रजिस्टर्ड नं. टीईसीएच/४७-३०३/एमबीआय/२००३-०५

अधिसभा (प्राधिकरण)
महात्मा फुले कृषि विद्यापीठ
राहुरी ४१३ ७२२, जि. अहमदनगर

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १०, २००३/चैत्र २०, शके १९२५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003 (Mah. Act No. XIV of 2003), is hereby published under the authority of the Governor.

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

PRATIMA UMARJI,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIV OF 2003.

(First published, after having received the assent of the Governor in the "*Maharashtra Government Gazette*", on the 10th April 2003).

An Act further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983.

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

AND WHEREAS the Governor of Maharashtra was satisfied that the circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Ordinance, 2003, on the 3rd March 2003 ;

Mah. XLI of 1983.

Mah. Ord. II of 2003.

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

Short title and commencement.

1. (*1*) This Act may be called the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 3rd March 2003.

Amendment of section 2 of Mah. XLI of 1983.

2. In section 2 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (hereinafter referred to as " the principal Act "),— Mah. XLI of 1983.

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

" (*b-1*) " Backward Class of Citizens " means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis* and Nomadic Tribes ;

(*b-2*) " collaboration " means collaborating academic activities of the University with other universities, academic institutions (local, regional, national or international), research institutions and organizations involved in the activities relating to research, agriculture, industry, trade and commerce and the word " to collaborate " shall be construed accordingly : " ;

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

" (*h-1*) " Joint Venture " means an agreement entered into or collaboration made by the University, with any other government institute, semi-government institute, company or commercial establishment to increase the productivity and resources of the university and transmission of technology to people at large, with the prior permission of the Government ; " ;

(*c*) clause (*i*) shall be deleted ;

(*d*) after clause (*r*), the following clause shall be inserted, namely :—

" (*r-1*) " Tribunal " means the Agricultural University and College Tribunal, established under section 69A ; ".

Ameodment of section 6 of Mah. XLI of 1983.

3. In section 6 of the principal Act,—

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

" (*xi*) to create administrative, ministerial and other posts with the prior approval of the State Government and to appoint persons to such posts, as per the prescribed procedure ; " ;

(*b*) after clause (*xvi*), the following clauses shall be added, namely :—

" (*xvii*) to co-operate or collaborate with any other university, institution, authority or organisation for research and advisory

services and for that purpose to enter into appropriate arrangements with other universities, institutions, authorities or organisations to conduct certain courses ;

(*xviii*) to undertake academic collaboration programmes with universities and institutions in the country directly and with universities and institutions abroad with the prior approval of the State and Central Government ;

(*xix*) to enter into Joint Ventures with any other government, institute, semi government institute, company or commercial establishment.".

Amendment of section 14 of Mah. XLI of 1983.

4. In section 14 of the principal Act, under the heading " (c) *Other Officers* ", for entry (xi), the following entry shall be substituted, namely :—

"(*xi*) The Students' Welfare Officer.".

Amendment of section 17 of Mah. XLI of 1983.

5. In section 17 of the principal Act,—

(*a*) in sub-section (*1*),—

(*1*) for the words " a Committee of three persons " the words " a Committee of four persons " shall be substituted ;

(*2*) after the words " by that Executive Council " the words " and the Secretary (Agriculture), Government of Maharashtra " shall be inserted ;

(*3*) for the words " one of the three " the words " one of the said persons " shall be substituted ;

(*b*) for the principal clause of sub-section (*4*), beginning with the words " The Vice-Chancellor shall " and ending with the words " only for a second term.", the following shall be substituted, namely :—

" The Vice-Chancellor shall, subject to the terms and conditions of his service, hold office for a period of five years from the date on which he enters upon his office ; and shall not be eligible for reappointment :

Mah. XIV of 2003.

Provided that the Vice-Chancellor who is in office on the date of coming into force of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003 shall, if,—

(*i*) it is his second term in office on reappointment, continue to hold the office only till the completion of his term of three years; and

(*ii*) it is his first term in office, continue to hold the office till the completion of the term of five years from the date of his appointment to that office.

(*c*) in sub-section (*6*), in clause (b), after the words " provisions of this Act " the words " or commits or has committed breach of any of the terms and conditions of the service contract " shall be inserted.

Amendment of section 19 of Mah. XLI of 1983.

6. In section 19 of the principal Act,—

(*a*) in sub-section (*2*), for the portion beginning with the words " He shall be " and ending with the words " the Academic Council ", the following portion shall be substituted, namely :—

" He shall be the *ex officio* Member-Secretary of the Executive Council and Academic Council and selection committees for academic staff " ;

(2) after sub-section (*6*), the following sub-sections shall be added, namely :—

" (*7*) The Registrar shall be the custodian of the records and such other property of the University as the Academic Council may, commit to his charge, from time to time and it shall be the respc_sibility of the Registrar to keep up-to-date the record of all land records of the University, and its upkeep, care and maintenance.

(*8*) The Registrar shall be under the superintendence and control of the Vice-Chancellor. The Registrar shall be the appointing and the disciplinary authority of the employees of the University, other than the 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.

(*9*) The Registrar shall be responsible for reporting to the Vice-Chancellor the consequences of any decision or action taken by any authority of the University, which he feels is in contravention of the provisions of this Act or the Statutes, Regulations, under intimation to the State Government. ".

Amendment of section 26 of Mah. XLI of 1983.

7. In section 26 of the principal Act,—

(*a*) in sub-section (*1*), for the words " Director of Student's Welfare " the words " The Students' Welfare Officer " shall be substituted ;

(*b*) in sub-section (2), for the words " the Director shall work directly under the Vice-Chancellor " the words " the Students' Welfare Officer of each University shall work under the Director of Instruction of the University " shall be substituted ;

(*c*) in sub-section (*3*), for the word " Director " the words " the Students' Welfare Officer " shall be substituted ;

(*d*) for the marginal note, the following shall be substituted, namely :—

" Students' Welfare Officer. ".

8. In section 30 of the principal Act,— Amendment of section 30 of Mah. XLI of 1983.

(*a*) in sub-section (*1*),—

(*1*) for clauses (*ii*) and (*iii*), the following clauses shall be substituted, namely :—

" (*ii*) The Commissioner of Agriculture or his nominee not below the rank of Director.

(*iii*) The Commissioner of Animal Husbandry or his nominee not below the rank of Additional Director of Animal Husbandry. ";

(*2*) for clause (*ix*), the following clause shall be substituted, namely :—

" (*ix*) Five progressive farmers to be nominated by the Pro-Chancellor of which one shall be from the persons belonging to the Scheduled Castes, Scheduled Tribes or the Backward Class of Citizens to be appointed by rotation and not less than one shall be a woman." ;

(*3*) for clause (*xii*), the following clause shall be substituted, namely :—

" (*xii*) Three members of the Maharashtra Legislative Assembly elected by the Assembly from amongst its members, of whom not less than one shall be from the persons belonging to the Scheduled Castes, Scheduled Tribes or the Backward Class of Citizens. " ;

(*4*) for clause (*xiii*), the following clause shall be substituted, namely :—

" (*xiii*) Two members of the Maharashtra Legislative Council elected by the Council from amongst its members, of whom not less than one shall be from the persons belonging to the Scheduled Castes, Scheduled Tribes or the Backward Class of Citizens. " ;

(*5*) after clause (*xiv*), the following clauses shall be added, namely :—

" (*xv*) The Registrar shall be the *ex officio* Member-Secretary of the Executive Council but, he shall have no right to vote.

(*xvi*) The Commissioner of Dairy Development or his nominee not below the rank of Additional Commissioner.

(*xvii*) The Commissioner of Fisheries or his nominee not below the rank of Deputy Director.";

(*b*) sub-section (*1A*) shall be deleted.

Amendment of section 33 of Mah. XLI of 1983.

9. In section 33 of the principal Act, in sub-section (*2*),—

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

" (*v*) The Students' Welfare Officer,";

(*b*) after clause (*xii*), for the words " The Registrar shall be the *ex officio* Secretary of the Academic Council. " the words " The Registrar shall be the *ex officio* Member-Secretary of the Academic Council, but he shall have no right to vote. " shall be substituted.

Amendment of section 41 of Mah. XLI of 1983.

10. In section 41 of the principal Act, in sub-section (*3*), for clause (*a*), the following clause shall be substituted, namely :—

" (*a*) direct a local inquiry to be made by a Committee consisting of the following members, namely :—

(i) the Director of Instruction—Chairman ;

(ii) one non-official member of Executive Council ;

(iii) one official member of the Executive Council.".

Insertion of Chapter XA in Mah.XLI of 1983.

11. After section 69 of the principal Act, the following Chapter shall be inserted, namely :—

" CHAPTER XA

AGRICULTURAL UNIVERSITY AND COLLEGE TRIBUNAL

University and College Tribunal.

69A. (*1*) There shall be one or more Agricultural Universities and College Tribunal for one or more universities in the State of Maharashtra for adjudication of disputes between the employees of the Universities and their respective university and between the employees of the affiliated colleges or recognised institutions and their respective managements, with regard to the matters specified in sub-section (*1*) of section 69B.

(*2*) The State Government shall, by notification in the *Official Gazette*, constitute one or more Tribunals to be called the " Agricultural University and College Tribunals " for adjudication of disputes or difference between the teachers and employees and the university, management of any affiliated colleges or recognised institutions connected with, or arising out of the matters specified in sub-section (*1*) of section 69B.

(*3*) A Tribunal shall consist of one person only, to be appointed by the State Government.

(*4*) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal, unless,—

(*a*) he is or has been a Judge of the High Court ; or

(*b*) he is qualified to be appointed as a Judge of the High Court :

Provided that, a person to be appointed under this clause shall be from amongst the panel of three persons recommended by the Chief Justice of the High Court of Judicature at Bombay.

(5) The appointment of a person as a Presiding Officer of a Tribunal shall be on a full time basis and for such period or periods not exceeding three years in the aggregate, as the State Government may, from time to time, in each case decide.

(6) The remuneration and other conditions of service of the Presiding Officer shall be as determined by the State Government.

(7) The concerned University shall make available to a Tribunal such ministerial staff as may be necessary for the discharge of its functions under this Act.

(8) All expenditure on account of the remuneration, pension, provident fund contribution, leave allowance and other allowances and facilities which may be admissible to the Presiding Officer and the staff placed at his disposal, shall be met from the fund constituted under section 51, by the concerned University :

Provided that, where a common Tribunal is constituted for more than one University, such expenditure shall be borne by the concerned Universities proportionately.

(9) If any vacancy, other than a temporary vacancy, occurs in the office of the Presiding Officer of the Tribunal, the State Government shall, as soon as may be possible but in any case within three months appoint another qualified person to fill the vacancy. Any proceedings pending before the former Presiding Officer may be continued and disposed of by his successor from the stage at which they were, when the vacancy occurred.

Right of appeal.

69B. (1) Notwithstanding anything contained in any law or contract for time being in force, any employee (whether a teacher or other employee), in any university, affiliated college or recognised institution who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank by the University or the management and who is aggrieved, shall have a right of filing an appeal against any such order to the concerned Tribunal :

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided by a court or Tribunal of competent jurisdiction or is pending before such court or Tribunal on the date of coming into force of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003, or where the order of dismissal, removal or termination of service in other manner or reduction in rank was passed by the management at any time before the date of coming into force of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003, and in which case the period for filing of an appeal has already expired.

Mah. XIV of 2003.

Mah. XIV of 2003.

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

Provided that, where such order was made before the date of coming into force of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Act, 2003, such appeal may be made if the period of thirty days from the date of receipt of such order has not expired. Mah. XIV of 2003.

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

(4) Every appeal shall be accompanied by a fee of four hundred rupees, which shall not be refundable and shall be credited to the university fund :

Provided that, the State Government may by notification in the *Official Gazette*, revise such fees, from time to time.

General powers and procedure of Tribunal.

69C. (1) For the purposes of admission, hearing and disposal of appeals, the Tribunal shall have the same powers as are vested in an appellate court under the Code of Civil Procedure, 1908, and shall also have the power to stay the operation of any order against which an appeal is made, on such conditions as it may think fit to impose and such other powers as are conferred on it by or under this Act. V of 1908.

(2) The Presiding Officer of the Tribunal shall decide the procedure to be followed by the Tribunal for the disposal of its business including the place or places at which and the hours during which it shall hold its sittings.

(3) The Tribunal shall decide as expeditiously as possible every case, and an endeavour shall be made by the Tribunal to decide an appeal within three months from the date of filing of such appeal before the Tribunal. The Tribunal shall, if it is unable to dispose of any appeal within the period of three months, it shall put on its record the reasons for the delay in such disposal.

Powers of Tribunal to give appropriate reliefs and directions.

69D. (1) On receipt of an appeal, where the Tribunal after giving reasonable opportunity to both the parties of being heard, is satisfied that the appeal does not fall within the purview of sub-section (1) of section 69B or is not maintainable before it, or there is no sufficient ground for interfering with the orders of the University or management, it may dismiss the appeal.

(2) Where the Tribunal, after giving reasonable opportunity of being heard to the parties concerned, decides in any appeal that the order of dismissal, removal, or termination of service or reduction in rank was in contravention of any law, contract or conditions of service for the time

being in force or was otherwise illegal or improper, the Tribunal may set aside the order of the University or the management, as the case may be, partially or wholly, and direct the University or, as the case may be, the management :—

(*a*) to reinstate the employee on the same post or on a lower post as it may specify,

(*b*) to restore the employee to the rank which he held before reduction or to any lower rank as it may specify,

(*c*) to give arrears of emoluments to the employee for such period as it may specify,

(*d*) to award such lesser punishment as it may specify in lieu of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be,

(*e*) where it is decided not to reinstate the employee or in any other appropriate case, to give such sum to the employee, not exceeding his emoluments for six months, by way of compensation, regard being had to loss of employment and possibility of getting or not getting suitable employment thereafter, as it may specify ; or

(*f*) to give such other relief to the employee and to observe such other conditions as it may specify, having regard to the circumstances of the case.

(*3*) It shall be lawful for the Tribunal to recommend to the State Government that any dues directed by it to be paid to the employee may be deduced from the grant if payable to the University or, as the case may be, the management and be paid to the employee direct.

(*4*) Any direction issued by the Tribunal under sub-section (*2*) shall be communicated to the concerned parties, in writing and shall be complied with by the University or, as the case may be, the management, within the period specified in the direction, which shall not be less than two months from the date of its receipt by the University or, as the case may be, the management.

Decision of Tribunal to be final and binding.

69E. Notwithstanding anything contained in any law or contract for time being in force, the decision of the Tribunal on an appeal entertained and disposed of by it shall be final and binding on the employee and the University or, as the case may be, the management ; and no suit, appeal or other legal proceeding shall lie in any court or before any other Tribunal or authority, in respect of the matters decided by the Tribunal.

Penalty to management for failure to comply with Tribunal's directions.

69F. (*1*) If the university or, as the case may be, the management fails, without any reasonable cause, to comply with any direction issued by the Tribunal under section 69D within the period specified in the order, or within such further period as may be allowed by the Tribunal, the university or, as the case may be, the management shall, on conviction, be punished,—

(*a*) for the first offence, with fine which may extend to one thousand rupees :

Provided that, in the absense of special and adequate reasons to the contrary to be mentioned in the order of the Tribunal, the fine shall not be less than one hundred rupees, and

(*b*) for the second and subsequent offences, with fine which may extend to two thousand rupees :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the order of the Tribunal, the fine shall not be less than five hundred rupees :

Provided further that, when the direction issued by the Tribunal is not complied within the period stipulated in the direction or within such further period as allowed by the Tribunal, and when the contravention is a continuing one, the convicted person shall be punished with a further fine of rupees one hundred per day during which such contravention continues after conviction.

(2) (*a*) Where the University or, as the case may be, the management committing an offence under this section is a society, every person who at the time the offence was committed, was in charge of and was responsible to the society for the conduct of the affairs of the society, as well as the society shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any person liable to the punishment, if he proves that the offence was committed without his knowledge or that he had exercised all the due diligence to prevent commission of such offence.

(*b*) Notwithstanding anything contained in clause (*a*), where the offence has been committed by a society and it is proved that the offence has been committed with the consent or connivance of, or attributable to any neglect on the part of the Executive Council of the University or any President, Chairman, Secretary, Member, Principal or Manager or other officer or servant of the society, such Executive Council, President, Chairman, Secretary, Member, Principal or Manager or other officer or servant concerned, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section, " a society " means a society registered under the Societies Registration Act, 1860 or a public trust registered under the Bombay Public Trusts Act, 1950, or any other body corporate, and includes an association or body of persons, by whatever name called, under whose management one or more colleges or institutions are conducted and admitted to the privileges of the University. XXI of 1860. Bom. XXIX of 1950.

Legal practitioners excluded from appearance.

69E. Notwithstanding anything contained in any law for time being in force, a legal practitioner shall not be entitled to appear on behalf of any party in any proceedings before the Tribunal. ".

Repeal of Mah. Ord. II of 2003 and saving.

Mah. Ord. II of 2003.

12. (*1*) The Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) (Amendment) Ordinance, 2003, is hereby repealed.

Mah. XLI of 1983.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the Principal Act, as amended by this Act.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई