

L. A. BILL No. XXI OF 2022.

A BILL

further to amend the Maharashtra Public Universities Act, 2016.

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

5 AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take immediate
action further to amend the Maharashtra Public Universities Act, 2016, for
the purposes hereinafter appearing and, therefore, promulgated the
Mah. VI
of 2017. Mah.
Ord. VI
of 2022. 10 Maharashtra Public Universities (Amendment) Ordinance, 2022 on the 3rd
August 2022 ;

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

1. (1) This Act may be called the Maharashtra Public Universities
15 (Second Amendment) Act, 2022. Short title and
commencement.

(2) It shall be deemed to have come into force on the 3rd August 2022.

Amendment of
section 109 of
Mah. VI of
2017.

2. In section 109 of the Maharashtra Public Universities Act, 2016 (hereinafter referred to as “ the principal Act ”),—

Mah. VI
of 2017.

(i) in sub-section (3), in clause (g), in the second proviso, in the Table, for clauses (d), (f) and (g), the following clauses shall be substituted, 5
namely :—

“(d) on or before 31st January of the immediately following year after the recommendations of the university. on or before 17th August 2022.

(f) on or before 1st day of May in which compliance report has been received. on or before 24th 10
August 2022.

(g) on or before 15th June of the year in which such new colleges or institutions are proposed to be started. on or before 1st day of September 2022.”;

(ii) in sub-section (4), in the second proviso, in the Table, for clause (d), 15
the following clause shall be substituted, namely :—

“(d) on or before 15th June of the year in which permission is granted by the State Government. on or before 17th August 2022.”.

Repeal of Mah.
Ord. VI of 2022
and saving.

3. (1) The Maharashtra Public Universities (Amendment) Ordinance, 20 2022, is hereby repealed.

Mah.
Ord. VI
of 2022.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the 25
corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 109 of the Maharashtra Public Universities Act, 2016 (Mah.VI of 2017), provides for the procedure for permission for opening new college or new course, subject, faculty, division or satellite center.

Sub-section (3) of the said section 109 provides for time limits for making application for grant of Letter of Intent for opening new college or institution of higher learning, grant of Letter of Intent by the Government, forwarding of compliance report by the University after scrutiny to the State Government and grant of final approval to open new college or institution.

Sub-section (4) of the said section 109 provides for the time limit for granting permission by the State Government to start a new course, subject, faculty, division or satellite center.

2. Some institutions in Aurangabad region have filed Writ Petitions in the Bombay High Court, Bench at Aurangabad objecting to some of the locations in the annual plan 2022-23 of the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. The High Court has granted stay to the advertisement dated the 25th April 2022 issued by the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad regarding perspective plan for opening new colleges and also stayed issuance of Letter of Intent by the Government in such cases until further hearing.

In view of the said stay order, the Government has not granted Letter of Intent to the institutions for opening new colleges under the said University.

Moreover certain institutions, who claimed that their proposals meet the requirements, have made representations to the Government for considering their proposals. However, the Government could not consider such proposals due to expiry of time limits specified in the said section 109 therefor.

3. It was therefore, considered expedient to amend the said section 109, suitably, so as to extent the time limit for granting Letter of Intent and subsequent approvals for opening new colleges and new courses in the academic year 2022-2023.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Universities Act, 2016, for the purposes aforesaid, the Maharashtra Public Universities (Amendment) Ordinance, 2022 (Mah. Ord. VI of 2022), was promulgated by the Governor of Maharashtra on the 3rd August 2022.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 12th August 2022.

EKNATH SAMBHAJI SHINDE,

Chief Minister.

**ANNEXURE TO THE L. A. BILL No. XXI OF 2022—THE
MAHARASHTRA PUBLIC UNIVERSITIES**

(SECOND AMENDMENT) BILL, 2022.

[Extracts from the Maharashtra Public Universities Act, 2016]

(Mah.VI of 2017)

1. to 108.	*	*	*	*	
109. (1) and (2)		*	*	*	
(3) (a) to (f)	*	*	*	*	Procedure for permission for opening new college or new course, subject, faculty, division.

(g) after considering the report of the university under clause (f), the State Government may grant final approval to such management as it may consider fit and proper in its absolute discretion, taking into account the State Government's budgetary resources, and other relevant factors, the suitability of management seeking permission to open new institution, etc. The final approval under this clause may be granted on or before 15th June, of the year in which such new college or institutions are proposed to be started. Such approval from the State Government shall be communicated to the university. Approvals granted thereafter shall be given effect by the university only in the subsequent academic year :

Provided however that, in exceptional cases and for the reasons to be recorded in writing any compliance report on the Letter of Intent, which is not recommended by the university, may be approved by the State Government.

Provided further that, with a view to extend the dates of making an application for seeking Letter of intent for opening a new college or institution of higher learning, scrutiny of application by Board of Deans and forwarding the same to the State Government, grant of Letter of Intent by the State Government, scrutiny of compliance report and forward the same to the State Government and grant of final approval by the State Government, for the academic year 2022-2023, the day or dates referred to in clauses (a), (c), (d), (f) and (g) of sub-section (3), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :—

Clauses	Day or date provided in existing provision	Day or date provided for Academic Year 2022-23
(1)	(2)	(3)
(a) to (c)	*	*
(d)	on or before 31st January of the immediately following year after the recommendations of the university.	on or before 15th July 2022
(f)	on or before 1st day of May in which compliance report has been received.	on or before 31st July 2022
(g)	on or before 15th June of the year in which such new colleges or institutions are proposed to be started.	on or before 17th August 2022

(4) (a) to (c) * * *

(d) out of the applications recommended by the university, the State Government may grant permission on or before 15th June of the year to such institutions as it may consider fit and proper in its absolute discretion, taking into account other relevant factors, the budgetary resources of the State Government and other relevant factors, the suitability of the management seeking permission, etc. The permission shall be communicated by the State Government to the university, on or before the date specified in this clause :

Provided however that, in exceptional cases and for the reasons to be recorded in writing any application not recommended by the university may be approved by the State Government :

Provided further that, with a view to extend the dates of, making application for seeking permission to start a new course of study, subjects, faculties, etc., scrutiny of the application by the Board of Deans and forwarding the same to the State Government and grant of permission by the State Government, for the academic year 2022-2023, the day or dates referred to in clause (a), (c) and (d) of sub-section (4), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :—

Clauses	Day or date provided in existing provision			Day or date provided for Academic Year 2022-23
(1)	(2)			(3)
(a) to (c)	*	*	*	*
(d)	on or before 15th June of the year in which permission is granted by the State Government.			on or before 31st July 2022
(5) to (9)	*	*	*	*
110. to 148.	*	*	*	*
SCHEDULE	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXI OF 2022.]

**[A Bill further to amend the Maharashtra
Public Universities Act, 2016.]**

**[SHRI EKNATH SAMBHAJI SHINDE,
Chief Minister.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**