [[Clause (i) was substituted by Maharashtra 27 of 2005, section 8, w.e.f. 29-5-2005.Substituted Clause (i) reads as follows:-(i)three members of the Maharashtra Legislative Assembly, one each from the areas of three Development Boards and two Members of Maharashtra Legislative Council elected from amongst themselves;.] (j)the Deans of Faculties;(k)six persons nominated by the Chancellor in consultation with the Vice-Chancellor from amongst persons having special interest in Health Sciences, out of whom, three shall be persons from the Directors of the affiliated colleges (one each from the Allopathy, Ayurvedic and Homoeopathic faculties of Health Sciences), and one shall be a person belonging to the Scheduled Castes, one belonging to the Scheduled Tribes and one shall be a woman;(l)one person nominated by each University governed by the Maharashtra Universities Act, 1994;(m)six persons to be nominated by the Pro-Chancellor from amongst the graduates of Health Sciences being one each representing the Mumbai, Pune, Aurangabad, Nagpur, Amravati and Nashik Revenue Divisions of the State;(n)Twelve principals of the affiliated Colleges by rotation being two each representing the Mumbai, Pune, Aurangabad/Nagpur, Amravati and Nashik Revenue Divisions;(o)six Professors elected from amongst themselves, being one each from the Mumbai, Pune, Aurangabad, Nagpur, Amravati and Nashik Revenue Divisions of the State;(p)five teachers other than Professors, elected from amongst themselves;(q)six members one each nominated by State Government to the Medical Council of India, the Pharmacy Council of India, the Indian Nursing Council, the Dental Council of India, the Central Council of Indian Medicine and the Central Council of Homoeopathy shall be ex-officio members of the Senate;(r)six Heads of Colleges nominated by the Chancellor in consultation with the Vice-Chancellor by rotation for a period of three years;(s)the Registrar, who shall be the ex-officio Secretary of the Senate:(t)three students' representatives elected from the Colleges of Health Sciences in the State:Provided that, no non-teaching employee of the University or an affiliated College shall be eligible to be elected or nominated on the Senate.(3)Two persons nominated by the Vice-Chancellor one of whom shall be an employee of the University and the other shall be from amongst the employees of the affiliated Colleges or recognized institutions other than University teachers, teachers, Registrar, Deputy Registrars, Assistant Registrars.(4)The Chancellor shall normally preside over the Senate. In the absence on the Chancellor, the Pro-Chancellor, and in the absence of both of them the Vice-Chancellor shall preside over the Senate.

## **24. Meeting of Senate.**

(1)A meeting of the Senate shall be held at least twice a year on dates to be fixed by the Vice-Chancellor. One of such meeting shall be the annual meeting.(2)A report on the working of the University during the previous year, together with a statement of receipts and expenditure, the financial estimates and the last audit report shall be presented for the consideration of the Senate at the annual meeting of the Senate convened under sub-section (1).(3)The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than fifteen members of the Senate, convene a Special Meeting of the Senate.

## **25. Powers and functions of Senate.**

(1)The Senate shall have power to review, from time to time, the policies of the University and to suggest measures for the improvement and development of the University and to consider and pass resolutions of the annual accounts and audit reports of the University.(2)Save as otherwise expressly provided in this Act, the Senate shall have the following powers,-(i)to confer, on the recommendation of the Management Council, honorary degrees or other academic distinctions;(ii)to make, amend or repeal Statutes;(iii)to consider the financial estimates prepared by the Management Council and pass resolutions thereon;(iv)to confer, on the recommendation of the Management Council, the title of Professor of Meritus;(v)to exercise such other powers and perform such other duties as may be conferred or assigned by Statutes, Ordinances and Rules;(vi)The Senate shall transact the following business at its annual meeting, namely:-(a)review current academic programme and collaborative programme;(b)suggest new academic programme consistent with the social requirements in Medical Education;(c)suggest measures for improvement and development of the University; and(d)suggest institution of new degrees, diplomas, certificates and other academic distinctions.(3)The Senate shall receive, discuss and approve the annual reports, accounts and audit reports of the University.(4)The Senate shall review broad policies and programme of the University and suggest measures for its improvement and development.

## **26. Management Council.**

(1)The Management Council shall consist of the following members, namely:-(i)The Vice-Chancellor, Chairperson;(ii)The Secretary, Medical Education and Drugs Department or Secretary's nominee not below the rank of Deputy Secretary;(iii)The Director of Medical Education and Research;(iv)The Director Health Services;(v)The Director of Ayurveda;(vi)One person nominated by the Chancellor;(vii)One Dean of Faculty nominated by the Senate;(viii)Three members elected by the Academic Council from amongst its members as prescribed by Statutes:Provided that, not more than one person shall be from one faculty;(ix)Four experts in the field of Health Sciences to be nominated by the Chancellor on the recommendation of the Vice-Chancellor one each from the Vidarbha, Marathwada, Western Maharashtra and Konkan Regions.(2)The Registrar of the University shall be ex-officio Secretary of the Management Council, but shall not have the right to vote.(3)The Finance and Accounts Officer and the Controller of Examinations shall be permanent invitees of the Council, but they shall also have no right to vote.(4)Seven members of the Management Council shall form a quorum for a meeting.(5)There

shall be not less than four meetings of the Management Council in a year and the rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meetings as may be necessary shall be such as may be prescribed by Statutes.

## **27. Powers and functions of Management Council.**

- The Management Council shall exercise the following powers and perform the following duties, namely: -(a)make such provisions, as may enable colleges and institutions to undertake specialised studies and, where necessary or desirable, organise and make provision for common laboratories, libraries, museums and equipment for teaching and research;(b)establish departments, colleges, schools, institutions of higher learning research and specialised studies, hostels and provide housing for staff, on the recommendation of the Academic Council;(c)make, amend or repeal Ordinances and prepare draft Statutes and make such recommendations thereon to the Senates as it thinks fit;(d)hold, control and arrange for administration of assets and properties of the University;(e)present the budget estimates as received from the Finance and Accounts Committee with its own modifications if any, to the Senate for its final approval;(f)enter into, vary, carry out and cancel contracts on behalf of the University;(g)determine the form of a common seal for the University and provide for its custody and use;(h)accept on behalf of the University, trusts, bequests, donations and transfer of any movable or immovable property to the University;(i)transfer by sale, or otherwise, any movable property on behalf of the University;(j)borrow, lend or invest funds on behalf of the University as recommended by the Finance and Accounts Committee;(k)lay down policy for administering funds at the disposal of the University for specific purposes;(l)provide building, premises, furniture, apparatus and other means needed (for the conduct of the work of the University;(m)recommend to the Senate conferment of honorary degrees and academic distinctions;(n)institute and confer such degrees, diplomas, certificates and other academic distinctions as recommended by the Academic Council and arrange for convocation for conferment of the same, as provided by Ordinances;(o)institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, awards, medals and prizes, and prescribe rules therefor in accordance with the Regulations made in this behalf;(p)make regulations for collaboration with other universities, institutions and organizations for mutually beneficial academic programmes recommended by the Planning Board;(q)create posts of University teachers and non-vacation academic staff on the recommendation of the Academic Council as and when required;(r)lay down by Statute, on the basis of qualifications and terms and conditions of service and other guidelines approved by the State Government from time to time, and the procedure for appointment of University teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;(s)create posts of officers and other employees of the University, subject to prior approval of the State Government;(t)lay down by Statutes the procedures for appointment of Officers and other employees of the University, qualifications, mode of recruitment, pay scales, terms and conditions of service including conduct, discipline and their duties;(u)prescribe by Statutes procedure for appointment of teachers, officers and other employees in all institutions and colleges, affiliated to the University, terms and conditions of their service and rules and procedures for their appointments;(v)prescribe fees and other charges;(w)prescribe honoraria, remunerations and fees and travelling and other allowances for paper-setters, examiners and other examination staff, visiting faculty, and for such other services rendered to the

University;(x)receive and consider report of the working of the University from the Vice-Chancellor periodically as provided by the Ordinances;(y)prepare academic calendar of the University as per the Statutes, and guidelines from the University Grants Commission and the various Central Councils for next academic year before the expiry of the current academic year;(z)confer autonomous status on University departments, affiliated colleges and recognized institutions on the recommendation of the Academic Council subject to the predetermined norms approved by the State Government having regard to the guidelines of the University Grants Commission;(aa)consider the perspective plan for the academic development of the University, prepared by the Planning Board;(bb)assess and approve the feasibility of proposals from the Academic Council for academic programmes;(cc)consider and adopt the annual report, annual accounts and audit reports and forward them to the Senate for approval;(dd)cause an enquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges, institutions or departments of the University;(ee)delegate, any of its powers, except the power to make, amend, or repeal Ordinances, to the Vice-Chancellor or such officer- or authority of the University or committee appointed by it, as it thinks fit.

## **28. Academic Council.**

(1)The Academic Council shall be responsible for laying down the academic policies in regard to maintenance and improvement of standards of teaching, research, collaboration programmes in academic matters and evaluation of work-load of the teachers.(2)It shall consist of the following members, namely:-(a)the Vice-Chancellor, Chairperson;(b)the Pro-Vice-Chancellor, if any;(c)the Deans of Faculties;(d)Chairman of the Boards of Studies;(e)the Director of the Planning Board;(f)five principals of conducted, autonomous or affiliated colleges to be elected by the principals from amongst themselves;(g)one professor from amongst the professors in the University departments or institutions, nominated by the Vice-Chancellor;(h)one teacher representing each faculty to be co-opted by the Academic Council from amongst the teachers having not less than sixteen years teaching experience,-other than principals of colleges, Heads of University departments and Heads of recognized institutions;(i)one head of a recognized institution, nominated by the Vice-Chancellor;(j)one head or director of an academic services unit of the University, nominated by the Vice-Chancellor;(k)two eminent experts in the field of Health Science, nominated by the Chancellor;(l)the Director of Medical Education and Research, Maharashtra State;(m)the Director of Ayurveda, Maharashtra State.(3)The Registrar shall act as the Secretary of the Academic Council, but shall have no right to vote.(4)The Academic Council shall meet not less than twice a year.

## **29. Powers and duties of Academic Council.**

(1)The Academic Council shall be the principal academic authority of the University and shall be responsible for regulating and maintaining the standards of teaching, research and examinations in the University.(2)Without prejudice to the generality of the foregoing provisions, the Academic Council shall exercise the following powers and perform the following duties, namely:-(a)recommend to the Management Council regarding institution of degrees, diplomas, certificates and other academic distinctions;(b)recommend to the Management Council to make,



amend or repeal Ordinances on issues related to academic matters;(c)make, amend or repeal Regulations on matters specified in section 52 of the Act;(d)allocate subjects to the faculties;(e)make proposals for the establishment of conducted colleges, schools, departments, institutions of higher learning, research and specified studies, academic services units, libraries, laboratories and museums in the University;(f)consider and make recommendations, regarding new proposals for creation of professorships, associate professorships, readerships, lecturerships, and non-vocational .academic staff required by the University;(g)recommend to the State Government or otherwise of the qualifications as prescribed by the University Grants Commission and the various Central Councils for different categories of teachers and non-vocational academic staff, and for a particular post in these categories, whether in the University or in any affiliated college or a recognized institution, and prescribe additional qualifications, if any;(h)make proposals to the Management Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and make regulations for their awards;(i)prescribe qualifications and norms for appointment of paper-setters, examiners, moderators and others, concerned with the conduct of examinations;(j)appoint committees to review periodically the utility and practicability of the existing courses of study and the desirability or necessity of reviewing or modifying them in the light of new knowledge or changing social requirements;(k)make proposals for the conduct of interfaculty and area or regional studies, common facilities, such as instrumentation centres, workshops, hobby centres, museums etc;(l)prescribe norms for recognition of any member of the staff of an affiliated college or recognised institution as a teacher of the University;(m)prescribe norms for granting affiliation, continuation of recognition, extension of recognition of institutions of higher learning and research of specialised studies;(n)grant affiliation to colleges or institutions In accordance with the provision of the Statutes, Ordinances and Regulations;(o)accord recognition to institutions of higher learning, research of specialised studies on the recommendation of the committees appointed by the Council;(p)recommend to the Management Council conferment of autonomous status on University, institutions, departments, affiliated colleges and recognised institutions in accordance with the provisions of Ordinances;(q)make proposals to the Management Council, to prescribe fees and other charges;(r)generally, advise the University on all academic matters and submit to the Management Council feasibility reports on academic programmes recommended by the Senate at its last annual meeting;(s)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.

### **30. Board of Examinations.**

(1)The Board of Examinations shall be the authority for conducting the examinations and making policy decisions in regard to organising and holding examinations, improving the system of examinations, appointing the paper-setters, examiners and moderators, and also prepare the schedule of dates for holding examinations and declaration of the results. The Board of Examinations shall also oversee and regulate the conduct of examinations in the autonomous colleges, institutions and University departments.(2)The Board of Examinations shall deal with all the matters in relation to examinations and shall hear and decide the complaints received pertaining to any matter arising out of conduct of examinations. The procedure to be followed by the Board in their deliberations shall be such as may be prescribed.(3)The Board of Examinations shall consist of the following members, namely:-(a)Vice-Chancellor, Chairperson;(b)Pro-Vice-Chancellor;(c)the

Dean of the Faculty concerned with the examination;(d)one head of University department, not below the rank of Reader, nominated by the Vice-Chancellor;(e)one principal other than Dean of Faculty nominated by the Management Council;(f)one teacher other than heads of departments or principals, nominated by the Management Council;(g)one evaluation expert, co-opted by the Board;(h)Controller of Examinations shall be the ex-officio Member-Secretary.

### **31. Powers and duties of Board of Examinations.**

(1)The Board of Examinations shall ensure proper organisation of examinations and tests of the University, including moderation, tabulation and the declaration of results.(2)The Board shall meet, not less than once in each academic term.(3)In particular and without prejudice to the generality of duties as mentioned in sub-section (1) the Board shall exercise the following powers and perform following duties, namely:-(a)to appoint paper-setters, examiners and moderators from amongst the persons included in the panels prepared by the respective Boards of Studies and where necessary, having regard to the recommendations made by the committee under clause (b) of sub-section (6) remove them or debar them;(b)to undertake, exercise and experiment in examination reforms;(c)to exercise such other powers in relation to examinations as may be assigned to it by or under this Act.(4)In case of any emergency requiring immediate action to be taken, the Chairperson or the Board of any other officer or person authorised by the Chairperson in that behalf, shall take such action as considered fit and necessary, and at the next meeting of the Board, the action taken shall be reported by such person.(5)(a)In order to appoint paper-setters, examiners and moderators, the Board of Examinations shall constitute committees for every subject consisting of,-(i)the Pro-Vice-Chancellor, Chairperson;(ii)the Dean of the concerned faculty;(iii)the Chairperson of the concerned Board of Studies;(iv)two members of the Board of Studies nominated by it from amongst its members:Provided that, where a referee is to be appointed for evaluation of thesis and dissertation and for conduct of viva voce examinations wherever prescribed for awarding post-graduate, doctorate and higher degrees, two persons nominated by the Academic Council shall also be members on the concerned committee;(b)The Controller of Examinations shall be the ex-officio Secretary of such committees;(c)The committees shall prepare lists of persons for various examinations and tests, from amongst persons, included in the panels to be prepared by the Board of Studies and shall submit them to the Examination Board, which shall then appoint paper-setters, examiners and moderators, and where necessary referees;(d)No member of the Board of Examinations or the committees shall be appointed as paper-setter, examiner, moderator or referee;(e)The committee shall obtain three sets of question papers in sealed covers in the respective subject. The Chairperson of the committee shall draw at random one such sealed covers containing question papers. This sealed cover with seal intact shall then be sent to the press.(f)Assessment of answer books for all degree examinations shall be done centrally through central assessment system. All the answer books of an examination shall be collected at a convenient central place. The answer books then will be given code numbers and will be masked. All the examiners will attend the central assessment centres and they will assess the answer books at the centre only. The answer books will then be demasked and the result sheets will be prepared by the moderators:Provided that, the University may, adopt the same system for post-graduate courses as well whenever it considers it expedient and practicable.(6)(a)In order to investigate and take disciplinary action for malpractices and lapses on the part of candidates, paper-setters, examiners, moderators, referees,

teachers or any other persons connected with the conduct of examinations, the Board of Examinations shall constitute a committee of not more than five persons of whom one shall be Chairperson;(b)Such a committee shall submit its report and recommendations to the Board of Examinations which shall take disciplinary action in the matter as it deems fit.(7)The Board shall prepare the financial estimates for incorporation in the budget of the University and shall submit the same to the Finance and Accounts Officer.(8)The Board shall arrange for strict vigilance during the conduct of the examinations so as to avoid use of unfair means by the students, teachers, invigilators, supervisors, etc.

## **32. Faculty.**

(1)The faculties shall be the principal academic co-ordinating authorities of the University in respect of studies and research in relation to the subjects included in the faculty, and also in respect of studies and research in multi-faculties.(2)The University shall have such faculties as prescribed by Statutes.(3)A faculty shall be constituted, divided, combined with or abolished, only with the approval of the Academic Council and as prescribed by Statutes.(4)The faculty shall comprise such subjects as are prescribed by Statutes.(5)The faculty shall consist of the following members:-(a)the Dean of the faculty-ex-officio Chairperson;(b)the Chairperson of each Board of Studies, for the subjects comprised in the faculty;(c)three members of each Board of Studies to be elected by the members of the Boards of Studies from amongst themselves, out of whom at least one shall be a post-graduate teacher.

## **33. Powers and duties of Faculty.**

- The Faculty shall have the following powers and duties, namely:-(a)to consider and report of any matter referred to it by the Management Council Academic Council or Planning Board;(b)to consider and approve recommendations of the Board of Studies in the faculty, and matters related to more than one Board of Studies not affecting any other faculty, and recommend to the Academic Council for action as it thinks fit;(c)to consider and recommend to the Academic Council, the academic matters, within its purview, which affect any other faculty or faculties or which involve administrative or financial implications;(d)to consider and recommend to the Academic Council establishment of new courses, inter-disciplinary courses and short-term training programmes, referred to it by the Board of Studies or Board of Inter-disciplinary Studies, if any constituted by Statutes;(e)to make recommendations to the Planning Board in respect of the requirements regarding the conduct of post-graduate or under-graduate instruction, teaching, research and training in University institutions or departments, affiliated colleges and recognised institutions;(f)to ensure that guidelines and rules framed for the following matters by the Academic Council are implemented:-(i)long-term curriculum development;(ii)faculty development;(iii)teaching or learning material development;(iv)research in educational matters with particular reference to colleges;(g)to plan and organise inter-departmental and inter-faculty programmes in consultation with the Boards of Studies, other faculties or Planning Board;(h)to recommend to the academic staff college and the Academic Council regarding organization of refresher and orientation courses for teachers of affiliated colleges and University departments especially for the revised or newly introduced or inter-disciplinary courses of study;(i)to elect the

Deans of the faculties;(j)to prepare and submit the annual report of the functioning of the faculty to the Vice-Chancellor;(k)to consider any other academic matter which may be referred to it.

### **34. Planning Board.**

(1)The Planning Board shall be responsible to plan development of the University, both physical and academic, and it shall conduct academic audit of the University departments, institutions, colleges and recognised institutions. It shall also plan, monitor, guide and co-ordinate under-graduate and post-graduate academic programmes and development of affiliated colleges.(2)It shall consist of the following members, namely:-(a)the Vice-Chancellor-Chairperson;(b)the Pro-Vice-Chancellor, if any;(c)one Dean of faculty, nominated by the Academic Council;(d)one Head or Director from amongst the Heads or directors of the University, institutions or departments, not below the rank of professor and who is not a Dean nominated by Academic Council;(e)one teacher, imparting post-graduate instruction having not less than sixteen years of teaching experience, nominated by the Vice-Chancellor;(f)one teacher imparting under-graduate instruction having not less than sixteen years of teaching experience, nominated by the Management Council;(g)one principal of an affiliated college of Health Sciences, nominated by the Management Council from amongst the principals who are members of the Academic Council;(h)one principal of an affiliated professional college nominated by Vice-Chancellor;(i)two experts, co-opted by the Board, from amongst the Heads of National and State level research institutions;(j)the Director of the Planning Board - Member-Secretary:Provided that, the members nominated in categories (c) to (i) above, as far as practicable, be drawn from different faculties.(3)The Board shall actively establish collaboration with national and International Health Science Institutions.(4)The Board shall meet at least twice a year.

### **35. Powers and duties of Planning Board.**

- The Board shall, -(1)suggest measures to create links and develop specific schemes of inter university and University and college interaction with industry, agriculture, banks, commerce, science and community;(2)prepare University and college development plans, both short-term and long-term, keeping in view the objectives of the University as laid down in the Act and with due regard to the State and National Educational Policy;(3)recommend to the Management Council the development and collaborative programmes for the departments, colleges and the University;(4)monitor and report the progress of all such approved development, and collaborative programmes to the Management Council once a year;(5)evaluate and assess the use of grants by University department, postgraduate centres and affiliated colleges in respect of development projects and submit the report to the Academic Council;(6)assess the manpower requirements of trained persons in different fields, such as Health Sciences and technology and make necessary recommendations to the Academic Council introducing and strengthening of relevant courses of study;(7)organise academic audit of development and collaborative programmes of University institutions or departments, post-graduate centres and affiliated colleges, according to the provisions of the Statutes at least once in three years and make necessary recommendations to the University for implementation;(8)scrutinize the applications received for establishment of new colleges or institutions for affiliation to the University and process the same for forwarding to the

State Government, as provided by Statutes.

### **36. Board of Studies.**

(1) There shall be a Board of Studies for every subject or group of subjects as prescribed by the Statutes; (2) The Board of Studies shall consist of- (a) the Head of the University department or institution in the relevant subject; Provided that, where there is no University department in the subject the Board shall at its first meeting co-opt the Head of the Department from an affiliated college having post-graduate teaching in that subject; (b) six Heads of Departments in affiliated colleges, other than principals, having not less than ten years' teaching experience, elected by the Heads of departments in affiliated colleges from amongst themselves. (3) The Board, at its first meeting, shall co-opt- (a) one post-graduate teacher having not less than ten years' teaching experience, from amongst the teachers of affiliated colleges having post-graduate teaching in the subject; (b) one teacher having not less than ten years' teaching experience, from amongst affiliated college teachers in the subject who is not head of the department in the University or affiliated college or principal; (c) two eminent persons who are, - (i) either professors or readers in other Universities; or (ii) persons holding rank not lower than that of Assistant Director in national laboratories or institutions or recognised institutions; or (iii) experts in related field having published, - (a) at least one book; or (b) research paper in recognized National or International Journals. (4) The Chairperson shall be elected by the members of the Board from amongst themselves.

### **37. Powers and duties of Board of Studies.**

- The Board of Studies shall have the following powers and duties, namely:- (a) to recommend, upon reference to it by the Management Council or Academic Council or the faculty concerned or otherwise, the courses of study in the subject or group or subjects within its purview; (b) to recommend books, including text-books, supplementary reading, reference books and other material for such courses of study; (c) to recommend to the Academic Council for its approval the preparation and publication or selections or writing or work of authors and other matters as well as material, consequent to curriculum development by the teachers of the University for its introduction in the syllabi of the courses of study under the purview of the Board in accordance with the Regulations made by the Academic Council in that respect; (d) to advise the faculty or faculties concerned regarding improvements in the course of study; (e) to recommend names of suitable persons for inclusion in the panels for appointment of paper-setters, examiners and moderators and the University examinations in the subject by the Board of Examinations; (f) to recommend to the Board of Examinations, names of persons suitable for appointment of referees, for evaluation of thesis and dissertations and for conduct of viva voce examinations, wherever prescribed, for awarding post-graduate doctorate and higher degrees; (g) to suggest organization of orientation and refresher courses in the subject; (h) to prepare requirements in respect of teaching of the subject at various levels in respect of teachers and their qualifications, library, laboratory and hospital equipment and consumables for the use for the Planning Board for formulating the norms and requirements for granting affiliation or extension or continuation of affiliation to colleges and for granting recognition or extension or continuation of recognition to institutions by the University.

### **38. Powers, functions and duties of authorities.**

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

### **39. Terms of office of members of authority.**

- Save as otherwise provided by or under the provisions of this Act, the term of office of the effected, nominated, appointed or co-opted members of any authority shall be five years from the date of its first meeting, irrespective of the date on which a member enters upon such office.

### **40. Cessation of membership.**

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

### **41. Disqualification of membership of authority.**

- A person shall be disqualified for being a member of any of the authorities of University, if such person-(a)is of unsound mind and stands so declared by a competent court;(b)is an undischarged insolvent;(c)has been convicted of any offence involving moral turpitude;(d)is conducting or engaging oneself in private tuitions or private coaching classes;(e)has been punished for indulging in or promoting, unfair practices in the conduct of any examination in any form any where.

### **42. Ineligibility for second consecutive term.**

- No person shall be a member of the Management Council, the Academic Council or the Board of Examinations for a second consecutive term whether, as an elected, nominated, appointed or co-opted member, as the case may be.

### **43. Conclusiveness of decision of authority.**

- Save as otherwise provided by or under the provisions of this Act, each authority of the University while acting and exercising its powers and discharging its functions or duties assigned to it by or under the provisions of this Act, shall have the exclusive jurisdiction to deal with and decide the matters assigned to and for discharging its functions or duties assigned to it by or under the provisions of this Act, shall have the exclusive jurisdiction to deal with and decide the matters

assigned to it.

#### **44. Election to be by proportional representation.**

(1) Every election to any authority or body of the University under this Act shall be held by ballot in accordance with the system of proportional representation by means of the single transferable vote and as prescribed by Statutes. (2) The other details relating to elections not specified in this Act shall be as prescribed by Statutes.

#### **45. Resignation of membership and filling in casual vacancy.**

(1) A member other than ex-officio member may resign by writing under his signature. A nominee of the Chancellor may resign by addressing to the Chancellor and any other member may resign by addressing to the Vice-Chancellor. The person shall cease to be a member upon his resignation being accepted by the Chancellor or the Vice-Chancellor, as the case may be. (2) If the person nominated, elected, appointed or co-opted to an authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and he shall cease to be a member from the date of the third such meeting in which he has remained absent.

#### **46. Meeting of authorities.**

(1) Save as otherwise provided by this Act all matters with regard to the conduct of meetings of the authorities, bodies or committees, if any, constituted by the University or any authority shall be such as may be prescribed by Statutes. (2) A meeting of an authority or body shall be convened on the date determined by the Chairperson by a notice issued by its Secretary. (3) Except as otherwise provided, the quorum for the meeting shall ordinarily be one-third of the number of the sitting members. If there is no quorum, the meeting shall be adjourned by the Chairperson to a specific time on the same day or on a later date and no quorum shall be necessary for such adjourned meeting. (4) Where no provision is made by or under Statute for a President or Chairperson to preside over a meeting of any authority or body of the University or when the President or the Chairperson so provided for is absent and no provision is made for any other person to preside, the members present shall elect one person from amongst themselves to preside at the meeting. (5) Save as otherwise provided, all items, questions, matters or proposals on the agenda shall be decided by a majority of votes of the members present. The Chairperson shall also have a vote. In case of equality of votes the Chairperson shall have a casting vote. The Secretary, if not a member, shall have right to participate in the deliberations, but shall have no right to vote.

#### **47. Casual vacancy and standing committee to fill vacancies.**

(1) When any vacancy occurs in the office of a member, other than an ex-officio member, of any authority or other body of the University before the expiry of his normal term, the vacancy shall be filled, as soon as may be, by nomination of a person by the Standing Committee constituted under

sub-section (2). The person so nominated shall be a person who is otherwise, eligible to be elected on the said authority or body from the same category. The person so nominated shall hold office only so long as the member in whose place he has been nominated, would have held it, if the vacancy had not occurred.(2)The Standing Committee for filling the vacancies mentioned in sub-section (1) shall consist of the following members, namely:-(a)three members, nominated by the Senate, from amongst its members;(b)two members, nominated by the Management Council, from amongst its members;(c)two members, nominated by the Academic Council, from amongst its members.(3)The Chairperson of the Standing Committee shall be elected by its members from amongst themselves.(4)The term of office of the Standing Committee shall be co-terminus with the term of the Senate.

## **Chapter V**

### **Statutes, Ordinances, Rules and Regulations**

#### **48. Statutes.**

- Subject to the provisions of this Act, Statutes may provide for all or any of the following matters, namely:-(1)conferment of honorary degrees and holding convocation;(2)the establishment and maintenance of the University departments, institutions conducted colleges, institutions of higher learning, research or specialised studies and hostels;(3)the powers and duties of the officers of the University;(4)the powers and duties of the authorities of the University;(5)the principles governing the seniority and service conditions of the employees of the University;(6)the provision for disqualifying members of the authorities, bodies or committees of the University;(7)abolition of University departments or institutions, and conducted colleges;(8)qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, including periodic assessment of teachers, officers and other employees of the University and the affiliated colleges (except those colleges or institutions maintained by the State or Central Government or a local authority), the provision of pension, gratuity and provident fund, the manner of termination of their services, as approved by the State Government;(9)application of funds of the University for furtherance of the objects of the University;(10)norms of affiliation of colleges or for withdrawing the affiliation of the colleges;(11)the norms for grant of autonomy to University departments or institutions affiliated colleges and recognised institutions, subject to the approval of the State Government;(12)acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organisations;(13)provision of reservation of adequate number of posts of teachers, officers and other employees of the University, affiliated colleges and recognised institutions, for members of the Scheduled Castes and Scheduled Tribes and Other Backward Classes in accordance with the policy of the State Government;(14)number of working days, number of actual days of instructions, holidays other than Sundays, vacation and terms in academic year;(15)disciplinary action against defaulting teachers, officers and other employees of the University, affiliated colleges and recognised institutions other than the colleges or institutions managed and maintained by the State Government or Central Government or Local Authorities;(16)the taking over or transferring, in public interest, of the management of a college or institution by the University and the conditions for such taking over or transferring, subject to the



approval of the State Government;(17)any matter which is to be prescribed or which is necessary to give effect to the provisions of this Act.

#### **49. Statutes how made.**

(1)The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.(2)The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Management Council. In the case of a draft which is not proposed by the Management Council, the Senate, before considering the same, shall obtain the opinion of the Management Council:Provided that, if the Management Council fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.(3)The Senate, if it thinks necessary may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute which is before it for consideration:Provided that, where any such draft Statute pertains to academic matters, the Senate shall obtain the opinion of the Academic Council before considering the same.(4)Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto, or send it back to the Senate for reconsideration.(5)No Statute passed by the Senate shall be valid or shall come into force until assented to, by the Chancellor.(6)Notwithstanding anything contained in the foregoing sub-sections, the Chancellor, either suo motu or on the advice of the Government, may direct the University to make provisions in Statutes in respect of any matter specified by him and if the Senate fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Senate for its inability to comply with such direction, make or amend Statutes suitably.

#### **50. Ordinances and their subject matter.**

- Subject to the conditions prescribed by or under this Act, the Management Council may make Ordinance, to provide for all or any of the following matters, namely:-(i)the conditions under which students shall be admitted to courses of study for degree, diploma, certificate and other academic distinctions;(ii)the fees to be charged for enrolment of students for attending such courses in the University and the conducted colleges (including the tuition fees and hostel charges), which shall, as far as possible be uniform for the colleges situated in the same local areas, for admission to the examinations leading to degrees, diplomas, certificate and other academic distinctions, and for registration of graduates;(iii)the conditions of residence, conduct and discipline of the students of the University, and action to be taken against them for breach of discipline or misconduct, including the following:-(a)use of unfair means at an examination or abetment thereof;(b)refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the University; or(c)disorderly or otherwise objectionable conduct, whether within or outside the University;(iv)the qualifications and classification of teachers in University departments, colleges and recognised institutions;(v)the conditions governing the appointment and duties of examiners;(vi)the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;(vii)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 departments, colleges and recognised institutions;(viii)the inspection of colleges,

recognised institutions, halls and hostels;(ix)the mode of execution of contracts or agreements for by or on behalf of the University;(x)the rules to be observed and enforced by colleges and recognised institutions regarding transfer of students wherever necessary;(xi)the powers and functions of students' associations and other organisation in colleges;(xii)all other matters which, by or under this Act or Statutes, are to be or may be, provided by Ordinance; and(xiii)generally, all matters for which provision is, in the opinion of the Management Council, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Management Council by or under this Act or Statutes.

## **51. Ordinances and their making.**

(1)The Management Council may make, amend or repeal Ordinances in the manner hereinafter provided.(2)No Ordinance concerning the matters referred to in clauses (i) to (vii) of the last preceding section, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Management Council unless a draft thereof has been proposed by the Academic Council.(3)The Management Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (2), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Management Council may suggest.(4)All Ordinances made by the Management 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. The Chancellor shall have the power to direct the Management Council, within four weeks of the receipt of the Ordinance, to suspend its operation and he shall, as soon as possible, inform the Management Council of his objection to it. He may, after receiving the comments of the Management Council, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

## **52. Regulations and Rules.**

(1)Subject to the conditions prescribed by or under this Act, and the approval of the Management Council, the Academic Council may make Regulations consistent with this Act, Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided by Regulations, and for all other matters solely concerning itself.(2)Any authority or body may, subject to the previous approval of the Management Council, make Rules, consistent with this Act, the Statutes, Ordinances and Regulations, for-(a)giving notice of the dates and hours of its meetings and of the business to be conducted thereat;(b)regulating the procedure at its meeting 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 solely concerning such authority or body.(3)Such Rules shall be, submitted to the Management Council, which may amend or annul them in such manner as it thinks proper, after ascertaining and considering the views of the authority or body making them.

## **Chapter VI**

### **Teachers and Employees**

#### **53. Grievances Committee.**

(1) There shall be a Grievances Committee in the University to deal with the grievances of teachers and other employees of the University, Colleges, institutions and recognised institutions and to hear and settle grievances as far as may be practicable within six months, and the Committee shall make a report to the Management Council. (2) It shall be lawful for the Grievances Committee to entertain and consider grievances or complaints and report to the Management Council for taking such action as it deems fit and the decisions of the Management Council on such report shall be final. (3) The Grievances Committee shall consist of the following members, namely:—(a) The Pro-Vice-Chancellor Chairperson (b) Four members of the Management Council nominated by the Management Council from amongst themselves Members; (c) The Registrar Member-Secretary. (4) The Registrar shall not have a right to vote.

## **Chapter VII**

### **Admissions, Examinations and other Matters Relating to Students**

#### **54. Admissions.**

- In accordance with the reservation policy of the Government for the weaker sections of society, admission to all courses, in the University departments and affiliated colleges shall be made on the basis of competitive merit in accordance with the rules, if any, made by the Government and published in the Official Gazette, or by the University and published in the University Gazette by the University: Provided that, where model rules have been framed by the Government, in the interest of the students for the entire State, the University shall adopt the same and such rules shall be published in the University Gazette or, the Official Gazette, as the case may be, at least six months before the start of any academic session which shall begin not later than first August every year: Provided further that, having regard to the maintenance of discipline, the authority concerned shall have the power to refuse admission to a student.

#### **55. Examinations.**

- At the beginning of each academic term and in any case not after than 30th of October of every calendar year, the University shall prepare and publish a Schedule of Examinations for each and every course conducted by itself or by any affiliated college or institution within its jurisdiction shall strictly adhere to the Schedule. Explanation.— "Schedule of Examination" means a table giving details about the time, day and date of commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations: Provided however

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

## **56. Declaration of results.**

- The University shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for that particular course and shall, in any case, declare the results latest within forty-five days thereof: Provided however that, if for any reasons whatsoever the University is unable to declare the results of any examination within the aforesaid period of forty-five days, it shall submit a report, incorporating the detailed reasons for such delay, to the Chancellor and to the Government.

## **57. Examinations not invalid, for non-compliance with Schedule.**

- No examination or the results of an examination shall be held invalid only for the reason that the University has not followed the Schedule as stipulated in sections 55 or 56, as the case may be.

## **58. Sports and Extra-curricular activities.**

- The University shall frame appropriate Statutes, Ordinances, Regulations and Rules to ensure that the students selected to represent their classes, colleges or the University as the case may be, for sports, culture and all other activities are selected entirely on the basis of merit, through open merit competition alone and on no other basis.

# **Chapter VIII**

## **Committees**

## **59. Committees.**

(1) Library Committee -(a) There shall be a Library Committee for administering, organising and maintaining the libraries and library services of the University. It shall consist of the following members, namely:-(i) the Vice-Chancellor - Chairperson (ii) three Deans of faculties, nominated by the Vice-Chancellor; (iii) three Heads of University institutions or departments, nominated by the Vice-Chancellor; (iv) two teachers, nominated by the Academic Council from amongst its members; (v) the Registrar; (vi) the Librarian - Secretary; (b) All members of the Library Committee, other than the ex-officio members, shall hold office for a period of five years and shall not be eligible for re-nomination thereafter; (c) The duties of the Committee shall be as follows:-(i) to provide for proper organisation and functioning of the library documentation services and updating the stock of books; (ii) to provide for modernisation and improvement of library and documentation services; (iii) to recommend to the Management Council fees and other charges for the use of library

services by students and others;(iv)to prepare the annual budget and proposals for development of the library, for approval of the Management Council;(v)to submit the annual report on the functioning of the library.(2)Finance and Accounts Committee.-(a)There shall be a Finance and Accounts Committee consisting of the following members, namely:-(i)the Vice-Chancellor - Chairperson;(ii)the Pro-Vice-Chancellor;(iii)one person, nominated by the Government, not below the rank of Deputy Secretary;(iv)the Director of Accounts and Treasuries of Director's representative, not below the rank of a Joint Director of Accounts and Treasuries;(v)three persons, nominated by the Academic Council from amongst its members;(vi)three persons, nominated by the Management Council from amongst its members;(vii)the Finance and Accounts Officer - Secretary;(b)The quorum for a meeting of the Committee shall be six;(c)All the members of the Committee other than ex-officio member, shall hold office for a term of five years;(d)The Committee shall meet at least four times a year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the provisions available;(e)The annual statement of accounts and the financial estimates (budget) of the University, prepared by the Management Council shall be laid before the Finance and Accounts Committee for consideration and recommendation, and for submission hereafter to the Management Council for such action as it thinks fit;(f)The budget shall be prepared in the following three distinct parts:-(i)maintenance;(ii)development; and(iii)independent project or scheme or collaborative programmes grants;(g)The Committee shall perform the following additional functions and duties, namely:-(i)recommend to the Management 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 for productive work;(ii)recommend to the Management Council productive investment and management of the University assets and resources;(iii)explore the possibilities of, and resort to, augmenting further the resources for the development of the University;(iv)take necessary steps to have the University accounts audited by auditors appointed by the Management Council;(v)advise the Management Council on matters related to the administration of the property and the funds of the University;(vi)insure proper implementation of the Government's orders issued from time to time, in respect of financial matters;(vii)advise on financial matters referred to it by the Management Council, Academic Council or any other authority body or committee or any officer of the University;(viii)report to the Vice-Chancellor any lapse or irregularity in financial matters which comes to its notice, who may take, suitable prompt actions after assessing the seriousness of the matter or refer it to the Management Council;(h)The other powers and duties of the committee and the procedure at its meetings shall be such as may be prescribed;(i)The annual accounts of the University, Colleges and institutions shall be open for audit by the auditors appointed by the Government.(3)Purchase Committee.-(a)There shall be a Purchase Committee for dealing with all matters pertaining to all purchases of the University, in respect of such items where individual cost of each item exceeds rupees one lakh, at a time.(b)The committee shall consist of the following members, namely:-(i)Vice-Chancellor - Chairperson;(ii)three Heads of University institutions or departments, nominated by the Vice-Chancellor;(iii)two members, nominated by the Management Council, from amongst its members;(iv)the Registrar;(v)the Finance and Accounts Officer;(c)The Finance and Accounts Officer shall ordinarily act as the Secretary of the Purchase Committee. During the period when there is no Finance and Accounts Officer or during the officer's absence, the Registrar shall act as the Secretary of the Committee;(d)The Purchase Committee shall invite the heads of the University institutions or departments for which the

purchase is to be made;(e)All members of the Committee, other than ex-officio members, shall hold office for a period of two years;(f)The powers and duties of the Committee and the procedure for its meetings shall be such as may be prescribed by Statutes.

## **60. Selection and appointment of University Teachers.**

(1)Subject to the provisions of this Act, Statutes and Ordinances, the Vice-Chancellor shall, till the University Grants Commission's scheme of recruitment becomes operative, appoint according to the order of merit and recommendations made by the selection committee, a University teacher.(2)The selection committee for making recommendations for appointment of University teachers shall consist of the following members:-(a)the Vice-Chancellor or the Pro-Vice-Chancellor upon directions of the Vice-Chancellor - Chairperson;(b)two persons, nominated by the Chancellor;(c)the Dean of the faculty concerned;(d)the Head of the University department or a head of the concerned institution;(e)three experts, nominated by the Management Council out of a panel of not less than six names of experts not connected with the University recommended by the Academic Council who have special knowledge of the subject for which the teacher is to be selected;(f)one person belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, nominated by the Chancellor:Provided that, a head, referred to in clause (d), who is a reader shall be a member of the selection committee for the selection to the posts of lecturer.(3)The Registrar shall act as the Secretary of the committee.(4)Every post of a University teacher, to be filled by selection, shall be duly and widely advertised, according to the draft approved by the Vice-Chancellor, together with particulars of the minimum and additional qualifications, as prescribed, the emoluments and number of posts to be filled, the number of posts which are reserved for the members of the Scheduled Castes or Scheduled Tribes or Other Backward Classes and reasonable time, to be determined by the Vice-Chancellor, shall be allowed within which the applicants may, in response to the advertisement, submit their applications.(5)The date of the meeting of every selection committee shall be so fixed as to allow a notice of atleast thirty days of such meeting, being given to each member, and the particulars of each candidate shall be sent to each member of the selection committee so as to reach him atleast seven days before the date of meeting.(6)The quorum to constitute a meeting of every selection committee shall be four members, of whom atleast two shall be persons nominated under clause (e) of sub-section (2):Provided that, for the post of Professor, the selection committee may in preference to the candidates who have applied and appeared before it, recommend for appointment, with all the requisite details, the name of any other person who may not have applied or appeared before it, but who is duly qualified and has to his credit exceptionally high academic achievements or proficiency in the specialisation or has extraordinary academic contribution, to be recorded in writing.(7)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, including explanations from the teachers whose appointments are likely to be affected, 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 was not in accordance with the law at that time in force the Chancellor, may, by 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.(8)Any order made by the Chancellor, under the last preceding sub-section, shall be final and a copy of the order shall be served on the teacher concerned by the Vice-Chancellor within three days from its receipt.(9)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 the amount so paid to the University.

## **61. Selection committees for officers and employees of University and principals, teachers and other employees of affiliated colleges.**

(1)(a)There shall be a selection committee for making recommendations of suitable candidates for appointment to the posts of-(i)Registrar;(ii)Controller of Examinations;(iii)Finance and Accounts Officer;(b)The selection committee shall consist of-(i)the Vice-Chancellor, or the Pro-Vice-Chancellor upon the direction of the Vice-Chancellor - Chairperson;(ii)two members, nominated by the Management Council, from amongst its members.(iii)a Dean, not being a member of the Management Council, nominated by the Vice-Chancellor;(iv)two experts having special knowledge in the field related to the post to be filled, who are not connected with the University, and affiliated college or recognised institution, nominated by Vice-Chancellor;(v)one person belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, nominated by the Vice-Chancellor;(vi)the Registrar shall act as the member-secretary of the selection committee except where the Registrar is also a candidate for the post. In case when Registrar is also a candidate, any person nominated by the Vice-Chancellor shall act as a member-secretary.(2)The selection committee and mode of appointment of other officers of the University shall be such as may be prescribed by Statutes.(3)The selection committee and mode of appointment for principals, teachers and other employees of affiliated colleges shall be such as may be prescribed.(4)The management of any affiliated college, shall before proceeding to fill in vacancies of teachers and other employees in accordance with the prescribed procedure shall ascertain from the University whether there is any suitable person available on the list of surplus persons maintained by the University for absorption in other colleges and in the event of such person being available, the management shall appoint that person.

## **62. Committees.**

- In addition to the committees constituted under this Act, the authorities of the University may appoint a committee with suitable terms and reference for any specific task, and such a committee shall consist of members of the same authority constituting such a committee and also of such other persons as that authority may nominate.

## **Chapter IX**

### **Permission, Affiliation and Recognition**

### **63. Conditions for affiliation and recognition.**

- The management applying for affiliation or recognition and management whose college or institution has been granted affiliation or recognition, shall give and comply with the following undertaking, -(a) that the provisions of this Act, Statutes, Ordinances, Rules and the Regulations thereunder and the standing orders and directions of the University shall be observed; (b) that there shall be a separate local managing committee provided for an affiliated college as provided by section 67; (c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the University and the Government, from time to time; (d) that there shall be suitable and adequate physical facilities such as building, laboratories, libraries, books, equipments required for teaching and research, hostels, gymnasium, as may be prescribed by Statutes; (e) that the financial resources of the college or institution shall be such as to make due provision for its continued maintenance and working; (f) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and recognised institutions and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as prescribed by the University and which shall be sufficient to make due provision for courses of study, teaching or training or research, efficiently; (g) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the University; (h) that the directions, and orders issued by the Chancellor, Vice-Chancellor and other officers of the University in exercise of the powers conferred on them under the provisions of this Act, Statutes, Ordinances, Rules and Regulations shall be complied with; (i) that there shall be no transfer of the management without previous permission of the University; (j) that the college or institution shall not be closed without previous permission of the University; (k) that in the event of disaffiliation or derecognition or closure of the college or institution under section 74, all the assets of the college or institution including building and equipment which have been constructed or created out of the amount paid as a grant-in-aid by the Government or the University Grants Commission shall vest in the Government.

### **64. Procedure for permission.**

(1) The University shall prepare a perspective plan for educational development For the location of institutions of higher learning in a manner ensuring equitable distribution of facilities of Health Sciences Education having due regard, in particular, to the needs of unserved and under developed areas within the jurisdiction of the university. Such plan shall be prepared by the Academic Council and shall be placed before the Senate through the Management Council and shall be updated every five years. (2) No application for opening a new college or institution of higher learning which is not in conformity with such plan, shall be considered by the University. (3) The management seeking permission to open a new college or institution of higher learning shall apply in the prescribed form to the Registrar of the University before the last day of October of the year preceding the year from which the permission is sought. (4) All such applications received within the aforesaid prescribed time-limit shall be scrutinised by the Planning Board and be forwarded to the Government with the approval of the Management Council on or before the last day of December of the year, with such recommendations (duly supported by relevant reasons) as are deemed appropriate by the Management Council. (5) Out of the applications recommended by the University, the Government



may grant permission to such institutions as it may consider right and proper in its absolute discretion, taking into account the Government's budgetary resources, the suitability of the managements seeking permission to open new institutions and the State level priorities with regard to location of institutions of Health Sciences learning. 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 for starting a new college or institution of Health Sciences learning. (6) No application shall be entertained directly by the Government for the grant of permission for opening a new college or institution of Health Sciences learning.

## **65. Procedure for affiliation.**

(1) On receipt of the permission from the Government under section 64, the Academic Council of the University shall consider grant of first time affiliation to the new college or institution by following the prescribed procedure given in sub-section (2) and after taking into account whether, and the extent to which, the stipulated conditions have been fulfilled by the college or institution. The decision of the Academic Council in this regard shall be final. (2) For the purpose of considering the application for the grant of affiliation, the Academic Council shall cause an inquiry by a committee constituted for the purpose by it. (3) The Academic Council shall decide, - (a) whether affiliation should be granted or rejected; (b) whether affiliation should be granted in whole or part; (c) subjects, courses of study, the number of students to be admitted; (d) conditions, if any, which may be stipulated, while granting, or for granting the affiliation. (4) The Registrar shall communicate the decision of the Academic Council to the applicant management with a copy to the Secretary, Medical Education and Drugs Department, and if the application for affiliation is granted, along with an intimation regarding, - (a) the subjects and the courses of study approved for affiliation; (b) the number of students to be admitted; (c) the conditions, if any, subject to the fulfillment of which the approval is granted. (5) The procedure referred to in sub-sections (1) to (6) of section 64 shall apply, mutatis mutandis, for the permission to open new courses, additional faculties, new subjects and additional divisions. (6) No student shall be admitted by the college or institution unless the first time affiliation has been granted by the University to the college or institution. (7) The procedure referred to in sub sections (1) to (4) shall apply, mutatis mutandis, for the consideration of continuation of affiliation, from time to time.

## **66. Procedure of recognition of institutions.**

(1) The management of an institution actively conducting research or specialised studies for a period not less than five years, and seeking recognition, shall apply to the Registrar or the University with full information regarding the following matters, namely: - (a) the constitution and personnel of the management; (b) the subjects and courses of study for which recognition is sought; (c) the accommodation, equipment and the number of students for whom provision has been made; (d) the staff, permanent, visiting and honorary, of the institution, recognised for guiding research or recognizable for the purpose by the University; their experience, evidence of research work carried out at the institution, publications, reports, monographs, books published by the institution; (e) the fees levied, or proposed to be levied, and the provisions made for capital, expenditure on building equipment and for the continued maintenance and efficient working of the institution. (2) Before

considering such an application, the Planning Board may call for any further information which it thinks necessary.(3)If the Planning Board decides to consider the application, it may direct a local inquiry to be made by a competent person or persons having specialised knowledge in the subject or field concerned. After considering the report of such inquiry, and making such further inquiry, as it may think necessary, the Planning Board shall submit to the Academic Council the proposal to grant or reject the application, in part or in whole.(4)The Academic Council shall after considering the proposal submitted by the said Board, may, either grant or reject it. The decision of the Academic Council in the matter shall be final and binding.

## **67. Local managing or advisory committee of an affiliated college.**

(1)There shall be separate local managing committee for every affiliated college or institution, consisting of the following members:-(a)president or chairman of the management - Chairperson;(b)secretary of the management or secretary's nominee;(c)three local members representing different fields of the area nominated by the management;(d)three teachers, elected by the teachers of the college or institution;(e)one non-teaching employee, elected by the non-teaching employees of the college or institution;(f)Principal, Member-Secretary.(2)For a college or institution managed and maintained by the State Government or local authority, the Local Advisory Committee shall consist of the following members:-(i)three persons each representing Director of Medical Education and Research, Director of Health Services and Director of Ayurveda;(ii)three teachers, elected by the teachers of the college or institution;(iii)one non-teaching employee, elected by the non-teaching employees of the college or institution;(iv)Principal, Member-Secretary.(3)The Local Managing or Advisory Committee shall meet atleast twice a year.(4)Members elected or nominated shall have a term of five years.(5)the powers and duties of the Local Managing or Advisory Committee shall be to,-(a)prepare the budget and financial statement of the college or institution;(b)to the management the creation of the teaching and other posts;(c)determine the programme of instruction and internal evaluation and to discuss the progress of studies in the college;(d)make recommendations to the management for the improvement of the standard of teaching in the college or institution;(e)formulate proposals of new expenditure not provided for in the college budget;(f)advise the principal regarding the intake capacity of various classes, preparation of time-tables, distribution of the available teaching work-load and such other matters relating to the internal management of the college and discipline of the college students as may be referred to it by the principal, from time to time;(g)consider and make recommendations on the inspection report, if any;(h)consider and make recommendations on the report of the local inquiry committee, if any;(i)prepare the annual report on the work done by committee for the year ending on the 30th June and submit the same to the management, the Management Council of the University and to the Director;(j)perform such other duties and exercise such other powers as may be entrusted by the management and the University.

## **68. Continuation of affiliation or recognition.**

- The affiliated college or recognised institution may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily six months prior to the date of expiry of such affiliation or recognition. The University shall follow the

procedure prescribed in Statutes, so far as applicable, for grant of continuation.

## **69. Extension of affiliation or recognition.**

- The affiliated college or recognised institution may apply for affiliation or recognition for additional courses of study. The University shall follow the procedure as prescribed in sections 63, 65 and 66 so far as may be applicable.

## **70. Permanent affiliation and recognition.**

- The affiliated college or recognised institution with at least six years standing as an affiliated college or recognised institution may apply for permanent affiliation or recognition. The Planning Board shall consider and scrutinise the application and make recommendation to the Academic Council. If the Academic Council is satisfied that the affiliated college or recognised institution has fulfilled all the conditions of affiliation or recognition satisfactorily and has attained high academic and administrative standards as prescribed by the University, from time to time, the Academic Council shall grant permanent affiliation or recognition to the college or institution, as the case may be.

## **71. Autonomous department of institution or college or recognised institution.**

(1) A University department or institution, affiliated college or recognised institution may apply to the University for grant of autonomous status. The Management Council on the recommendation of Academic Council may confer the autonomous status. (2) The autonomous department or institution or college or recognised institution, may constitute its authorities or bodies and exercise the powers and perform the functions and carry out the administrative, academic, financial and other activities of the University, as prescribed. (3) The autonomous department or institution or college or recognised institution may prescribe its own courses of study, evolve its own teaching methods and hold examinations and tests for students receiving instruction in it and award degrees or certificates of its own. Autonomous department or institution or college or recognised institution shall function with the objectives of promoting academic freedom and scholarship on the part of teachers and students which are essential to the fostering and development of an intellectual climate conducive to the pursuit of scholarship and excellence.

## **72. Inspection of colleges and recognised institutions and reports.**

(1) Every affiliated college and recognised institution shall furnish such reports, returns and other particulars as the University may require for enabling it to judge the academic standards and standards of academic administration of the college or recognised institution. (2) The Vice-Chancellor shall cause every University department or institution, affiliated college or recognised institution to be inspected; at least once in every three years, by one or more committees appointed by him in that behalf which shall consist of the following members, namely:-(a) a Dean,

nominated by the Vice-Chancellor - Chairperson;(b)one expert, not connected with the University, nominated by the Academic Council;(c)one expert, to be nominated by the Management Council;Provided that, no member on such committee shall be connected with the management or college or the institution concerned.(3)The committee shall submit its report to the Vice-Chancellor for consideration and for further action as may be necessary.

### **73. Withdrawal of affiliation or recognition.**

(1)If an affiliated college or recognised institution fails to comply with the conditions of affiliation or recognition as provided in section 63 or to allow the local managing or advisory committee as provided in section 67 to function properly or to take action as per direction issued under this Act or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the University or the standards laid down by it, the Planning Board may issue a notice to the management to show cause as to why the privileges conferred on the college or recognised institution by affiliation or recognition should not be withdrawn in part or in whole or modified.(2)The Planning Board shall mention in the notice, the grounds on which it proposes to take the action, as proposed in sub-section (1) and shall send a copy of the notice to the principal of the college, or head of recognised institution. It shall also specify in the notice, the period, being a period which shall not be less than thirty days, within which the management should file its written statement in reply to the notice.(3)On receipt of such written statement or on expiry of the period specified in the notice issued under sub-section (1), the Planning Board shall place before the Academic Council, the notice and the written statement, if any, with or without the motion for withdrawal or modification of such privileges.(4)The Academic Council shall, having regard to the interest of students studying in the colleges or recognised institutions, recommend to the Vice-Chancellor the action to be taken in this behalf and the Vice-Chancellor shall, thereafter, proceed to implement the recommendations.

### **74. Closure of college or recognised institution.**

(1)No management of a college or recognised institution shall be allowed to close down the college or recognised institution without prior permission of the State Government.(2)The management desirous of closing down the college or recognised institution shall apply to the University on or before the first day of August of the preceding year, stating fully the grounds for closure, and pointing out the assets in the form of buildings and equipments, their original cost, the prevailing market value and the grants so far received by it either from the University Grants Commission, the Government or from public funding agencies.(3)On receipt of such an application, the Academic Council shall cause to make inquiries as it may deem fit, to assess and determine whether the college or recognised institution be permitted to effect the closure. The Academic Council may examine whether the closure should be avoided by providing necessary assistance or taking over of the college or institute by the University or transferring it to another management.(4)If the Academic Council decides to recommend the closure, it shall prepare and submit to the Management Council, a report on the extent to damages or compensation to be recovered from the management and whether the assets created utilising the funds provided by the University Grants Commission, the Government or other public funding agencies, be transferred to the University or other management

and the payment of compensation to the teachers and the staff retrenched.(5)The Academic Council shall, with prior concurrence of the Management Council and approval of the Government, then decide whether the affiliated college or recognised institution be permitted the closure.(6)If the University decides to take over the college or recognised institution or transfer the same to another management, the procedure to be followed shall be such as may be prescribed by Statutes.(7)The procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the college or recognised institution are not affected, and that the first year shall be closed first and no new admissions shall be effected. The procedure to phase out the closure shall be such as may be prescribed by Statutes.

## **Chapter X**

### **Enrolment, Degrees and Convocations**

#### **75. Post-graduate teaching and research.**

- All post-graduate instruction, teaching, training and research shall normally be conducted within the University, affiliated colleges and the recognised institution and in the manner prescribed by Statutes.

#### **76. Enrolment of students.**

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

#### **77. Disciplinary powers and discipline among students.**

(1)All powers relating to discipline and disciplinary action in relation to the students of the University departments and institutions and colleges, maintained by the University, shall vest in the Vice-Chancellor.(2)The Vice-Chancellor may, by order, delegate all or any of his powers under this Act as he deems 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 a specified period, or be not admitted to a course or courses of study in a college, institution 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 department, college or institution maintained by the University for a specified period not exceeding five years or that the result of the student or students concerned in the examination in which he or they have appeared be cancelled:Provided that, the Vice-Chancellor shall give reasonable opportunity to the student concerned of being heard, if expulsion is for a period exceeding one year.(4)Without prejudice to the powers of the Vice-Chancellor, the principals of conducted colleges, heads of the University institutions and heads of department of 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)The Vice-Chancellor shall, subject to the approval of the Management Council, make rules of discipline and proper conduct for students of

the University which shall also apply to the students of all its conducted colleges and University departments or institutions and every student shall be supplied with a copy of such rules.(6)The principals of the colleges and heads of the institutions, maintained by the University, 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 or bodies of the University and the authorities or bodies of the conducted colleges and 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 principals of conducted colleges and heads of University institutions.(8)All powers relating to disciplinary action against students of an affiliated college or recognised institution not maintained by the University, shall vest in the principal of the affiliated college or head of the recognised institution, and the provisions of the foregoing sub-sections including the rules, if any, made thereunder, shall mutatis mutandis apply to such colleges, institutions and students therein.

## **78. Degrees, diplomas, certificate and other academic distinctions.**

(1)The Management Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic Council.(2)The Chancellor may, on the recommendation of the Management Council and the Academic Council, supported by a majority of not less than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of members of each such authority, withdraw degree or diploma or certificate or any other academic distinction permanently or for such period as the Chancellor thinks fit, if such a person is convicted by a court of law for any offence involving moral turpitude. No such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

## **79. Honorary degree.**

(1)The Management Council may consider and recommend to the Senate 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 Senate, being not less than one-half of its total membership:Provided that, the Management Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the Chancellor.(2)The Management Council may take a decision on the proposal of the Senate provided that the Senate shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained prior approval of the Chancellor.

## **80. Convocation.**

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

## **81. Registered Graduates.**

(1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the University, namely:-(a) who are graduates of the University; (b) who are graduates holding a degree in Health Sciences of any existing University for which the University under this Act is established. (2) A person who, -(a) is of unsound mind and stands so declared by a competent court; (b) is an undischarged insolvent; (c) is convicted for an offence involving moral turpitude; (d) is a registered graduate of any other University established by law in the State of Maharashtra, shall not be qualified to have his name entered in the register of graduates, or be a registered graduate. (3) Every person who intends to be registered graduate shall make an application to the Registrar in such form and make payment of such fees, as are prescribed by Statutes. (4) The Vice-Chancellor shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be registered graduate. If any question arises whether a person is entitled to have his name entered in the register or graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the Vice-Chancellor after making such inquiry as the Vice-Chancellor thinks fit and such decision shall be final.

## **82. Removal of name from register of Graduates.**

(1) The Chancellor may, on the recommendation of the Management Council supported by a majority of not less than two-thirds of its members present at its meeting, such majority comprising not less than one-half of its members, 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 for any offence which, in the opinion of the Management Council, is a serious offence involving moral turpitude. (2) No action under this section shall be taken unless the person concerned is, as prescribed by Statutes, given an opportunity of being heard in his defence.

## **Chapter XI**

### **University Funds, Accounts and Audit**

## **83. Annual financial estimates.**

(1) The annual financial estimates (budget) of the University for ensuing financial year shall be prepared by the Management Council under the direction of the Finance and Accounts Committee at least two months before the commencement of the financial year. (2) The Management Council

shall thereafter forward copies of financial estimates as approved by the Senate to the Chancellor and the Government.(3)The Financial year of the University shall be same as that of the Government.

## **84. University funds.**

(1)The University shall establish the following funds, namely:-(a)general fund;(b)salary fund;(c)trust fund;(d)development and programme fund;(e)contingency fund; and(f)and other fund which, in the opinion of the University, is deemed necessary to establish.(2)The following shall form part of or be paid into, the general fund,-(a)non-salary contribution or grant, received from the Government or Central Government or University Grants Commission;(b)all incomes of the University from any source whatsoever, including income from fees and charges;(c)any sums borrowed from the banks or any other agency, with the permission of the Government;(d)sums received from any other source or agency.(3)The salary fund shall consist of all amounts received from the Government, Central Government or University Grants Commission towards full or part payment of the salary and allowances. No amount from this fund shall be utilised for the purpose other than payment of salary and allowances.(4)All income or moneys from trusts, bequests, donations, endowments, subventions and similar grants shall form the trust fund.(5)(a)The development and programme fund of the University shall consist of all infrastructure development grants received from the State Government, all contributions made by the University Grants Commission for development and research grants received from other funding agencies of the Central Government, United Nations and its affiliates, other international agencies, industries, banks and financial institutions or persons;(b)No amount from this fund shall be appropriated to any other fund of the University or expended for any other purpose;(c)The development and programme fund shall be utilised in the manner consistent with the object of the programmes for which a suitable code will be adopted to include the guidelines of the funding agency on expenditure and audit, to be granted and approved by the Management Council.(6)The University shall have and maintain a contingency fund under a separate head of the University accounts which shall be used only for the purposes of meeting any unforeseen expenditure.(7)Surplus moneys at the credit of these funds, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time to time, be deposited in the bank as directed by the Management Council.Explanation. - For the purposes of this sub-section, the expression "bank" means,-(i)the State Bank of India constituted under the State Bank of India Act, 1955;(ii)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;(iii)a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;(iv)any other bank, being a scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 or being such a bank as may be approved by the Government.

## **85. Annual accounts and audit.**

(1)The accounts of the University shall be audited at least once every year and in any case within six months of the close of the financial year by the auditors appointed by the Management Council from amongst the firms of chartered accountants whose partners have no interest in any of the authorities



or affairs of the University.(2)The audited accounts shall be published by the University and a copy thereof, together with the copy of the auditor's report, shall be submitted to the Chancellor, Government and on receipt of such audited accounts, the Senate shall consider and pass such resolution thereon as it thinks fit.(2A)[ The Government shall cause the audited annual accounts of the University, received by it, to be laid before each House of the State Legislature.] [Sub-section (2A) was inserted by Maharashtra 35 of 2010, section 3, w.e.f. 5-10-2010.](3)The Government may conduct the test audit or full audit and the accounts of the University at regular intervals by the auditors appointed by the Government.

## **86. Annual Report.**

- [(1)] [Section 86 re-numbered as sub-section (1) and sub-section (2) was added by Maharashtra 35 of 2001, section 4, w.e.f. 5-10-2010.] The Annual report of the University shall be prepared and published by the University and such report as approved by the Management Council shall be submitted to the Chancellor, the Government and the Senate. The Senate may consider the annual report in its meeting and may make recommendations as it deems fit. The Management Council shall take appropriate action on the recommendations of the Senate and report the action taken to the Senate.(2)[ The Government shall cause the annual report of the University, received by it, to be laid before each House of the State Legislature.] [Section 86 re-numbered as sub-section (1) and sub-section (2) was added by Maharashtra 35 of 2001, section 4, w.e.f. 5-10-2010.]

## **Chapter XII**

### **Miscellaneous**

## **87. Authorities and Officers responsible for damages.**

(1)It shall be the duty of every authority or body and officer of the University to ensure that the interests of the University are duly safeguarded.(2)If it is found that a damage or loss has been caused to the University by any action on the part of any authority or body or officer of the University not in conformity with the provisions of this Act, Statutes, Ordinances, Rules or Regulations, except when done in good faith, or any failure so as to act in conformity thereof, by wilful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or body or the concerned members thereof jointly or severally, or from the officer concerned, as the case may be, in accordance with the procedure prescribed by Statutes.

## **88. Membership of State Legislature and of Parliament.**

(1)A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that such teacher has been elected or nominated as a member of the Legislative Assembly or of the Legislative Council of the State or of Parliament.(2)A teacher elected or nominated as a member of the Legislative Assembly or the Legislative Council of the State, of Parliament shall be entitled to treat the period of such membership of the Legislative Assembly or of the Legislative Council or of Parliament as on leave without salary and allowances.(3)A teacher

referred to in sub-section (2) shall also be entitled to count the period of such membership of the Legislative Assembly or of the Legislative Council or of Parliament for the purposes of pension, seniority and increments.

### **89. Questions regarding interpretation and disputes regarding constitution of the University authority or body, etc.**

- If any question arises regarding the interpretation of any provision of this Act or of any Statutes, Ordinances, Regulations or Rules, or whether a person has been.,duly elected or appointed or nominated 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 petition by any person or body directly affected, or suo motu by the Vice-Chancellor to the Chancellor, who shall after taking such advice as deemed necessary decide the question and such decision shall be final:Provided that, such reference shall be made by the Vice-Chancellor to the Chancellor upon a requisition signed by not less than twenty-five members of the Senate.

### **90. Protection of acts and orders.**

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

### **91. Delegation of powers.**

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

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

- No act or proceeding of the Senate or the Management Council or Academic Council or any other authority or any body or committee of the University including a committee appointed by the Chancellor for the appointment of a Vice-Chancellor shall be deemed to be invalid at any time merely on the ground that-(a)any of the members of any such authority, body or committee are not elected, appointed, nominated or co-opted or for any other reason are not available to take office at the time of the constitution or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more

vacancies in the offices of members thereof;(b)there is any irregularity in the procedure of any such authority, body or committee not affecting the merits of the matter under consideration and the validity of such act or proceeding shall not be questioned in any Court or before any authority or officer merely on any such ground.

## **Chapter XIII**

### **Transitory Provisions**

#### **93. Transitory powers of the first Vice-Chancellor.**

(1)It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Management Council and other authorities of the University within six months from the date of commencement of this Act or such longer period not exceeding one year as the Government may, by notification direct.(2)The first Vice-Chancellor shall, in consultation with the Chancellor, make such rules as may be necessary for the functioning of the University.(3)It shall be the duty of the first Vice-Chancellor to draft such Statutes as may be immediately necessary and submit them to the Senate for approval.(4)Notwithstanding anything contained in this Act and until such time an authority is duly constituted under this Act, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under this Act.

#### **94. [ Admission of students to privileges of University. [[Section 94 substituted by Maharashtra 35 of 2010, section 5, w.e.f. 5-10-2010.**

Substituted portion read as under :

#### **94. Saving as to certain examinations.**

Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations, Rules,-(a)any student who immediately prior to the date of commencement of this Act studying for a degree in Health Sciences in any of the Universities specified in the Schedule to this Act be conferred degree in Health Sciences of the respective Universities for which he qualifies on the result of such examination;(b)if any of the University specified in the Schedule to this Act, has held any examination in Health Sciences, the result of which has been published but the degrees relating thereto have not been conferred or issued or the result of any such examination has not been published by the said University, then such examination shall be deemed to have been held by such University under this Act, and it shall be competent to confer or issue such degrees and to declare results of such examinations.]]- Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations, Rules, any student who immediately prior to the date of commencement of this Act and on the date of commencement of the Maharashtra University of Health Sciences (Second Amendment) Act, 2010 was studying for a degree in Health Sciences in any to the Universities specified in the Schedule to this Act, shall be deemed to be the student of the

University.]

## **95. Act to prevail over other enactments.**

- This Act and Statutes, Ordinances, Regulations and Rules made under this Act shall, in respect of any college in the University have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II of the Seventh Schedule to the Constitution of India.

## **96. Removal of difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

## **97. Repeal of Maharashtra Ordinary XI of 1998 and saving.**

(1)The Maharashtra University of Health Sciences (Continuance) Ordinances, 1998, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken (including establishment of University) under, or in pursuance of the said Ordinance; shall continue to have effect and section 7 of the Bombay General Clauses Act, 1904 shall apply with regard to effect of the repeal of the said Ordinance.

## **Schedule**

[See sections 6(3) and 94]

Serial Number	Name of the University
(1)	(2)
1 Mumbai University, Mumbai.	
2 Pune University, Pune.	
3 Shivaji University, Kolhapur.	
4 Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.	
5 Swami Ramanand Tirth Marathwada University, Nanded.	
6 Smt. Nathibai Damodar Thackersey Women's University, Mumbai	
7 Amravati University, Amravati.	
8 Nagpur University, Nagpur,	
9 North Maharashtra University, Jalgaon.	

NotificationsG. N. M. E. & D.D. No. MUHS. 1099/CR-37/99/(2)/EDU-1, dated 22nd September 1999 (M. G. Part IV-B, page 1999). - Whereas by virtue of the provisions of sub-section (3) of section

6 of the Maharashtra University of Health Sciences Act, 1998 (Maharashtra X of 1999) (hereinafter referred to as "the said Act") read with the Schedule appended to the said Act, on the date of coming into force of the said Act (i.e 3rd June, 1998), the Nursing and Pharmacy Colleges conducted by the Shrimati Nathibai Damodar Thackersey (SNDT) Women's University (hereinafter referred to as "the said Colleges" and the "the said University", respectively), have stood affiliated to the Maharashtra University of Health Sciences; And whereas section 105 of the Maharashtra University Act, 1994 (Maharashtra XXXV of 1994), makes special provisions for the SNDT Women's University with a view to preserve and protect women's education in the State in particular and country in general, and the Government of Maharashtra is also inclined to maintain the unique statutes of the said University and to allow the said colleges to revert to the said University; And whereas under sub-section (1) of section 6 of the said Act, with the consent of the Maharashtra University of Health Sciences (hereinafter referred to as "the MUHS") and the sanction of the Government of Maharashtra, it is feasible for a college affiliated to the MUHS to be associated with or seek admission to any privileges of any other University in India or abroad; And whereas in respect of the said Colleges, the consent of the MUHS, as envisaged by subsection (1) of the section 6, has been obtained: Now therefore, in exercise of the powers conferred by sub-section (1) of the said section 6, read with section 96 of the Maharashtra University of Health Sciences Act, 1998., the Government of Maharashtra hereby directs that with effect from the 4th June, 1998, the Nursing and Pharmacy Colleges previously conducted by the SNDT Women's University shall stand affiliated to that University and further directs that by virtue of such re-affiliation of the said colleges to the said University, with effect from the said date, all actions taken by the said University including the examinations, held during the period from the 4th June, 1998 till to date shall be and shall always be deemed to have been taken legally and shall be and shall always be deemed to be valid for all purposes and it shall be competent for the SNDT Women s University to declare the results of the said Examination and confer appropriate degrees to the students. G. N. M . E. 8. D.D. No. MUHS. 1099/CR-37/99/(1)/EDU-1, dated 22nd September 1999 (M. G. Part IV-B, page 1997) - Where sub-section (3) of section 6 of the Maharashtra University of Health Sciences Act, 1998 (Maharashtra X of 1999) (hereinafter referred to as "the said Act") provides that from the date of commencement of the said Act, all colleges and autonomous institutions of Health Sciences previously admitted to the privileges of or affiliated to the Universities specified in the Schedule to the said Act shall be deemed to have been admitted to the privileges of or affiliated to the Maharashtra University of Health Sciences (hereinafter referred to as "the Health University"); And whereas the University Department of Chemical Technology (including Pharmacy Department) is a part of the Mumbai University and the Pharmacy Department of the Nagpur University is also a part of the Nagpur University and are not colleges or autonomous institutions as envisaged by the said sub-section (3) and hence they of not fall within the purview of the said section 6 and therefore, do not get affiliated to the Health University; And whereas the said University Department have come to be treated as affiliated to the Health University and the examinations etc. of the said University Departments have since come to be held by the Health University; And whereas having regard to the provisions of sub-section (3) of the said section 6, it is necessary to regularise the said actions so far taken by the Health University during the period from the date of the commencement of the said Act (i.e., 3rd June, 1998) till to date. Now, therefore in exercise of the powers conferred by section 96 of the Maharashtra University of Health Sciences Act, 1998 (Maharashtra X of 1999), which confers on the Government of Maharashtra the power to remove difficulty the Government hereby declares

that the said University departments shall from the very inception of the said Act be treated as never to have been affiliated to the Maharashtra University of Health Sciences and for all purposes they shall always be treated as having remained as the Department of UDCT of Mumbai University and Nagpur University and all actions taken by the Health University in respect of the said Departments of Universities shall and shall always be deemed to have been taken by the Mumbai University or the Nagpur University as the case may be.