

**L. A. BILL No. XXIX OF 2021.**

*A BILL*

*further to amend the Maharashtra State Board of  
Technical Education Act, 1997.*

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

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 State Board of Technical Education Act, 1997, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra State Board of Technical Education (Amendment) Ordinance, 2021, on the 2nd September 2021 ;

Mah.  
XXXVIII  
of 1997. 10  
Mah.  
Ord. II  
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 :—

- Short title and commencement.      **1.** (1) This Act may be called the Maharashtra State Board of Technical Education (Amendment) Act, 2021. 5
- (2) It shall be deemed to have come into force on the 2nd September 2021.
- Amendment of section 26 of Mah. XXXVIII of 1997.      **2.** In section 26 of the Maharashtra State Board of Technical Education Act, 1997 (hereinafter referred to as “the principal Act”),— Mah. XXXVIII of 1997.
- (i) in sub-section (3), the following proviso shall be added, 10  
namely :—  
“Provided that, for the academic year 2021-2022, such application shall be made on or before the 15th September 2021.”;
- (ii) in sub-section (4), the following proviso shall be added, 15  
namely :—  
“Provided that, for the academic year 2021-2022, all such applications received within the prescribed time limit, shall be scrutinized by the Board and be forwarded to the Government on or before the 10th October 2021.”.
- Amendment of section 35 of Mah. XXXVIII of 1997.      **3.** In section 35 of the principal Act, in sub-section (2), the following 20  
proviso shall be added, namely :—  
“Provided that, for the academic year 2021-2022, the management desirous of closing down the institution shall apply to the Board on or before the 15th September 2021.”.
- Repeal of Mah. Ord. II of 2021 and saving.      **4.** (1) The Maharashtra State Board of Technical Education 25 Mah. Ord. II of 2021.  
(Amendment) Ordinance, 2021, is hereby repealed.  
(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 30  
corresponding provisions of the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

The Maharashtra State Board of Technical Education Act, 1997 (Mah. XXXVIII of 1997), provides for establishment of a State Board to regulate the matters pertaining to Diploma Level Technical Education. Sections 26, 27 and 35 of the said Act prescribes the time limit for making application for permission to open new institution, new course, additional faculties, new subjects, additional divisions, closure of institution and forward the application to the Government after scrutiny. Sub-section (3) of said section 26 provides that, the management seeking permission to open a new institution shall apply in the prescribed form to the Board before the last day of October of the year preceding year from which the permission is sought. Sub-section (4) of said section 26 provides that, all such applications received within the aforesaid prescribed time limit, shall be scrutinized by the Board and be forwarded to the Government on or before the last day of December of the year. Sub-section (5) of section 27 provides the procedure for permission for new courses, additional faculties, new subjects and additional divisions. Sub-section (2) of section 35 provides that, the management desirous of closing down the institution shall apply to the Board on or before the last day of the April of the preceding year. However, due to outbreak of the Covid-19 pandemic, it was not be possible to follow the time limit prescribed in the said Act.

2. The whole of India is facing the Covid-19 pandemic which has adversely affected the educational and socio-economic field to a large extent. The pandemic has also created employment related problems for the young generation. Keeping in view of such grave situation and to boost the educational and employment opportunities for young people by providing them skills sets in upcoming areas as proposed from time to time by the Government of India and Government of Maharashtra, it was considered expedient to specify the new time schedule for making application for permission to open new institution, new course, additional faculties, new subjects, additional divisions, closure of institution and forward the application to the Government after scrutiny, for the academic year 2021-22. For the purpose, it was considered expedient to amend the sections 26 and 35 of the Maharashtra State Board of Technical Education Act, 1997, suitably.

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 State Board of Technical Education Act, 1997, for the purposes aforesaid, the Maharashtra State Board of Technical Education (Amendment) Ordinance, 2021, (Mah. Ord. II of 2021), was promulgated by the Governor of Maharashtra on the 2nd September 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. XXIX OF 2021—THE  
MAHARASHTRA STATE BOARD OF TECHNICAL EDUCATION  
(AMENDMENT) BILL, 2021.*

*(Extracts from the Maharashtra State Board of  
Technical Education Act, 1997)*

**(Mah. XXXVIII of 1997)**

<b>1. to 25.</b>	*	*	*	*	
<b>26.</b> (1) and (2)	*	*	*	*	Procedure for Permission.

(3) The management seeking permission to open a new institution shall apply in the prescribed form to the Member-Secretary of the Board before the last day of October of the year preceding the year from which the permission is sought.

(4) All such application received within the aforesaid a prescribed time limit, shall be scrutinised by the Board and be forwarded to the Government on or before the last day of December of the year.

(5) to (6)	*	*	*	*	
<b>27. to 34.</b>	*	*	*	*	
<b>35.</b> (1)	*	*	*	*	Closure of institution.

(2) The management desirous of closing down the institution shall apply to the Board on or before the last day of April of the preceding year, stating fully the grounds for the closure, and pointing out the assests in the forms of building and equipments, their original cost, the prevailing market value and the grants so for receive by it form the Government or from public funding agencies.

(3) to (7)	*	*	*	*	
<b>36. to 54.</b>	*	*	*	*	
<b>SCHEDULES.</b>	*	*	*	*	

**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[L. A. BILL No. XXIX OF 2021.]**

**[A Bill further to amend the Maharashtra  
State Board of Technical Education  
Act, 1997.]**

[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.