

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 1st January 2019

NOTIFICATION

MAHARASHTRA PUBLIC UNIVERSITIES ACT, 2016.

No. PARINI-2018/C.R.No. 88/VI. SHI. 2.—In exercise of the powers conferred by sub-section (10) of section 72 read with clause (zj) of section 31 of the Maharashtra Public Universities Act, 2016 (Mah. Act. No. VI of 2017), the Government of Maharashtra hereby, prescribes the Uniform Statute, relating to penalties to be imposed upon erring affiliated colleges/recognised institutions, namely :—

UNIFORM STATUTE No. 1 OF 2019.

1. *Short title.*—This Statute may be called the Maharashtra Public Universities (Penalties to be Imposed upon Erring Affiliated Colleges/Recognised Institutions) Uniform Statute, 2018.

2. *Violation of Conditions.*— An affiliated college or recognised institution or the management thereof, as the case may be, shall be liable for disciplinary action if it,—

(1) violates any of the conditions of affiliation/recognition as prescribed in sub-section of section 108 of the Act ;

(2) acts in a manner prejudicial to the interest of the University and/or acts detrimental to the educational standards ;

(3) submits eligibility forms, examination forms or any other forms beyond the date prescribed ;

(4) neglects to take due care to maintain peaceful and proper atmosphere during the conduct of examinations ;

(5) neglects to exercise due care in the smooth, proper and strict conduct of the examinations, leading to the instances of the mal-practices or adoption of unfair-means at the examination centres of the affiliated college or recognised institution ;

(6) permits or encourages directly or indirectly mal-practices in the conduct of examinations ;

(7) collects unauthorized or higher fees from the students ;

(8) neglects to take appropriate disciplinary action as directed by the University against the Principal/Director/teachers or other employees as per the relevant provisions in the Statute, Standard Code, or any other rules for the time being in force, as the case may be ;

(9) neglects to implement or comply with the decisions of the Grievances Redressal Cells of the University constituted under the relevant provisions of the Maharashtra Public Universities Act, 2016 (Mah. Act. No. VI of 2017), appropriately and promptly ;

(10) commits any other act which, in the opinion of the Management Council, is an act violating the conditions of affiliation/recognition, as the case may be, and/or other rules or directives or orders of the University.

3. *Penalties.*—The Management Council may impose any one or more of the following penalties upon the affiliated college or recognised institution or the management thereof, as the case may be, which if found guilty of an act of violation of any of the conditions specified in clause 2, commensuration with the gravity of an act of violation of conditions, namely :—

(1) warning/reprimand ;

(2) a fine not less than rupees ten thousand and not exceeding rupees ten lakh ;

- (3) prohibition to continue unauthorized division or course beyond the respective academic year ;
- (4) prohibiting the students to complete the unauthorized course or to appear for examination ;
- (5) denial to accept the eligibility forms, examinations forms or any other forms submitted beyond the prescribed date ;
- (6) discontinuation of the centre for conducting the examinations for a specified period ;
- (7) a fine of the amount equivalent to five times the total fees charged to the students admitted in excess along with the reduction in the strength in the courses or divisions or students for the subsequent year(s) not more than number of courses or divisions or students admitted in excess of the permitted strength for that academic year;
- (8) suspension of affiliation or recognition, as the case may be, and prohibiting new admissions of the students to the courses;
- (9) any other punitive action, as it may deem fit.

4. *Procedure to Impose Penalties.*—(1) Upon receipt of a complaint, or *suo motu*, if the Board of Deans is, *prima-facie*, satisfied that the affiliated college or recognised institution or the management thereof, as the case may be, has committed violation of any of the conditions provided in clause 2, it shall issue a notice to the management of the erring affiliated college or recognised institution about alleged act of violating conditions and shall require the management to submit written explanation to the Pro-Vice-Chancellor, within a period of fifteen days. A copy of such notice shall also be sent to the Principal of the affiliated college or Head of the recognised institution, as the case may be ;

(2) In case the management fails to submit the written explanation within the stipulated period or admits the acts of violation of conditions indicated in the notice, the Board of Deans shall submit its report to the Management Council for deciding the quantum of penalties to be imposed upon the erring affiliated college or recognised institution or the management thereof, as the case may be ;

(3) If the management does not admit the acts of violation of conditions indicated in the notice, the Management Council shall appoint a committee to cause an inquiry into the matter ;

(4) The inquiry committee shall offer reasonable opportunity to be heard to the University and to the management of the erring affiliated college or recognised institution to present their respective claims, with oral and documentary evidence. The inquiry committee shall record its findings on each act of violation of conditions indicated in the notice and shall also record the reasons for such findings. The inquiry committee shall complete the inquiry and submit the report to the Management Council, within thirty days from date of its constitution ;

(5) The Management Council on the basis of the findings of the inquiry committee shall decide to impose, any or all of the penalties and fines prescribed in clause 3, as it may deem fit ;

(6) Upon the Management Council deciding the quantum of penalties, the Board of Deans shall issue the management of the erring affiliated college or recognised institution, a final notice to show cause as to why penalty as decided by the Management Council should not be imposed on it and shall require the management to submit the written explanation within a period of fifteen days. On receipt of the written explanation and or in absence thereof, the Board of Deans shall place the notice and the written explanation before the Management Council in its ensuing meeting, which shall, after taking consideration of the cause shown by the management of the erring affiliated college or recognised institution, decide the quantum of penalty to be imposed ;

(7) The Board of Deans shall inform the management of the erring affiliated college or recognised institution, of the penalty so imposed, within fifteen days from the date of decision of the Management Council ;

(8) If the management fails to comply with the order of the University imposing penalty, without any reasonable cause, within the period specified in the order, or within such further period as may be allowed by the University, the management, shall be liable to pay—

(a) the fine which may extend to five thousand rupees per day, for the first default ;

(b) the fine which may extend to ten thousand rupees per day, for the second and subsequent defaults.

5. *Effect of Imposition of Penalty.*— Imposition of the penalty under this Statute does not imply in any event that the irregularity committed by the erring affiliated college/recognized institution or the management thereof, as the case may be, is regularised or waived.

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

SIDHARTH KHARAT,

Joint Secretary to Government.