

A G E N D A

of the General Body Meeting of
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
held at 12.00 noon on **SUNDAY, the**
29th September, 2002 at
Shri. Pandharinath Arts and Commerce
College, Narkhed

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, the 29th September, 2002 at Shri. Pandharinath Arts & Commerce College, Narkhed is as follows :-

ITEM NO. 317 : CONFIRMATION OF MINUTES :

TO CONFIRM the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 26th May, 2002 at Babasaheb Dahanukar Sabhagruha - Phulsing Naik Mahavidyalaya, Pusad.

Note :- 1) Copy of the minutes was Circulated on pages 33 to 35 of 2002 NUTA Bulletin.

2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 26th May, 2002 at Babasaheb Dahanukar Sabhagruha - Phulsing Naik Mahavidyalaya, Pusad. published on page 34 of 2002 Nuta Bulletin. No correction is received.

ITEM NO. 318 : APPROVAL TO THE AUDITED STATEMENT.

To consider and approve the Audited Balance Sheet and Income and Expenditure Account of the Association for the year ended on 31st March, 2002.

Notes : (i) The copy of the Audited Balance Sheet and Income and Expenditure Account of the Association for the said Financial year is circulated on page 50 & 51 of 2002 NUTA Bulletin.

(ii) The Audited Balance Sheet and Income and Expenditure Account will be placed before the General Body by Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee.

(iii) If any honourable member has a query, regarding the Audited Balance Sheet and Income and Expenditure Account, he should make it, within a week from the date of posting of this Bulletin, to Prof. S.A.Tiwari, Treasurer, NUTA, 42, Shankar Nagar, Amravati-444 606, specifying the exact point on which he seeks information/ clarification. A copy of the query also be sent to Prof. B.T.Deshmukh, President, NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

ITEM NO. 319 : STATEMENT ON FIXED SECURITIES POSITION :

To Note the Statement no. 13 showing the position of the Fixed Securities of the Association as on 31st March, 2002.

Note : (i) Statement no.13 regarding the fixed securities of the Association as on 31st March, 2002, is circulated on page 52 of 2002 NUTA Bulletin.

(ii) The Statement showing the position of the Fixed Securities of the Association as on 31st March, 2002, will be placed before the General Body by Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee.

ITEM NO. 320 : UNIVERSITY GRANTS COMMISSION REGULATIONS 2002

To Note University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) (1st Amendment) Regulations 2002 NOTIFICATION No. F.1-1/2002(PS) Exemp. dated 31st July, 2002

(University Grants Commission (Minimum Qualifications

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION MEETING NOTICE : 2

Date : 25. 08. 2002

From
Dr. E.H.Kathale,
Secretary, NUTA,
N-162, Reshim Bagh, Nagpur-440 009.

To,
All the members
of the Nagpur University Teachers' Association
Dear members,

I have the honour to inform you that in exercise of the powers conferred on it by Article VIII of the Constitution of NUTA, the Executive Committee has decided to have the meeting of General Body at **12.00 Noon** on the date and at the place mentioned below.

2. Agenda of the General Body meeting is printed in this NUTA Bulletin. If you propose to suggest any amendments to any of the proposals/Resolutions included in the Agenda, you may send it to me within a period of one week from the date of the posting of this Bulletin. It will not be possible for the amendments received after the due date to be included in the additional agenda. Please send one copy of your amendment to Prof. B.T.Deshmukh, President, NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

3. Rules for proposing amendments to the proposals/resolutions are printed on page 97 of 1977 NUTA Bulletin. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,
Sd/- **Dr. E.H.Kathale**
Secretary, NUTA

Date and Place of the meeting
at 12.00 Noon on, Sunday, the
29th September, 2002
at Shri. Pandharinath Arts and Commerce
College, Narkhed

required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) (1st Amendment) Regulations 2002 NOTIFICATION No. F.1-1/

2002(PS) Exemp. : 31st July, 2002 was circulated on page 58 of 2002 NUTA Ex file.)

विषय क्रमांक ३२१ :

कंत्राटी पद्धतीने शिक्षकीय पदे भरण्याचा निषेधार्ह निर्णय

**TREASURER'S EXPLANATORY NOTE
GIVING DETAILS OF EXPENDITURE
ON ESTABLISHMENT EXPENSES FOR THE YEAR
ENDED ON 31ST MARCH 2002**

In the Income and Expenditure Account of the Audit Report for the year ended on 31st March 2002 an amount of Rs.1,37,243.39 is shown as expenditure towards **establishment expenses**. The General Body meeting of NUTA dated 15.4.79 while discussing the audit report for the year ending on 31st March 1978 had resolved (vide item no.(3) (c) on page no. 109 of 1979 NUTA Bulletin,) that "the treasurer will circulate a brief explanatory note regarding income and expenditure giving details of expenditure as far as possible along with financial statements hereinafter". Hence the details of the break up of establishment expenses are given here.

**ESTABLISHMENT EXPENSES FOR THE YEAR ENDED
ON 31ST MARCH 2002**

Particulars	Amount Rs.P.
Travelling Expenses	24,961.00
Printing and Stationery	32,546.50
Telephone & Trunk Call	10,327.89
Meeting Expenses	7,626.00
Bank Commission	9,523.00
Postage	13,443.00
Affiliation Fees	5,600.00
Legal Expenses	2,780.00
Clerks/Peon's Salary	2,400.00
Loss on sale of Investment	28,036.00
Total	1,37,243.39
5th July 2002	Sd. S. A. Tiwari Treasurer, NUTA

कार्यकारी मंडळाच्या वतीने प्रा.अनिल ढगे हे पुढील प्रस्ताव मांडतील :-
शासनाच्या उच्च व तंत्रशिक्षण विभागाने दि. २५ जूलै २००२ ला एक शासन आदेश जारी करून उच्च व तंत्रशिक्षण विभागांतर्गत येणाऱ्या शिक्षकीय रिक्त पदांच्या २/३ पदे केवळ तात्पुरत्या स्वरूपात कंत्राटी पद्धतीने भरण्यास मान्यता दिली आहे. या नियुक्त्या जास्तीत जास्त २ वर्षासाठी ठोक वेतनावर करण्यात यावयाच्या असून अधिव्याख्याता, प्रपाठक, प्राध्यापक व प्राचार्य यांना त्यांच्या वेतनश्रेणीतील केवळ सुरुवातीचे मूळ वेतन दिले जाणार आहे.

महाराष्ट्र शासनाने उपरोक्त शासन आदेशाने आणलेली व्यवस्था हा संपूर्ण कायदाबाह्य प्रकार असून उच्च शिक्षण व्यवस्था मोडकळीस आणण्याच्या दिशेने टाकलेले हे पाऊल आहे, हे स्पष्टपणे नमुद करणे आवश्यक आहे. उच्च शिक्षणातील दर्जा कायम राखणे; या विद्यापीठ अधिनियमात नमूद असलेल्या विद्यापीठाच्या उद्दीष्टांशी व विद्यापीठ अनुदान आयोगाच्या मार्गदर्शक तत्वांशी सदर शासन आदेश विसंगत असून या क्षेत्रात अनेक नवीन समस्या या आदेशाने निर्माण होणार आहेत.

विद्यापीठातील तसेच संलग्न महाविद्यालयातील शिक्षकांची अधिनियम व परिनियमात नमूद असलेली अर्हता, निवड समिती, निवड प्रक्रिया व सेवाशर्ती याहून भिन्न निवडप्रक्रिया, निवड समिती व सेवाशर्ती या शासन आदेशात सुचविण्यात आल्या असून त्यामुळे उच्च शिक्षण व्यवस्थेत शिक्षकांचा एक नवा वर्ग निर्माण होणार असून समान पात्रता धारण करणाऱ्या शिक्षकांमध्ये वेतन व सेवाशर्तीच्या संदर्भात भेदभाव होणार आहे. आधी प्राथमिक, त्यानंतर माध्यमिक व उच्च माध्यमिक स्तरावर "शिक्षण सेवक" योजनेचा प्रयोग झाल्यावर आता उच्च शिक्षणातही कंत्राटी नियुक्त्यांचा प्रयोग करण्यामुळे या क्षेत्राचे भरून न येणारे नुकसान आपण करीत आहोत ही बाब शासनाच्या लक्षात येवू नये ही दुर्दैवी बाब होय. त्यामुळे कायद्याने अस्तित्वात असलेली उच्च शिक्षण व्यवस्था शासन आदेशाने मोडीत काढण्याच्या शासनाच्या या प्रयत्नास संघटना तीव्र विरोध नोंदवित असून हा आदेश तातडीने मागे घ्यावा अशी शासनास विनंती

SCHEDULE VIII (Vide Rule 17 /1)
Trust Reg. No. F-1594

C.R. Sagdeo & Co. Chartered Accountants
"Prabha Niwas" Jail Road, Nagpur 440 022.
Phone :524634

NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
Place : Nagpur -- Taluka : Nagpur -- District : Nagpur
BALANCE SHEET AS AT 31ST MARCH 2002

FUNDS & LIABILITIES	Rs. P.	Rs. P.	PROPERTY & ASSETS	RS. P.	RS. P.
I TRUST FUND OR CORPUS Life membership fee Balance as per Last B/S ... 32,45,875.32 Adjustment during the year ... 4,41,525.00		36,87,400.32	I IMMOVABLE PROPERTIES (As per Sch.C) Fields Balance as per last B/S ... Additions or deductions ...		99,242.76
II OTHER EARMARKED FUND Depreciation Fund ... Legal Aid fund ... Sinking Fund ... Reserve Fund ... Any other (Silver Jubilee) Fund (As per Schedule 'A') ...		32,07,316.10	Buildings Balance as per last B/S ... Additions or deduction Dep. Furniture and Fixtures Balance as per last B/S ... Addition or deductions ... Depreciation 10% ...		
III LOANS Secured or unsecured From Trustees ... From Others ...			II INVESTMENTS As Per Shedule 'D' ...		37,46,400.00
IV LIABILITIES As per schedule 'B' ... For expenses ... For advances ... For rent/ other deposits ... For Sundry credit balances ... For Nuta Special Bulletin ...		2,731.00	III LOANS & ADVANCES A) Loans: Secured/Unsecured Loan Scholarship ... Other Loans ... B) Advances To trustess ... Deposit in Post Office ... To employees ... To contractors ... To lawyers ... To Other TDS ... (As per Sch 'E')		1,900.00
V INCOME AND EXPENDITURE ACCOUNT Balance as per Last B/S ... 9,19,798.21 Less appropriation if any add/less :surplus/ deficit as per I/E Account ... 1,22,428.17		7,97,370.04	IV INCOME OUTSTANDING House Rent ... Nuta Spe. Bullutin Exp ... Exp. during the year ... Land Rent ... Interest ... Other Income ...		24,896.64
TOTAL Rs.		61,00,077.38	V CASH AND BANK BALANCES (a) Cash in hand with Shri. (b) As per Schedule 'F' ...		22,27,637.98
The above Balance sheet to the best of my belief contains a true account of the Funds and libalities and assets of the trust As per Our report of even date Trustee: S/d. S.A.Tiwari Trust Address : Nagpur Date 5th July 2002			TOTAL Rs.		61,00,077.38

करीत आहे.

विधीमय माध्यमांच्याद्वारे "नेट-सेट सक्तीची केलेली नसतांना गेली १०-१२ वर्षे नेट-सेट सक्तीची करण्याचा सतत उद्घोष शासनाने लावला होता. आता मा. राज्यपालांनी सम्मत केलेल्या परिनियमांनी नेट-सेट विधिवतरित्या सक्तीची केलेली असतांना शासन नेट-सेट नसलेल्या लोकांना भरती करण्याचा शासननिर्णय निर्गमित करीत आहे ही केवढी हास्यास्पद वाब आहे.

विषय क्रमांक ३२२ :

वेतन वितरण विलंबाने होण्याबाबत तक्रारी

कार्यकारी मंडळाच्या वतीने डॉ.एकनाथ कठाळे हे पुढील प्रस्ताव मांडतील :-

वेतन वितरणामध्ये होणाऱ्या विलंबाबाबत विहित नमुन्यामध्ये तक्रारी दाखल करण्यात याव्यात असे ठरविण्यात येत आहे. व्यथित युनिटच्या अध्यक्ष व सचिवांच्या स्वाक्षरीने या तक्रारी नोंदविण्यात याव्यात. त्या महाविद्यालयातील/विद्यापीठातील सर्व शिक्षक व शिक्षकेतर कर्मचाऱ्यांनी या निवेदनावर स्वाक्षऱ्या करावयाच्या आहेत. ज्या महिन्याचे वेतन झाले नसेल त्या महिन्याबाबतची तक्रार त्या पुढील महिन्याच्या १० ते १५ तारखेच्या दरम्यान नोंदविण्यात यावी असेहि ठरविण्यात येत आहे.

ITEM NO. 323 :

MAH. ORDINANCE NO. VIII OF 2002. FURTHER TO AMEND THE MAHARASHTRA UNIVERSITIES ACT, 1994.

To Note MAHARASHTRA ORDINANCE No. VIII OF 2002. AN ORDINANCE further to amend the Maharashtra Universities Act, 1994.

(MAHARASHTRA ORDINANCE No. VIII OF 2002. AN ORDINANCE further to amend the Maharashtra Universities Act, 1994. is circulated on page 62 of 2002 NUTA Ex file.)

विषय क्रमांक ३२४ :

नियमितपणे वेतन देण्याची व्यवस्था

डॉ.वसंत मो. उमरकर पुढील प्रस्ताव मांडतील :-

महाराष्ट्र शासनाने महाविद्यालयीन शिक्षकांचे वेतन दरमहा नियमित करण्याचे मान्य केले असतांना सुद्धा मागील दीड वर्षापासून दोन दोन महीने शासन

अनुदान (वेतन) पाठवित नसल्यामुळे शिक्षकांचे वेतन दोन दोन महीने उशीरा होत आहे. महाविद्यालयातील शिक्षकांना पूर्वीप्रमाणेच दरमहा नियमितपणे वेतन देण्याची शासनाने व्यवस्था करण्याबाबत नुटा संघटनेने शासन स्तरावर प्रयत्न करून शिक्षकांना दरमहा नियमितपणे वेतन मिळण्यात यावे.

विषय क्रमांक ३२५ :

वेतन वेळेवर न होणे

प्रा.टी.एस.नरवाडे पुढील प्रस्ताव मांडतील :-

सर्व प्राध्यापकांचे माहेवारी वेळेवर वेतन होत नाही, त्याचप्रमाणे वेतनातून होणारी कपात उदा. पतसंस्थेचे कर्ज, विमा, भविष्यनिर्वाह निधी, आयकर व व्यवसाय कर इत्यादी संबंधितांकडे वेळेवर पाठवित नाहीत. परिणामी व्याजाचा भुर्दंड सहन करावा लागतो हे अयोग्य आहे.

ITEM NO. 326 :

BENEFIT OF TWO ADVANCE INCREMENTS

Prof. G.P.Bagmar will move the following resolution. :-

Be it resolved to request the AIFUCTO, through MFUCTO to approach the H.R.D. Ministry, Govt. of India and the U.G.C. to extend the benefit of two advance increments to those teachers also who had acquired Ph.D. before 1.1.96 but retired between 1.1.96 and 27.7.98.

विषय क्रमांक ३२६ :

पाचव्या वेतन आयोगाची थकवाकी

प्रा. संजय पाटील हे पुढील प्रस्ताव मांडतील :-

“वरिष्ठ महाविद्यालयीन शिक्षकांना पाचव्या वेतन आयोगाची थकवाकी देण्यात येण्यासंबंधी आदेश होऊनही अद्याप नेट/सेट ग्रस्त प्राध्यापकांना (अमरावती प्रशासकीय विभागातील) त्यांना देय असलेल्या नगदी थकवाकीची केवळ ८० टक्के एवढीच रक्कम मिळालेली आहे. उर्वरित २० टक्के रक्कम मिळालेली नाही. आणि भविष्य निर्वाह निधीमध्ये जमा होणारी रक्कम खात्यामध्ये जमा झालेली नाही. त्याचप्रमाणे ज्या शिक्षकांना नेट/सेट परीक्षेतून सुट मिळालेली आहे त्यांना अद्याप कोणतीही रक्कम मिळालेली नाही. म्हणून यासंदर्भात संबंधितांकडे पाठपुरावा करण्यात यावा.”

SCHEDULE IX (Vide Rule 17 /1)
Trust Reg. No. F-1594

C.R. Sagdeo & Co Chartered Accountants
"Prabha Niwas" Jail Road, Nagpur 440 022.
Phone : 524634

NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
Place : Nagpur * Taluka : Nagpur * : District Nagpur
INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDING ON 31st MARCH 2002

EXPENDITURE	RS. P.	INCOME	RS. P.
To Expenditure in respect of Properties		By House Rent Accrued/Realised ...	
Rate, taxes, cesses Income Tax ...		By Agriculture Income	
Repairs and maintenance		By land Rent Accrued/Realised	
Salaries		By Interst Accrued Realised	
Insurance		On Securities	1,65,902.00
Depreciation		On Loans	47,744.00
Other expenses		On Bank account (FDR & Savings)	1,83,143.40
To Establishment expenses(As per.Sch 'G')	1,37,243.39	By Divident on Units of U.T.I	
To Remuneration to trustees		By Donation in cash or Kind	
To Remuneration (in the case of a math)		By Grants	
to the head of the math including		By Income from other sources	
his house hold expenditure, if any		Interest on Income Tax refund	
To Legal expenses		By Transfers from Reserve	
To audit fee	1,575.00	(U.T.I.M.I.P. 88 Maturity	
To amount Written of		By deficit carried over to balance sheet	
(a) Bad debts		Total Rs	3,96,789.40
(b) Loan Scholarship			
(c) Irrecoverable rents... ..			
(d) Other items... ..			
To Miscellaneous Expenses	16,287.00		
To Depreciation on Bldg			
To Depreciation on furn.			
To Depreciation on Computer	11,484.84		
To Depreciation on Air Conditioner			
To Expenditure on objects of the trust			
(a) Religious			
(b) Educational NUTA Bulletin Expenses ...	1,07,771.00		
(c) Medical Relief			
(d) Relief of Poverty			
(e) Other Charitable object	1,22,428.17		
Surplus Carried over to B/S			
Total Rs.	3,96,789.40		

As per Our report of even date
For C.R.SAGDEO & CO
Chartered Accountants
illegible/Partner

Trustee/Sd/-S.A.Tiwari
Trust Address : Nagpur
Date 5th July 2002

ITEM NO. 328 :
5TH PAY COMMISSION ARREARS

Prof. D.B.Pande will move the following resolution. :-

“Pursue the matter relating to the balance 20% amount of 5th pay Commission arrears to be released by Government and to be received to all lecturers in colleges affiliated to Nagpur University.”

महाविद्यालयीन अधिव्याख्याता पदावरील नियुक्त्यांबाबत

महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग

शासन परिपत्रक क्रमांक : एनजीसी १२०१/२०६११/(१४४/०१) विशि-४

मंत्रालय विस्तार भवन, मुंबई ४०० ०३२.

दिनांक : २८ सप्टेंबर २००१

परिपत्रक : विद्यापीठ अनुदान आयोगाच्या मार्गदर्शक सूचनांनुसार महाविद्यालयीन अधिव्याख्याता पदावरील नियुक्त्यांकरीता उमेदवारांना संबंधित विषयातील किमान शैक्षणिक अर्हते व्यतिरिक्त राष्ट्रीय पात्रता परीक्षा/राज्यस्तरीय पात्रता परीक्षा (नेट/सेट) उत्तीर्ण असणे ही आवश्यक अट आहे. विद्यापीठ अनुदान आयोगाने ही अट नियुक्ती करीता अनिवार्य ठरविली आहे. शासन निर्णय दिनांक १३.६.२००० अन्वये सर्व विद्यापीठांना/महाविद्यालयांना सूचित करण्यांत आले आहे की, दिनांक ४.४.२००० नंतर महाविद्यालयांत विगर नेट/सेट उमेदवारांच्या नियुक्त्या कोणत्याही परिस्थितीत करण्यांत येऊ नयेत. या परीक्षा प्रत्येकी वर्षातून दोन वेळा घेतल्या जातात. सेट परीक्षा घेण्याकरिता पुणे विद्यापीठाला नोडल एजन्सी म्हणून नियुक्त करण्यांत आले असून त्यांच्यामार्फत सेट परीक्षा घेतल्या जातात. परीक्षांचे निकाल वेळोवेळी सर्व विद्यापीठांना कळविले जातात. असे असूनही महाविद्यालयांमधून नेट/सेट उमेदवार उपलब्ध नाहीत ही सबब सांगून विगर अर्हता धारकांना नियुक्त्या दिल्या जातात असे शासनाच्या निदर्शनास आले आहे ही अतिशय गंभीर स्वरूपाची बाब आहे. शासन महाराष्ट्र विद्यापीठ कायदा १९९४ मधील नियम ८ (४) अन्वये सर्व विद्यापीठांना असे निर्देश देत आहे की, महाविद्यालयांकडून पदे भरण्याबाबतची मागणी पत्रे त्यांच्याकडे प्राप्त झाल्यावर त्यांच्याकडे उपलब्ध असलेल्या नेट/सेट अर्हताधारकांची यादी महाविद्यालयांना उपलब्ध करून द्यावी व या यादीतून निवड समितीच्या माध्यमातून पात्र उमेदवारांचीच नियुक्ती करावी. अपात्र उमेदवारांच्या नियुक्त्यांना विद्यापीठाने कोणत्याही परिस्थितीत मान्यता देऊ नये.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने

(अ.मा. भट्टलवार)

अवर सचिव, महाराष्ट्र शासन

UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110 002
F.5-3/2001 (PS) 31st AUGUST, 2001.

The Registrar,
of all Universities,
Education Secretaries of all States/UTs,
(As per list enclosed)

Sir/Madam,

As you are aware, the UGC, with the approval of Ministry of Human Resource Development had extended the benefit of two advance increments at the time of promotion as Reader/Lecturer (Selection Grade) to those teachers who have acquired/will acquire Ph.D. on or after 1.1.96.

The issue regarding grant of advance increments to teachers who acquired Ph.D. during service (prior to 1.1.96) was under consideration of the Government.

It has now been decided that teachers who acquired Ph.D. during service prior to 1.1.96 and who were not given the benefit of any advance increments as per the earlier Career Advancement Scheme may now be given the benefit of two advance increments. These shall however be applicable from 27.7.98.

Yours faithfully,
(Dr. Mrs. Pankaj Mittal)
Joint Secretary.

STATEMENT REGARDING THE FIXED SECURITIES OF THE ASSOCIATION AS ON 31ST MARCH, 2002.
STATEMENT NO.13

A) LIFE MEMBERS

1.	No.Of Members as on the day of Constitution amendment (9th May, 1976 i.e. to put membership fee in fixed deposits.)	214
2.	Total No. of Members as on the Date (9th Oct. 1988) of increasing the L.M.fees from Rs. 151 to 501)	2846
3.	No. of Members from 9th May 1976 to 9th Oct. 1988 (2-1) = (2846-214) =...	2632
4.	Total No. of Members as on the date (30th April 1991) of increasing the L.M. fees (from Rs. 501 to 2001)	3279
5.	No. of Members from 9th Oct. 1988 to 30th April 1991 (4-2)=(3279-2846)= ...	433
6.	Total No. of members as on the date (31st December 2000) of increasing the L.M.fees from (Rs. 2001 to 4001) ...	4344
7.	No. of Members from 30 April, 1991 to 31st December, 2000 (6-4) = (4344-3279) = ...	1065
8.	Total No. of members as on 31st March 2002...	4730
9.	No. of members from 1st January 2001 to 31st March 2002... Rs 2001 ...	376
	Rs. 4001 ...	10

B) TEACHERS WHO MADE PART PAYMENT OF L.M.FEES

10.	i) No of Teachers who have paid 501/500	76
	ii) A.No.of Teachers who have paid 1001/1000 ...	140
	iii) B.No.of Teachers who have paid 1501/1500 ...	02
11.	a) No.of Teachers who have paid 1001/1000 ...	11
	b) No.of Teachers who have paid 2001/2000 ...	19
	c) No.of Teachers who have paid 3001/3000 ...	--

C) AMOUNT OF L.M. FEES RECEIVED....

Rupees

12.	Amount Received from Members mentioned at Sr.No.1 above Rs.	00-00
13.	Amount Received from members at Sr.No.3 above (2632 x 151)	3,97,432-00
14.	Amount Received from members mentioned at Sr.No.5 above (433 x 501)	2,16,933-00
15.	Amount Received from members mentioned at Sr. No. 7 above. (1065 x 2001)	21,31,065.00
16.	Amount Received from members mentioned at Sr. No. 9 above (376 x 2001)..... (10 x 4001) ...	7,52,376.00 40,010.00
17.	Amount Received from members mentioned at Sr. No. 10 & 11 above (1,81,218 + 49,030)...	2,30,248.00
18.	Total amount of L.M.Fund received from all the members mentioned at Sr.No. 12+13+14 +15+16+17 above. and hence expected to have been invested in fixed Securities	37,68,064.00
D) TOTAL AMOUNT IN FIXED SECURITIES.		
19.	Total amount invested in fixed securities (Details as per Appendix A & B) (16,47,360 + 21,00,000) =	37,47,360.00
20.	Total Balance in life membership Ac. (A/c.19893) Dr	35,534.11
21.	Total amount in fixed Securities and cash in the Bank (19+20)	37,82,894.11
22.	Amount of cheques under Realisation since they are deposited recently	---
23.	Total of 21 and 22 above.....	37,82,894.11
24.	Surplus of 23 over 18	14,830.11

APPENDIX 'A'

Statement regarding the Fixed Securities of the Association as on 31st March, 2002 (See Item at Serial No.19 in the statement).

UNITS OF UNIT TRUST OF INDIA-MISG SCHEMES

Sr. No.	Unit Certificate No.	No.of Units	Face Value of Each Unit	Amount of Investment	Date of Investment	Period of Investment	Rate of Dividend
1	2	3	4	5	6	7	8
1.	100951600044327	10400	10	1,04,000	30.05.95	7 Years	9%
2.	1121760007408	9936	10	99,360	01.05.97	5 Years	9.25%
3.	1121760104356	7500	10	75,000	05.06.97	5 Years	14%
4.	1121830054366	20000	10	2,00,000	07.03.98	5 Years	14%
5.	1121870067257	15500	10	1,55,000	12.05.98	5 Years	12.5%
6.	1121890082085	25000	10	2,50,000	18.08.98	5 Years	12%
7.	1121900031912	39000	10	3,90,000	15.10.98	5 Years	12.5%
8.	1121150055042	11300	10	1,13,000	1.6.99	5 Years	10.75%
9.	112124004679	14000	10	1,40,000	1.10.99	5 Years	10.50%
10.	1121260018514	12100	10	1,21,000	31.1.2000	5 Years	10.25%
Total				16,47,360			

APPENDIX 'B'

Statement regarding the Fixed Securities of the Association as on 31st March, 2002 (See Item at Serial No.19 in the statement).

BANK OF MAHARASHTRA, MIDS SCHEMES

Sr. No.	MIDS Certificate	Amount of Investment	Date of Investment	Period of Investment	Rate of interest
1	2	3	4	5	6
1	620708/1	5,00,000	17.06.2000	39 Months	10%
2	620740/1	8,50,000	08.02.2001	39 Months	10.50%
3	620745/2	3,00,000	02.06.2001	39 Months	10%
4	620768/1	4,50,000	23.01.2002	39 Months	8.25%
Total		21,00,000			

Date : 5th July 2002

S.A.TIWARI, Treasurer,

Note : Statement No.12 was printed on page 103 of 2001 NUTA Bulletin.

(१)

NAGPUR UNIVERSITY

No. VC / 2002 / 616 : Date : May 22, 2002

ORDER

Dr. Babasaheb Ambedkar Education Society, Chandrapur has submitted the proposal dated 27.2.2002 for grant of permission to issue the order of termination to Shri. K.C. Joseph, Lecturer in Dr. Babasaheb Ambedkar College, Bramhapuri. As per the provisions of Statute 53, the proposal is submitted alongwith.

- 1) The copy of the enquiry report,
- 2) The explanation offered by the delinquent to the findings recorded in the enquiry report,
- 3) the minutes of the meeting of the Management Committee,
- 4) the show cause notice for punishment dated 9.2.2002, and
- 5) the reply of the delinquent to the said show cause notice.

I have perused the charges which were framed against the delinquent and the findings recorded by the Enquiry officer. It appears that despite the chances given by the Enquiry Officer-

- 1) the delinquent did not participate in the enquiry proceedings.
- 2) The charges are related to making a false representation,
- 3) Putting signature on the muster roll despite absence in the college,
- 4) not engaging the period of B.A.Part II,
- 5) claiming the extra remuneration without engaging the periods,
- 6) making complaints to the higher authorities with false and baseless allegations.
- 7) the delinquent is found guilty of the misconduct for submitting a false complaint to the University Grants Commission in a fictitious name which has been found to be made by the delinquent himself.

Taking into consideration the seriousness of the charges, the punishment of removal from the service proposed by the management does not appear to be disproportionate. The enquiry is also conducted by compliance with the principles of natural justice and no case is made out by the delinquent himself regarding institution of enquiry with a view to harass delinquent. The delinquent has also submitted a representation dated 18.2.2002 to the undersigned, alleging that there is no proof of the charges levelled against him.

In so far as justifying the action of issuing the order of removal from service is concerned, the principal responsibility is of the management and the university has a limited role of verifying the 3 ingredients namely :

- a) Whether the enquiry is conducted by following the principles of natural Justice?
- b) Whether the enquiry is initiated with a view to harass the employee?
- c) Whether full opportunity was given to the delinquent to defend his case?
- d) Whether the proposed punishment is disproportionate to misconduct proved against the delinquent?

In the present case after perusal of the enquiry report and the explanation submitted by the delinquent, I am of the considered opinion that the enquiry was required to be conducted and full opportunity was given to the delinquent to defend his case.

In the light of seriousness of the misconduct, the proposed punishment does not appear to be unreasonable. And so in exercise of powers under section 14(1) of M.U.Act, 1994 as a Chief Executive Officer of the University, I grant permission to the management of Dr. Babasaheb Ambedkar Education Society for issuing the order of termination to delinquent Shri. K.C. Joseph in terms of the proposal dated 27.2.2002

(A.S.Satputaley)
Vice- Chancellor
Nagpur University, Nagpur.

(२)

नागपूर विद्यापीठ

क्र.म.वि. ०१८८३ : दिनांक : ३.६.२००२

प्रति,
प्राचार्य,

डॉ. बाबासाहेब आंबेडकर महाविद्यालय, ब्रम्हपूरी.

विषय : प्रा. के.सी.जोसेफ निलंबनावाबत.

महोदय,

वरील विषयाचे अनुषंगाने आपणास कळविण्यात येते की, आपल्या महाविद्यालयातील इंग्रजी विषयाचे अधिव्याख्याता श्री. के.सी.जोसेफ यांचे निलंबनावाबत मा. कुलगुरुंनी दिलेल्या परवानगीच्या आदेशाची प्रत आपल्या माहिती व पुढील कार्यवाही करिता पाठविण्यात येत आहे.

कृपया कळावे.

सहपत्रे : मा. कुलगुरुंच्या आदेशाची मुद्रप्रत

आपला

सहाय्यक कुलसचिव (म.वि.)

नागपूर विद्यापीठ, नागपूर.

(३)

Nagpur University Teachers' Association

[B.P.T.A.Regn.No. F-1564 & Soc Regn. Act Regn.No. MAH/15/73(NGP)]

From :

Dr. E. H. KATHALESecretary, NUTA
N-162, Reshim Bagh,
Nagpur 444 009

No.

Date : 18.7.2002

Ph. : 741098

To,

The Hon'ble Vice-Chancellor, Nagpur University,
Nagpur.

Subject : Violation of Statute 53 of Nagpur University.
Sir,

The association learns that your honour has granted permission to the termination of teachers working in an affiliated colleges and thus violated the provisions of statute 53 of Nagpur University.

You are aware that the matter of approval of notice of termination of services of teachers of affiliated colleges has already been regulated by the Governing Statute No. 53 of Nagpur University which has been in existence in our University since 1978.

You are also aware that clause five of the statute 53 provides as under :-

“Termination of the services of any teacher shall take place only in accordance with the provisions of the college code ordinance (No. 24) and contract appended thereto.

Provided that, in case of a teacher, who is already confirmed prior to the commencement of this Statute or in case of a teacher covered by para 4 above, no notice of termination shall be issued or termination made effective without the prior approval of the Executive Council of Nagpur University”

As the provisions of ordinance 24, and Statute 53 are still in vogue, granting permission by the Vice-Chancellor to the management for issuance of termination notice to the teacher is a clear cut violation of the provisions of the said ordinance & statute.

Sir, according to the provisions of section 14(5) of M.U.Act, 1994, you are duty bound to implement the provisions of ordinances & statutes of the University.

We therefore, appeal to you :- (a) to withdraw the permission immediately which has been granted to the

management for issuing termination order to the teacher and ensure that the statute 53 is implemented faithfully. (b) to communicate to the Association the action taken by you on our representation.

Yours faithfully,
(Prof. Anil Dhage) (Dr. E.H.Kathale)
Vice-President, NUTA Secretary, NUTA

Copy forwarded to : 1) Hon'ble Chancellor, Nagpur University, Nagpur, Raj Bhavan, Mumbai. 2) Prof. B.T.Deshmukh, President, NUTA, Subodh Colony, Amravati.

(8)

Nagpur University Teachers' Association

[B.P.T.A.Regm.No. F-1564 & Soc Regm. Act Regm.No. MAH/15/73(NGP)]

From :
Dr. E. H. KATHALE
Secretary, NUTA
N-162, Reshim Bagh,
Nagpur 440 009

No. 19/S/002
Date : 25.7.2002
Ph. : 741098

To,
The Hon'ble Vice-Chancellor,
Nagpur University, Nagpur.

Subject : Violation of Statute 53 of Nagpur University.

Reference : Our Letter of 18.7.2002.

Sir,

The delegation of NUTA met you on 18.7.2002 and submitted a representation on violation of statute 53 of Nagpur University. In our representation you were specifically requested to withdraw the permission granted by you for termination to the teacher working in an affiliated colleges. You were also requested to communicate to the Association the action taken by you on our representation. I regret to bring to your kind notice that nothing has been communicated to the association so far on the above cited subject.

You are, therefore, requested to communicate the decision taken by you in this connection which will facilitate the association to decide the further course of action.

Thanking you.

Yours faithfully,
(Dr. E.H.Kathale)
Secretary, NUTA

Copy to President, NUTA Amravati.

RULES FOR PROPOSING AMENDMENTS
(Reproduced from page 97 of 1977
NUTA Bulletin)

1. Any proposal before the meeting may be amended
 - (a) by leaving out a word or words or
 - (b) by leaving out a word or words in order to add or insert a word or words or
 - (c) by adding or inserting a word or words.
2. An amendment to be in order shall :
 - (a) not constitute a direct negative to the original resolution :
 - (b) be relevant to and within the scope of the resolution to which it is moved.

(9)

Nagpur University Teachers' Association

[B.P.T.A.Regm.No. F-1564 & Soc Regm. Act Regm.No. MAH/15/73(NGP)]

From :
Dr. E. H. KATHALE
Secretary, NUTA
N-162, Reshim Bagh,
Nagpur 444 009

No. 21/S/002
Date : 5.8.2002
Ph. : 741098

प्रति,

मा. कुलगुरु, नागपूर विद्यापीठ, नागपूर

विषय :- नागपूर विद्यापीठाच्या परिनियम ५३ चे नागपूर विद्यापीठाच्या कुलगुरुद्वारे करण्यात आलेले उल्लंघन.

संदर्भ :- १) दि. १८.७.२००२ रोजी नुटा संघटनेनी दिलेले पत्र.

२. दि. २५.७.२००२ रोजी पत्र क्र. १९/एस/००२ द्वारे दिलेले स्मरण पत्र.

महोदय,

उपरोक्त विषयाचे संदर्भात दि. १८.७.२००२ रोजी आपणास एक निवेदन देण्यात आले त्यावेळी नुटा शिष्टमंडळाशी चर्चा करीत असतांना आपण प्राध्यापकांच्या सेवा मुक्तीच्या संदर्भात कुलगुरुनीच ती परवानगी देण्यासंबंधी आग्रही नसल्याचे प्रतिपादन केले होते व यासंबंधी उचित निर्णय घेऊन परिनियम ५३ द्वारे निर्माण केलेली व्यवस्था कायम ठेवण्यात येईल व तसे संघटनेला त्वरित कळविण्यात येईल असे मान्य केले होते.

संघटनेला आपणाकडून वरील विषयाचे संदर्भात शिष्टमंडळाशी चर्चा केल्याप्रमाणे पत्र न मिळाल्यामुळे दि. २५.७.२००२ रोजी एक स्मरणपत्र देऊन आपले लक्ष वेधण्यात आले होते. त्यानंतरही आपणाकडून कोणताच प्रतिसाद न मिळाल्यामुळे नुटा संघटनेच्या पदाधिकार्यांची बैठक अमरावती येथे बोलावून खालील प्रस्ताव संमत करण्यात आला. सभेच्या अध्यक्षस्थानी नुटाचे अध्यक्ष प्रा.वी.टी.देशमुख होते.

“नागपूर विद्यापीठाच्या परिनियम ५३ च्या परिच्छेद ५ च्या परंतुकांमध्ये संलग्न महाविद्यालयातील कायम शिक्षकावर सेवामुक्तीची नोटीस बजावण्यापूर्वी विद्यापीठाच्या व्यवस्थापन परिषदेची पूर्वानुमती घेणे आवश्यक असल्याची तरतूद स्पष्टपणे नमूद आहे. असे असतांनाही नागपूर विद्यापीठाच्या मा. कुलगुरुंनी अलीकडेच किमान दोन प्रकरणांमध्ये सदर बाब व्यवस्थापन परिषदेच्या विचारार्थ न ठेवता स्वतःच प्राध्यापकांच्या सेवामुक्तीला परवानगी देण्याचा निर्णय घेतला असल्याचे आढळून आले आहे.

परिनियमाने अशी परवानगी देण्याचा अधिकार व्यवस्थापन परिषदेला असतांना, मा. कुलगुरुंनी स्वतःच ही परवानगी देण्याच्या निर्णयामुळे व्यवस्थापन परिषदेचा अधिकार झाला असेच केवळ नसून परिनियम ५३ चे स्पष्टपणे उल्लंघन झालेले आहे. महाराष्ट्र विद्यापीठ अधिनियम १९९४ च्या कलम १४(५) नुसार कायदा, परिनियम, अध्यादेश, नियम व विनियमांची काटेकोर अंमलबजावणी करणे याबाबतची जबाबदारी ज्या कुलगुरुंवर टाकण्यात आलेली आहे त्यांनीच परिनियम ५३ च्या तरतुदींचे उल्लंघन करण्याची उघड कृती करावी ही अत्यंत दुर्दैवी बाब असून या कृत्याचा तीव्र निषेध करण्यात येत आहे.

शिक्षक संघटनांनी अनेक वर्षांच्या संघर्षानंतर मिळविलेली परिनियम ५३ ची व्यवस्था मोडीत काढण्याच्या या कृतीचा तीव्र निषेध करण्यात येत असून दिलेल्या परवानगीचे आदेश ताबडतोब मागे घेण्यात यावे अशी मागणी करण्यात येत आहे. तसे न झाल्यास सर्व विधिमय माध्यमांच्या द्वारे हा प्रयत्न हाणून पाडण्याचा निर्धार संघटनेकडून व्यक्त करण्यात येत आहे.

आपणाद्वारे परिनियम ५३ चे उल्लंघन झालेले असून या कृतीचा विरोध करण्यासाठी संघटनेद्वारे आपल्या कार्यालयापुढे दि. १९.८.२००२ रोजी दुपारी ३ ते ५ या वेळात धरणा व निदर्शने करण्यात येतील. या आंदोलन कार्यक्रमात नागपूर विद्यापीठ शिक्षक संघटनेचे पदाधिकारी व इतर प्राध्यापक सहभागी होतील.

परिनियम ५३ ची व्यवस्था मोडीत काढून प्राध्यापकांच्या सेवामुक्तीच्या संबंधी आपण स्वतःच ही परवानगी देण्याचा निर्णय घेऊन बेकायदेशीर कृत्य केलेले आहे. हे परवानगीचे आदेश त्वरित मागे घेण्यात यावे अशी आपणास आग्रहाची विनंती करण्यात येत आहे. अन्यथा हे आंदोलन अधिक तीव्र करण्यात येईल याची कृपया नोंद घ्यावी ही विनंती.

आपला नम्र,

(डॉ. एकनाथ कठाळे) सचिव, नुटा

पत्राची प्रत : प्रा.वी.टी.देशमुख, अध्यक्ष, नुटा, अमरावती यांचे माहितीसाठी सादर.

(6)

NAGPUR UNIVERSITY : DIRECTION NO. 22 OF 2002

DIRECTION PRESCRIBING THE PROCEDURE TO BE FOLLOWED BY THE UNIVERSITY FOR GRANT OF APPROVAL TO ISSUE NOTICE OF TERMINATION UNDER STATUTE - 53

(Issued under section 14(8) of the Maharashtra Universities Act, 1994)

(६)

NAGPUR UNIVERSITY

Dr. Arun Satputaley,
Vice Chancellor
Hony. Colonel
Commandant, NCC

VC/2002/724
August 13, 2002

To

1. Dr. E.H.Kathale,
Secretary, NUTA,
N-162, Reshimbag, Nagpur

2. Prof. Anil Dhage,
Vice-President, NUTA,
Khare Town, Dharampeth, Nagpur.

Subject : Prior permission of the University for issuing notice of termination to a confirmed teachers of affiliated college as per clause 5 of Statute 53.

Refnce : Your letter dated 18.7.2002, 25.7.2002 and 5.8.2002.

Sir,

With reference to the above mentioned subject and in response to your representations mentioned above the following facts are brought to your notice.

The issues were discussed in detail when the delegation of teachers led by Dr. E.H.Kathale had met the undersigned on 25.7.2002. In my capacity as the Vice-Chancellor of the university though the legal position was explained to the delegation, it was also made very clear that the undersigned was never adamant on the issue that the Vice-Chancellor individually should decide proposals.

Immediately after the meeting with the delegation, the undersigned had provided personal attention to the issue and the meeting of the standing Counsel of the University, Prof. Anil Dhage was convened so as to resolve the controversy and as per the opinion of the Counsel it was suggested that in order to regulate the matter it would be necessary for the Vice-Chancellor to issue Direction under Section 14(8) of the Act till the time statute 53 is not amended. The draft Direction was thereafter immediately made ready and was also considered by Prof. Anil Dhage so as to have his valuable suggestions in the matter. The Suggestions were thereafter taken in account and the final direction No. 22/2002 is issued on 9.8.2002, copy of which is enclosed herewith for your perusal.

In the light of the aforesaid Direction issued by the undersigned and immediate cognigence of the issues taken by the undersigned, the matter stands resolved.

I, therefore, appeal to you to evaluate all these circumstances so as to review your decision of staging demonstrations on 19.8.2002 from 3.00 to 5.00 P.M. on behalf of NUTA as is expressed in your communication dated 5.8.2002.

Thanking you.

Yours faithfully,
(A.S.Satputaley)

Copy to Shri. B.T.Deshmukh, M.L.C.
President, NUTA,
Near Vidarbha Mahavidyalaya, Amravati.

Whereas, the Maharashtra Universities Act No. XXXV of 1994 has come into force w.e.f. 22nd July 1994 and amended from time to time.

And

Whereas, the Nagpur University Act, 1974 came to be repealed as per the provisions of Section 115(1) of the M.U.Act, 1994, however, by virtue of the provisions of section 115(2)(xii) of the M.U. Act, 1994, it is provided that all Statutes and Ordinances made under the repealed Act will be in force to the extent to which they are not inconsistent with the provisions of the M.U. Act, 1994,

And

Whereas, as per the provisions of Statute 53 framed under the Nagpur University Act, 1994, prior approval of the Executive Council of Nagpur University was made mandatory for issuing notice of termination to a confirmed teacher in affiliated college.

And

Whereas, the M.U. Act, 1994 does not contemplate the existence of the Executive Council, however, under Section 27 of the Act Management Council is constituted with regard to the powers and duties prescribed under Section 28 of the Act,

And

Whereas, in terms of the provisions prescribed under Section 28(u) of the Act, the power is vested with the Management Council for prescribing by Statutes procedure for appointment of teachers, officers, and other employees of colleges affiliated to the university and also to prescribe the terms and conditions of their service and rules & procedures for their appointments and therefore granting of approval for termination of a confirmed teacher would fall within the ambit of terms & conditions of the services of the teachers of the affiliated colleges,

And

Whereas, after coming into force the M.U.Act, 1994, though the Vice-Chancellor of the University has used the powers of clause 5 of Statute 53 in his capacity as the Chief Executive Officer of the University, and accepted by the Hon'ble Tribunal in some matters and notwithstanding the stand taken by the university before the Hon'ble Court in various cases, keeping in view the letter and spirit of the provisions of section 28(u) of the Act, it would be necessary that the decisions with regard to grant of approval for issuing notice of termination to a confirmed teacher contemplated under clause 5 of statute 53 are taken by the Management Council in its collective wisdom,

And

Whereas, it is expedient to prescribe procedure for grant of approval to issue notice of termination to the confirmed teachers of affiliated colleges as per clause (5) of statute 53.

Now, therefore, I Dr. Arun Shankarrao Satputaley, Vice-Chancellor, Nagpur University, Nagpur do hereby issue the following direction by exercising powers vested in me under Section 14(8) of the M.U.Act, 1994.

1. This Direction shall be called as "Direction prescribing the procedure to be followed by the University for Grant of Approval to issue Notice of termination under statute 53"

2. This direction shall come into force from the date of its issuance. Provided that in those cases where the approvals are already granted by the Vice-Chancellor and where final action by the Management/Local Managing Committee/Principal on the basis of the said approval has not come in force, such cases shall also be covered by the present direction.

3. In this direction unless the context otherwise provides,

a) "Act" means Maharashtra Universities Act, 1994.

b) "Management Council" means the Management, council constituted under Section 27 of M.U.Act, 1994.

c) "Statute 53" means Statute 53 framed by the university under the provisions of N.U.Act, 1974 which is being in force by virtue of the provisions of section 115(2) (xii) of the M.U. Act, 1994.

d) Management means the management as defined as per Section 2(20) of the M.U.Act, 1994.

e) "Local Managing Committee" means the Local Managing Committee duly constituted as per Section 85 of the M.U.Act, 1994.

4. Every proposal submitted by the Management/Local Managing Committee/Principal of the affiliated college for grant of approval for issuing notice of termination to a confirmed teacher as contemplated under clause 5 of statute 53 shall be placed for consideration of the Management Council and the decision in that behalf will be taken by the Management Council of the University.

5. In order to evaluate the proposal, the Management Council shall constitute a sub-committee of not less than 3 persons (total number of members of the committee shall, however, be an odd number) and after receipt of the proposal by the university, every such proposal shall be placed for consideration by the Registrar before the sub-committee constituted by the Management Council.

6. The Sub-committee shall evaluate the proposal with regard to the following issue.

a. Whether the action initiated against the confirmed teacher by the Management/Local Managing Committee/Principal of the college was bonafide and was not actuated by malice.

b. Whether the requisite opportunity was granted by the enquiry officer to the teacher in the proceedings so as to comply with the minimum requirements of the principles of natural justice, and

c. Whether the proposed punishment is proportionate to the degree of misconduct proved against the teacher.

7. It would be competent for the sub-committee to issue notice to the Management/Local Managing Council/Principal as well as to the teacher concerned for producing on record any additional document, if felt necessary and it would also be within the authority of the sub-committee to hear the parties in case it is felt necessary by it.

8. After evaluating the proposal and after collecting such additional material as would be deemed necessary by the sub-committee, the sub-committee shall make recommendations in writing to the Management Council with regard to the said proposal clearly stipulating therein whether the university should or should not grant approval to the proposed action along with the requisite reasons therefor.

9. The recommendations of the sub-committee shall be placed for consideration before the Management Council and the Management Council shall take the final decision on the basis of the recommendations of the sub-committee. It would be competent for the Management Council to over ride the recommendations of the sub-committee for the specific reasons to be recorded in that behalf.

10. After the decision of the Management Council in the matter, the Registrar of the University shall communicate the decision of the Management Council to the concerned Management/Principal under his signature.

11. The University shall endeavour to decide the proposal finally within a period of six months from the date of receipt of the proposal, as far as possible.

12. If the university finally refuses the approval for the proposed action, it would be obligatory on the concerned Management/Principal to revoke the action initiated against the concerned teacher within 15 day from the date of receipt of the communication from the university.

13. The Direction 2 of 1997 issued on 24.4.1997 shall

accordingly stand repealed.

Nagpur
Dated : 9th August 2002.

(A.S.Satputaley)
Vice Chancellor

NAGPUR UNIVERSITY

No. R/ST/ORD/02/955

Dated 12th August, 2002

- Copy forward for information and necessary action to :
- (i) All the Heads of Post graduate Teaching Departments, N.U.Nagpur.
 - (ii) All the Principals/Directors of conducted colleges of N.U.Nagpur.
 - (iii) All the Principals of affiliated colleges of N.U.
 - (iv) The Controller of Examinations, Nagpur University, Nagpur.
 - (v) Dy. Registrar, (Exam/Acad), Nagpur University, Nagpur.
 - (vi) Asstt. Registrar, Superintendent (General Admn./Admn/College/Legal/Bcud/) Enquiry/Conf), Nagpur University.
 - (vii) Asstt. Registrar, Gadchiroli Sub Centre, Gadchiroli.

(C)

Nagpur University Teachers' Association

[B.P.T.A.Regno.No. F-1564 & Soc Regn. Act Regn.No. MAH/15/73(NGP)]

19.8.2002

To,
Hon'ble Vice Chancellor,
Nagpur University, Nagpur.

Subject : Violation of Statute 53 by the Vice-Chancellor, Nagpur University, Nagpur.

Reference : Your letter No. VC/2002/724 dated 13th August 2002.

Sir,

Thank you very much for your above referred letter and for the positive view taken by you on the issue.

Direction No. 22 of 2002 issued by you prescribes the procedure to be followed by the Management Council before granting or refusing permission for termination of a confirmed teacher of the affiliated college para 12 of the Direction, according to us is contradictory to the para 4 of the said Direction. Before granting or refusing permission by the university the management of the college is not supposed to initiate any action against the concerned teacher.

However, in preamble of the Direction you have in explicit terms mentioned that power of granting approval for termination of a confirmed teacher would fall within the ambit of terms and conditions of the services of the affiliated colleges and the same is vested with the Management Council, and thus restored the power with the Management Council as stipulated in Statute 53 of Nagpur University.

Once again we express our thanks for giving your personal attention to the subject of prime importance for teachers working in affiliated Colleges and we cancel our proposed demonstration of 19th August 2002 in response to your appeal.

Thanking you,

Yours faithfully,

(Prof. Anil Dhage)
Vice-President, NUTA

(Dr. E.H.Kathale)
Secretary NUTA

Copy forwarded for information to :
Prof. B.T.Deshmukh, President, NUTAAmravati.

महाराष्ट्र शासन राजपत्र : असाधारण : प्राधिकृत प्रकाशन

मंगळवार, जून १८, २००२ ज्येष्ठ २८, शके १९२४

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 Universities (Amendment) Ordinance, 2002 (Mah. Ord. VIII of 2002), 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.

[Translation in English of the Maharashtra Universities (Amendment) Ordinance, 2002 (Mah. Ord. VIII of 2002), published under the authority of the Governor.]

HIGHER AND TECHNICAL EDUCATION DEPARTMENT : MANTRALAYA, MUMBAI 400 032, DATED THE 18TH JUNE 2002.

MAHARASHTRA ORDINANCE No. VIII OF 2002.
AN ORDINANCE

further to amend the Maharashtra Universities Act, 1994.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action; further to amend the Maharashtra Universities Act, 1994, (Mah. XXXV of 1994.) for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Universities (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

Amendment of section 56 of Mah. XXXV of 1994.

2. (1) In section 56 of the Maharashtra Universities Act, 1994 (Mah. xxxv of 1994) (hereinafter referred to as “the principal Act”), for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The composition of the Maharashtra State Council for Higher Education shall be as follows, namely :—

(1) Chief Minister ... *Chairman.*

(2) Minister for Higher and Technical Education ... *Vice-Chairman.*

(3) Minister of State for Higher and Technical Education ... *Member.*

(4) Two Members of the Maharashtra Legislative Assembly nominated by the Speaker of the Maharashtra Legislative Assembly... *Member.*

(5) One Member of the Maharashtra Legislative Council nominated by the Chairman of the Maharashtra Legislative Council ... *Member.*

(6) Four educational experts or educational Administrators nominated by the Chancellor, of which one shall be the representative of the management .. *Members.*

(7) One principal nominated by the Chancellor from amongst the principals .. *Member.*

(8) One teacher nominated by the Chancellor from amongst the teachers .. *Member.*

(9) Three Vice-Chancellors of the Universities in the State nominated by the Chancellor from amongst the Vice-Chancellors .. *Members.*

(10) The Secretary, Higher and Technical Education Department .. *Member.*

(11) The Secretary, Medical Education Department .. *Member.*

(12) The Secretary, Planning Department ... *Member.*

(13) The Secretary, Finance Department ... *Member.*

(14) The Secretary, Sports Department ... *Member.*

(15) Director, Technical Education, Maharashtra State...

Member.

(16) Director, Higher Education, Maharashtra State ... *Member-Secretary.*”.

(2) On the date of coming into force of the Maharashtra Universities (Amendment) Ordinance, 2002, (Mah Ord. VIII of 2002) the Maharashtra State Council for Higher Education, constituted under sub-section (1) of section 56 of the principal Act, under Government Notification, No. UNG. 1594/(182/94)-UNI-3, dated the 16th April 1999, shall stand dissolved and the office bearers shall be deemed to have vacated their offices on the said date.

STATEMENT

Section 56 of the Maharashtra Universities Act, 1994 (Mah. XXXV of 1994), provides for the constitution of the Maharashtra State Council for Higher Education. The Maharashtra State Council for Higher Education is the planning, monitoring, coordinating and evaluating authority for the higher education in the State and also acts as a ‘Think Tank’ for the higher education and thus plays a very significant role in the field of higher education. The existing State Council consists of forty-four members. It is difficult to organise the meetings of the Council which has such large number of members. The University Grants Commission has also advised the State Government to streamline the composition of the State Council for ensuring efficient functioning of the Council. The University Grants Commission has also expressed its willingness to fund the State Council, if it is made effectively operative. In this view of the matter, Government considers it necessary to modify the constitution of the existing State Council and to reduce the size of the said council, with a view to streamline its working and improving its contribution in the prospective development of Higher Education in the State, by dissolving the existing Council and reconstituting a new Council, which is smaller in size.

2. In the Budget session of the State Legislature, which commenced on the 13th March 2002, the Maharashtra Universities (Amendment) Bill, 2002 (L. A. Bill No. XVI of 2002), was introduced in the Maharashtra Legislative Assembly on the 15th March 2002. However, the said Bill could not be passed, as the session of the State Legislature was prorogued on the 30th April 2002. As the new academic session will commence in the second week of June 2002, it is considered expedient to amend the said Act, urgently.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Universities Act, 1994, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai, P. C. ALEXANDER,
Dated the 16th June 2002. Governor of Maharashtra.

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

CHANDRA IYENGAR
Secretary to Government.

विद्यार्थ्यांकडून ई.बी.सी. सवलतीबाबत नियमबाह्यपणे सक्तीने प्रतिज्ञापत्र भरून घेण्याची उच्च शिक्षण संचालकांच्या आदेशावरून सुरु केलेली कार्यवाही

महाराष्ट्र विधानपरिषद : मंगळवार, दिनांक ६ ऑगस्ट २००२ : दुसरे अधिवेशन २००२

सभापती :त्यानंतर, माननीय सदस्य सर्वश्री.व्ही.यु.डायगव्हाणे, बी.टी.देशमुख, प.म.पाटील, नानासाहेब बोरस्ते, व्ही.डी.खोटे यांनी "उच्च शिक्षण संचालक महाराष्ट्र राज्य पुणे यांच्या दिनांक १७ जून २००२ च्या परिपत्रकाचा हवाला देवून विदर्भ व इतर विभागातील विद्यार्थ्यांकडून ई.बी.सी. सवलतीबाबत नियमबाह्यपणे सक्तीने प्रतिज्ञापत्र भरून घेण्याची महाविद्यालयातील प्राचार्यांना सुरु केलेली कार्यवाही" या विषयावर नियम ९३ अन्वये सूचना दिली आहे. हा नियम ९३ चा विषय होवू शकत नाही..

श्री. व्ही.यु.डायगव्हाणे : सभापती महोदय, संपूर्ण महाराष्ट्रामध्ये प्रतिज्ञापत्राच्या बाबतीत गुंता निर्माण झाला आहे. विद्यार्थ्यांकडून प्रतिज्ञापत्र लिहून घेतले जात आहे. त्या प्रतिज्ञापत्राच्या पानावर आईचे नाव, तिची शैक्षणिक अर्हता, वडिलांचे नाव आणि त्यांचे उत्पन्न, तसेच त्यांच्याकडे टी.व्ही.संच, मोटर सायकल, टेलिफोन, फ्रीज, वॉशिंग मशीन, मिक्सर, एअर कंडिशनर या सर्व असलेल्या गोष्टींबाबत माहिती लिहून द्यावी लागणार आहे. अशा प्रकारचे प्रतिज्ञापत्र भरण्याबाबत संचालकांनी १७.६.२००२ रोजी परिपत्रक काढले आहे. त्या प्रतिज्ञापत्राप्रमाणे तपासणी केल्यानंतर जर त्यामध्ये तफावत आढळ्यास त्या विद्यार्थ्यांस परीक्षेला बसता येणार नाही व त्याच्यावर कडक कारवाई केली जाईल असे म्हटले आहे...

सभापती : १७ जूनचे परिपत्रक आहे त्याबाबत आपल्याला प्रश्न विचारता आला असता किंवा अल्पसूचना प्रश्नही विचारता आला असता.

श्री. व्ही.यु.डायगव्हाणे : सभापती महोदय, आम्ही प्रश्न टाकला होता परंतु तो स्वीकृत झाला नाही. तसेच, अधिवेशनाचा कालावधी तीन आठवड्यांवरून दोन आठवड्यांचा झाल्यामुळे आम्ही याबाबत सूचना देवू शकलो नाही.

दिलीप वळसे पाटील : सभापती महोदय, या राज्यामध्ये ई.बी.सी. धोरणाच्या

संदर्भातमध्ये कोणताही बदल करण्याचा प्रस्ताव राज्य सरकारसमोर नाही किंवा नव्हता. काही अभ्यासाच्या संदर्भात कागदपत्रे तयार केली गेली होती. स्टडी मटेरियल म्हणून ते तयार केले गेले होते आणि स्टडी मटेरियल म्हणूनच प्राचार्यांना ते संचालकांच्या कार्यालयातून पाठविले गेले होते. ई.बी.सी. ची फी रद्द करण्याचे परिपत्रक काढले गेले ही बाब जेव्हा आमच्या निदर्शनास आली तेव्हा हे परिपत्रक राज्य शासनाने संचालकांना आदेश देऊन ते परत घेतले. आता सदर परिपत्रक हे रद्द आहे. पूर्वी ज्या पद्धतीने ई.बी.सी. ची सवलत होती तशीच यापुढेही चालू राहिल. असे मी सभागृहाला सांगू इच्छितो. ई.बी.सी. च्या बाबत ही जी कृती झालेली आहे त्याबद्दल पालकांना, शिक्षकांना, लोकप्रतिनिधींना जो मनस्ताप झाला त्याबद्दल मी दिलगिरी व्यक्त करतो.

प्रा.बी.टी.देशमुख : सभापती महोदय, मा. मंत्रिमहोदयांनी सांगितले ते योग्य आहे. 'स्टडी मटेरियल' घेऊन सक्षम शासन निर्णय नसतांना आमचे डायरेक्टर प्रवासाला निघाले होते.

सभापती : याचा अर्थ की त्यांनी याबाबत स्टडी केली नव्हती.

प्रा.बी.टी.देशमुख : माझा असा स्पष्ट प्रश्न आहे की, १७.६.२००२ रोजीचे उच्च शिक्षण संचालकांनी पाठविलेले सकार्युलर रद्द करण्यात आले आहे काय?

श्री.दिलीप वळसे पाटील : सभापती महोदय, हे सकार्युलर रद्द करण्यात आलेले आहे. हा निर्णय शासन स्तरावर झालेला नसून तो संचालक स्तरावर झालेला होता. म्हणून मी याबाबत दिलगिरी व्यक्त केलेली आहे.

सभापती : आता मा. मंत्रिमहोदयांनी स्पष्टीकरण दिल्यानंतर यामध्ये तातडीने व गांभीर्याने लक्ष घालावे हे मला सांगण्याची आवश्यकता नाही, कारण शासनाने यामध्ये पूर्वीच तातडीने लक्ष घातलेले आहे.

शिक्षण संचालनालय (उच्च शिक्षण) : महाराष्ट्र राज्य पुणे - ४११ ००१

क्र.एनजीसी/२००२/ईबीसी/१५६/सीआर/११६२५/मवि-१ : दिनांक १७.६.२००२

परिपत्रक

प्रति, सर्व विभागीय सहसंचालक उच्च शिक्षण (राज्यातील सर्व)

विषय :- महाविद्यालयामध्ये प्रवेशित विद्यार्थी पालक यांचेकडून प्रतिज्ञापत्र लिहून घेण्याबाबत

महाविद्यालयातील प्रवेशित विद्यार्थी त्यांचे/त्यांच्या पालकाचे वार्षिक उत्पन्न कमी असल्याचे दाखवून आर्थिकदृष्ट्या मागासवर्गीय सवलतीचा (ई.बी.सी.) लाभ घेतात. त्यामुळे शासन खर्चामध्ये अनावश्यक वृद्धी होते, आणि पात्र गरजू विद्यार्थ्यांना लाभापासून वंचित रहावे लागते. म्हणून सदर प्रकार थांबवा आणि ई.बी.सी. सवलत गरजू विद्यार्थ्यांनाच मिळावी यासाठी चालू शैक्षणिक वर्षापासून महाविद्यालयात प्रविष्ट होणाऱ्या सर्व विद्यार्थी/पालक यांचेकडून "प्रतिज्ञापत्र" घेण्याची योजना कार्यान्वित करावयाची आहे. प्रतिज्ञापत्राचा विहित नमुना सोबत जोडला आहे. त्यामधील सर्व माहिती महाविद्यालयाच्या प्राचार्यांना विद्यार्थी/पालक यांचेकडून भरून घ्यावयाची आहे.

ज्यांच्याकडे स्वतःचे घर किंवा बंगला, मोबाईल फोन, बागायती शेती, मोटर इत्यादी मिळकत आहे तसेच ज्यांनी परदेश दौरा केलेला आहे, अशांना ई.बी.सी. सवलत अनुज्ञेय असणार नाही.

सोबत जोडलेले प्रतिज्ञापत्र महाविद्यालयातील सर्व प्रवेशित विद्यार्थ्यांकडून लिहून घेण्याची जबाबदारी महाविद्यालयांच्या प्राचार्यांची आहे. प्रतिज्ञापत्रामध्ये उपलब्ध करून दिलेली माहिती खोटी असल्याचे आढळून आल्यास संबंधित विद्यार्थ्यांचे शैक्षणिक वर्ष वाया जाऊ शकते याची विद्यार्थी/पालक यांना प्राचार्यांनी समज द्यावयाची आहे. संबंधित खोटी माहिती पुरविणाऱ्या विद्यार्थ्यांस वार्षिक परीक्षेला बसण्याची अनुमती दिली जाणार नाही. याबाबत सर्व संबंधितास अवगत करावे.

ई.बी.सी. सवलत धारक विद्यार्थी खाजगी शिकवणी वर्गामध्ये महागडे शुल्क भरून प्रवेशित झाला असल्यास असा विद्यार्थी देखील ई.बी.सी. सवलत मिळण्यास पात्र असणार नाही. याची विद्यार्थी/पालक यांना महाविद्यालयाच्या प्राचार्यांनी जाणीव करून देणे आवश्यक आहे. खाजगी शिकवणी वर्गाच्या नोंदवह्या तपासण्याचा अधिकार विभागीय सहसंचालक (उच्च शिक्षण) यांना

आहे. विभागीय सहसंचालक (उच्च शिक्षण) यांनी यासंदर्भात तात्काळ कार्यवाही करून सदर परिपत्रक सर्व संबंधित शासकीय/अशासकीय महाविद्यालये, विज्ञान संस्था तथा अकृषी विद्यापीठे यांना पाठवून सर्व प्रवेशित विद्यार्थ्यांकडून/पालकांकडून सोबतचे प्रतिज्ञापत्र भरून घेवून प्राचार्यांनी/संचालकांनी तथा विद्यापीठातील संबंधित अधिकाऱ्यांनी त्याचे ताब्यात ठेवून आवश्यकतेनुसार संबंधित तपासणी अधिकाऱ्यांना तपासणीकरिता उपलब्ध करून द्यावयाची आहे.

स्वाक्षरी अस्पष्ट

शिक्षण संचालक (उच्च शिक्षण)

स्थळप्रतिवर मा.शि.स.(उ.शि) यांची स्वाक्षरी आहे.

परिशिष्ट "अ" : प्रतिज्ञापत्र

मी. प्रतिज्ञा करतो/करते की माझ्या कुटुंबाची खालील माहिती सत्यतेवर आधारित आहे. ही माहिती खोटी आहे असे आढळून आल्यास त्याला मी जबाबदार असेल व त्यासाठी महाविद्यालयाने ठरविलेली शिक्षा मला मान्य राहिल.

- आईचे नांव व शैक्षणिक अर्हता
- आईचा उद्योग (Occupation) : नोकरी/व्यवसाय/शेती/इतर नोकरी असल्यास वेतनप्रमाणपत्र जोडावे
- आईचे उत्पन्न : रुपये
- वडिलांचे नाव व शैक्षणिक अर्हता
- वडिलांचा उद्योग
- वडिलांचे उत्पन्न रुपये
- कुटुंबाचे एकत्रित उत्पन्न : रुपये
- कुटुंबाचे स्वतःचे मालकीचे घर आहे काय? होय/नाही
- नसेल तर भाड्याचे आहे काय?
- भाड्याचे असल्यास घराचे मासिक भाडे किती आहे : रुपये

University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) (Ist Amendment) Regulations 2002

(To be published in the Gazette of India Part III, Section-4.)

**UNIVERSITY GRANTS COMMISSION : BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110 002**

F.1-1/2002(PS) Exemp. : 31st July, 2002

NOTIFICATION

In exercise of the powers conferred by clause (e) & (g) of sub-section (1) of Section 26 read with Section 14 of University Grants Commission Act, 1956 (3 of 1956), and in supersession of the Regulations issued under University Grants Commission letter No. F.1-93/74(CPP) Part (v) dated 13th June, 1983, No. F.1-11/87(CPP-II) dated 19th September, 1991 and No. F.1-11/87(CPP) dated 21st June, 1995 and Notification No. 1-93/74(CP) dated 19th February, 1985, 26th November, 1985 and No. F.3-1/94(PS) dated 24th December, 1998 and UGC Regulations No. F.3-1/2000(PS) dated 4.4.2000, the University Grants Commission hereby makes the following Regulations to amend the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) Regulation, 2000, namely :-

1. Short Title, Application and Commencement :

(i) These regulations may be called University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) (Ist Amendment), Regulation, 2002.

(ii) They shall apply to every university established or incorporated by or under a Central Act, Provincial Act or a State Act, every institution including a constituent or a affiliated college recognized by the Commission, in consultation with the university concerned under Clause (f) of Section 2 of the University Grants Commission Act, 1956, and every institution deemed to be a university under Section 3 of the said Act.

(iii) They shall come into force with immediate effect.

In the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it) Regulation, 2000, wherever the following para occurs :

- (पावती जोडावी)
११. घराचे क्षेत्रफळ (चौ.फुट)
१२. आपल्याकडे शेतजमीन आहे काय? होय/नाही (जिरायती/बागायती)
१३. किती एकर शेतजमीन आहे?
१४. शेतीपासून उत्पन्न
१५. आपल्या घरी समोर दिलेल्या वस्तुपैकी कोणत्या वस्तु आहेत? (कृपया टिक करावे) १. मोटरसायकल २. टेलिफोन ३. फ्रीज ४. ट्रॅक्टर ५. मोटर (चारचाकी) ६. वॉशिंग मशीन ७. म्युझिक सिस्टिम ८. मिक्सर/फुड प्रोसेसर ९. ए.सी
१६. आई वडील आयकरदाते आहे काय होय/नाही
१७. आयकर खाते क्रमांक
१८. आपल्याकडे कोणत्या रंगाची शिधापत्रिका आहे. : पिवळी/केशरी/पांढरी
१९. पालक पाल्यांचा जीवन विमा/मेडीक्लेम काढला आहे काय? : होय/नाही
२०. असल्यास किती किमतीचा? रुपये (भरत असलेल्या हप्त्यांची पावती जोडावी)

पालकांची स्वाक्षरी

विद्यार्थांची/विद्यार्थिनीची स्वाक्षरी

“NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. Degree. However, the candidates who have completed M.Phil degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examination.”

It should be substituted with the following para :

“NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. Degree. However, the candidates who have completed M.Phil degree by 31st December, 1993 or have submitted Ph.D. thesis to the university in the concerned subject on or before 31st December, 2002 are exempted from appearing in the NET examination. In case such candidates fail to obtain Ph.D. degree, they shall have to pass the NET examination.”

Sd/-
(Dr. Tilak R. Kem)
Additional Secretary

To,
The Assistant Controller
Publication Division, Government of India
Ministry of Urban Development Poverty Alleviation
Civil Lines, **Delhi-110 054**

UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110 002

डॉ. तिलक आर. केम

Dr. Tilak R. Kem

अतिरिक्त सचिव Additional Secretary

OFF. PHONE : 3234406

No. F.1-1/2002(PS) Exemp.

31st July, 2002

The Vice-Chancellor

.....
.....

SUBJECT :- University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in universities and institutions affiliated to it (Ist Amendment) Regulations 2002.

Sir/Madam,

In partial modification in UGC Regulations issued vide office letter No. F.3-1/2000(PS) dated 4.4.2000 on the above subject, please find enclosed a copy of the Notification No. F.1-1/2002(PS) Exemp. Dated 31.7.2002. This has been sent to the Manager, Government of India Press, Civil Lines, Delhi, for publication in the Gazette of India.

It is requested that the amendments in the UGC Regulations, 2000 may also be brought to the notice of the Institutions/Colleges affiliated to your University.

Yours faithfully,

sd/-
(Dr. Tilak R. Kem)

विद्यापीठीय व महाविद्यालयीन अधिव्याख्याता पदाकरिता बिगर नेट/सेट अर्हताधारक अधिव्याख्यात्यांच्या सेवा पुढे चालू ठेवणेबाबत.

महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग

शासन निर्णय क्रमांक : एनजीसी-१२०१/११८१५/(३८/०१)विशी-४

मंत्रालय विस्तार भवन, मुंबई-४०० ०३२ / दिनांक : १८ ऑक्टोबर २००१

वाचा :- शासन निर्णय शिक्षण व सेवायोजन विभाग क्रमांक एनजीसी १२८६/(१२२४) विशि-४, दिनांक २७.२.१९८९

२) शासन निर्णय उच्च व तंत्र शिक्षण आणि सेवायोजन विभाग क्रमांक एनजीसी १८९२/(२२२४) विशि-४ दिनांक २३.१०.१९९२

३) शासन निर्णय उच्च व तंत्र शिक्षण आणि सेवायोजन विभाग क्रमांक एनजीसी १७९२/(२२२४) विशि-४, दिनांक २७.११.१९९२.

४) शासन निर्णय उच्च व तंत्र शिक्षण विभाग क्रमांक एनजीसी १२९८/(४६१९) विशि-४, दिनांक ११.१२.१९९९

५) शासन निर्णय उच्च व तंत्र शिक्षण विभाग क्रमांक एनजीसी १२००/७३३९६/(१५/२०००) विशि-४, दिनांक १३.६.२०००

प्रस्तावना - विद्यापीठ अनुदान आयोगाने दिनांक १९.९.१९९१ रोजी निर्गमित केलेल्या अधिसूचनेतील विनियमानुसार कला, विज्ञान, वाणिज्य, विधी, शिक्षणशास्त्र, सामाजिक शास्त्रे, शारीरिक शिक्षण व परकीय भाषा या शाखातील अशासकीय व शासकीय महाविद्यालयातील अधिव्याख्याता पदावरील नियुक्तीकरिता किमान शैक्षणिक अर्हता खालीलप्रमाणे विहित केली आहे. :-

अ) उमेदवाराने चांगल्या शैक्षणिक अहवालासह संबंधित विषयातील पदव्युत्तर पदवी किमान ५५ टक्के मार्कासह उत्तीर्ण केली असली पाहिजे.

ब) याशिवाय विद्यापीठ अनुदान आयोगाची राष्ट्रीय पात्रता परीक्षा वा विद्यापीठ अनुदान आयोगाने अधिसूचित दिलेली राज्यस्तरीय पात्रता परीक्षा (नेट/सेट) उत्तीर्ण केली असली पाहिजे.

२. दिनांक १९.९.१९९१ नंतर अधिव्याख्याता पदावर नियुक्ती दिल्या जाणाऱ्या प्रत्येक उमेदवाराने वरील शैक्षणिक अर्हता/पात्रता धारण करणे विद्यापीठ अनुदान आयोगाच्या विनियम १९९१ अनुसार बंधनकारक आहे.

३. विद्यापीठ अनुदान आयोगाच्या शिफारसीनुसार विद्यापीठे व महाविद्यालयीन शिक्षकांना पाचव्या वेतन आयोगाच्या वेतनश्रेणी शासन निर्णय दिनांक ११.१२.१९९९ अन्वये लागू करण्यात आल्या आहेत. त्यानुसार अधिव्याख्याता पदावरील नियुक्ती करिता खालीलप्रमाणे शैक्षणिक अर्हता/ पात्रता लागू करण्यात आली आहे.

१) उमेदवाराने चांगल्या शैक्षणिक अहवालासह संबंधित विषयातील पदव्युत्तर पदवी किमान ५५ टक्के मार्कासह उत्तीर्ण असणे आवश्यक आहे. याशिवाय

२) उमेदवाराने विद्यापीठ अनुदान आयोगाची राष्ट्रीय पात्रता परीक्षा वा अधिसूचित दिलेली राज्यस्तरीय पात्रता परीक्षा (नेट/सेट) उत्तीर्ण असणे आवश्यक आहे.

४. विद्यापीठ अनुदान आयोगाने दिनांक ४.४.२००० च्या अधिसूचनेद्वारे निर्गमित केलेले विनियम २००० मध्ये वरीलप्रमाणे शैक्षणिक अर्हता / पात्रता अट अंतर्भूत केली आहे. शासन निर्णय दिनांक १३.६.२००० अन्वये हे विनियम सर्व विद्यापीठे व महाविद्यालयांना लागू केले आहेत. या आदेशाद्वारे सर्व विद्यापीठे व महाविद्यालयांना असेही सूचित करण्यात आले आहे की, यापुढे दिनांक ४.४.२००० नंतर राज्यातील महाविद्यालयांत / विद्यापीठांत अधिव्याख्याता पदांवर बिगर अर्हताधारक उमेदवारांच्या नियुक्त्या कोणत्याही परिस्थितीत करू नयेत अशा नियुक्त्या केल्यास त्यावर मान्यता व अनुदान दिले जाणार नाही. तसेच ४.४.२००० पासून अशा नियुक्त्या दिल्या असल्यास त्या तात्काळ रद्द कराव्यात.

५. दिनांक १९.९.१९९१ ते ११.१२.१९९९ या कालावधीत महाविद्यालयीन अधिव्याख्याता पदावर त्यावेळेच्या विहित निवड समितीच्या शिफारसीनुसार बिगर नेट/सेट उमेदवारांच्या करण्यात आलेल्या नियुक्त्या वेळोवेळी शासनाकडून पुढे चालू ठेवण्यांत आल्या होत्या.

शासन निर्णय :- राज्यामध्ये अकृषि विद्यापीठे व महाविद्यालयांमधून १९.९.१९९१ ते ११.१२.१९९९ पर्यंत नियुक्त झालेल्या बिगर नेट/सेट अधिव्याख्यात्यांची संख्या ६००० च्या आसपास होते. हे लक्षात घेऊन, तसेच

या अधिव्याख्यात्यांच्या नियुक्त्यांना ७ ते ८ वर्ष झाली असल्यामुळे त्यांच्या सेवा पुढे सुरू ठेवण्याबाबत लोकप्रतिनिधींनी वेळोवेळी केलेले प्रयत्न व त्यामुळे अंशतः शासन निर्णयांत केलेले बदल लक्षात घेऊन विद्यार्थ्यांचेही शिक्षकांवाचून नुकसान होऊ नये या कारणास्तव राज्यातील १९.९.१९९१ नंतर लागलेल्या बिगर नेट/सेट परीक्षा धारकाबाबतचा धोरणात्मक निर्णय शासनाने घेतला आहे. तो पुढील प्रमाणे आहे. :-

१. शासन निर्णय उच्च व तंत्र शिक्षण आणि सेवायोजन विभाग क्रमांक एनजीसी १७९४/७९४५/विशि-४, दिनांक २२.१२.१९९५ रोजी जे आदेश काढले आहेत ते रद्द करण्यांत येत आहेत.

२) खालील अटीवर दिनांक १९.९.१९९१ ते ११.१२.१९९९ या कालावधीत अनुदानित, विना अनुदानित महाविद्यालयातून व संस्था यामधून त्यावेळेच्या निवड समितीमार्फत नियुक्त झालेल्या अधिव्याख्यात्यांच्या सेवा खंडित होणार नाहीत. :-

अ) या कालावधीतील नियुक्त्या झालेल्या सर्व (बिगर नेट/सेट) अधिव्याख्यात्यांनी डिसेंबर २००३ पर्यंत नेट/सेट परीक्षा उत्तीर्ण होणे आवश्यक आहे.

ब) वर नमूद केलेल्या मुदतीत नेट/सेट परीक्षा उत्तीर्ण न होणाऱ्या अधिव्याख्यात्यांना त्यांच्या सेवानियुक्ती पर्यंत अधिव्याख्याता पदाच्या वेतनवाढी व्यतिरिक्त इतर कोणतेही आर्थिक लाभ (जसे पदोन्नती, वरिष्ठ श्रेणी/ निवड श्रेणी) देण्यात येऊ नयेत. सेवानिवृत्त होईपर्यंत ते रु. ८०००-१३५०० या वेतनश्रेणीतच वेतन घेतील.

क) हे बिगर नेट सेट अधिव्याख्याता ज्या तारखेला नेट/सेट परीक्षा पास करतील त्या तारखेपासून त्यांची सेवा वरिष्ठ श्रेणी/निवड श्रेणीच्या लाभासाठी ग्राह्य धरली जाईल. तसेच जे अधिव्याख्याते नेट/सेट परीक्षा उत्तीर्ण होतील त्यांचे नाव ज्येष्ठतासूचीत नियमानुसार समाविष्ट केले जाईल.

ड) शासकीय महाविद्यालयातील अधिव्याख्यात्यांच्या सेवा महाराष्ट्र लोकसेवा आयोगाच्या सहमतीने पुढे चालू ठेवण्यात येतील.

इ) दिनांक ११.१२.१९९९ नंतर सेवेत आलेले बिगर नेट/सेट अधिव्याख्यात्यांना या सवलती देय असणार नाहीत. तसेच, त्यांच्या सेवा परिविक्षा कालावधी पूर्ण होण्याच्या आत संपुष्टात आणाव्यात.

३. विद्यापीठ अनुदान आयोगाने दिनांक ४.४.२००० च्या अधिसूचनेद्वारे निर्गमित केलेले विनियम २००० मध्ये वरीलप्रमाणे शैक्षणिक अर्हता/पात्रता अट अंतर्भूत केली आहे. शासन निर्णय दिनांक १३.६.२००० अन्वये हे विनियम सर्व विद्यापीठे व महाविद्यालयांना लागू केले आहेत. या आदेशाद्वारे सर्व विद्यापीठे व महाविद्यालयांना असेही सूचित करण्यात आले आहे की, यापुढे दिनांक ४.४.२००० नंतर राज्यातील महाविद्यालयांत/विद्यापीठांत अधिव्याख्याता पदांवर बिगर अर्हताधारक उमेदवारांच्या नियुक्त्या कोणत्याही परिस्थितीत करू नयेत अशा नियुक्त्या केल्यास त्यावर मान्यता व अनुदान दिले जाणार नाही. तसेच ४.४.२००० पासून अशा नियुक्त्या दिल्या असल्यास त्या तात्काळ रद्द कराव्यात. हे आदेश सर्व महाविद्यालयांना बंधनकारक असून, त्याप्रमाणे कार्यवाही न झाल्यास त्याची जबाबदारी संबंधित महाविद्यालयाची / विद्यापीठाची राहिल.

४. हे आदेश वित्त विभागाच्या सहमतीनंतर त्यांच्या अनौपचारिक संदर्भ क्रमांक ६८५/२००१/व्यय-५, दिनांक १८.१०.२००१ अन्वये निर्गमित करण्यांत येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(अ.मा.भट्टलवार)

अवर सचिव, महाराष्ट्र शासन

CAN AICTE DICTATE TO UNIVERSITIES?

by C S Kalra

CAN the All India Council for Technical Education (AICTE) dictate to the universities established under Acts of legislature?

The question came up before the Supreme Court in a case *Bharathidasan University and another Vs All India Council for Technical Education and others*. Civil Appeal No 2056 of 1999, decided on 24 September 2001 [2001 (8) SCC] and the apex Court has answered it in the negative. The SC has held that the AICTE Act 1987 does not require a university to obtain prior approval of AICTE for starting a department or unit as an adjunct to the university itself to conduct technical courses of its choice. However, the University is obliged to conform to the standards and norms laid down by the AICTE.

The apex court has held that the AICTE is not intended to be controlling or supervising authority over the university merely because it is also imparting courses of technical education.

The Court noted that the appellant is created under the *Bharathidasan University Act* and is recognised by the UGC also. When the appellant University commenced courses in technology such as Information Technology and Management, Bioengineering and Technology, Petrochemical Engineering and Technology, Pharmaceutical;

Engineering and Technology, etc, the AICTE filed a writ petition before the Madras High Court seeking a writ of mandamus to forbear the University authorities from managing/conducting any courses and programmes in these technical courses, it was contended that- the University did not apply for and secure the prior approval for these courses before their commencement by the University as envisaged under the All India Council for Technical Education Act 1987 and the statutory Regulations made thereunder by the AICTE particularly Regulation 4 which obligated even a university to obtain such prior approval.

The High Court accepted the stand of AICTE by applying and following the ratio of the decision of a Full Bench of the Andhra Pradesh High Court in *M Sambasiva Rao Vs Osmania University* and as a consequence thereof ordered the cancellation of the admissions made by the University. Allowing the appeal, the Supreme Court held:

Section 10 of the AICTE Act makes it- clear that whenever the Act omits to cover a "university", the same has specifically provided in the provisions of the Act. The definition of "technical institution" under Section 2(h) indicates that a "technical institution". cannot include a "university".....

"When the legislature intent finds specific mention and expression in the provisions of the Act itself, the same cannot be whittled down or curtailed and rendered nugatory by giving undue importance to the so-called object underlying the Act or the purpose of creating a body to supervise the implementation of the provisions of the Act, particularly when AICTE Act does not contain any evidence of an intention to belittle and destroy the authority or autonomy of other statutory bodies having their own assigned roles to perform. Merely activated by some assumed object of desirabilities, the courts cannot adorn the mantle of the legislature, it is hard to ignore the

legislative intent to give definite meaning to words employed in the Act and adopt an interpretation which would tend to do violence to the express language as well as plain meaning and patent aim and object underlying the various other provisions of the Act. Even in endeavouring to maintain the object and spirit of the law to achieve the goal fixed by the legislature, the court must go by the guidance of words used and not on certain preconceived notions of ideological structure and scheme of underlying the law," said the Supreme Court.

"AICTE created under the Act is not intended to be an authority either superior to or supervise and control the universities and thereby superimpose itself upon such universities merely for the reason that it is imparting teaching in technical education or programmes in any of its departments of unit. A careful scanning through of the provisions of the AICTE Act and the provisions of the UGC Act in juxtaposition will show that the role of AICTE vis-a-vis the

universities is only advisory, recommendatory and a guiding factor and thereby, subserves that cause of maintaining appropriate standards and qualitative norms and not as an authority empowered to issue and enforce and sanctions by itself, except submitting a report to UGC for appropriate action. The conscious and deliberate omission to enact any such provision in the AICTE Act in respect of Universities is not only a positive indicator but should be also one of the determining factors in adjudging the status, role and activities of AICTE vis-a-vis universities and the activities and functions of its departments and units," added the Supreme Court in para 10 of the judgment.

The SC further affirmed that if Section 10(k) does not cover a "university" but only a "technical institution", a regulation cannot be framed in such a manner so as to apply the regulation framed in respect of "technical institution" to apply to universities when the Act maintains a complete dichotomy between a "university" and a "technical institution".

"AICTE cannot make any regulation in exercise of its powers under Section 23 of the Act notwithstanding subsection (1) which though no doubt enables such regulation being made generally to carry out the purposes of the Act when such power is circumscribed by the specific limitation engrafted therein to ensure them to be "not inconsistent" with the provisions of this Act, and the Rules," declared the SC.

So far as the question of granting approval leave alone prior or post, Section 10(1)(k) specifically confines the limits of such power of AICTE only to be exercised vis-a-vis technical institutions as defined in the Act and not generally. Touching on the question of "purposive construction" of the language of law to interpret, the SC has ordained that when the language is specific, unambiguous and positive, the same- cannot be overlooked to give an expansive meaning under the pretext of a purposive construction to perpetuate an ideological object and aim which as, having regard to the Statement of Objects and Reasons for the AICTE Act, is not warranted or justified. Therefore, the Regulations insofar as they compel the universities to seek for an obtain prior approval and not to start any new department or course or programme in technical education (Regulation 4) and empower itself to withdraw such approval is, in a given case of contravention of the Regulation (Regulation 12), are directly opposed to and inconsistent with the provisions of Section 10(1)(k) of the Act and consequently void and unenforceable.

On whether the Regulations framed under the AICTE Act are binding, the Supreme Court stated that the fact that the Regulations may have the force of law or when made have to be laid down before the legislature concerned does not confer any more sanctity or immunity as though they are statutory provisions themselves. Consequently, when the power to make regulations is confined to certain limits.... those actually made or shown and found to be not made within the confines but outside them, the courts are bound to ignore them even when there was no specific relief sought for to strike down or declare them ultra vires., "it would therefore be a myth to state that Regulations made under Section 23 of the Act have 'constitutional' and legal status, even unmindful of the fact that any one or more of them are found to be no consistent with specific provisions of, the Act itself," observed the SC.

SC states that the Regulation in question which AICTE could not have made so as to bind the universities/UGC within the confines of the powers conferred upon it cannot be enforced against or bind a University in the matter of any necessity to seek prior approval to commence a new department or course or programme in technical education in any university or any of its departments and constituent institutions.

Following cases were referred to in this connection: *Shiv Kirpal Singh v V V Giri* (1970) 2 SCC 567 (AIR 1970 SC 2097), *D K Trivedi & Sons v State of Gujral*, 1986 Supp SCC 20 (AIR 1986 SC 1323), *Medical Council of India v State of Karnataka* (1998) 6 SCG 131, *Jaya Gokul Trust v Commissioner and Secretary to Govt, Higher Education Deptt* (2000) 5 SCC 231.

- Courtesy "University ToDay" - 1st Aug. 2002

उच्च व तंत्रशिक्षण विभागांतर्गत येणाऱ्या शिक्षकीय पदांच्या २/३ पदे केवळ तात्पुरत्या स्वरूपात कंत्राटी पद्धतीने भरण्यास मान्यता देण्याबाबत.

महाराष्ट्र शासन : उच्च व तंत्रशिक्षण विभाग,

शासन निर्णय क्र. बैठक १००२/(९१/२००२)आस्था-१

मंत्रालय विस्तार भवन, मुंबई ४०० ०३२. :

दिनांक २५ जुलै, २००२.

वाचा :- १. वित्त विभाग शा.नि.क्र. बीजीटी-१०९७/प्र.क्र. २४-अ/अर्थ-१९, दि. २.६.१९९८

२. वित्त विभाग शा.नि.क्र. बीजीटी-१०९७/प्र.क्र. २४-अ/अर्थ-१९, दि. १५.१२.१९९८

३. वित्त विभाग शा.नि.क्र. बीजीटी-१०००/प्र.क्र. १३/२०००/अर्थसंकल्प, दि. २१.६.२०००

४. वित्त विभाग शा.नि.क्र. असंक-१००१/प्र.क्र. २९/२००१/वित्तीय सुधारणा, दि. १०.९.२००१

शासन निर्णय : सन १९९८ पासून वित्त विभागाने संदर्भाधीन शासन निर्णयान्वये सर्व विभागातील पदे भरण्यास बंदी घातली होती. त्यामुळे मागील तीन ते चार वर्षांपासून शासकीय व अशासकीय अनुदानित शैक्षणिक संस्थांना कुठल्याही प्रकारची पदे भरण्यास परवानगी नव्हती. या कालावधीत या विभागाच्या नियंत्रणाखाली शिक्षकीय पदे भरण्याच्या बंदीच्या निर्बंधात काही प्रमाणात सूट देण्यात आली असली तरी देखील संपूर्ण पदे भरता आली नाहीत व त्याचा प्रतिकूल परिणाम मुलांच्या शिक्षणावर होत आहे. अशा परिस्थितीत सन २००१-२००२ मध्ये शिक्षकीय रिक्त पदांपैकी ५० टक्के ते २/३ पदे भरण्याची परवानगी दिली होती. तथापि, काही कारणास्तव सर्वच रिक्त पदे पूर्ण भरता आलेली नाहीत. याचा परिणामस्वरूप सन २००२-२००३ या शैक्षणिक वर्षात ६,४५३ पदे रिक्त आहेत व रिक्त पदांमुळे विद्यार्थ्यांच्या शिक्षणावर होणारा विपरित परिणाम टाळण्यासाठी वर नमूद केलेल्या शिक्षकीय रिक्त पदांपैकी २/३ पदे कंत्राटी पद्धतीने भरण्यास खालील दिलेल्या अटीवर परवानगी देण्यात येत आहे.

१. ही पदे कंत्राटी पद्धतीने ठोक वेतनावर भरण्यात येतील. करारपत्राचा नमूना सोबत जोडला आहे. करारपत्र रु. २०/- च्या स्टॅम्प पेपरवर करण्यात यावे. कंत्राटी पद्धतीने नियुक्ती दिल्यावर घावयाच्या ठोक वेतनाची रक्कम खाली दिलेल्या तक्त्यात दर्शविल्याप्रमाणे देण्यात यावी.

उच्च शिक्षण संचालनालय व विद्यापीठे

अ. न.	पद	एकत्रित मासिक वेतन (रुपये)
१.	प्राचार्य (१० वर्षापेक्षा अधिक सेवा असलेले)	१२,०००/-
	प्राचार्य (१५ वर्षापेक्षा अधिक सेवा असलेले)	१६,४००/-
२.	प्राध्यापक	१६,४००/-
३.	प्रपाठक	१२,०००/-
४.	अधिव्याख्याता	८,०००/-

महाविद्यालय समिती :

संबंधित महाविद्यालयाचे अध्यक्ष.. समिती प्रमुख

२. विषय तज्ज्ञ... सदस्य

शिक्षक संवर्गातील मागासवर्गीय प्रतिनिधी... सदस्य

शासनाचा प्रतिनिधी ... सदस्य

शिक्षक संवर्गातील महिला प्रतिनिधी ... सदस्य

संबंधित महाविद्यालयाचे प्राचार्य ... सदस्य सचिव

२. कंत्राटी पद्धतीने वरील नियुक्त्या जास्तीत जास्त २ वर्षे किंवा महाराष्ट्र लोकसेवा आयोग/विद्यापीठासाठीच्या/विद्यापीठाने महाविद्यालयासाठी स्थापित केलेल्या विहित निवड समितीमार्फत निवड झालेला नियमित उमेदवार उपलब्ध होणे यापैकी जे अगोदर घडेल तेवढ्या कालावधीसाठी असतील. त्यानंतर या कंत्राटी नियुक्त्या आपोआप संपुष्टात येतील.

३. उच्च शिक्षण संचालनालयांतर्गत कंत्राटी पद्धतीने शिक्षकीय पदे भरण्यासाठी प्रत्येक महाविद्यालयात आणि विद्यापीठात खालीलप्रमाणे समिती नेमण्यात यावी.

विद्यापीठ समिती :

संबंधित विद्यापीठाचे कुलगुरु, समिती प्रमुख.

२. विषय तज्ज्ञ, सदस्य

शिक्षक संवर्गातील मागासवर्गीय प्रतिनिधी.. सदस्य

शासनाचा प्रतिनिधी... सदस्य

शिक्षक संवर्गातील महिला प्रतिनिधी.. सदस्य

संबंधित विद्यापीठाचे कुलसचिव .. सदस्य सचिव

वरील मागासवर्गीय प्रतिनिधी व महिला प्रतिनिधी हे शिक्षण क्षेत्रात कार्यरत असावेत. मागासवर्गीय प्रतिनिधी हे विद्यापीठ व्यवस्थापन परिषदेच्या सदस्यांपैकी असावेत.

२. उच्च शिक्षण संचालनालयांतर्गत शिक्षकीय पदांवर कंत्राटी पद्धतीने नियुक्ती देण्यासाठी उमेदवार नेट/सेट परीक्षा उत्तीर्ण असण्याचा नियम काटेकोरपणे पाळण्यात यावा. ज्या विषयात नेट/सेट उमेदवार उपलब्ध होणार नाहीत त्या विषयाची पुन्हा जाहिरात देऊन नेट/सेट परीक्षा उत्तीर्ण नसणारे पण अन्यथा पात्र उमेदवार कंत्राटी पद्धतीने विहित कालावधीसाठी भरण्यात यावेत.

३. व्यवसाय शिक्षण व प्रशिक्षण संचालनालयांतर्गत येणारी वर नमूद केलेली गट क मधील शिक्षकीय पदे (प्रशिक्षण अधिकारी पद वगळता) स्थानिक रोजगार व स्वयंरोजगार कार्यालयामार्फत उमेदवारांची यादी मागवून निवड समितीमार्फत मुलाखती घेऊन कंत्राटी पद्धतीने जास्तीत जास्त २ वर्षासाठी किंवा नियमित स्वरूपात नियुक्तीने उमेदवार उपलब्ध होणे यापैकी जे अगोदर घडेल तोपर्यंत या कंत्राटी नियुक्त्या चालू राहतील. त्यानंतर कंत्राटी नियुक्त्या आपोआप संपुष्टात येतील. प्रशिक्षण अधिकारी हे राज्यस्तरीय पद असल्याने प्रमुख वर्तमानपत्रात जाहिरात देऊन विहित निवड समितीमार्फत मुलाखती घेऊन वरील अटीच्या अधीन राहून कंत्राटी पद्धतीने नियुक्त्या देण्यात याव्यात.

४. सदर पदांच्या नियुक्त्यांबाबतची जाहिरात राज्यातील प्रमुख वर्तमानपत्रात प्रसिद्धीस देण्यात यावी. सर्व पदे भरण्याची प्रक्रिया दि. ३१ ऑक्टोबर, २००२ पर्यंत पूर्ण केली पाहिजे. जे महाविद्यालय/विद्यापीठ व शैक्षणिक संस्था याप्रकारे पद भरण्याची प्रक्रिया दि. ३१.१०.२००२ पर्यंत पूर्ण करणार नाहीत. त्या पदांचा दिनांक ३१.१०.२००२ नंतर शासनातर्फे आढावा घेऊन इतर ज्या शिक्षण संस्था, महाविद्यालये व विद्यापीठे यात शिक्षकीय पदांची तातडीने गरज आहे त्या ठिकाणी ही पदे भरण्यास शासनातर्फे मंजुरी देण्यात येईल. त्यानंतर दि. ३१.१२.२००२ पदे न भरल्याने ती पदे कायम स्वरूपात व्यपगत झाली असे समजण्यात येईल. ही कार्यवाही दि. ३१ डिसेंबर २००२ पर्यंत पूर्ण करण्यात येईल. या कंत्राटी पद्धतीच्या नियुक्तीसाठी पात्र निवृत्त शिक्षकांना नेमता येऊ शकते, निवृत्त शिक्षकांना कंत्राटी पद्धतीने नियुक्ती दिल्यानंतर त्यांना मिळणाऱ्या ठोक वेतनातून निवृत्तीवेतन वजा करून उर्वरित ठोक वेतन देण्यात यावे.

५. या शासन निर्णयासोबत संबंधित संचालनालयाच्या कक्षेतील संस्थानिहाय भरावयाच्या विविध शिक्षकीय रिक्त पदांचे विवरणपत्र संबंधित संचालकांना उपलब्ध करून दिले आहे. या विवरणपत्राप्रमाणेच नियुक्तीची पदसंख्या राहिल. याची दक्षता संबंधित संचालनालयाने घ्यावी. याबाबतीत अधिक माहितीसाठी संस्थांनी संबंधित संचालकांशी व विभागीय अधिकाऱ्यांशी संपर्क साधावा.

६. शासनाच्या धोरणानुसार रिक्त पदे कंत्राटी पद्धतीने भरतांना मागासवर्गीयासाठी, महिलांसाठी, अपंगासाठी इत्यादी असलेले आरक्षण पाळले जाईल याची सर्व नियुक्ती पदाधिकार्यांनी दक्षता घ्यावी. एखाद्या पदासाठी आरक्षणातील उमेदवार उपलब्ध न झाल्यास इतर प्रवर्गातील उमेदवार नेमावा मात्र निवड समितीमधील सर्व सदस्यांनी आरक्षित उमेदवार उपलब्ध झाला नसल्याचे प्रमाणित करावे. आरक्षित पदांवर कंत्राटी नेमणुका दिल्यामुळे संबंधित उमेदवारांना नियमित नियुक्तीचे हक्क राहणार नाहीत.

६. हा शासन निर्णय वित्त विभागाच्या अनौपचारिक संदर्भ क्रमांक ३६४/२०/व्यय-५ दि. २९ जून २००२ अन्वये मिळालेल्या सहमतीनुसार निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

स्वाक्षरीत/-

बा.वि. निकम

कार्यासन अधिकारी, महाराष्ट्र शासन

CHANCELLOR

RAJ BHAVAN MALABAR HILL MUMBAI 400 035

JUNE 13, 2002.**ORDER**

Subject : Petition from S/Shri P.M.Bapat, D.W.Damle and A.D.Pachhao, challenging the order dated 11 September 2000 passed by the Vice-Chancellor, Nagpur University, on an appeal filed by Shri R.L.Shrivastava.

Reference : 1. Petition dated 17 November 2000 under Section 108 of the Maharashtra Universities Act, 1994, from S/Shri P.M.Bapat, D.W.Damle and A.D.Pachhao.

2. Letter No.VC/C-8(iii)/2000/224 dated 2 December 2000 from the Vice-Chancellor, Nagpur University.

3. Notice dated 4.4.2002 to Shri R.L.Shrivastava, Assistant Professor, Yashwantrao Chavan College of Engineering, Nagpur.

4. Letter dated 18 April 2002 from Shri R.L.Shrivastava in reply to the above notice dated 4 April 2002.

Shri P.M.Bapat, Assistant Professor in Manoharbhairam Institute of Engineering & Technology, Gondia, Shri

शासन निर्णय उच्च व तंत्रशिक्षण विभाग, क्र. बैठक १००२/(११/२००२)आस्था-१ दिनांक २५.७.२००२ चे सहपत्र शिक्षक संवर्गात कंत्राटी शिक्षक म्हणून नियुक्ती देण्यात आलेल्या उमेदवारांकडून रु. २०/- च्या स्टॅम्प पेपरवर लिहून घ्यावयाचा करारनामा

प्रति,

.....

..... (येथे नियुक्ती प्राधिकाऱ्याचे पदनाम व पत्ता लिहिण्यात यावा)

ज्याअर्थी, (या ठिकाणी नियुक्ती प्राधिकाऱ्याचे पदनाम लिहिण्यात यावे) (यापुढे नियुक्ती प्राधिकारी असा उल्लेख केला जाईल) यांची त्यांच्या कार्यालयीन आदेश क्र. दिनांक नुसार श्री.श्रीमती/कुमारी राहणार.....(यापुढे उमेदवार म्हणून उल्लेख केला जाईल) यांची नियुक्ती पत्रात नमूद केलेल्या अटी व शर्तीवर पदावर कंत्राटी पद्धतीने या कालावधीसाठी नियुक्ती केली आहे. (यापुढे संबंधित नियुक्ती पत्र असा उल्लेख केला जाईल)

आणि त्याअर्थी मी श्री./श्रीमती/कुमारी लिहून देतो /देते की :-

मला प्राप्त झालेल्या नियुक्ती पत्रातील सर्व अटी व शर्ती मी वाचल्या आहेत आणि त्या मला समजल्या आहेत. त्या सर्व अटी व शर्ती मला मान्य आहेत.

२. जर माझ्याकडून एखाद्या अटी/शर्तीचा भंग झाला तर पदावरील माझी नियुक्ती रद्द केली जाईल याची मला जाणीव आहे.

३. मी या संदर्भातील सर्व माहिती जाणून घेतल्यानंतर जाणीवपूर्वक व स्वच्छेने कंत्राटी नियुक्ती स्वीकारित आहे.

४. या कंत्राटी नियुक्तीनंतर मला कायम स्वरुपी नियुक्ती मिळण्याचा हक्क राहणार नाही, तसेच या करारपत्राच्या कालावधीनंतर शासनावर कोणतीही जबाबदारी राहणार नाही व या कंत्राटी सेवेशी निगडित कोणत्याही प्रकारची मागणी मी करणार नाही. अशी या करारपत्राद्वारे हमी देत आहे.

५. माझे कामकाज असमाधानकारक आढळून आल्यास माझी नियुक्ती तात्काळ रद्द करण्यात येईल. याबद्दल माझी कसलीही तक्रार राहणार नाही.

श्री./श्रीमती/कुमारी

स्वाक्षरी.....

दिनांक.....

समक्ष

१)

२)

(नियुक्ती प्राधिकाऱ्याचे पदनाम) यांच्यासाठी आणि यांच्या वतीने

..... (नियुक्ती प्राधिकाऱ्याने प्राधिकृत केलेल्या अधिकाऱ्याचे नांव व पदनाम)

D.W.Damle, Lecturer, K.D.K.College of Engineering, Nagpur and Shri A.D.Pachhao, Lecturer in Priyadarshini College of Engineering & Arch, Nagpur, in their petition have challenged the Vice-Chancellor's Order dated 11 September 2000 allowing the appeal of Shri R.L.Shrivastava and restoring his membership of the Board of Studies in Production Engineering by setting aside the Returning Officer's order dated 23 June 2000 and his co-option as a member of the said Board of Studies.

2. The petitioners have represented that Shri Shrivastava is not eligible for co-option on the Board of Studies in Production Engineering under Section 37 (3) (a) of the Maharashtra Universities Act, 1994, (hereinafter referred as the "Act") on the ground that he was neither a full time Post-Graduate teacher nor did he have 10 years of Post-Graduate teaching experience at the time of his co-option under Section 37(3)(a) of the Act.

3. I had obtained a detailed report from the Vice-Chancellor, Nagpur University, and after careful scrutiny of the facts of the case and the report submitted by the University, I found that Shri Shrivastava was appointed as a full time Lecturer in Production Engineering at the Under Graduate Level. He was only assigned part time duties to teach Post-Graduate Course of Production Engineering in Yashwantrao Chavan College of Engineering, Nagpur, from the 1997-98 academic session.

4. As per the definition of a "teacher" given in Section 2 (34) of the Act, teacher means "full-time approved Professor, Associate Professor, Assistant Professor, Reader, Lecturer, Librarian, Principal, Deputy or Assistant Librarian and Documentation Officer in the University, and college librarian, Director of Instructor of Physical Education in any University Department, conducted, affiliated or autonomous college, autonomous institution or department or recognised institution in the University."

5. It is amply clear from this definition that the part time teaching experience is not to be taken into account while counting 10 years Post-Graduate teaching experience required for the co-option of a Post-Graduate teacher under Section 37(3)(a) of the Act. I was, therefore, prima facie, satisfied that Shri Shrivastava did not fulfill the condition of 10 years Post-Graduate teaching experience and accordingly his co-option on the Board of Studies in Production Engineering under Section 37(3)(a) of the Act, was not valid.

6. I had, therefore, in exercise of powers vested in me under Section 108 of the Act, issued a show cause notice to Shri Shrivastava to explain within two weeks valid reasons why his co-option on the Board of Studies in Production Engineering should not be invalidated.

7. Shri Shrivastava has submitted his reply vide letter dated 18 April 2002 in which he has stated that he was appointed as full time Lecturer in Production Engineering at Yashwantrao Chavan College of Engineering, Nagpur, w.e.f.16 July 1987 and his appointment was approved by the Nagpur University on 10 November 1987. He is presently Assistant Professor in that College. He has further stated that his co-option on the Board of Studies in Production Engineering is valid for the following reasons :

(a) Section 37(3)(a) does not contemplate that a teacher to be co-opted should necessarily be a full time Post-Graduate teacher. What is contemplated is a teacher with not less than 10 years teaching experience, which can include the combined experience of Post-Graduate and Under-Graduate teaching. He has compared provision of Section 37(3)(a) with Section 25(2) (y) and 27(1)(k)of the Act where it has been specifically mentioned about Post-Graduate teaching experience. He has therefore argued that for co-option under

पाचव्या वेतन आयोगाची थकबाकी : १

महाराष्ट्र विधानपरिषद : तिसरे अधिवेशन २०००

तारकित प्रश्न क्रमांक ९०५४ : गुरुवार, दिनांक ३० नोव्हेंबर २०००

श्री.दिलीप वळसे-पाटील : (१) होय. या निवेदनात विद्यापीठे/महाविद्यालयीन शिक्षकांना ५ व्या वेतन आयोगाची थकबाकी अदा करण्यास होत असलेल्या विलंबाबाबत तक्रार केली आहे.....

.... शिक्षकांना वेतनाची थकबाकी अदा करण्यासाठी रु.३८३ कोटींची रक्कम शिक्षण संचालक, उच्च शिक्षण यांना उपलब्ध करून देण्यात आली आहे. ज्या महाविद्यालयाचे परिपूर्ण प्रस्ताव संचालनालयाला प्राप्त झालेले आहेत त्यांना थकबाकीची रक्कम वितरीत करण्याचे काम सुरु आहे.

Section 37(3)(a), a person should :

- be a Teacher falling within Section 2(34) of the Act.
- be a Teacher/Post Graduate teacher.
- have not less than 10 years teaching experience.
- be from amongst the affiliated colleges, and
- the said affiliated colleges should have Post Graduate teaching in that subject.

(b) He qualifies for each of the condition mentioned in (a) above as -

- He is approved teacher of the Nagpur University since 16 July 1987.
- He has minimum 10 years teaching experience as an approved teacher.
- He is teaching the Post-Graduate Courses.
- He is from an affiliated college, and
- His college has Post-Graduate teaching in Production Engineering.

(c) No person is appointed in the affiliated colleges of the Nagpur University as exclusive teacher for Post-Graduate Courses. Therefore, concept of full time exclusive Post-Graduate teacher is foreign to the affiliated colleges under jurisdiction of Nagpur University and therefore if the interpretation of the requirement of 10 years Post-graduate teaching experience is accepted, the co-options made on all the Board of Studies under Section 37(3)(a) of the Act may also have to be cancelled.

(d) When he was co-opted on 4 February 2000, the term "Post-Graduate teacher" was not defined in the Act. For the first time, the State Government has defined the term in its letter dated 1 February 2001. Therefore prior to this date, the Act did not contemplate the requirement of full time Post-Graduate teacher. Similarly, as concept of full time Post-Graduate was introduced on this date, it cannot be made applicable to his co-option. Therefore co-options made under Section 37(3)(a) of the Act prior to 1 February 2001 are required to be protected by treating them as valid.

8. Shri Shrivastava had requested for personal hearing. I gave him the opportunity of personal hearing, in addition to his written submission in reply to the show cause notice and accordingly he appeared before me on 7 June 2002 to put forth his arguments personally.

9. Shri Shrivastava reiterated what he had said in his written submission and argued that the provisions of Section 37 (3) (a) of the Act do not contemplate a teacher to be co-opted has to be a full time Post-Graduate teacher. He further stated that a teacher having minimum 10 years combined teaching experience at the Under Graduate and Post Graduate level is eligible to be co-opted on the Board of Studies.

10. Shri Shrivastava's argument that the concept of full time Post-Graduate teacher cannot be made applicable to the co-options made prior to 1 February 2001 as the term "Post-Graduate teacher" was first time defined by the State Government in its letter dated 1 February 2001 is not acceptable as it was a clarification made by the State Government on the query made to the Government. Section 37(3)(a) of the Act, is very clear that only a person who is a Post-Graduate teacher having not less than 10 years of Post-Graduate teaching experience in affiliated college having Post-Graduate teaching in the relevant subject is eligible for being co-opted as a Member on the Board of Studies.

11. I have carefully considered the written as well as oral submissions of Shri R.L.Shrivastava in the light of the facts on record and find that he was not a Post Graduate teacher as per Section 2 (34) of the Act and also that he did not have ten years regular Post-Graduate teaching experience at the time of his co-option and therefore he was not eligible for co-option on the Board of Studies in Production Engineering under Section 37(3)(a) of the Act. There is also no merit in his contention about the interpretation of Section 37(3)(a). His co-option was therefore not valid.

12. I, therefore, in exercise of powers conferred upon me under Section 108 of the Act-

- set aside the order dated 11 September 2000 passed by the Vice-Chancellor on the appeal of Shri Shrivastava.
- declare the co-option of Shri Shrivastava on the Board of Studies in Production Engineering under Section 37(3)(a) of the Act as invalid.
- direct that the vacancy caused by the invalidation of Shri Shrivastava's co-option on the Board of Studies in Production Engineering be filled up by making a fresh co-option.

(P.C. Alexander)
Chancellor Nagpur University.

CHANCELLOR

No.CS/NU/MISC/37/00/B/(3850)/805,

RAJ BHAVAN MALABAR HILL MUMBAI 400 035

22 MARCH, 2002.

ORDER

Subject : Appeal by Dr.Shyam S. Bhasarkar, Principal, Tirpude College of Social Work, Nagpur Challenging the order dt.17th June 2000 passed by the Vice-Chancellor, Nagpur University, on an appeal filed by Dr.Naveenchandra Bhat.

Ref'nce : 1) Letter dt.7th August 2000 alongwith appeal by Dr.Shyam S. Bhasarkar.

2) Letter No.VC/C-8(iii)/2000/131, dt.13th September 2000 from the Vice-Chancellor, Nagpur University.

3) Letter No.VC/C-8(iii)/2000/166, dt.20th October 2000 from the Vice-Chancellor, Nagpur University.

4) Letter No.VC/C-8(iii)/2000/196, dt.16th November 2000 from the Vice-Chancellor, Nagpur University.

5) Notice dt.4th December 2001 to Dr.Naveenchandra Bhat, Reader, Matru Seva Sangh Institute of Social Work, Nagpur.

6) Letter dt.14th December 2001 from Dr.Naveenchandra Bhat in reply to the above notice dt.4th December 2001.

Dr.Shyam S.Bhasarkar in his appeal has challenged the Vice-Chancellor's Order dt.17th June 2000 allowing the appeal of Dr.Naveenchandra Bhat and restoring his membership of the Board of Studies of Social Work by setting aside the Returning Officer's order dt.24th February 2000.

2. Dr.Bhasarkar has represented that Dr.Bhat is not eligible for co-option on the Board of Studies in Social Work under Section 37(3)(a) of the Maharashtra Universities Act, 1994 (thereinafter referred as the "Act") on the ground that he was not a post-graduate teacher in the academic year 1999-2000.

3. I had obtained a detailed report from the Vice-Chancellor, Nagpur University and after careful scrutiny of the facts of the case and the report submitted by the University, I found that Dr.Bhat was appointed as a regular under-graduate teacher. He

पाचव्या वेतन आयोगाची थकवाकी : २

महाराष्ट्र विधानपरिषद : तिसरे अधिवेशन २०००

तारकीकित प्रश्न क्रमांक ९८५४ : गुरुवार, दिनांक ७ डिसेंबर २०००

श्री.वी.टी.देशमुख : अध्यक्ष महोदय, ज्यांची विले दाखल झाली नाहीत त्यांच्याबद्दल मी काहीच बोलत नाही. मला त्यांच्याबद्दल बोलायचे नाही. त्यांना आपण ३० डिसेंबरपर्यंत मुदत दिली ती योग्य आहे. पण नमुने व प्रपत्रे यामध्ये सहा महिन्यांमध्ये तीन वेळा बदल झाले. आता डिसेंबर अखेरपर्यंत जी महाविद्यालये विले सादर करतील त्यांना आपण ३१ मार्चपर्यंत थकवाकी घाल त्याला माझी हरकत नाही. माझा प्रश्न असा आहे की, या लोकांच्या, आपल्या अधिकाऱ्यांच्या या वृत्तीला आळा घालण्यासाठी मी आपल्याला सांगू इच्छितो की, बायंडिंग व्हॉल्यूम मध्ये ज्यांनी यापूर्वीच विले सादर केले आहेत त्यांची संपूर्ण थकवाकी या महिन्यात दिली पाहिजे. तरी २९ डिसेंबरपर्यंत ही संपूर्ण थकवाकी ज्यांनी यापूर्वी विले सादर केलेली आहे त्यांना देण्याचे सक्त आदेश आपण आपल्या अधिकाऱ्यांना घाल काय?

श्री.दिलीप वळसे-पाटील : अध्यक्ष महाराज, राज्यामध्ये जवळपास ८५० कॉलेजेस आहेत. एका कॉलेजचा प्रस्ताव तपासावयाचा झाला तर त्यासाठी एक दोन दिवस लागतात. त्यामुळे ८५० महाविद्यालयासाठी लागणारा कालावधी लक्षात घेतला तर त्यासाठी दीर्घ काळ लागणार आहे. तरीसुद्धा मी आपणास सांगू इच्छितो की, राज्यातील ४०२ कॉलेजना २१७ कोटी रुपये वितरित करण्यासाठी तरतूद ऑलरेडी वितरित केली आहे. आज राज्यासमोर काही आर्थिक अडचणी निर्माण झाल्या आहेत. त्यामुळे ट्रेझरीमध्ये विले मंजूर होण्यासाठी उशीर लागत आहे. तरी ज्या महाविद्यालयांनी प्रस्ताव सादर केले आहेत आणि संचालनालयाने ते तपासून मान्य केलेली आहेत ते वेगवेगळ्या संचालनालयामध्ये असलेले सगळे प्रस्ताव १५ दिवसांमध्ये क्लिअर करण्याचे निदेश दिले जातील.

श्री.वी.टी.देशमुख : सभापती महोदय, ज्यांनी यापूर्वीच थकवीत बाकीचे विले व नमुने प्रपत्रे सादर केलेली आहेत त्या सर्वांना १५ दिवसांमध्ये त्यांची संपूर्ण थकवाकी दिली जाईल काय?

श्री.दिलीप वळसे पाटील : होय.

was only assigned to teach Post-Graduate classes as contributory teacher in the Matru Seva Sangh Institute of Social Work, from the academic session 1983-84 till the academic session 1998-99.

4. As per the definition of a "teacher" given in Section 2 (34) of the Act, teacher means "full time approved Professor, Associate Professor, Assistant Professor, Reader, Lecturer, Librarian, Principal, Deputy or Assistant Librarian and Documentation Officer in the University, and college librarian, Director or Instructor of Physical Education to any University Department, conducted, affiliated or autonomous college, autonomous institution or department or recognised institution in the University."

5. It is amply clear from this definition that the contributory teaching experience is not to be taken into account while counting 10 years post-graduate teaching experience required for the co-option of a post-graduate teacher u/s 37 (3)(a) of the Act, I was therefore, prima-facie, satisfied that Dr.Bhat did not fulfill the condition of 10 years post graduate teaching experience and accordingly his co-option on the Board of Studies in Social Work u/s 37 (3)(a) of the Act, was not valid.

6. I had, therefore, in exercise of the powers vested in me u/s 108 of the Act, issued a show cause notice to Dr.Bhat to explain within two weeks, valid reasons why his co-option on the Board of Studies in Social Work should not be invalidated.

7. Dr.Bhat submitted his reply vide letter dt.4th December 2001 in which he has stated that he is an approved teacher being a regular lecturer in Social Work at Matru Seva Sangh Institute of Social Work since 20th June 1983 and that he is presently a Reader in that Institute. He has further stated that his co-option on the Board of Studies in Social Work is valid for the following reasons. :-

(a) He has 15 years teaching experience as approved full-time teacher of the University from the academic session 1983-

84 till the academic session 1998-99.

(b) He is specialised in the subject of Social Work "Labour Welfare Personnel Management and Industrial Relations" and it is the only post-graduate subject available for M.S.W. Course in the Institute.

(c) He has been always nominated as a Member of the Examination Committee for the Post-Graduate question papers in the subject at (b) above.

(d) Section 37 (3)(a) does not contemplate that a teacher to be co-opted should necessarily be a full-time post-graduate teacher. What is contemplated is that a teacher with not less than 10 years teaching experience having some experience of Post-Graduate teaching in a Post-Graduate institute can be co-opted. He has compared provision of Section 37 (3)(a) with Section 25 (2)(y) and 27 (1)(k) of the Act where it has been specifically mentioned about Post-Graduate teaching experience. Therefore for co-option u/s 37 (3)(a), a person should :-

- be a teacher engaged in post graduate classes.
- have not less than 10 years teaching experience.
- be from amongst the affiliated colleges, and
- the said affiliated colleges should have post graduate teaching in that subject.

8. Dr.Bhat had requested for personal hearing, I gave him the opportunity of personal hearing in addition to his written submission in reply to the show cause notice and accordingly he appeared before me on 8th March 2002 to put forth his arguments personally.

9. Dr.Bhat submitted that at the time of co-option on Board of Studies of Social Work, he was not teaching post-graduate classes. He argued that the provisions of Section 37 (3)(a) of the Act do not contemplate that a teacher to be co-opted has to be a fulltime Post-Graduate teacher. He further stated that a teacher having minimum 10 years teaching experience at the under-graduate level is eligible to be co-opted on the Board of Studie, if Dr.Bhat's argument is to be accepted, then it can also be extended to imply that a teacher with Post-Graduate in Social Work having minimum 10 years teaching experience in any other subject is also eligible to get co-opted on the Board of Studies in Social Work if that college has Post-Graduate in Social Work. Dr.Bhat's argument cannot be accepted for the reason that such a co-option would not serve the basic purpose of having a Post-Graduate teacher teaching Post-Graduate courses on the concerned Board of Studies.

10. I have carefully considered the written as well as oral submissions of Dr.Bhat in the light of the facts on record and find that **he was not a Post-Graduate teacher as per Section 2(34) of the Act** and also that **he did not have ten years regular Post-Graduate teaching experience at the time of his co-option** and therefore he was not eligible for co-option on the Board of Studies in Social Work u/s 37 (3)(a) of the Act. There is also no merit in his contention about the interpretation of Section 37 (3)(a). His co-option was therefore not valid.

11. I, therefore in exercise of the powers conferred upon me u/s 108 of the Act :-

- set aside the order dt.17th June 2001 passed by the Vice-Chancellor on the appeal of Dr.Bhat.
- declare the co-option of Dr.Bhat on the Board of Studies under Section 37 (3)(a) of the Act as invalid.
- direct that the vacancy caused by the invalidation of Dr.Bhat's co-option on the Board of Studies in Social Work be filled by making a fresh co-option.

(P.C.Alexander)
Chancellor, Nagpur University.

महाराष्ट्र शासन

क्रमांक पवि २००० / (३३५/२०००) विशि-३

उच्च व तंत्र शिक्षण विभाग

मंत्रालय विस्तार भवन, मुंबई-४०० ०३२.

दिनांक :- १ फेब्रुवारी २००१.

प्रति,

कुलसचिव,
सर्व विद्यापीठे.

विषय:- विद्यापीठ सुधारणा अधिनियम - स्पष्टीकरण.

महोदय,

विद्यापीठ सुधारणा अधिनियमासंदर्भात उपस्थित केलेल्या मुद्यांबाबतचे स्पष्टीकरण खालीलप्रमाणे आहे.

१) पदव्युत्तर शिक्षकांची व्याख्या- पदव्युत्तर शिक्षक म्हणजे विद्यापीठातील पदव्युत्तर विभागांमध्ये जो पूर्ण वेळ अधिव्याख्याता/प्रपाठक/प्राध्यापक म्हणून कार्यरत आहे. तसेच विद्यापीठांशी संलग्नीत महाविद्यालयांमध्ये पदव्युत्तर विभाग असल्यास व त्या पदव्युत्तर विभागातील शिक्षक जर विद्यापीठ अनुदान आयोगाने ठरवून दिलेल्या निकषानुसार पदव्युत्तर विभागामध्ये पूर्णवेळ अधिव्याख्याता /प्रपाठक/प्राध्यापक म्हणून कार्यरत असेल व विद्यापीठाने पदव्युत्तर व महाविद्यालयातील पदव्युत्तर विभागातील शिक्षकास पदव्युत्तर शिक्षक म्हणून मान्यता दिली असेल तर त्यास पदव्युत्तर शिक्षक समजण्यात यावे.

२) अभ्यासमंडळाचे अध्यक्षत्व - जर एखादी व्यक्ती त्याच्या पूर्वीच्या विषयाव्यतिरिक्त त्या फॅकल्टीमधील इतर विषयांकरिता निवडणूक लढवू शकत असेल तरच इतर फॅकल्टीजच्या अंतर्गत येणाऱ्या विषयांकरिता जर तो पात्र असेल तर तो निवडणूक लढवू शकतो.

३) राजीनामा दिलेल्या सदस्यांबाबत - जरी एखाद्या सदस्याने मध्ये बोर्ड ऑफ स्टडीज किंवा फॅकल्टीवरून राजीनामा दिला असेल. (दि. १२ मे २००० नंतर) तरी बोर्ड व फॅकल्टीची टर्म त्यामुळे संपुष्टात येत नाही. त्यामुळे या सदस्याला सलग दुसऱ्या निवडणूकीत निवडणूक लढवावयाची असल्यास त्याच्यासाठी ही सलग दुसरी टर्म ठरते. व त्यामुळे त्यास अभ्यास मंडळाच्या अध्यक्षपदाकरिता असलेल्या निवडणूकीत भाग घेता येणार नाही.

आपला विश्वासू,
स्वा/- (सुवर्णा सि.खरात)
कक्ष अधिकारी महाराष्ट्र शासन

पाचव्या वेतन आयोगाची थकबाकी : ३

महाराष्ट्र विधानपरिषद : पहिले अधिवेशन, २००१

तारांकित प्रश्न क्रमांक ११८९२ : शुक्रवार, दिनांक २३ मार्च २००१

श्री.दिलीप वळसे पाटील : (१) निवेदन प्राप्त झालेले आहे.

(२) व (३) विभागीय शिक्षण सहसंचालक, उच्च शिक्षण, कोल्हापूर यांच्या अधिनस्त १०० टक्के अनुदानावर असणाऱ्या ११५ महाविद्यालयांपैकी ९८ महाविद्यालयांना थकबाकीची रक्कम वाटप केली असून १३ महाविद्यालयांना थकबाकीची रक्कम देण्याबाबत शिक्षण संचालक, उच्च शिक्षण यांनी दिनांक २७ फेब्रुवारी २००१ रोजी आदेश काढले आहेत. त्यानुसार निधी वाटप करण्याची कार्यवाही विभागीय सहसंचालकाकडून करण्यात येत आहे. उर्वरित चार महाविद्यालयांची देयके अद्यापि प्राप्त झालेली नाहीत.

SECOND NATIONAL COMMISSION ON LABOUR

Loaded against labour

ON June 29, in an event of great economic and political importance, Ravindra Varma, Chairperson of the Second National Commission on Labour (NCL), presented the Commission's report to Prime Minister Atal Behari Vajpayee. Reconstituted in 1999 by the National Democratic Alliance (NDA) government, the NCL had a clear mandate — review the existing labour laws in the organised sector in the changing economic context and suggest comprehensive legislation to ensure a minimum level of protection to workers in the unorganised sector.

While the working class generally welcomed the latter part of the mandate, it greeted the former with much trepidation. It was felt that hire-and-fire policies would become the norm. Although all major trade unions except the Indian National Trade Union Congress (INTUC) and the Bharatiya Mazdoor Sangh (BMS), affiliated to the Congress (I) and the Bharatiya Janata Party respectively, protested against the terms of reference, the government refused to reconsider them. The Centre of Indian Trade Unions (CITU), the All India Trade Union Congress (AITUC) and the Hind Mazdoor Sabha (HMS) took the lead in taking up cudgels against the NCL's mandate. They were not consulted over the terms of reference; neither were they to be involved in the Commission's proceedings. Only the BMS and the INTUC were represented in the Commission.

THE three-year-old exercise of the NCL can be described as path-breaking. The overall approach seems to have been one of accepting globalisation and liberalisation as processes that cannot be wished away. Hence the report said labour had to adjust itself to changes at all costs. The government resolution, containing the decision to appoint the Commission, mentioned the factors that led to the decision. The factors identified in the resolution were the globalisation of the economy; the liberalisation of trade and industry; rapid changes in technology and their consequences and ramifications; the effects such changes were likely to have on the nature and structure of industry, on methods and places of production, on employment and the skills necessary to retain employability; and mobility and the responses that were necessary to acquire and retain economic efficiency and international competitiveness.

On the rationalisation of labour laws, the NCL recommends the "judicious" consolidation of all laws, including the Industrial Disputes Act, 1947, the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and other Acts governing industrial relations into a single law called the Labour Management Relations Law or the Law on Labour Management Relations. One of the factors behind the proposed law is the Commission's viewpoint that trade unionisation is at a low ebb and therefore collective bargaining should be encouraged. This will be a bitter pill for the trade unions to swallow; even the suggestion that trade unionism has ebbed away is incorrect. Even if it has, the reasons are to be found in the economic hardships faced by the working class in the last few years. In fact, trade union activity has intensified in the wake of the government's disinvestment policies and privatisation of public sector enterprises.

However, the most hard-hitting recommendations pertain to the option given to employers with regard to closures. The report almost guarantees unfettered right to close establishments that employ up to 300 workers. Currently, according to chapter V B of the Industrial Disputes Act, establishments employing up to 100 people should secure prior permission from the government concerned

before resorting to closures. The report suggests that in the case of closure of establishments employing more than 300 workers, the employer shall apply for permission to the appropriate government 90 days before the closure and also serve a copy of the application to the recognized negotiating agent. If the government does not respond within 60 days of receipt of such an application, permission will be deemed to have been granted.

In the Commission's viewpoint, experience has shown that governments did not want to take quick decisions on such applications and that permission for closure remained pending for years. The Commission has said that a more honest and equitable course of action would be to allow closure, provide for adequate compensation to workers and, in the event of an appeal, leave it to the Labour Relations Commission to find ways of redress - through arbitration or adju-

पाचव्या वेतन आयोगाची थकवाकी : ४

महाराष्ट्र विधानपरिषद : पहिले अधिवेशन, २००२

शनिवार, दिनांक १६ मार्च २००२

नियम ९३ च्या सूचनेवर

मा.मंत्री, उच्च व तंत्र शिक्षण यांचे निवेदन

“राज्यात २५ शासकीय महाविद्यालये व अंदाजे ११५० इतकी खाजगी संस्थामार्फत चालविण्यात येणारी अशासकीय महाविद्यालये कार्यरत आहेत. सन २००१-२००२ या वर्षासाठी अशासकीय अनुदानित कला, वाणिज्य, विज्ञान, विधी व शिक्षणशास्त्र महाविद्यालयांना वेतन व वेतनेतर अनुदानासाठी रु ७२४ कोटी एवढी तरतूद अर्थसंकल्पीत करण्यात आलेली आहे.

१. सन २०००-२००१ पासून रुपये ५० लाखापेक्षा जास्त रक्कम काढावयाची झाल्यास शासनाच्या दिनांक ४ मे २००० च्या परिपत्रकानुसार अर्थापाय शाखेची मंजूरी आवश्यक आहे. त्यानुसार राज्यातील अशासकीय अनुदानित महाविद्यालयातील शिक्षक कर्मचाऱ्यांच्या वेतनासाठी अनुदान मुक्त करण्यापूर्वी अर्थापाय शाखेची मंजूरी घेण्यात येते. त्यानुसार सन २००१-२००२ या वर्षात अद्यापपर्यंत रु.६६० कोटी एवढा निधी वितरित करण्यात आलेला आहे. यामध्ये जानेवारी व फेब्रुवारी, २००२ या दोन महिन्यांसाठी अशासकीय अनुदानित महाविद्यालयातील शिक्षक व शिक्षकेत्तर कर्मचाऱ्यांचे वेतन अदा करण्यासाठी शासनाच्या दिनांक २७ फेब्रुवारी २००२ च्या आदेशान्वये रु.११५ कोटी फक्त एवढा निधी मुक्त करण्यास मंजूरी देण्यात आलेली आहे व त्यानुसार राज्यातील अशासकीय अनुदानित महाविद्यालयातील शिक्षक व शिक्षकेत्तर कर्मचाऱ्यांचे जानेवारी, २००२ या महिन्याचे वेतन संबंधितांना मिळालेले आहे. तसेच, फेब्रुवारी, २००२ या महिन्याचे वेतन अनुदानही बहुतांशी सर्व महाविद्यालयांना मिळालेले आहे.

२. दिनांक १.१.९६ रोजी १०० टक्के अनुदानावर असणाऱ्या ७०३ महाविद्यालयांतील शिक्षकांना थकवाकी अदा करण्याकरिता सन २०००-२००१ च्या अर्थसंकल्पात तरतूद करण्यात आली होती. त्यापैकी २०४ महाविद्यालयांतील सर्व शिक्षकांना थकवाकीपोटी रक्कम रु.११३.९९ कोटी महाविद्यालयांना अदा करण्यात आली. ४३२ महाविद्यालयांतील शिक्षकांना अंशतः थकवाकीची रक्कम अदा करण्यात आली असून त्याकरिता रु. २२४.५५ कोटी एवढा निधी महाविद्यालयांना उपलब्ध करून दिला आहे. सन २०००-२००१ मध्ये वेतन फरकापोटी रु. ३३८.५४ कोटी एवढा निधी महाविद्यालयांना उपलब्ध करून दिला आहे. ४३२ महाविद्यालयांतील शिक्षकांना अंशतः थकवाकी अदा करावयाची आहे व ६७ महाविद्यालयांतील शिक्षकांना पूर्णतः थकवाकीची रक्कम द्यावयाची आहे. साधारणतः ११९८४ शिक्षक कर्मचाऱ्यांना अद्याप थकवाकी द्यावयाची राहिली असून त्याकरिता अंदाजे रु.१२४.८६ कोटी एवढ्या निधीची आवश्यकता आहे. सन २००२-२००३ च्या अर्थसंकल्पात ही तरतूद करण्याबाबत या विभागाकडून कार्यवाही करण्यात येत आहे.

३. विंगर नेट/सेट शिक्षकांच्या वेतननिश्चिती झाल्या नसल्याच्या तक्रारी प्राप्त झालेल्या दिसत नाहीत. तथापि, असे काही शिक्षक राहिले असल्यास त्यांचीही वेतननिश्चिती करण्याबाबत संबंधितांना सुचित करण्यात येईल.

४. राज्यात दिनांक १.१.९९ रोजी कार्यरत असणाऱ्या अंशकालीन शिक्षकांची संख्या सुमारे ७९७ एवढी असून शासन निर्णय, दिनांक ७ सप्टेंबर, २००१ अन्वये या कर्मचाऱ्यांना पाचव्या वेतन आयोगाच्या वेतनश्रेणी लागू करण्याबाबतचे आदेश निर्गमित करण्यात आले असून त्यांची वेतननिश्चिती झाल्यावर पाचव्या वेतन आयोगाची थकवाकी देण्याबाबत कार्यवाही करण्यात येईल.”

dication. This more or less removes any scope for government intervention in the matter of closure of establishments. The majority of industries come under this category. In what may be a shot in the arm for employers, the Commission has recommended that prior permission not be made necessary for layoffs and retrenchment in establishments of any size. The only solace is that workers would be entitled to two months' notice, or notice pay in lieu of notice, in case of retrenchment.

As feared by representatives of workers, a distinction is drawn between core and non-core activities. Contract labour, recommends the Commission, shall not be engaged in core production or services or activities. However, to meet sporadic seasonal demand, the employer may engage temporary labour for such activities. In essence, it legitimises the use of contract labour even in core activities. The Commission states categorically that in view of the fast-changing economic situation and changes in technology and management, the number of posts in an organisation cannot be fixed permanently. The report said: "Organisations must have the flexibility to adjust the number of this work force based on economic efficiency."

The Commission recommends three gazetted holidays, with two more days to be added by States according to their specific traditions, and 10 restricted holidays in a year for each employee, and Saturday as a working day if there is a holiday in a five-day week. More significant is the suggestion that the approach to working hours should not be rigid. The Commission recommends that while the total number of working hours a day should not exceed nine, it should not exceed 48 in a week. No corresponding increase in wages has been suggested. The report has also recommended that each establishment should have a Grievance Redressal Committee consisting of an equal number of representatives of workers and employers.

It is clear that the basic approach of the report is to wean trade unions from adopting confrontationist tactics. It mentions negotiating agents and has recommended that provisions be made in the law for determining such agents, par-

ticularly on behalf of workers. The negotiating agents will adjudicate disputes and may take the shape of labour courts and labour relations commissions to be set up at the State and Central levels. A trade union too can be the negotiating agent, but Only if 66 per cent of the workforce endorses its authority. It also suggests that where bilateral agreements are not possible, a third party other than the government be brought into the adjudication process.

The general tenor of the report is against strike action. It recommends the much-abhorred system of strike ballot in the case of essential services such as water supply, medical services, sanitation, electricity and transport in the event of an unsettled dispute between employer and employee. Strikes, as a rule, can be called only by the recognized negotiating agent, that too only with the support of 51 percent of the workers in a strike ballot. The trade unions have opposed the concept of a strike ballot because it can be used by managements to divide employees. It would also make employees vulnerable to victimisation or even persecution by rival employees.

The formation of unions will also be difficult as the Commission has recommended that only a union that has at least 10 per cent of employees in a unit as its members would have the right to represent the workers in various forums. The Industrial Disputes Act will be suitably amended to incorporate this provision.

In the section on workers in the unorganised sector, the report recommends, among other things, the implementation of social security measures such as health-care, maternity and childcare, provident fund benefits, family benefits and post-retirement benefits. However, it does not mention the nature of funding of the schemes, that is, whether they would be funded by the government, the employers or the already ill-paid employees.

THE first protests against the report have come, interestingly, from the BMS. A 15-page dissent note was appended to the report by C.K. Saji Narayanan, the BMS representative in the NCL. On July 2, the AITUC demanded that the NCL report be made public. In fact, curiously, even a week after the report was released, the AITUC, the CITU and the HMS did not have access to it.

Saji Narayanan, in his note, said that Indian industrial units wanted to shift onto the workers the blame for their failure owing to maladministration. The note said that flexibility meant the right of the management to adjust its labour force from time to time in the name of "changing needs of industry". The BMS representative described as devoid of any rationale the proposals pertaining to prior permission for layoffs and retrenchment; the raising of the limit applicable for closures from 100 to 300 workers; the eventual repeal of Chapter V B of the Industrial Disputes Act; post facto permission after one month for layoffs in establishments with more than 300 workers; varying scale of compensation given to workers in sick and profit-making units and complete freedom for closure in the absence of government permission for the same. He commended the Commission for recommending permanent job status for a worker after two years of employment and for rejecting the demand of employers for exempting export processing zones and special economic zones from the purview of labour laws. However, the BMS representative criticised the Commission's suggestion to shift any form of regular work into the contract system and rejected the proposals for a strike ballot, an increase in the number of working hours, a decrease in the number of holidays and the observations on people not employed in a unit heading trade unions.

It is clear that the objective of the report is not to strengthen the arms of labour in order to ensure that it has a legitimate place in the mode of production and better bargaining power. The irony is that it has been envisaged in a situation of declining work participation rates in both urban and rural areas, steady decline in the proportion of self-employed people and an increase in the proportion of casual labour in rural areas, stagnancy in handloom production and employment, a crisis in the plantation and coal industries, and so on. The NCL report admits that employment generation had actually fallen since the 1980s despite the growth in the economy. It also notes that around the same period employers began to out-source production work from the

पाचव्या वेतन आयोगाची थकवाकी : ५

वरिष्ठ महाविद्यालयीन प्राध्यापकांना पाचव्या वेतन आयोगानुसार देय फरकाची रक्कम मिळणेबाबत

महाराष्ट्र विधानपरिषद : दुसरे अधिवेशन २००२
शुक्रवार, दिनांक २ ऑगस्ट २००२

(७) २५०३२ प्रा.बी.टी.देशमुख, श्री. व्ही.यु.डायगव्हाणे, श्री.प.म.पाटील, श्री. नानासाहेब बोरस्ते तारांकित प्रश्न क्रमांक २२३१४ ला दिनांक १४ मार्च २००२ रोजी दिलेल्या उत्तराच्या संदर्भात सन्माननीय उच्च व तंत्रशिक्षण मंत्री पुढील गोष्टींचा खुलासा करतील काय :-

१) पाचव्या वेतन आयोगानुसार देय असणारी फरकाची रक्कम जून २००२ अखेरपर्यंत अनेक महाविद्यालयातील शिक्षकांना मिळाली नाही, हे खरे आहे काय?

२) असल्यास, उक्त प्रकरणी शासनाने काय उपाययोजना केली आहे?

३) अद्याप उपाययोजना केलेली नसल्यास, याबाबत होणाऱ्या विलंबाची कारणे काय आहेत?

४) निश्चित किती महाविद्यालयातील किती शिक्षकांना, किती थकवाकी अजून अदेय आहे?

श्री. दिलीप वळसे-पाटील : (१) होय, काही शिक्षकांना ५ व्या वेतन आयोगाची थकवाकी अद्यापही द्यावयाची आहे.

(२) व (३) या शिक्षकांना थकवाकी देण्याकरिता या वर्षीच्या अर्थसंकल्पात रु. १२४ कोटी ८५ लाख ८९ हजार एवढी तरतुद करण्यात आली आहे. व त्यानुसार क्षेत्रीय अधिकाऱ्यांकडून पुढील कार्यवाही करण्यात येत आहे.

(४) ७०१ शासकीय व अशासकीय महाविद्यालयातील १० हजार २९१ शिक्षकांना १२५ कोटी ३७ लाख ४६ हजार इतकी रक्कम अद्यापही द्यावयाची आहे.

unorganised sector.

Assessing the impact of globalisation, the report says that the industrial sector has been affected during the last few years and the slowdown and loss of production and employment have resulted in a lower demand of consumer goods which, in turn, has led to a general levelling of all productive activities. "The implementation of the new economic policy has hit this sector the hardest," it states. Exports have been stagnating over the past one decade and the new economic policy seems to be resulting in the closure or disappearance of many Indian companies, especially those in the consumer goods industry.

One important aspect of the report is that it demystifies the notion that China's economic growth has been owing to flexible labour laws. In fact, the Commission found evidence to the contrary. China followed a proper sequence of reforms and did not, in the Commission's words, "follow the standard policy of prescriptions, laid down by the World Bank and the International Monetary Fund for developing economies, blindly". Instead of initiating reforms with foreign trade and exchange rate liberalisation, China started with the agriculture sector. Labour laws in the country were found to be very much in place and did not contemplate or permit the policy of "hire and fire".

TRADE union representatives and others had been awaiting the release of the report. Several times in the past year, there were signals from the government at various forums regarding the need for drastic changes in the labour laws. In fact Yashwant Sinha, in his Budget speech as Finance Minister in 2001, mentioned that the government had decided to introduce amendments to the Industrial Disputes Act and the Contract Labour (Abolition and Regulation) Act in that Budget session of Parliament. The government's haste in facilitating industrial interests at the cost of diluting labour legislation could not have been more apparent.

However, the detractors of the government said that the government should wait for the NCL report. Even the NCL chairperson expressed his reservations about Yashwant Sinha virtually jumping the gun. In a letter to the Prime Minister on March 7, 2001, which reflected the resentment among the Commission members, Ravindra Varma said that the announcement had come in an unusual and unprecedented manner. He added that since the government itself had appointed the Commission, it could have waited for the Commission's report. Even if the government felt that urgency warranted an immediate amendment, it could have asked the NCL for an interim report on the amendments. Ravindra Varma said that both the alternatives were ignored, giving an opportunity for sceptics and critics to say that the government's mind was already made up and that the Commission had no relevance. The letter also reveals the latent

pliability of the Commission when it refers to the option of giving an interim report on the amendments to the labour laws.

The final report has been unduly kind to employers and the owners of industries. Rationalisation, in the understanding of the Commission, means making laws more consistent with the context, more consistent with one another, less cumbersome, simpler and more transparent. The emphasis is on arbitration and mediation in industrial relations. In sum, industrial peace, and not unrest, has been overemphasised. Trade unions have been urged to reflect on the current situation and not to create conditions that would alienate public sympathy. The report frowns upon the kind of industrial action that has taken place so far and is critical of the "increasing tendency on the part of the trade unions to get together in ad hoc struggle committees to launch struggles or to support a struggle one of them have launched".

Probably inspired by the NCL's recommendations, Vajpayee, addressing a meeting of the Advisory Council on Trade and Industry on July 10, said that the Cabinet had decided to "vigorously pursue" labour reforms. He urged political parties to arrive at a consensus so that relevant legislation could be passed in Parliament. The labour reforms, according to Vajpayee, would create more employment opportunities, thus fulfilling the objective of achieving growth with the creation of more jobs. Although the Electricity Bill 2002, the Convergence Bill for Telecom and Information Technology, the Petroleum Regulatory Board Bill and the Bill for Secularisation and Reconstruction of Financial Assets and Enforcement of Security Interests came up for discussion at the meeting, it was apparent that the thrust was on labour reforms. The message from the meeting, which was attended by several industry representatives, was that the government was going to put in place a framework that would enable business to become globally competitive. A Cabinet committee on economic reforms was set up to develop a priority agenda for policy reforms every year and to monitor its implementation.

The CITU reacted sharply to the Prime Minister's call for a consensus, especially when the NCL's recommendations were not the last word on labour reforms. Stating that Vajpayee had got carried away by the recommendations, CITU cautioned that it would be relevant to take cognisance of the note of dissent appended to the report. Moreover, the CITU pointed out that the government was yet to make the report public or circulate it among the unions for a discussion.

It is a matter of time before the recommendations of the NCL are translated into legislation, either by amending existing provisions or by introducing new labour laws. The worst fears of the trade unions and the working class may come true in the months to come when ways and means to create an atmosphere that is conducive to economic growth at the cost of labour will be devised. (The winter session of Parliament is likely to witness the introduction of some crucial pieces of labour legislation. A meeting of the Indian Labour Conference, the highest tripartite body that involves labour, industry and the government, is scheduled for the first week of September.) •

T.K. RAJALAKSHMI
in New Delhi
- Courtesy 'frontline' - 16.8.2002

"One has to accept the fact that we have travelled quite some distance along the road to full-scale globalisation. It is technology that has made globalisation possible. It has generated new hopes and given rise to new dangers and temptations. Its impact can already be seen in many fields of human activity. Old mind-sets may prove a handicap in responding to the new situations and factors that have emerged."
- The National Commission on Labour Report, 2002.

NUTA BULLETIN (Official Journal of NAGPUR UNIVERSITY TEACHERS' ASSOCIATION) **CHIEF EDITOR** : Prof. A.G.Somvanshi, Shankar Nagar, AMRAVATI-444 606. **EDITOR** : Prof. S.S. Gawai 1, Abhinav State Bank Colony, Chaprashi Pura, Camp, AMRAVATI 444 602. **PUBLISHER** : Prof. S.R. Kalmegh, Lahari Apartment, Keshao Colony, Camp, AMRAVATI 444 602. Type Setting at NUTA Bulletin Office, Phundkar Bhavan, Behind Jain Hostel, Maltekadi Road, Amravati-444 601. **PRINTED AT** Bokey Printers, Gandhi Nagar, Amravati. (M.S) **REGD NO. MAHBIL/2001/4448** Licenced to post without prepayment **LICENCE NO. NR/ATI/78/2002** Name of the Posting office : **R.M.S. Amravati.** Date of Posting : **29.08.2002**

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