

**THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S
UNIVERSITY (VALIDATING PROVISIONS) ACT, 1974.**

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MAHARASHTRA ACT No. XLV OF 1974¹.

[THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S UNIVERSITY
(VALIDATING PROVISIONS) ACT, 1974].

[13th September 1974]

Amended by Mah. 60 of 1975 * (8-10-1975)†.

**An Act to validate the continuance in office and acts of Vice-Chancellor of the
Shreemati Nathibai Damodar Thackersey Women's University.**

Bom. LI of 1949. WHEREAS the term of office of Shrimati Sharda Divan, Vice-Chancellor of the Shreemati Nathibai Damodar Thackersey Women's University, elected under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, had expired on the 1st day of December 1972 ;

AND WHEREAS the Senate had elected a new Vice-Chancellor, but as the question of revising the law relating to the University was under consideration of Government, the Chancellor did not confirm the election, and directed Shrimati Sharda Divan to continue in office until her successor was duly determined under the proposed legislation ;

AND WHEREAS Shrimati Sharda Divan accordingly continued in office and purported to exercise all the powers and perform all the duties of Vice-Chancellor ;

Bom. LI of 1949. Mah. XXVII of 1974. AND WHEREAS the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, was repealed, and replaced by the Shreemati Nathibai Damodar Thackersey Women's University Act, 1974, on the 21st day of May 1974 ;

AND WHEREAS it was expedient to regularise the continuance of Shrimati Sharda Divan in the said office, and to ensure the validity of all acts done by her as Vice-Chancellor ;

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

Mah. Ord. XIV of 1974. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes aforesaid and, therefore, promulgated the Shreemati Nathibai Damodar Thackersey Women's University (Validating Provisions) Ordinance, 1974, on the 12th July 1974 ;

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

1. (1) This Act may be called the Shreemati Nathibai Damodar Thackersey Women's University (Validating Provisions) Act, 1974.

(2) It shall be deemed to have come into force on the 12th day of July 1974.

Short title and commencement.

¹ For statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1974, Extraordinary, Pt. V, p. 942.

* Maharashtra Ordinance No. XV of 1975 was repealed by Mah. 60 of 1975, s. 12.

† This indicates the date of commencement of Act.

2. (1) Notwithstanding the repeal of the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, for the purposes mentioned aforesaid that Act shall be deemed to have been revived, re-enacted and to have full force ; and in the Act so revived and re-enacted, in section 10 thereof, in sub-section (2), after the words "the term of three years" the words "but shall continue to hold that office until the date on which a new Vice-Chancellor enters upon his office." shall be deemed always to have been added.

(2) The said Act, so revived, re-enacted and amended as aforesaid (hereinafter referred to as "the old Act"), shall be and shall be deemed to have been repealed on the 21st day of May 1974 (hereinafter referred to as "the said date").

(3) Accordingly, Shreemati Sharda Divan, whose term of office expired after the 30th day of November 1972 and who nevertheless continued in office thereafter, shall be deemed to have lawfully continued in that office under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, until that Act is repealed as aforesaid ; and, notwithstanding the repeal of the old Act, shall be deemed to have lawfully continued thereafter under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1974 (hereinafter referred to as "the new Act") and shall continue to hold the office of the Vice-Chancellor until a Vice-Chancellor is duly appointed under the new Act.

Anything done or any action taken (including any part taken in the proceedings of the authorities, committees and other bodies of the University, delegations made, orders passed) by the said Shreemati Sharda Divan as Vice-Chancellor on and after the 1st day of December 1972 and until such time she continues to hold that office shall be deemed to be validly done or taken ; and shall not be called in question in any Court or before any tribunal or authority merely on the ground that her term of office had expired after the 30th day of November 1972 and her continuance in office thereafter was illegal or was not in accordance with the law then in force, or that she was not competent thereafter to exercise all the powers and perform all the duties conferred on the Vice-Chancellor.

(4) Notwithstanding the repeal of the old Act,—

(i)(a) in addition to the continuance of the Vice-Chancellor in office as aforesaid all members of Senate, the members of the Syndicate and the Academic Council, the Boards of Studies and all other authorities, bodies and committees of the University constituted under the old Act, and in office immediately before the said date, shall be deemed to be respectively the members of the Senate, of the Executive and Academic Councils, the Boards of Studies and other corresponding authorities, bodies and committees of the University constituted under the new Act (hereinafter referred to as "the University"), and shall, until the date, being ¹[not later than the 31st day of December 1975, on which the Vice-Chancellor declares that the Senate shall be deemed to be duly constituted,] exercise all the powers and perform all the duties conferred on the authorities, bodies and committees under the new Act ;

(b) if any vacancy occurs, otherwise than by efflux of time, in the office of a member of the Senate or of any of the authorities, bodies or committees referred to in this clause, it shall not be necessary to fill the same :

Provided that, the Chancellor may, after consulting the Vice-Chancellor, nominate any person to fill any such vacancy :

Provided further that, the omission to fill any such vacancy shall not invalidate any act or decision of any such authority, body or committee by reason only of the omission to fill the said vacancy ;

¹ These words, figures and letters were deemed always to have been substituted for the words "not later than six months from the said date, on which the Vice-Chancellor declares that the Senate has been duly constituted," by Mah. 60 of 1975, s. 10.

(ii) all Faculties and Departments constituted under the old Act shall be deemed to have been constituted under the new Act ;

(iii) all colleges affiliated, colleges made constituent, institutions recognised and all secondary schools and higher secondary schools registered under the old Act and entitled to the privileges of the University under that Act, immediately before the said date, shall be deemed to be affiliated, made constituent, recognised or registered or admitted to the privileges of the University, as the case may be, under the new Act, except in so far as such privileges may be withdrawn, restricted or modified by or under the new Act ;

(iv) all Graduates registered or deemed to be registered before the said date shall, unless they are disqualified under clause (a), (b) or (c) of sub-section (2) of section 81 of the new Act be deemed to be registered under that Act :

Provided that, if any such graduate is a Registered Graduate of any other University established by law in the State of Maharashtra before the said date, he shall cease to be a Registered Graduate, unless he has elected as required by the proviso to the said sub-section (2) of section 81 of the new Act ;

(v) all property, movable or immovable, and all rights, interest of whatsoever kind, powers and privileges of the University constituted under the old Act shall be transferred to and shall, without further assurance, vest in the University and be applied to the objects and purposes for which the University is constituted ;

(vi) all benefactions accepted or received by the University constituted under the old Act, and held by it immediately before the said date, shall be deemed to have been accepted or received or held by the University under the new Act, and all the conditions on which such benefactions were accepted or received or held shall be deemed to be valid under the new Act, notwithstanding that such conditions may be inconsistent with any of the provisions of the new Act ;

(vii) all debts, liabilities and obligations incurred before the said date, and lawfully subsisting against the University constituted under the old Act, shall be discharged and satisfied by the University ;

(viii) any will, deed or other document made before the said date, which contains any beque st, gift, terms or trust in favour of the University constituted under the old Act shall, on the said date, be construed as if the University constituted under the new Act is named therein instead of the University constituted under the old Act ;

(ix) all references in any enactment, or other instruments issued under an enactment to the University constituted under the old Act shall be construed as references to the University ;

(x) the appointment of the Registrar and all other officers and employees of the University constituted under the old Act and validly made under that Act, and subsisting immediately before the said date, shall be deemed to have been made under and for the purposes of the new Act ; and the Registrar and such other officers and employees shall continue to hold office and to act, subject to the conditions governing the terms of their office or employment, except in so far as such conditions may be altered by a competent authority ;

(xi) the appointment of examiners validly made under the old Act and subsisting immediately before the said date shall be deemed to have been made under and for the purposes of the new Act, and such examiners shall continue to hold office and to act until fresh appointments are made under the new Act ;

(xii) all Statutes, Ordinances, Regulations and Rules, all notices and orders made or issued under the old Act shall, in so far as such Statutes, Ordinances, Regulations, Rules, notices and orders are not inconsistent with the provisions of the new Act, continue in force and be deemed to have been made or issued under the new Act, until they are superseded or modified by the Statutes, Ordinances, Regulations, Rules, notices and orders made or issued by or under the new Act :

Provided that, no Statute, Ordinance, Regulation, Rule, notice or order made or issued under the old Act, and in force immediately before the said date, shall be deemed to be inconsistent with the provisions of the new Act by reason only that the power to make or issue such Statute, Ordinance, Regulation, Rule, notice or order under the new Act vests in a different authority or body or officer, or that the subject-matter thereof is permissible only under a different form of subordinate legislation or instrument to be made under the new Act.

(5) The mention of particular matters in the last preceding sub-section shall not be held to prejudice or affect the general application of section 7 of the Bombay General Clauses Act, 1904, with regard to the effect of repeal of the old Act. Bom. I of 1904.

Repeal of Mah. Ord. XIV of 1974 and saving. 3. (1) The Shreemati Nathibai Damodar Thackersey Women's University (Validating Provisions) Ordinance, 1974, is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken by or under the Ordinance so repealed, shall be deemed to have been done or taken by or under this Act. Mah. Ord. XIV of 1974.