

L. A. BILL No. XXVI OF 2021.

A BILL

further to amend the Maharashtra Public Universities Act, 2016.

**(As passed by the Legislative Assembly on the
27th December 2021.)**

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

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 Maharashtra Public Universities (Amendment) Ordinance, 2021, on the 6th October 2021 ;

Mah.
VI of 10
2017.
Mah.
Ord.
VIII of
2021.

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

(G.C.P.) HB 1812—1 (445—12—2021)

Short title and commencement. **1.** (1) This Act may be called the Maharashtra Public Universities (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 6th October 2021.

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
5 of 2017.

(1) in sub-section (3), in clause (d), for third proviso, the following proviso shall be substituted, namely :—

“Provided further that, with a view to extend the date of making an application for opening a new college or institution of higher learning, scrutiny of application by Board of Deans and forwarding with the approval of the Management Council to the State Government and grant of a Letter of Intent by the State Government, for the academic year 2021-2022, the day or dates referred to in clauses (a), (c) and (d) 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)	
			20
(a)	before the last day of September of the year preceding the year in which the Letter of Intent is sought.	on or before 31st October 2021.	25
(c)	on or before 30th November of the year in which such application is received by the University.	on or before 31st December 2021.	30
(d)	on or before 31st January of the immediately following year.	on or before 28th February 2022.”;	

(2) in sub-section (4), in clause (a), for the existing proviso, the following proviso shall be substituted, namely :— 35

“Provided that, the management seeking permission to start a new course of study, subject, faculty, additional division or satellite center from academic year 2022-23, may apply to the Registrar on or before the 31st October 2021.”.

Repeal of Mah. Ord. VIII of 2021 and saving.

3. (1) The Maharashtra Public Universities (Amendment) Ordinance, 2021, is hereby repealed. 40

Mah. Ord.
VIII of
2021.

(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 issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act. 50

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. Clause (a) of sub-section (3) of the said section 109 provides that, the management seeking a Letter of Intent for opening a new college or institution of higher learning shall apply in a prescribed format to the Registrar before the last day of September of the preceding year in which the Letter of Intent is sought. Clause (c) of the said sub-section (3) provides that, the applications received within the prescribed time limit shall be scrutinized by the Board of Deans and be forwarded to the State Government with the approval of the Management Council on or before the 30th November of the year in which such applications are received by the University. Clause (d) there of provides that, the State Government may grant a Letter of Intent on or before 31st January of the immediately following year after recommendation of the University. Similarly, clause (a) of sub-section (4) of said section 109 provides that, the management seeking permission to start a new course of study, subject, faculty, additional division or satellite center shall apply to the Registrar before the last day of the September of the preceding year in which the permission is sought.

2. Due to outbreak of the pandemic Covid-19 disease, the procedure for permission for opening of a new college or a new course, subject, discipline, faculty, additional division or satellite center could not be carried out within the prescribed period and it was considered expedient to specify the new time schedule for the same, for the relevant academic year.

For the purpose, it was considered expedient to amend the said section 109, suitably, so as to specify the new time schedule providing for,—

(a) the date for making application for opening a new college or institution of higher learning ;

(b) the date of scrutiny of application by the Board of Deans and forwarding the same with the approval of the Management Council to the State Government ;

(c) the date of grant of a Letter of Intent by the State Government ;
and

(d) the date of making application for seeking permission to start a new course of study, subjects, faculties, additional divisions or satellite centers.

3. 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, 2021 (Mah. Ord. VIII of 2021), was promulgated by the Governor of Maharashtra on the 6th October 2021.

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

Mumbai,
Dated the 25th November, 2021.

UDAY SAMANT,
Minister for Higher and Technical
Education.

*ANNEXURE TO THE L.A. BILL No. XXVI OF 2021.—
THE MAHARASHTRA PUBLIC UNIVERSITYIES
(SECOND AMENDMENT) BILL, 2021.*

(Extracts from the Maharashtra Public Universities Act, 2016.)

(Mah. VI of 2017)

1. to 108.	*	*	*	*	
109. (1) and (2)	*	*	*	*	

Procedure for
permission for
opening new
college or new
course, subject,
faculty, division.

(3) (a) The Management seeking a Letter of Intent for opening a new college or institution of higher learning shall apply in a prescribed format to the Registrar of the university before the last day of the September of the year preceding the year in which the Letter of Intent is sought;

(b) only those applications complying with the requirements and received within the prescribed time limit, shall be accepted and considered by the university;

(c) all such applications received within the aforesaid prescribed time limit, shall be scrutinized by the Board of Deans and be forwarded to the State Government with the approval of the Management Council on or before 30th November of the year in which such application is received by the university. The university shall submit alongwith the application, its recommendation, duly supported by relevant reasons, as are deemed appropriate by the Management Council;

(d) out of the applications recommended by the university, the State Government may grant a Letter of Intent on or before 31st January of the immediately following year after the recommendations of the university under clause (c). The Letter of Intent may be granted to such institutions as the State Government may consider fit and proper in its absolute discretion, taking into account the relevant factors, the suitability of the management seeking Letter of Intent, state level priority with regard to location of institutions of higher learning, etc. The Letter of Intent 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 for grant of a Letter of Intent to college or institutions of higher learning.

Provided further that, for the first academic year, immediately after the commencement of this Act a view to facilitate the Universities to decide the applications for permission for opening of new College the dates referred to in clauses (a), (c) and (d) of sub-section (3) as specified in column (2) of the Table hereto shall be read as provided in column (3) of the said Table :

Clauses	For the date existing provision	Date for the Academic year 2017-18
(1)	(2)	(3)
(a)	Last day of September of the Year.	15th December 2017.
(c)	Before 30th of November of the Year	Before 15th January 2018.
(d)	Before 31st January of the immediately following year.	Before 28th February 2018.

Provided further that, with a view to extend the date of making application for opening a new college or institution of higher learning, scrutiny of application by Board of Deans and forwarding with the approval of Management Council to the State Government and grant of a Letter of Intent by the State Government, for the year 2020-2021, the day or dates referred to in clauses (a), (c) and (d) of sub-section (3), as specified in column (2) of the Table hereto, shall be read as provided in column (3) of the said Table :-

Clauses	day or date provided in existin provision	Day or date provided for Academic Year 2021-22
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the Letter of Intent is sought.	on or before 31st December 2020.
(c)	on or before 30th of November of the year in which such application is received by the University.	on or before 28th February 2021.
(d)	on or before 31st January of the immediately following year.	on or before 15th April 2021.

(e) to (g)	*	*	*	*
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(4) (a) The management seeking permission to start a new course of study, subject, faculties, additional divisions or satellite centers shall apply in a prescribed format to the Registrar of the University before the last day of the September, of the year preceding the year in which the permission is sought.

Provided that, the Management seeking permission to start a new course of study, subject, faculty, additional division or satellite center from academic year 2021-22, may apply to the Registrar on or before the 31st December 2020.

(b) to (d)	*	*	*	*
(5) to (9)	*	*	*	*
110. to 148.	*	*	*	*
SCHEDULE	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXVI OF 2021.]

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

**[SHRI UDAY SAMANT,
Minister for Higher and Technical
Education.]**

**[As passed by the Legislative Assembly
on the 27th December 2021.]**

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