

L. A. BILL No. LIX OF 2023.

A BILL

to provide for establishment and incorporation of a State Board to regulate matters pertaining to diploma level art education in the State of Maharashtra, regarding affiliation of art institutes and courses of study therein and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to provide for establishment and incorporation of a State Board to regulate matters pertaining to diploma level art education in the State of Maharashtra, regarding affiliation of art institutes and courses of study therein and for matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :-

CHAPTER I
PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra State Board of Art Education Act, 2023.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

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

(a) “affiliated institute” means an institute which has been granted affiliation by the Board ;

(b) “appointed date” means the date on which this Act shall come into force;

(c) “Art” means fine art, visual art or performing art restricted to music only;

(d) “diploma level art education” means such art education which follows the Secondary Education or Higher Secondary Education, as the case may be, to attain diploma or post-diploma or post-graduate diploma or advanced diploma level fine art or visual art or performing art restricted to music only or such other art education as may be specified by the Board;

Explanation.— For the purposes of this clause, the expression ‘art education’ also includes diploma level programme of education in applied art, sculpture, drawing and painting, arts and crafts and teachers’ training or any others diploma level programme, as may be declared by the regulatory authority, from time to time;

(e) “art institute”, means an institute imparting diploma or post-diploma or post-graduate diploma or advanced diploma in art education, recognized by the Board under this Act;

(f) “autonomy” means a privilege of the Board conferred on an institute permitting conduct of academic programmes, examinations and developing syllabus for respective subject and issuing certificates of passing the examinations relating to diploma level art education;

(g) “autonomous institute” means an institute to which autonomy is conferred under section 33;

(h) “Board” means the Maharashtra State Board of Art Education established under section 5;

(i) “bye-laws” means bye-laws made by the Board under section 52;

(j) “Director” means the Director of the Maharashtra State Board of Art Education appointed under section 22;

(k) “examination” means examination conducted by the Board;

(l) “fee or fees” means educational fees, examination fees, fees for affiliation or any other fee as may be specified by the Board, from time to time;

(m) “Government” means the Government of Maharashtra;

(n) “Governing Council” means the Governing Council of the Board;

(o) "Head of Institute" or "Principal" means the Head of the teaching staff of an art institute, imparting diploma level art education recognized by the Board;

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1950.
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(p) "management" means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Maharashtra Public Trusts Act or any society registered under the Societies Registration Act, 1860 or a company registered under section 8 of the Companies Act, 2013, under the management of which one or more institutes are conducted and admitted to the privileges of the Board;

(q) "prescribed" means prescribed by regulations made under this Act;

(r) "region" means the area comprised in each of the regions as specified in the Schedule;

(s) "regional office" means the office established by the State Government for the concerned region;

(t) "regulations" means the regulations made by the Board under this Act;

(u) "regulatory authority" means any authority or body established by or under the law made by the Parliament whose approval is necessary to start diploma level art institute or courses and which are authorised to regulate the matters connected therewith and includes the Board;

(v) "Schedule" means the Schedule appended to this Act;

(w) "teacher" means a member of the teaching staff (other than Principal or the Head of Institute) recognized by the Board.

CHAPTER II ESTABLISHMENT, POWERS AND DUTIES OF GOVERNING COUNCIL

3. (1) The Government shall, by notification in the *Official Gazette*, establish the Governing Council, which shall be an apex body to control and monitor the matters pertaining to diploma level art education and examinations to be conducted by the Board.

Establishment
of Governing
Council.

(2) The Governing Council shall consist of the following, namely:-

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| (a) | Minister,
Higher and Technical Education
Department, | President; |
| (b) | Minister of State,
Higher and Technical Education
Department, | Vice-
President; |
| (c) | Secretary,
Higher and Technical Education
Department or his nominee, | <i>ex-officio</i> Member; |
| (d) | Director, Directorate of Art, | <i>ex-officio</i> Member; |
| (e) | Director,
Maharashtra State Board of
Art Education, | Member-
Secretary; |

- (f) Deputy Director (Administration), *ex-officio*
Directorate of Art, Member;
- (g) Secretary, *ex-officio*
Maharashtra State Board of Art Member;
Education,
- (h) three senior practicing artists in the Members.
field of Art, to be nominated by the
Government of whom at least one shall
be a woman and one shall be a person
belonging to Scheduled Castes or
Scheduled Tribes or Denotified Tribes
(*Vimukta Jatis*) or Nomadic Tribes or
Other Backward Classes or Special
Backward Category,

(3) The names of the persons other than the *ex-officio* members, who have been nominated, from time to time, as members of the Governing Council, shall be published by the Government in the *Official Gazette*.

(4) The term of the nominated members of the Governing Council shall be for a period of five years, unless terminated earlier by the State Government.

(5) The Governing Council shall meet not less than thrice in every year, and a period of not more than four months shall intervene between two successive meetings.

(6) The nominated members shall receive such allowances, as may be determined by the Government, for attending the meetings.

Powers and
duties of
Governing
Council.

4. Subject to the provisions of this Act, the powers and duties of the Governing Council shall be as follows, namely:—

(a) to act on the matters referred by the Board and to approve the recommendations and decisions of the Board for implementation;

(b) to prepare perspective development plan in consultation with concerned industry;

(c) to recommend to the Government to carry test audit of accounts of the Board regularly and at such intervals as the Governing Council may deem fit;

(d) to decide accreditation policy of the institutes;

(e) to exercise the powers related to financial matters which are referred by the Board;

(f) to approve the budget recommended by the Board;

(g) to give directions to the Board in respect of implementation of various policy decisions taken by the Government, from time to time;

(h) to recommend to the Government to conduct an enquiry in respect of any matters concerning the proper conduct, working and finances of the institutes under the Board.

**CHAPTER III
ESTABLISHMENT, INCORPORATION,
POWERS AND DUTIES OF THE BOARD**

5. (1) The Government shall, by notification in the *Official Gazette*, Establishment establish a Board to be called the Maharashtra State Board of Art Education of Board. for the purposes of this Act.

(2) The Board shall consist of,—

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| (a) Director, Directorate of Art, | Chairperson; |
| (b) Development Commissioner
(Industries), Directorate of Industries
or his nominee, not below the rank
of Joint Director, | <i>ex-officio</i>
Member; |
| (c) Joint Secretary or Deputy Secretary to
Government, Higher and Technical
Education Department or his nominee, | <i>ex-officio</i>
Member; |
| (d) Chairman of the Maharashtra State
Board of Secondary and Higher
Secondary Education or his nominee,
not below the rank of the Chairman of
the Divisional Board, | <i>ex-officio</i>
Member; |
| (e) Director, Maharashtra State Board of
Art Education, | <i>ex-officio</i> Member; |
| (f) Secretary, Maharashtra State Board of
Art Education, | Member-Secretary; |
| (g) One senior most Principal from
Government Art Institutes in the State,
to be nominated by the Government, | Member; |
| (h) two members from amongst the
Principals or Heads of Art Institutes,
one each from aided and un-aided Art
Institutes, of whom at least one shall
be a woman, to be nominated by the
Government, | Members; |
| (i) two members from amongst the
teachers, one each from aided and
un-aided Art Institutes, of whom at
least one shall be from Backward
Class Community, to be nominated by
the Government, | Members; |
| (j) two members from the professional
field of visual or performing Art
restricted to music only, to be
nominated by the Government, | Members; |
| (k) four members from amongst the
associations of Industries, who are
entrepreneurs of Small Scale
Industries, from the field of Information
Technology, Museums and Advertising
Agencies, reputed Art Galleries, Gems
and Jewellery, Textiles or Ceramic
Industry, to be nominated by the
Government, | Members. |

(3) A person shall cease to hold office as a member of the Board, as soon as he ceases to hold the post, designation or office, as the case may be, by virtue of which he is so appointed and such person shall inform the Chairperson in writing of his having so ceased to be the member of the Board, within a week therefrom.

(4) The names of the persons other than the *ex-officio* members, who have been nominated, from time to time, as members of the Board, shall be published by the Government in the *Official Gazette*.

Incorporation
of Board.

6. The Board established under section 5 shall be a body corporate having perpetual succession and a common seal and shall have power to contract, to acquire, hold and dispose of property, both movable and immovable and to do all things necessary for the purposes of this Act and may sue and be sued by its name.

Objects of
Board.

7. The objects of the Board shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service in general and in particular the objects shall be,—

(a) to supervise, monitor, regulate and to contribute for the development of diploma level art education activities ;

(b) to conduct the examinations and confer diplomas and other academic distinctions or titles on persons subject to such conditions as the Board may determine and to withdraw or cancel any such diplomas or other academic distinctions or titles in the prescribed manner ;

(c) to provide facilities and offer opportunities for development of diploma level art education by instructions, training, research, development and extension by such other means as the Board may deem fit ;

(d) to devise and implement a programme of diploma level art education that is relevant to the current needs of the society, aligned to the long term requirements and responsive to the anticipated changes and developments ;

(e) to advance knowledge in diploma level art education and to disseminate the same for betterment of society ;

(f) to serve as a centre for fostering co-operation and exchange of ideas between the academic and research community on the one hand and the industrial and Government employers on the other and to promote entrepreneurship among the students;

(g) to promote equitable distribution of facilities of diploma level art education and to develop diploma educational network with use of modern communication media and technologies appropriate for a learning society ;

(h) to provide for efficient and responsive administration, scientific management and develop organisation of teaching, research and extension;

(i) to build financial self-sufficiency by undertaking academic and allied programmes ;

(j) to promote better interaction and co-ordination amongst different State authorities and institutes ;

(k) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;

(l) to develop or revise curriculum so as to fulfil requirements of industry and to incorporate advancements in technology ;

(m) to plan for effective implementation of curriculum and to develop required learning resources and to provide appropriate training to the teachers ;

(n) to implement academic programmes, other activities and to carry out teaching and research and offer continuing quality education programmes ;

(o) to provide learning, teaching, capability and skills development in art education and their inter-disciplinary studies at diploma level;

(p) to provide instructions, teaching and training in art education and to make provisions for research ;

(q) to create centres of excellence for strengthening and innovations in diploma level art education ;

(r) to start art education programs, courses in new and emerging areas with innovative approaches ;

(s) to establish innovative approaches for creation of seamlessness in academic structures, learning time-frames and continuous evaluation processes for nurturing and cultivation of creativity and entrepreneurship ;

(t) to encourage or guide the institutions for conducting continuing education programmes in thrust areas or industry needs ;

(u) to acquire, hold, transfer and dispose of any property, interest or right thereto and to manage and deal with the same for effective functioning ; and

(v) to provide and acquire consultancy, affiliation and support services for furtherance of art educational activities, including for affiliated institutes, examination Boards, Universities, Government educational bodies, Directorates and the Government Departments, etc., within or outside the Country.

8. Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely :—

Powers and
duties of
Board.

(a) to advice the Governing Council and Government on matters of policy relating to diploma level art education in general and on the following matters, in particular, namely :—

(i) co-ordination between national policies and State policies of diploma level art education ;

(ii) co-ordination between secondary, higher secondary, degree education and diploma level art education ;

(iii) to maintain uniform standards of diploma in art education ;

(iv) to promote industry and institute interaction ;

(b) to lay down guiding principles for determining curricula and syllabi and also to prepare the detailed curricula and syllabi for diploma level art education for all categories of courses such as, regular, sandwich, part-time course, yearly, semester pattern and the like ;

(c) to prescribe and regulate standard requirements in respect of staff, buildings, furniture, equipment, stationery and other things required for diploma level art institutes ;

(d) to prescribe and develop any book as text book and reference book or to prepare or cause to be prepared any book and print or non-print material or to publish directly or in collaboration with any other agency, any kind of learning material for diploma level art courses ;

(e) to prescribe the general conditions governing admission of regular candidates to the examinations and to specify the conditions relating to eligibility, attendance, term-work and character, on the fulfilment of

which a candidate shall have a right to be admitted to and to appear at any such examination ;

(f) to award certificates to candidates passing the diploma final examination or any other examination conducted by the Board ;

(g) to institute and to award scholarships, fellowships, stipends, medals, prizes and other rewards and also to prescribe conditions therefor ;

(h) to receive bequests, donations, endowments, trusts and other transfers of any property, or interest therein, or right thereto ;

(i) to hold any property, interest or right referred to in clause *(h)* above, and to manage and deal with the same;

(j) to fix, demand and receive such fees and penalties as may be prescribed ;

(k) to call for special reports and information from the regional offices of the Board and to call for any information from any diploma level art institutes, recognized by the Board to ensure maintenance and improvement in academic standards in diploma level art education ;

(l) to recommend measures to promote physical, moral and social welfare of students in institutes recognized by the Board and to prescribe conditions of their residence and discipline ;

(m) to approve the annual financial statement pertaining to the Board and to recommend to the Governing Council for sanctioning the annual budget ;

(n) to inspect and supervise generally the working of the Regional Offices and to inspect periodically the accounts thereof ;

(o) to conduct statistical and other research or training programs for the purposes of design, development, implementation of the curriculum, teaching learning process and examination in collaboration with any agency ;

(p) to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act ;

(q) to make regulations for the purposes of carrying out effectively the provisions of this Act ;

(r) to make bye-laws relating to matters such as procedure to be followed by the Board, its committees and any other matter solely concerning the Board and its Committees that are not provided for by or under this Act and the regulations made thereunder ;

(s) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act ;

(t) to make regulations with the approval of the Governing Council for granting of academic autonomy to institutes, reviewing or revoking of autonomy granted ;

(v) to carry out all such acts as may be necessary to achieve the objectives of this Act so as to improve, extend, expand the diploma level

art education in the State and to maintain and improve standards of diploma level art education ;

(v) to make regulations for granting affiliation, accreditation, autonomous status, equivalence, eligibility to art institute and reviewing or revoking affiliation or accreditation or equivalence, or autonomous status or eligibility ;

(w) to demand and receive such fees as may be prescribed for affiliation, accreditation, conferring autonomy, equivalence ;

(x) to conduct the examinations of the Board ;

(y) to appoint paper-setters, examiners, moderators, supervisors and other necessary personnel for conducting examinations, assessment of candidates, performance and for compiling and release of results ;

(z) to admit candidates for the examinations according to the regulations ;

(za) to open centres within its jurisdiction for examination conducted by it ;

(zb) to declare the result of the candidates appearing at the examinations conducted on such date or dates as may be fixed;

(zc) to prepare a list of candidates according to merit ;

(zd) to deal with cases of use of unfair means according to the procedure laid down;

(ze) to evaluate generally the performance of students and institutes in all examinations including the final examination in diploma level art institutes ;

(zf) to call for special reports and information from the concerned Committee constituted for that purpose, regarding the recognized institute not maintaining the required academic standards and to recommend to the Government, withdrawal of recognition granted to such institute under the administrative order of the Higher and Technical Education Department of the Government, in cases of poor academic results and grave academic irregularities ;

(zg) to require institutes recognized by the Government to extend their co-operation in the conduct of the examinations and to withdraw the privileges by the Board from any institute, which fails to place at its disposal the facilities required to conduct examinations after giving it a reasonable opportunity of showing cause why such orders should not be made ;

(zh) to create, own, hold or hire any property or infrastructure required for functioning of the Board office or functioning of regional offices;

(zi) to plan and monitor academic performance ;

(zj) to propose the need-based courses, special courses for self-employment, courses for rural, deprived persons and women ;

(zk) to propose to confer autonomy to deserving institutes ;

(zl) to upgrade Government institutes as model institute or centre of excellence considering past performance of such institute;

(zm) to provide for regulation of fixation of fee and collection thereof, for affiliated courses by the affiliated institutes and the matters connected therewith or incidental thereto.

Terms of office of, and allowances to, members of Board.

9. (1) The member of the Board, other than the *ex-officio* member, shall hold office for a term of three years from the date on which his name is published in the *Official Gazette*.

(2) The term of office of outgoing members shall extend to, and expire with, the day immediately preceding the date on which the names of their successors are published in the *Official Gazette*.

(3) The members shall be entitled to such compensatory allowances as may be prescribed by regulations.

Disqualification of Chairperson and members of Board.

10. A person shall be disqualified for being appointed or nominated as, or for continuing as, the Chairperson or a member of the Board or any Committee appointed under this Act,—

(a) if he, directly or indirectly, or his partner, has any share of or interest in any work done by order of, or in any contract entered into on behalf of, the Board;

(b) if he is a person against whom an order of removal from office has been made under section 13:

Provided that, a person against whom such order is made, shall not be deemed to have been disqualified under this clause, if five years, or such lesser period as the Government may specify, has elapsed from the date of his removal from office.

Casual vacancies.

11. All casual vacancies in office of the members of the Governing Council or the Board or any Committee constituted by the Board shall be filled in, as soon as may be, by nomination or appointment, as the case may be; and the person nominated or appointed in a vacancy shall hold office so long only as the member in whose place he is nominated or appointed would have held it, if the vacancy had not occurred.

Resignation of member.

12. A member of the Governing Council or the Board, except the *ex-officio* member, may resign his office at any time by tendering his resignation in writing to the President of the Governing Council or the Chairperson of the Board, as the case may be, and such member shall be deemed to have vacated his office as soon as the President or the Chairperson, as the case may be, has received his resignation.

Removal of member.

13. (1) The Government may, on the recommendation of the Governing Council or the Board, and after making such further inquiry, as it may think fit to make, by order, remove any member of the Governing Council or the Board or any Committee thereof, if such member,—

(a) has been convicted by any Court for any offence involving moral turpitude;

(b) is an undischarged insolvent;

(c) is of unsound mind and stands so declared by a competent court ;
or

(d) is acting in a way detrimental to the aims and objects of the Governing Council and the Board :

Provided that, no such recommendation shall made by the Governing Council or the Board or no order shall be made under clause (d) unless he has been given a reasonable opportunity of showing cause why such recommendation or order should not be made.

(2) The Government may, *suo moto* by order, remove any member of the Governing Council or the Board or any Committee, nominated or appointed, whose activities are, in the opinion of the Government detrimental to, or obstruct, the proper functioning of the Governing Council or the Board or of any Committee thereof:

Provided that, no member shall be removed from office unless he has been given a reasonable opportunity of showing cause why such order should not be made against him.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the nominated member of the Governing Council or the Board shall hold office during the pleasure of the Government and shall be removed at any time by the Government, if it deems fit.

14. (1) The Board shall meet not less than four times in every year, and a period of three months shall not intervene between two successive meetings. Meetings of Board.

(2) The Chairperson of the Board may at any time if the exigencies so demand, and upon a written request made by not less than one third of the total number of members of the Board shall call a special meeting of the Board, on a date not later than twenty-one days after the receipt of such request by the Chairperson.

15. If the Chairperson or a member of the Board or of any Committee thereof becomes subject to any of the disqualifications mentioned in section 10, his office shall thereupon be declared vacant by the Government. Vacancy of Chairperson or member owing to disqualification.

16. If a member nominated or appointed to the Board remains absent without permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant and shall be so declared by the Chairperson. Vacancy of member owing to absence without permission.

17. In case of any dispute as to whether the office of the Chairperson or a member has become vacant under section 15 or 16, the decision of the Government in the matter shall be final. Decision on question as to vacancy.

18. No act or proceedings of the Governing Council or the Board or any Committee thereof, shall be invalid merely by reason of any vacancy in, or any defect in, the constitution of such Governing Council, Board or Committee. Acts and proceedings not invalidated by vacancies or defects in constitution.

19. The Governing Council or the Board may invite any person who in its opinion is an expert in the field of art education or any officer of the Government, to attend its meeting or of its Committee, if the subject with which the expert or officer is concerned is likely to come up for discussion or consideration at such meeting. Power to invite experts and officers at meeting.

Constitution
of
Committees.

20. (1) The Board shall constitute the following Committees, namely :-

- (a) Academic Committee ;
- (b) Finance Committee ;
- (c) Course Committee ;
- (d) Equivalence Committee ;
- (e) Examination Committee ;
- (f) Fee Fixation Committee.

(2) The Board may constitute such other Committees as it thinks necessary for efficient performance of its functions.

(3) The number of members of every Committee constituted by the Board, the term of office of its members and the duties and functions to be discharged by such Committee, shall be such as may be prescribed.

Board to
assume
obligations of
Government
in respect of
matters to
which this
Act applies.

21. All obligations incurred, all contracts entered into and all matters and things engaged to be done, before the establishment of the Board by, with or for, the State Government or the existing Directorate of Art for any of the purposes specified in this Act, in respect of any scheme for the promotion of the art education in the State of Maharashtra shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Board and accordingly all claims made, or suits or legal proceedings instituted or which might have been instituted by or against the State Government or the existing Directorate, as the case may be, be continued or instituted by or against the Board.

Appointment
of Director.

22. The Board shall have a Director. The Government shall appoint the Joint Director, Directorate of Art, to be the Director of the Board.

Powers and
duties of
Director of
Board.

23. (1) It shall be the duty of the Director of the Board to ensure that the provisions of the Act and the regulations and bye-laws made thereunder are observed and he shall have all powers necessary for this purpose.

(2) The Director shall ensure that the directions issued by the Government and Governing Council are strictly complied with or, as the case may be, implemented.

(3) Where any matter is required to be regulated by regulations or bye-laws, but no regulation or bye-laws is made in that behalf, the Director may for the time being regulate matter by issuing such directions as he thinks necessary, and shall, and at the earliest opportunity thereafter, place them before the Board in the next meeting for approval:

Provided that, such directions shall have to be converted into regulations or bye-laws, as the case may be, within six months of issuing such directions, failing which such directions shall automatically lapse, but not affecting the action, taken thereby.

(4) For the purpose of performing duties under sub-sections (1) and (2), the Director may take assistance of the Secretary or such other officer as he deems fit.

(5) In an emergency which, in the opinion of the Director, requires that immediate action should be taken, the Director shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(6) The Director shall exercise such other powers and perform such other duties, as may be prescribed.

24. (1) The Government shall, on the recommendation of the Board, appoint such number of the administrative and technical officers and staff for the Board, as may be required.

Appointment,
powers and
duties of
Secretary,
officers and
staff.

(2) The officers and employees so appointed shall exercise such powers and perform such duties as are, respectively assigned to them by the Director of the Board by general or special orders.

(3) The Board shall have the Secretary who shall be appointed by the Government.

(4) Subject to the control of the Chairperson, the Secretary of the Board shall be the Executive Officer of the Board and the custodian of the record, a common seal and such other property of the Board and all other officers and staff, for the time being, serving under the Board shall be subordinate to him.

(5) Subject to the approval of the Chairperson, the Secretary shall exercise the following powers and perform the following duties, namely:-

(a) to prepare and update the hand book of bye-laws and regulations, approved by authorities under this Act, from time to time;

(b) to enter into agreements, to sign the documents and to authenticate records on behalf of the Board, subject to the decisions of the authorities and Committees of the Board;

(c) to exercise such other powers and perform such other duties as prescribed by or under this Act or assigned to him, from time to time, by the Director, by general or special order.

CHAPTER IV

PERMISSION, AFFILIATION, CONFERRING OF AUTONOMOUS STATUS AND EQUIVALENCE

25. (1) The management of the institutes imparting art education shall apply to the Board, for grant of affiliation in such form and in such manner as may be prescribed by the Board.

Affiliation of
institute.

(2) The management applying for affiliation shall comply with the following and shall give undertaking to that effect,—

(a) the provisions of the Act and regulations thereunder and the standing orders and directions of the Board shall be observed ;

(b) the number of students admitted for courses of study shall not exceed the limits prescribed by the Board and the Government, from time to time;

(c) there shall be suitable and adequate physical facilities such as buildings, workshop, libraries, books, equipments required for teaching and research, hostels, gymnasium, as may be prescribed ;

(d) the financial resources of the institute shall be such as to make due provision for its continued maintenance and working;

(e) the strength and qualifications of teaching and non- teaching staff of the affiliated recognized institutes and the emoluments and the terms and conditions of service of the staff of affiliated institutes shall be such as may be prescribed by the Board and the regulatory authority and which shall be sufficient to make due provision for courses of study, teaching or training or research efficiently ;

(f) the services of all teaching and non-teaching employees and the facilities of the institutes to be affiliated shall be made available for conducting examinations and evaluations and for promoting other activities of the Board ;

(g) the directions and orders issued by the Chairperson or the Director and other officers in exercise of the powers conferred on them under the provisions of this Act and regulations shall be complied with;

(h) there shall be no change or transfer of the management without previous permission of the Government and appropriate regulatory authority ;

(i) institutes shall not be closed without prior permission of the Government and appropriate regulatory authority ;

(j) in the event of de-affiliation or de-recognition or closure of the art institute under section 32 or 36, as the case may be, all the assets of the institute including buildings and equipment which have been constructed or created out of the amount paid as a grant-in-aid by the Government shall vest in the Government.

(3) The management or the art institute to which the approval of the Government, the Directorate of Art or any other regulatory authority has been granted, shall apply for affiliation to the Board, in the manner as provided under sub-sections (1) and (2) above and section 27, within a period of one year from the date of commencement of this Act, failing which, the approval of such management or the art institutes, as the case may be, shall be deemed to be cancelled:

Provided that, the management or the institute, as the case may be, whose approval is cancelled shall not be eligible for admitting new students to any of the courses:

Provided further that, the cancellation of approval of such management or institute, as the case may be, shall not affect education of the students in any manner till the completion of last batch of the student of the courses to which such students are admitted.

(4) No institute which is part of another authority, Board or University shall be considered for affiliation unless a "No Objection Certificate" is given by that authority, the Board or University:

Provided that, no financial assistance of whatsoever nature shall be claimed by the students, admitted to such institutes, from the Board or Government and the Board or the Government shall not be liable to give any financial assistance to such students.

Procedure for permission.

26. (1) The management seeking permission to open a new institute shall apply in the prescribed form to the Secretary of the Board as per the schedule declared by the Board for each academic year in accordance with the academic calendar.

(2) All such applications received within the time limit declared in the schedule under sub-section (3), shall be scrutinized by the Board and be forwarded to the Government within forty-five days from the last date of submission of applications as mentioned in the said schedule.

(3) Out of the applications recommended by the Board, the Government may grant permission, within thirty days from the date of receipt of recommendation from the Board, to such institutes as it may consider right and proper in its discretion, considering the State and the Central Government policies, taking into account suitability of the management seeking permission to open new institutes and the State level priorities with regard to location of institutes of art education. The State Government shall communicate approvals to the Board. Approvals granted after the commencement of the academic year shall be given effect by the Board only in the subsequent academic year :

Provided that, in exceptional cases and for the reasons to be recorded in writing, any application not recommended by the Board may be approved by the Government for starting a new institute of art education.

(4) No application shall be entertained directly by the Government for the grant of permission to open new institute of art education.

(5) The procedure specified in this section shall *mutatis-mutandis* apply, for permission to open new courses, additional faculties, new subjects, additional divisions, change of name and change of location.

27. (1) On receipt of the permission from the Government under section 26 and after approval of the regulatory authority wherever required, to start a new institute, the Board shall, consider grant of first time affiliation to new institute by following the procedure given in sub-section (2) and after taking into account whether and the extent to which the stipulated conditions have been fulfilled by the institute. The decision of the Board, in this regard, shall be final. Procedure for affiliation.

(2) For the purpose of considering the application for the grant of affiliation, the Board shall cause an inquiry by a Committee constituted by it for the purpose.

(3) The Board shall decide,—

- (a) whether affiliation should be granted or rejected ;
- (b) whether affiliation should be granted in whole or part ;
- (c) subjects, courses of study and the number of students to be admitted ;
- (d) conditions, if any, which may be stipulated while granting the affiliation, including the fees to be prescribed for grant of such affiliation.

(4) The Member-Secretary of the Committee constituted under sub-section (2) shall communicate the decision of the Board to the management of the concerned institute with a copy thereof to the Directorate of Art and if the application for affiliation is granted, alongwith an intimation regarding,-

- (a) the subjects and the courses of study approved for affiliation;
- (b) the number of students to be admitted ;
- (c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) No student shall be admitted by the institute unless the first time affiliation has been granted by the Board.

(6) The procedure referred to in sub-sections (1) to (4) shall apply, *mutatis-mutandis*, for consideration of continuation of affiliation, from time to time.

28. The affiliated institute may apply for continuation of affiliation for the courses of study for which affiliation was granted, ordinarily six months prior to the date of expiry of such affiliation. The Board shall follow the procedure specified in sections 25, 26 and 27 for continuation of affiliation so far as applicable for grant of affiliation. Continuation of affiliation.

29. The affiliated institute may apply for affiliation for additional courses of study. The Board shall, for affiliation for additional courses of study, follow the procedure as specified in sections 25, 26 and 27 so far as may be applicable for grant of affiliation. Extension of affiliation.

Permanent
affiliation
and
recognition.

30. The institute with at least six years standing as an affiliated institute may apply for permanent affiliation. The Board shall consider and scrutinize the application and if satisfied that the affiliated institute has fulfilled all the conditions of affiliation satisfactorily and has attained high academic and administrative standards as prescribed by the Board, from time to time, the Board shall grant permanent affiliation to such institute.

Inspection of
institute and
report.

31. (1) Every affiliated institute shall furnish such reports, returns and other particulars, as the Board may require for enabling it to judge the academic standards and standards of academic administration of the institute.

(2) The Director shall cause every affiliated institute to be inspected, at least once in every three years, by one or more Committees appointed by him in that behalf.

Withdrawal
of affiliation
or
recognition.

32. (1) If an affiliated institute fails to comply with the conditions of affiliation as provided in section 25, the Board may issue a notice to the management to show cause as to why the privileges conferred on the institute, by affiliation, should not be withdrawn in part or in whole or modified.

(2) The Board shall mention the grounds on which it proposes to take the above mentioned action and shall send a copy of the notice to the Principal or the Head of Institute. It shall also specify in the notice the period, being a period which shall not be less than fifteen days, within which the management should file its written statement in reply to the notice.

(3) On receipt of such written statement or on expiry of the period specified in the notice issued under sub-section (1), the Board shall take action, if any, for withdrawal or modification of such privileges.

(4) The Board shall, having regard to the academic interest of students studying in the institutes, recommend to the Government, the action of suspension or withdrawal of affiliation or any other suitable action to be taken in this behalf and the Government shall, thereafter, proceed to implement the recommendations.

Conferment
of
autonomous
status.

33. (1) The recognized art institute considering itself eligible for autonomous status shall apply to the Secretary of the Board on or before the 31st August, of the year preceding the year from which the autonomous status is applied for in the form prescribed by the Board.

(2) The Secretary shall place the applications before the Academic Committee and the Committee shall scrutinize an application form and decide, having referred to the criteria mentioned above, whether there is *prima facie* case for consideration of the application. If the Academic Committee decides that there is a *prima facie* case, it shall conduct a local enquiry by way of discussion with the Principal, staff and students of the art institute.

(3) The local enquiry shall be on the points as per criteria and to assess whether facilities exist as per norms and the institutes has secured minimum required accreditations and adequate financial capacity, etc., wherever specified and additional information that the Committee may find necessary.

(4) The Secretary of the Board shall place the application and report of the Academic Committee on scrutiny of application and local enquiry before the Board in its meeting which shall pass a resolution regarding whether the report be accepted or rejected. If the Board rejects the application and report by majority or unanimously and decides not to recommend conferment of autonomous status, it shall record the reasons therefor. If the Board proposes to grant the application and recommend conferment of autonomous status, it shall pass a resolution to that effect and also specify the conditions subject to which autonomous status shall be conferred.

(5) The Secretary of the Board shall submit, within a period of one month, to the Secretary, Higher and Technical Education Department of Government, such recommendations of the Board alongwith a copy of the resolution and such other records to be decided by the Board, for approval.

(6) On receiving approval from the Government for conferment of autonomy on the applicant art institute, the Secretary of the Board shall inform the institute concerned, the same in writing with conditions, if any.

(7) Rejection of conferment of autonomy is also to be intimated to the concerned art institute.

(8) The activities referred to in sub-sections (1) to (7) shall to be completed within ten months from the last date of the applications received for conferment of an autonomy by the Secretary of the Board.

(9) Any guidelines, rules, regulations, etc., on autonomy provided by the concerned regulatory authority, from time to time, shall become applicable to the art institute seeking autonomy and to the art institute on which the status of autonomy is already conferred.

34. (1) The Board on complaint or *suo moto* after conducting enquiry, is satisfied that the institutes to which autonomy is granted failed to comply with the provisions of section 25, it shall recommend to the Government to withdraw the autonomous status of such institute and the decision of the Government thereon shall be final and binding;

Withdrawal
of
autonomous
status.

Provided that, the Board shall not recommend to the Government the withdrawal of autonomous status of the institute unless an opportunity of being heard is given to the institute.

(2) Upon receipt of recommendation from the Board to withdraw the autonomous status of the institute, the Government shall withdraw the autonomous status of such institute. The decision of the Government in this regard shall be final and binding.

35. (1) The institutes to whom the autonomy is granted shall be required to obtain equivalence for their courses and programs from the Board.

Equivalence
and
eligibility.

(2) The autonomous institutes shall get their curriculum, teaching and examination scheme approved by the Board, from time to time.

(3) The Board shall carry out inspection of such autonomous institutes at least once in three years.

(4) The Board shall monitor all academic and examination related activities of the autonomous institutes such as curriculum, teaching, examination scheme, teaching hours, academic schedule, eligibility of candidate to appear for the examination, etc.

(5) The institute to which autonomous status is granted shall carry out assessment, declare results and recommend to the Board for award of joint certificate or diploma for different programmes.

(6) The Governing Body and other committees of autonomous art institutes shall have representative from the Board on such committees.

(7) The Board shall grant equivalence for the purposes of employment or education to any diploma, post diploma, post-graduate diploma, advanced diploma or any such programme conducted by any Government recognized institute under any similar Board or University or any examination authority located in Maharashtra, outside Maharashtra or outside India on the basis of scrutiny of curriculum.

(8) The Board shall, wherever necessary obtain equivalence for any diploma, post diploma, post-graduate diploma, advanced diploma or any such program conducted by the Board from any similar Board, College, University or any other examination authority within or outside India.

(9) The Board shall issue eligibility certificate on the basis of equivalence granted to any course or programmes.

Closure of
institute.

36. (1) No management of an institute shall be allowed to close down the institute without prior permission of the Government and other regulatory authority which has given approval to start the institute.

(2) The management desirous of closing down the institute shall apply to the Board as per the schedule declared by the Board or appropriate regulatory authority, as the case may be, stating fully the grounds for closure, and pointing out the assets in the form of building and equipment, their original costs, the prevailing market value and the grants so far received by it from the Government or from public funding agencies:

Provided that, the management of unaided institute shall also give an undertaking on affidavit that the liabilities including emoluments payable to teaching and non-teaching staff, arising out of closure of institute or course shall be solely that of the management of such institute.

(3) On receipt of such an application, the Board shall cause to make enquiries as it may deem fit, to assess and determine whether the institute be permitted to effect the closure:

Provided that, no application for closure shall be rejected by the Board unless an opportunity of being heard is given to the management.

(4) If the Board decides to recommend the closure, it shall prepare and submit to the Government or the regulatory authority, as the case may be, a report on the extent of the assets created utilizing the funds provided by the Government or other public funding agencies, be transferred to the Government or other management, and the payment of compensation to the teachers and the staff retrenched.

(5) If the Board has recommended the closure of the affiliated institute and the prior permission for closure has been granted by the regulatory authority which has given approval to start the institute, the Government may issue the order for closure.

(6) The procedure to phase out the closure shall be such as may be prescribed by the Board.

(7) The procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the institute are not affected, and that the first year shall be closed first and no new admissions shall be effected.

(8) The procedure given in this section shall, *mutatis-mutandis*, be applicable to closure of the course or programme affiliated to the Board.

37. (1) The management seeking permission of the Government for change or transfer of the management of the institutes, shall apply in the form as may be prescribed by the Board or the regulatory authority, as the case may be, to the Secretary of the Board as per the schedule declared by the Board or the regulatory authority, as the case may be.

Change or transfer of management of institute.

(2) All such applications received within the time limit specified in the schedule shall be scrutinised by the Board and be forwarded to the Government and the regulatory authority, within the time limit specified in the said schedule.

(3) The Government may grant permission to such institutes as it may consider right and proper in its absolute discretion, taking into account the suitability of the management seeking permission.

CHAPTER V

FUND, FINANCE, ACCOUNTS AND AUDIT

38. All property, fund and other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

Application of assets of Board.

39. (1) The Board shall have its own fund and the following moneys shall be credited thereto,—

Funds of Board, its custody and investment.

(a) fees, royalties and charges including penalties, levied and collected by the Board ;

(b) grants, assignments, contributions and loans, if any, made to it by the Government ;

(c) bequests, donations and endowments or other contributions, if any ;

(d) interest on, and sale proceeds of, any securities vested in it ;

(e) all rents and profits from the property vested in it ;

(f) other moneys received by, or on behalf of, the Board.

(2) The Board may keep in current or deposit account with the State Bank of India or with any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 which holds a license issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949, or with any other bank approved by the Government, in this behalf, such sum of money out of its Fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Board as may be authorized by it by regulations made in this behalf.

(4) The Board shall have a power to continue and create earmarked funds for specific objectives, from current year or from accumulated surplus after transfer to corpus, including but not limited to student development

activities, student scholarship, project competitions, enterprise incubation and innovation, civil works, employees' salary protection fund, establishment and development of skill centre and centre of excellence or any other objectives.

General application of fund. **40.** (1) Subject to the provisions of this Act, the fund of the Board shall be applied only to the payment of charges and expenses incidental to the matters specified in this Act; and for any other purpose for which by or under this Act powers are conferred or duties are imposed upon the Board.

(2) After considering the receipt and accumulation of funds, a portion of accumulated balance in the fund may be utilized by the Board, with the previous sanction of the Governing Council, from time to time, for all or any of the following purposes, namely:-

(a) development of the properties of the Board and acquisition of movable and immovable assets for the purposes of the Board;

(b) construction of buildings for the Board;

(c) for management of the Government art institutes as model institute or centre of excellence or for upgradation of specified workshops at the institutes:

Provided that, the funds utilized in any financial year for the aforesaid purpose shall not exceed twenty-five per cent. of the balance in the funds earmarked for the infrastructure development, at the end of preceding financial year:

Provided further that, no amount more than fifty per cent. of such twenty- five per cent. shall be utilized on a single project in that financial year.

Withdrawal of fund. **41.** No payment shall be made by a Bank out of the Board's Fund except upon a cheque or letter of credit signed by an officer authorized by the Board or by electronic mode alongwith the email sent to the Bank from the registered email address, in this behalf.

Allotment to regional offices. **42.** The Board shall pay, from time to time, to each regional office such sums as the Board may determine, for enabling the regional offices to discharge the duties and functions imposed on them by the Board for completion of works or development scheme within its jurisdiction, which are not inconsistent with this Act.

Preparation of annual budget estimates. **43.** (1) The Board shall prepare, before such date and in such manner as may be prescribed, the budget estimates of the income and expenditure of the Board for the next financial year.

(2) The Board shall, on or after the date referred to in sub-section (1), consider the budget estimates prepared by it and submit them as approved by it to the Governing Council for approval and further submit it to the Government, for its sanction. The Government may pass such orders with reference to the budget estimates as it thinks fit and communicate the same to the Board. The Board shall give effect to such orders.

Annual accounts and audit. **44.** (1) The Board shall keep accounts in such form and in such manner, as may be prescribed.

(2) The accounts of the Board shall be audited by auditor appointed by the Board, with the previous approval of the Governing Council.

(3) The Government may, if it thinks necessary, appoint a special auditor to audit the accounts of the Board.

(4) The auditor or the special auditor, as the case may be, shall submit his report to the Board and shall forward a copy thereof to the Governing Council.

(5) The cost of the audit under sub-section (2) or (3), if any, shall be borne by the Board.

45. (1) The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct of the Board, of the buildings, hostels, workshops, libraries and equipment of any diploma level art institutes affiliated and accredited to the Board, of the teaching or other work conducted by any such art institute and of the conduct of any examination held on behalf of the Board; and to cause an inquiry to be made in like manner in respect of any matter connected with the Board. The Government shall, in every case, give due notice to the Board of its intention to cause an inspection or inquiry to be made and the Board shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

Inspection and inquiry.

(2) The Government shall communicate to the Board its views with reference to the results of the inspection or inquiry and may, after ascertaining the opinion of the Board thereon, advise it on the action to be taken and fix a time limit for taking such action.

(3) The Board shall report to the Government such action, if any, as it has taken or proposes to take upon the results of the inspection or inquiry. Such report shall be submitted, with the opinion of the Board thereon, within such time as the Government may direct.

(4) Where the Board does not within the time fixed, take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Board, issue such directions as it may think fit, and the Board shall comply with such directions.

46. (1) The Board shall furnish to the Government such reports, returns and statements as may be required by the Government and such further information, relating to any matter connected with its work as the Government may call for.

Information, returns, etc. to be furnished by Board.

(2) The Government may, after considering any such report, returns or statements or information furnished, give such directions consistent with this Act, as may be necessary and the Board shall comply with such directions.

47. (1) The State Government shall, by order, constitute a Fee Fixation Committee, to work out the real cost of delivery of each and every diploma level art education run by the un-aided private art educational institutes recognised and affiliated to the Board. The Government shall, in such order, specify the emoluments and other allowances payable, term of office and conditions of services of the Chairperson and members of the Fee Fixation Committee.

Fee Fixation Committee.

(2) The functions, powers and the procedure to be adopted by the Fees Regulating Authority and factors for determination of fees structure provided in sections 14 and 15 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, shall *mutatis mutandis* be followed by the Fee Fixation Committee constituted under sub-section (1) while working out the real cost of delivery of each and every such education.

Mah. XXVIII of 2015.

CHAPTER VI
SUPPLEMENTARY AND MISCELLANEOUS
PROVISIONS

Powers of
Government to
issue directions.

48. (1) The Government shall have the power, after considering the advice (if any) tendered by the Board, or otherwise to issue such directions as it may consider necessary in regard to all or any of the matters specified in clause (a) of section 8. The Board shall comply with such directions.

(2) The Government shall also have the right to address the Board with reference to anything it has conducted or done, or is conducting or doing or intends to conduct or do and to communicate to the Board its views in the matter.

(3) The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication and shall furnish an explanation, if it fails to take action.

(4) If the Board does not take action within a reasonable time to the satisfaction of the Government, the Government may after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(5) In an emergency which, in the opinion of the Government, requires that immediate action should be taken, the Government may take such action consistent with this Act, as it deems necessary, without previous consultation with the Board and shall forthwith inform it of the action taken.

(6) The Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Board and prohibit the doing of the action ordered to be or purporting to be taken by the Board if the Government is of the opinion that such resolution, order or act, is in excess of the powers conferred by or under this Act upon the Board.

Manner of
exercise of
powers
delegated to
Committee.

49. All matters relating to the exercise by the Board of powers conferred upon it by the Act, which have by regulations been delegated by the Board to a Committee shall stand referred to that Committee and the Board before exercising such powers shall receive and consider the report of that Committee with respect to the matter in question.

Powers of
Board to make
regulations.

50. (1) The Board may make regulations, with the approval of the Governing Council and the Government, for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of following matters, namely :-

(a) the constitution, powers and duties of the Committees appointed under section 20;

(b) the subjects and curricula for the examinations ;

(c) the general conditions governing admission of regular and external candidates for the examinations and particular conditions regarding eligibility, attendance, term and character, on the fulfilment

of which a candidate shall have a right to be admitted to and to appear at any such examination;

(d) the marks required for passing in any subject and the examination as a whole and for exemption, credit and distinction in any subject ;

(e) the fees for admission to the examinations and other fees and charges payable in respect of other matters connected with these examinations ;

(f) the arrangements for the conduct of examinations and publication of results ;

(g) the appointment of examiners, their powers and duties in relation to the examination and their remuneration and mode of payment ;

(h) the qualifications and disqualifications of examiners ;

(i) the award of certificates ;

(j) the control, administration, safe custody and management in all respect of the finances of the Board ;

(k) the date before which and the manner in which the Board shall prepare its budget estimates ;

(l) the compensatory allowance which may be drawn by members of the Board and the Committee appointed by them ;

(m) appointment of officers and staff from Government, aided and un-aided art institutes for smooth conduct of examination ;

(n) any other matter which is to be or may be prescribed by or under this Act.

51. (1) Notwithstanding anything contained in section 50, the first regulations shall be made by the Government and they shall continue to be in force until new regulations are duly made by the Board. First regulations.

(2) If it shall at any time appear to the Government that it is expedient to make any new regulations in respect of any of the matters referred to in section 50 need to be modified or repealed, either wholly or in part, the Government may, after consultation with the Board and by notification in the *Official Gazette*, make such regulations or modify or repeal any such regulations, either in whole or in part. The regulations so made, modified or repealed shall take effect from the date as the Government may in such notification specify or if no such date is specified, from the date of publication of the said notification in the *Official Gazette*, except as respects anything done or as omitted to be done before such date.

- 52.** The Board may make bye-laws consistent with this Act to provide for all or any of the following matters, namely:-
- (a) the procedure to be followed at the meetings of the Board and the Committees appointed by them and the number of members required to form a quorum at such meetings;
- (b) any other matter solely concerning the Board and their Committees not provided for by this Act and the regulations made thereunder.
- 53.** If any question arises regarding the interpretation of any provisions of this Act or of any regulations or bye-laws made thereunder, the matter may be referred for decision to the Government and shall be so referred to the State Government, if not less than three members of the Board so require. The decision of the Government thereon shall be final.
- 54.** All affiliated and autonomous diploma level art institutes shall render such help and assist the Board as the Board may require to perform and discharge its duties and functions under this Act.
- 55.** No suit, prosecution, or other legal proceedings shall lie against the Government, the Governing Council, the Board or the members or any officer or servant of the Government or of the Governing Council or of the Board for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any regulations or bye-laws.
- 56.** All members, officers and employees of the Governing Council and of the Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
- 57.** (1) If any diploma level art institute is not affiliated or recognized by the Board also if any course of diploma level art education is not recognized by the Board, then such diploma level art institute or any course of diploma level art education shall be deemed to be unauthorized institutes or unauthorized course under the Maharashtra Unauthorized Institutions and Unauthorized Courses of study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher Technical and Vocational Education (Prohibition) Act, 2013.
- (2) The provisions of the said Act shall apply to such unauthorized diploma level art institute and unauthorized of diploma level art education.
- 58.** (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, as the occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the Act, as may appear to it to be necessary or expedient for the purpose of 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 sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

SCHEDULE

Regions

(See section 2 (r))

Region	District
1. Chhatrapati Sambhaji Nagar	- Chhatrapati Sambhaji Nagar, Ahmednagar, Beed, Dhule, Jalgaon, Jalna, Latur, Nanded, Hingoli, Nashik, Dharashiv, Nandurbar and Parbhani.
2. Mumbai	- Kolhapur, Mumbai, Mumbai Sub-urban, Pune, Raigad, Ratnagiri, Sangli, Satara, Sindhudurg, Solapur, Thane and Palghar.
3. Nagpur	- Akola, Amravati, Bhandara, Buldhana, Chandrapur, Gadchiroli, Washim, Nagpur, Wardha, Yavatmal and Gondia.

STATEMENT OF OBJECTS AND REASONS

Due to growth in education, competition for employment, fast changing technology in the world, fulfil the needs of industry and to develop the entrepreneur culture in the artists, it has become necessary to regulate diploma level art education. There is increase in various courses in the art education in past few years. Hence, it has become necessary to ensure quality, standard and uniformity in diploma level art education.

2. The Maharashtra State Board of Technical Education Act, 1997 (Mah. XXXVIII of 1997) has been enacted to provide for establishment of the State Board to regulate matters pertaining to diploma level technical education in the State of Maharashtra. On the same lines, it is proposed to enact a law to provide for establishment and incorporation of a State Board to regulate matters pertaining to diploma level art education in the State of Maharashtra, regarding affiliation of art institutes and courses of study therein and for matters connected therewith or incidental thereto.

3. The salient features of the Bill are as under :—

- (a) to establish a Governing Council, an apex body to control and monitor the matters pertaining to diploma level art education ;
- (b) to establish the Maharashtra State Board of Art Education, a body corporate, to regulate matters pertaining to the diploma level art education, for granting of affiliation of art institutes and courses of studies therein ;
- (c) to provide for regional Boards of art education ;
- (d) to specify in detail the objects of the Board including dissemination, creation and preservation of knowledge and understanding by teaching, research, extension and service ;
- (e) to specify powers and duties of the Board such as to advice the Governing Council and Government on matters of policy relating to diploma level art education, to maintain uniform standards of diploma in art education, to promote industry and institute interaction, to award certificates, scholarships, fellowships to the candidates, etc. ;
- (f) to grant affiliation to institutes imparting art education and to courses in art education and for conferring autonomous status on affiliated institutes, to decide equivalence of courses of the Board and eligibility of the candidates ;
- (g) to provide for constitution of the fund of the Board, its custody and investment ;
- (h) to provide for constitution of the Fee Fixation Committee by the State Government ;
- (i) to provide that any diploma level art institute not affiliated or recognized by the Board as well as courses of diploma level art education not recognized by the Board shall be

deemed to be unauthorized institute or courses under the Maharashtra Unauthorized Institutions and Unauthorized Courses of Study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher, Technical and Vocational Education (Prohibition) Act, 2013 (Mah. XX of 2013).

4. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 14th December, 2023.

CHANDRAKANT (DADA) PATIL,

Minister for Higher and Technical
Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :--

Clause 1(2).--Under this clause, power is taken to the State Government to bring into force the provisions of this Act, by notification, in the *Official Gazette*.

Clause 3.--Under this clause, power is taken to the State Government to establish the Governing Council by notification, in the *Official Gazette*.

Clause 5.--Under this clause, power is taken to the State Government to establish the Board by notification, in the *Official Gazette*.

Clause 7(2).--Under this clause, power is taken to the Board to prescribe by regulations, the manner for conducting examination and conferring diploma and other academic distinctions or titles.

Clause 8.--Under this clause, power is taken to the Board,—

- (a) under sub-clause (c), to prescribe standard requirements in respect of staff, building, furniture, equipment, stationery and other things required for diploma level art institute ;
- (b) under sub-clause (e), to prescribe general conditions governing admissions of regular candidate to the examination and also relating to eligibility, attendance, team work, etc. ;
- (c) under sub-clause (j), to prescribe fees and penalties for candidates admitted to examination ;
- (d) under sub-clause (w), to prescribe fees for affiliation, accreditation, conferring autonomy and equivalence.

Clause 9(3).--Under this clause, power is taken to the Board to prescribe by regulations the compensatory allowances payable to the members of the Board.

Clause 20(3).--Under this clause, power is taken to the Board to prescribe by regulations the term of office of the members of different Committees, their duties and functions to be discharged by them.

Clause 23(6).--Under this clause, power is taken to the Board to prescribe by regulations the powers and duties of the Director of the Board.

Clause 24(5)(c).--Under this clause, power is taken to the Board to prescribe by regulations the powers to be exercised and duties to be performed by the Secretary of the Board.

Clause 25.--Under this clause, power is taken to the Board,—

- (a) under sub-clause (1), to prescribe the form and the manner to apply for grant of affiliation ;
- (b) under sub-clause (2)(c), to prescribe physical facilities and equipments required for teaching and research.

Clause 26(1).--Under this clause, power is taken to the Board to prescribe the form for seeking permission for opening new institute.

Clause 43(1).--Under this clause, power is taken to the Board to prescribe the manner for preparation of budget estimates of the income and the expenditure of the Board.

Clause 44(1).--Under this clause, power is taken to the Board to prescribe the form and manner for keeping the accounts of the Board.

Clause 50(1).--Under this clause, power is taken to the Board to make regulations, to carry out the purposes of this Act.

Clause 51.--Under this clause, power is taken to the Government to make, by notification in the *Official Gazette*,—

- (a) the first regulations for carrying into effect the purposes of this Act which shall continue to be in force until new regulations are duly made by the Board ;
- (b) new regulations or modify or repeal any regulations of the Board, either in full or in part.

Clause 52.--Under this clause, power is taken to the Board to make bye-laws consistent with this Act for the matters relating to procedure to be followed by the Committees at the meeting and its quorum and any other matters concerning the Board not provided for by or under this Act and the regulations.

Clause 58.--Under this clause, power is taken to the State Government to issue an order in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of this Act.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.

FINANCIAL MEMORANDUM

The Bill provides for establishment and incorporation of the Maharashtra State Board of Art Education to regulate matters pertaining to diploma level art education in the State, regarding affiliation of Art Institutes and courses of study therein. Clause 24 of the Bill provides for appointment of administrative and technical officers and staff for the Board by the Government, as may be required.

The Bill upon its enactment as an Act of the State Legislature would involve recurring expenditure of two crore twenty three lakhs twenty three thousand five hundred and sixty four rupees every year from the Consolidated Fund of the State towards payment of salaries and other expenses of administrative and technical officers and staff for the Board.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,
Law and Judiciary Department)

In exercise of the power conferred upon him by clause (3) of Article 207 of the Constituion of India, the Governor of Maharashtra is placed to recommend to both Houses of the State Legislature, the Consideration of the Maharashtra State Board of Art Education Bill 2023.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. LIX OF 2023.]

[A Bill to Provide for establishment and incorporation of a State Board to regulate matters pertaining to diploma level art education in the State of Maharashtra, regarding affiliation of art institutes and courses of study therein and for matters connected therewith or incidental thereto.]

**[SHRI CHANDRAKANT (DADA) PATIL,
Minister for Higher and Technical
Education.]**

**JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.**