

Explanation to DVV findings regarding Metric ID 2.1.2.2

1) Provisions in MIT Art, Design and Technology University Act, 2015:

University is established by MIT Art, Design and Technology University Act, 2015. Sec 35 of said Act deals with the provisions regarding admissions. Sub section (3) and (4) of Sec 35 are as follows:

Subsection (3): Seats for admission in the University, for the students belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and handicapped students, shall be reserved as per the policy of the State Government:

Provided that the total reservation in any case shall not exceed fifty per cent.

Note: Section 2 of the said Act defines "Government" or "State Government" means the Government of Maharashtra

Sub section (4): Out of the total approved intake capacity, seventy per cent (70%) of the seats shall be reserved for the students domiciled in the State of Maharashtra.

2) Provisions in Govt of Maharashtra Resolution 2019, Misc-2017/(144/17)/VISHI – 4 :

After establishing the university in 2015, the Govt of Maharashtra issued a GR dt. 19.1.2019, bearing no. Misc-2017/(144/17)/VISHI – 4, which is in local language Marathi. Para 8 (five) (six) (seven) of the said GR deals with the provisions of reservation.

Para 8 (five) prescribes the percentage of reservation as SC-13%, ST-7%, VJ(A)-3%, NT(B) – 2.5%, NT(C) – 3.5%, NT(D) – 2%, OBC – 19%, SBC – 2%, SEBC – 16%.

Further, reservation policy of the State Government is also prescribed by the Government of Maharashtra vide Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes,

Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and other Backward Classes) Act. 2006. Sec 4 of the same provides the reservation percentage as follows:

Name of Category	Percentage of Reservation
<i>Scheduled Castes</i>	13 %
<i>Scheduled Tribes</i>	7 %
<i>De-notified Tribes A (Vimukta Jatis)</i>	3 %
<i>Nomadic Tribes B</i>	2.5 %
<i>Nomadic Tribes C</i>	3.5 %
<i>Nomadic Tribes D</i>	2 %
<i>Special Backward Category</i>	2 %
<i>Other Backward Classes</i>	19 %

Para (six) provides that 'admission process should be as per the reservation policy of the State Government.

Para (seven) provides that 40% seats should be reserved for the students having domicile in Maharashtra.

Hence, reservations percentage given to the students belonging to Maharashtra State is 40% of the total approved intake.

As stated above, as the reservation is applicable only to the students having domicile of State of Maharashtra and total reservation in any case shall not exceed fifty percent, social reservation of SC, ST, VJ(A), NT(B), NT(C), NT(D), SBC and OBC is given only to 50% of the 40% intake. Therefore, data for metric id 2.1.2.2 is not 50% of data of metric id 2.1.1.1. Practically it will come 20% of the intake. Year wise and program wise data of intake and earmarked seats for reservation, as per the provisions of Act and GRs issued by Government of Maharashtra is attached.

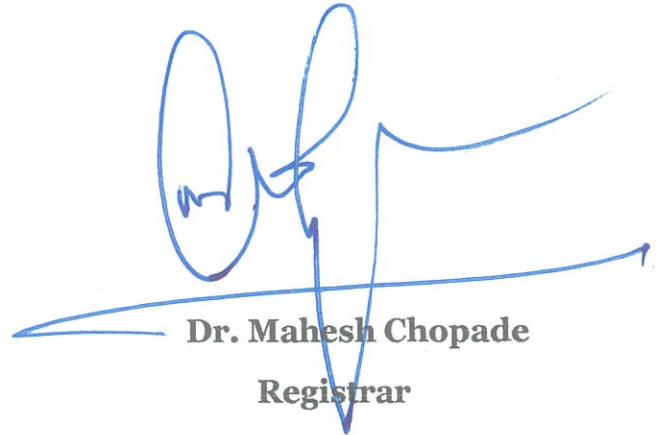
3) Maharashtra Private Universities (Establishment and Regulation) Act, 2023 w.e.f. 19 January 2024:

Further, the Government of Maharashtra repealed all the independent Acts of State Private Universities vide Maharashtra Private Universities (Establishment and Regulation) Act, 2023 w.e.f. 19 January 2024 and making the provisions of this Act applicable to all private universities.

Sec 41 (4) of the said Act ratifies the provisions of above said GR dt. 19.01.2019 regarding reservation for students from State of Maharashtra as “Out of the total approved intake capacity, **forty per cent (40%)** of the seats shall be reserved for the students having domiciled in the State of Maharashtra”

Attached Copies of –

- i. MIT Art, Design and Technology University Act, 2015 (relevant pages 15, 16 and 2).
- ii. The Maharashtra Private Universities (Establishment and Regulation) Act, 2023 (relevant pages 21 and 22).
- iii. Government Resolution dated 19.01.2019 in local (Marathi) language (relevant page 9).
- iv. Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and other Backward Classes) Act. 2006 (relevant pages 4 and 5)



Dr. Mahesh Chopade
Registrar

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;

(f) fees to be charged for the various courses, examinations, degrees and diplomas of the University ;

(g) the conditions of residence of the students in the hostels of the University ;

(h) provisions regarding disciplinary action against the students ;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University ;

(j) the manner of co-operation and collaboration with other Universities and institutions of higher education ; and

(k) all other matters which are required to be provided by the ordinances under the provisions of this Act or the statutes made thereunder.

(3) The Government shall consider the first ordinances submitted by the Vice-Chancellor under sub-section (1) and shall give its approval, within four months from the date of its receipt, with such modifications, if any, as it may deem necessary.

33. (1) All ordinances other than the first ordinances shall be made by the Academic Council which, after being approved by the Board of Management shall be submitted to the Governing Body, for its approval. Subsequent Ordinances.

(2) The Academic Council shall either modify the ordinances incorporating the suggestions of the Board of Management and the Governing Body or give reasons for not incorporating the suggestions, and shall return the ordinances along with such reasons, if any. The Board of Management and the Governing Body shall consider the suggestions of the Academic Council and shall approve the ordinances of the University with or without such modification and then the ordinances, as approved by the Governing Body, shall come into force.

34. The authorities of the University may, subject to the prior approval of the Board of Management, make regulations, consistent with the provisions of this Act, the rules, statutes and the ordinances made thereunder, for the conduct of their own business and of the committees appointed by them. Regulations.

35. (1) Admission in the University shall be made strictly on the basis of merit. Admission.

(2) Merit for admission in the University may be determined, either on the basis of marks or grade obtained in the qualifying examination for admission and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State :

Provided that, admission in professional and technical courses shall be made only through the entrance test.

(3) Seats for admission in the University, for the students belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and handicapped students, shall be reserved as per the policy of the State Government :

Provided that, the total reservation in any case shall not exceed fifty per cent.

(4) Out of the total approved intake capacity, seventy per cent. of the seats shall be reserved for the students domiciled in the State of Maharashtra.

Fee structure.

36. (1) The University may, from time to time, prepare its fee structure and forward it for approval of the committee constituted by the State Government for the purpose.

(2) The Government shall constitute a Fee Structure Review Committee, in the manner as may be prescribed, to review the fee structure proposals received from the University.

(3) The Chairperson for the committee mentioned under sub-section (2), shall be a retired Judge of the Supreme Court or a retired Chief Justice of any High Court. The Chairperson of the committee shall be a person who is recommended by the High Court at Mumbai.

(4) The committee shall consider the fee structure prepared by the University, review it and shall submit its recommendations to the Government after taking into consideration whether the proposed fee is —

(a) sufficient for,—

(i) generating resources for meeting the recurring expenditure of the University ; and

(ii) the savings required for the further development of the University ; and

(b) not unreasonably excessive.

(5) After receipt of the recommendations under sub-section (4), the Government if satisfied, may approve the fee structure. The fee structure approved by the Government shall remain valid until next revision.

(6) The State Government shall not reimburse any fees or shall not take any financial liability for students belonging to the backward classes admitted into the University.

(7) The University shall not charge any fees, by whatever name called, other than that for which it is entitled under sub-section (5).

Prohibition of
capitation fee.

37. (1) No capitation fee shall be collected by or on behalf of the University or by any person who is in charge of, or is responsible for, the management of such institution, from or in relation to any student in consideration of his admission to and prosecution of any course of study or of his promotion to a higher standard or class in such institution.

(2) Notwithstanding anything contained in sub-section (1), the management may in good faith collect or accept donations in cash or kind, in the prescribed manner, from benevolent persons or organizations or public trusts or any other association of persons, for opening of new educational institutions, for creation of the Endowment Fund for award of scholarship, prizes or the like, but while collecting or accepting such donations, the management shall not reserve any seats in any educational institution run by it in consideration of such donations. Where in consideration of accepting such donations, any seat is reserved for admission to any student in such institution, such acceptance of donation shall be deemed to be the collection of capitation fee, within the meaning of clause (a) of section 2 of the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Board of Management” means the Board of Management constituted under section 22 ;

(b) “campus” means the area of the University within which it is established ;

(c) “distance education” means education imparted by combination of any two or more means of communications, viz. broadcasting, tele-casting, correspondence courses, seminars, contact programmes and any other such methodology ;

(d) “employee” means any person appointed by the University and includes teachers, officers and other staff of the University ;

(e) “fee” means monetary collection made by the University or its colleges, institutions or study centers, as the case may be, from the students by whatever name it may be called, which is not refundable ;

(f) “Government” or “State Government” means the Government of Maharashtra ;

(g) “Governing Body” means the Governing Body constituted under section 21 ;

(h) “higher education” means pursuit of knowledge beyond learning at the stage of school education ;

(i) “hostel” means a place of residence for the students of the University or its institutions and study centers, established or recognized to be as such by the University ;

(j) “notification” means a notification published in the *Official Gazette* ;

(k) “*Official Gazette*” means the *Maharashtra Government Gazette* ;

(l) “prescribed” means prescribed by the statutes or ordinances or regulations, as the case may be, made by or under this Act ;

(m) “regulating body” means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council of Technical Education, National Council of Teacher Education, Medical Council of India, Pharmacy Council of India, National Council of Assessment and Accreditation, Indian Council of Agriculture Research, Distance Education Council, Council of Scientific and Indian Research, etc. and includes the Government ;

(n) “rules” means the rules made by the State Government ;

(o) “section” means a section of this Act ;

(p) “sponsoring body” means the Maharashtra Academy of Engineering and Educational Research, Pune registered as a trust under the Maharashtra Public Trusts Act ;

(q) “State” means the State of Maharashtra ;

(r) “statutes”, “ordinances” and “regulations” means respectively, the statutes, ordinances and regulations of the University made under this Act ;

extension services ;

(xxv) to establish and maintain halls and hostels;

(xxvi) to recognize, supervise and control halls and hostels not maintained by the University for the residence of the students and to withdraw any such recognition ;

(xxvii) to regulate and enforce discipline among the students and the employees of the University and to take such disciplinary measures, as may be deemed necessary ;

(xxviii) to make arrangements for promoting health and general welfare of the students and the employees of the University ;

(xxix) to co-operate with, any other university within and outside the country, authority or any public or private body having in view the promotion of purposes and objects similar to those of the University for such purposes, as may be agreed upon, on such terms and conditions as may, from time to time, be specified ;

(xxx) to provide for the printing, re-printing and publication of research and other work, including text books, which may be issued by the University ;

(xxxi) to comply and follow from time to time, the provisions of the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 or any other regulations or directions issued by the University Grants Commission ;

(xxxii) to comply with and carry out directives issued by the State Government, from time to time, with reference to above powers, duties and responsibilities of the University ;

(xxxiii) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

University
open to all.

6. (1) No citizen of India shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession, political or other opinion.

(2) The University shall adopt the Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes for the purpose of admission of students in the University departments and institutions.

(3) The University shall adopt the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government, from time to time.

University to be
self-financed.

7. The University shall be self-financed and it shall not be entitled to receive any grant or other financial assistance from the Government.

Endowment
Fund.

8. (1) The sponsoring body shall establish a permanent statutory fund to be called "the Endowment Fund" for the University which shall comprise of atleast five crore rupees, which may be increased *suo motu* but shall not be decreased.

(f) fees to be charged for the various courses, examinations, degrees and diplomas of the university;

(g) the conditions of residence of the students in the hostels of the university;

(h) provisions regarding disciplinary action against the students;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the university;

(j) the manner of co-operation and collaboration with other universities and institutions of higher education; and

(k) all other matters which are required to be provided by the Ordinances under the provisions of this Act or the Statutes made thereunder.

(3) The Government shall consider the First Ordinances submitted by the Vice-Chancellor under sub-section (1) and shall give its approval within four months from the date of its receipt, with such modifications, if any as it may deem necessary.

39. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the Governing Body for its approval. Subsequent Ordinances.

(2) The Academic Council shall either modify the Ordinances incorporating the suggestions of the Board of Management and the Governing Body or give reasons for not incorporating the suggestions, and shall return the Ordinances alongwith such reasons, if any, the Board of Management and the Governing Body shall consider the suggestions of the Academic Council and shall approve the Ordinances of the university with or without such modification and then the Ordinances, as approved by the Governing Body shall come into force.

40. The authorities of the university may, subject to the prior approval of the Board of Management, make Regulations, consistent with the provisions of this Act and the rules, Statutes or Ordinances made thereunder, for the conduct of their own business and of the committees appointed by them. Regulations.

41. (1) Admission in the university shall be made strictly on the basis of merit. Admissions.

(2) Merit for admission in the university may be determined either on the basis of marks or grade obtained in the qualifying examination, for admission and achievements in co-curricular and extracurricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the universities conducting similar courses or by any agency of the State:

Provided that, admission in professional and technical courses shall be made only through entrance test.

(3) Seats for admission in the university, for the students belonging to Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*),

Nomadic Tribes, Other Backward Classes, Special Backward Category and Economically Weaker Sections (EWS) and students with disability, shall be reserved as per the policy of the State Government.

(4) Out of the total approved intake capacity, forty per cent. of the seats shall be reserved for the students having domiciled in the State of Maharashtra.

Fees Fixation
Committee.

42. (1) The university may constitute a Fees Fixation Committee for deciding fees structure for various courses and programmes offered therein. The constitution of, and the procedure to be followed by, the Fees Fixation Committee shall be such as may be prescribed by the Statutes.

(2) The Committee shall prepare and finalise fees structure after taking into consideration, whether the proposed fees,-

(a) is sufficient for,-

(i) generating resources for meeting the recurring expenditure of the university; and

(ii) the savings required for further development of the university;

(b) is not unreasonable; and

(c) does not amount to profiteering.

(3) The Government shall have power to review the fees structure of the university and after such review, it may issue directions to the university to amend fees structure, appropriately and the university shall implement those directions.

(4) The State Government shall not reimburse any fees or shall not take any financial liability for students belonging to the backward classes admitted into the university.

(5) The university shall not charge any fees, by whatever name called, other than that for which it is entitled under this section.

Prohibition of
capitation fee.

43. (1) No capitation fee shall be collected by or on behalf of the university or by any person who is in charge of, or is responsible for, the management of such institution, from or in relation to any student in consideration of his admission to and prosecution of any course of study or of his promotion to a higher standard or class in such institution.

(2) Notwithstanding anything contained in sub-section (1), the management may in good faith collect or accept donations in cash or kind, in the prescribed manner, from benevolent persons or organization or public trusts or any other association of persons, for opening of new educational institutions or for creation of endowment fund for award of scholarship, prizes or the like, but while collecting or accepting such donations the management shall not reserve any seats in any educational institution run by it

Mah.
VI of
1988.

in consideration of such donations. Where in consideration of accepting such donations any seat is reserved for admission to any student in such institution such acceptance of donation shall be deemed to be collection of capitation fee, within the meaning of clause (a) of section 2 of the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987.

44. At the beginning of each academic session and in any case not later than 30th June of every calendar year, the university shall prepare and publish a semester-wise or annual, as the case may be, schedule of examinations for each and every course conducted by it and shall strictly adhere to such schedule :

Schedule of examinations.

Provided that, if for any reason whatsoever, university is unable to follow this schedule, it shall, as soon as practicable, submit a report to the Government giving the detailed reasons for making a departure from the published schedule of examinations. The Government may, thereon, issue such directions, as it may deem fit, for better compliance in future.

45. (1) The university shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for a particular course and shall in any case declare the results latest within forty-five days from such date :

Declaration of results.

Provided that, if for any reason whatsoever, the university is unable to finally declare the results of any examination within the period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay to the Government. The Government may, thereon, issue such directions as it may deem fit for better compliance in future.

(2) No examination or results of an examination shall be held invalid only for the reasons that the university has not followed the schedule of examinations as stipulated in section 44 of this Act or that the university has failed to declare the results within the period specified in sub-section (1).

46. The convocation of the university shall be held in every academic year in the manner as may be prescribed by the Statutes for conferring degrees, diplomas or for any other purposes.

Convocation.

47. The university shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, within five years of its establishment and inform the Government and such other regulating bodies which are connected with the courses taken up by the university about the grade provided by National Council of Assessment and Accreditation (NAAC) to the university. The university shall get renewed such accreditation at an interval of every five years thereafter.

Accreditation of university.

स्वयं अर्थसहाय्यित विद्यापीठ स्थापन करण्यासाठी संस्थेकडे स्वतःच्या मालकीची किंवा किमान ३० वर्ष संस्थेकडे भाडे तत्वावरील जमीन असेल, अशा संस्था देखील स्वयं अर्थसहाय्यित विद्यापीठ स्थापन करण्यासाठी आवश्यक दस्तावेज सादर करतील.

(तीन) विद्यापीठामध्ये देण्यात यावयाचा प्रवेश हा, काटेकोरपणे गुणवत्तेच्या आधारे देण्यात येईल.

(चार) विद्यापीठातील प्रवेशाकरीता लागणारी गुणवत्ता ही, एकतर अर्हता परिक्षेमध्ये मिळविलेले गुण किंवा श्रेणी आणि पाठयांतर्गत व पाठयेत्तर कार्यक्रमांमध्ये मिळविलेले नैपुण्य यांच्या आधारे किंवा तशा प्रकारचे अभ्यासक्रम चालविणाऱ्या एखाद्या विद्यापीठ अधिसंघाने घेतलेल्या किंवा राज्याचा अन्य कोणत्याही अभिकरणाने घेतलेल्या राज्यस्तरीय प्रवेश परीक्षेमध्ये मिळविलेले गुण किंवा श्रेणी यांच्या आधारे निर्धारित करता येईल; परंतु व्यावसायिक व तांत्रिक अभ्यासक्रमांमधील प्रवेश हा केवळ परीक्षेमार्फतच देण्यात येईल;

(पाच) राज्य शासनाच्या, प्रचलित धोरणानुसार महाराष्ट्र राज्यामध्ये विविध सामाजिक प्रवर्गासाठी अस्तित्वात असलेले आरक्षण अनुसूचित जाती (SC) १३%, अनुसूचित जमाती (ST) ७%, विमुक्त जाती (V.J.A) ३% भटक्या जमाती, (N.T.B) २.५% भटक्या जमाती, (N.T.C) ३.५%, भटक्या जमाती (N.T.D) २%, इतर मागासवर्ग (O.B.C) १९%, विशेष मागासप्रवर्ग (S.B.C) २% आणि सामाजिक व आर्थिक मागास प्रवर्ग (S.E.B.C) १६% असे एकूण ६८% आरक्षण ठेवले आहे.

(सहा) सदरहू प्रवेश प्रक्रिया ही राज्य शासनाच्या आरक्षण धोरणास अनुसरून राबविण्यात यावी.

(सात) शैक्षणिक वर्ष सुरु होताना एकूण प्रवेश क्षमतेच्या ४०% जागा महाराष्ट्रामधील अधिवास असणाऱ्या विद्यार्थ्यांसाठी आरक्षित असतील. तथापि, विदेशी व आंतरराष्ट्रीय विद्यापीठ अथवा इतर अशा प्रकारच्या विद्यापीठाशी संलग्न असणाऱ्या विद्यापीठांमध्ये शासन ही मर्यादा शिथिल करू शकेल. अल्पसंख्याक दर्जा प्राप्त विद्यापीठांसाठी प्रवेशाचे आरक्षण लागू राहणार नाही.

(आठ) राष्ट्रीय अल्पसंख्याक शैक्षणिक संस्था अधिनियम, २००४ हा अधिनियम संपूर्ण देशात लागू आहे. या अधिनियमातील तरतूदी राज्यातील स्वयं अर्थसहाय्यित अल्पसंख्याक विद्यापीठांना लागू राहतील.

(नऊ) (i) शिक्षण शुल्क (fee) किंवा इतर खर्चापोटी शासनाकडून कोणत्याही स्वरूपाची प्रतीपूर्ती करण्यात येणार नाही.

(ii) राज्यातील सर्व स्वयं अर्थसहाय्यित विद्यापीठांच्या शुल्क निर्धारणासाठी समान नियमावली विधी व न्याय विभागाच्या सल्ल्याने तयार करण्यात येईल.

(iii) तथापि, शुल्क निश्चिती समिती (Fee Fixation Committee):- विद्यापीठामध्ये पारदर्शकता आणण्यासाठी विविध उपक्रमांसाठी शुल्क आकारण्याच्या अनुषंगाने पुर्ण स्वायत्तता असेल. प्रत्येक विद्यापीठाला शुल्क ठरविण्यासाठी Fee fixation committee ज्या मध्ये संचालक मंडळ Academic

(m) "Sanctioned Intake" means the total number of seats sanctioned or approved by the Appropriate Authority for admitting candidates in a single academic year in each Professional Course of study or discipline in a Private Professional Educational Institution ;

(n) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution ;

(o) "Unaided Private Professional Educational Institution" means a Private Professional Educational Institution, not being an Aided Private Professional Educational Institution ;

(p) "University" means the Maharashtra University of Health Sciences constituted under the Maharashtra University of Health Sciences Act, 1998, or any other University constituted or deemed to have been constituted under the Maharashtra Universities Act, 1994, but does not include any institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956.

Mah. X
of 1998

Mah.
XXXV
of 1994
3 of
1956.

Applicability. 3. This Act shall apply to all Private Professional Educational Institutions in the State, excluding the Minority Educational Institutions.

Reservation in Aided Private Professional Educational Institutions. 4. (1) In every Aided Private Professional Educational Institution, seats equal to fifty per cent. of the Sanctioned Intake of each Professional Course shall be reserved for candidates belonging to the Reserved Category.

(2) The seats reserved for candidates belonging to the Reserved Category under sub-section (1) shall be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, in the proportion specified in the Table below :—

TABLE

Description of Caste/Tribe/Category/ Class of Reserved Category	Percentage of reservation
(1) Scheduled Castes and Scheduled Castes converts to Buddhism	13 %
(2) Scheduled Tribes	7 %
(3) De-notified Tribes (A)	3 %
(4) Nomadic Tribes (B)	2.5 %
(5) Nomadic Tribes (C)	3.5 %
(6) Nomadic Tribes (D)	2 %
(7) Other Backward Classes	19 %
Total . .	50 %

(c) "Creamy Layer" means the category of 'Creamy Layer' as declared by the Social Justice, Cultural Affairs and Special Assistance Department of the Government, on the basis of income; by general or special orders, issued from time to time;

(d) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government, from time to time;

(e) "Government" means the Government of Maharashtra;

(f) "Minority Educational Institution" means a Private Professional Educational Institution administered, managed and controlled by a minority, and shall include any such educational institution declared by the Government to be an institution entitled to enjoy the protection granted under clause (1) of article 30 of the Constitution;

(g) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood, as declared by the Government, from time to time;

(h) "Other Backward Classes" means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(i) "Private Professional Educational Institution" means any College, School, Institute, Institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the Appropriate Authority and affiliated to any University, but shall not include any such institution established, maintained or administered by the Central Government, any State Government, any local authority or institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956;

3 of
1956.

(j) "Professional Course" means any educational course of study notified as such, from time to time, by the Government in the *Official Gazette*;

(k) "prescribed" means prescribed by the rules framed by the Government under this Act;

(l) "Reserved Category" means the category of candidates belonging to—

(i) the Scheduled Castes and the Scheduled Tribes;

(ii) the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes and who are not falling in Creamy Layer;

Note.—The candidates belonging to the Special Backward Category shall be considered from and out of their respective original/parent Reserved Category such as Other Backward Classes :

Provided that, if candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (A), Nomadic Tribes (B), Nomadic Tribes (C), Nomadic Tribes (D) or Other Backward Classes are not available to fill in the seats reserved for the said Castes, Tribes or Classes, in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an Order in the *Official Gazette*, from time to time.

Explanation.—For the purposes of this section,—

(i) “De-notified Tribes (A)”, “Nomadic Tribes (B)”, “Nomadic Tribes (C)” and “Nomadic Tribes (D)” shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be “the De-notified Tribes (A)”, “Nomadic Tribes (B)”, “Nomadic Tribes (C)” and “Nomadic Tribes (D)”;

(ii) “Special Backward Category” means socially and educationally backward classes of citizens declared as “Special Backward Category” by the Government.

5. (1) In every Unaided Private Professional Educational Institutions, the seats to be reserved for candidates belonging to the Reserved Category shall be such as may be notified by the Government from time to time in the *Official Gazette*, but shall not exceed fifty per cent. of the Sanctioned Intake of any particular Professional Course.

Reservation
in Unaided
Private
Professional
Educational
Institutions.

(2) Out of the seats reserved under sub-section (1) for the candidates belonging to the Reserved Category, the seats to be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, shall be in the same *inter se* proportion, and in the manner, specified in sub-section (2) of section 4.

6. Any admission made in contravention of the provisions of this Act shall be void.

Irregular
admissions
void.

7. Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punished with an imprisonment which may extend to three years and with a fine which shall not be less than twenty lakh rupees but which may extend to one crore rupees.

Penalty.

Protection of action taken in good faith. 8. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Power to make rules. 9. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Provisions of the Act to be in addition to any other law. 10. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other law for the time being in force.

Provisions not to prohibit Minority Educational Institutions from making reservations. 11. Notwithstanding anything contained in any other provisions of this Act, any Minority Educational Institution, whether aided or not, may provide for reservation in admissions to Professional Courses for candidates belonging to the Reserved Category.

Power to remove difficulty. 12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.