

L. C. BILL No. VI OF 2021.

A BILL

*to establish and incorporate the Maharashtra State Board of Skill,
Vocational Education and Training to regulate matters pertaining to
5 Skill, Vocational Education and Training and Entrepreneurship
Education as per the National Skill Qualification Framework and other
Skills Courses in the State of Maharashtra and for other matters
connected therewith or incidental thereto.*

(As passed by the Legislative Council on the 23rd December 2021.)

10 WHEREAS it is expedient to establish and incorporate the Maharashtra
State Board of Skill, Vocational Education and Training to regulate matters
pertaining to Skill, Vocational Education and Training and Entrepreneur-
ship Education as per the National Skill Qualification Framework and other
Skill Courses in the State of Maharashtra and for other matters connected

therewith or incidental thereto; it is hereby enacted in the Seventy-second 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 Skill, Vocational Education and Training Act, 2021. 5

(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 institution” means an institution, which has been granted affiliation by the Board ; 10

(b) “apprenticeship” means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship ;

(c) “Board” means the Maharashtra State Board of Skill, Vocational Education and Training established under section 3 ; 15

(d) “bye-laws” means bye-laws of the Board made under this Act ;

(e) “Central Government” means the Government of India ;

(f) “Committees” means the Committees of the Board as constituted under section 20 ;

(g) “credit framework” means the framework developed by the Board, built on measure units of education, skills and learning credits for student to achieve the competency for performing a job role successfully or efficiently or for vertical and horizontal mobility ; 20

(h) “Director” means the Director of the Maharashtra State Board of Skill, Vocational Education and Training appointed under sub-section (1) of section 7 ; 25

(i) “existing Board” means the Maharashtra State Board of Skill Development constituted by the Government ;

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

(k) “Governing Council” means the Governing Council of the Maharashtra State Board of Skill, Vocational Education and Training established under section 9 ; 30

(l) “head of the institute” or “principal” means the head of the institute affiliated and recognized by the Maharashtra State Board of Skill, Vocational Education and Training by whatever name designated ; 35

(m) “institution” means an institution affiliated and recognized by the Board for imparting certificate or diploma level vocational education and training, skill development and entrepreneurship education courses ; 40

(n) “Maharashtra State Council of Vocational Training” means the Maharashtra State Council of Vocational Training constituted by the Government ;

5 (o) “National Council for Vocational Education and Training” means the National Council for Vocational Education and Training established by the Central Government ;

(p) “National Occupational Standard” means the National Occupational Standards formulated by the Sector Skill Councils or the National Skill Qualification Committee, as the case may be ;

10 (q) “National Skill Development Agency” means the National Skill Development Agency, an autonomous body, registered as a society under the Societies Registration Act, 1860 ;
21 of 1860.

(r) “National Skill Development Corporation” means the National Skill Development Corporation, a company registered under the Companies Act, 2013 ;
18 of 15 2013.

(s) “National Skill Qualification Committee” means the National Skill Qualification Committee, setup by the Ministry of Finance (Department of Economic Affairs), Government of India ;

20 (t) “National Skill Qualification Framework” means the National Skill Qualification Framework, notified by the Ministry of Finance (Department of Economic Affairs), Government of India ;

(u) “prescribed” means prescribed by rules made under this Act ;

(v) “regulations” means the regulations made by the Board under this Act.

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CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF BOARD AND GOVERNING COUNCIL

3. The Government shall by notification in the *Official Gazette*, establish for the purposes of this Act, a Board to be called as the Maharashtra State Board of Skill, Vocational Education and Training. Establishment of Board.

30 **4.** (1) The Board established under section 3 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 corporate name. Incorporation of Board.

35 (2) The headquarter of the Board shall be at Mumbai and shall have a District level offices at the District Vocational Education and Training offices of the Directorate of Vocational Education and Training, Maharashtra State.

5. (1) The Board shall consist of the following members, namely :— Constitution of Board.

40 (a) the Director, Maharashtra State Board of Skill, Vocational Education and Training, Chairperson ;

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|-----|---|-------------------------------|----|
| (b) | the nominee of Director, Directorate of Vocational Education and Training not below the rank of Joint Director, | <i>Ex officio</i> Member ; | |
| (c) | the Chairman, Maharashtra State Board of Secondary and Higher Secondary Education, or his nominee not below the rank of Chairman of the Divisional Board, | <i>Ex officio</i> Member ; | 5 |
| (d) | the Director of Industries, Maharashtra State or his nominee not below the rank of Joint Director, | <i>Ex officio</i> Member ; | 10 |
| (e) | the Joint Secretary or Deputy Secretary to Government, Skill Development, Employment and Entrepreneurship Department, | <i>Ex officio</i> Member ; | 15 |
| (f) | the Deputy Commissioner, Skill Development, Employment and Entrepreneurship, Maharashtra State, Konkan Bhavan, Navi Mumbai, | <i>Ex officio</i> Member ; | |
| (g) | the Regional Director, Regional Directorate of Skill Development and Entrepreneurship, Government of India, Mumbai, | <i>Ex officio</i> Member; | 20 |
| (h) | the Director, Board of Apprenticeship Training (Western Region), Government of India, Mumbai, | <i>Ex officio</i> Member ; | 25 |
| (i) | two members to be nominated by the Government from the Association of Industries, | Member ; | |
| (j) | three members to be nominated by the Government from the head of the institute of whom atleast one shall be a woman, | Member ; | 30 |
| (k) | three members to be nominated by the Government having special knowledge and experience in the field of Vocational Education, Training, Skill Development and Entrepreneurship Education, | Member ; | 35 |
| (l) | the Secretary, Maharashtra State Board of Skill, Vocatonal Education and Training, | Member- Secretary. | 40 |

(2) The names and tenure of the person other than the *ex officio* members, who have been nominated, from time to time, as member of the Board, shall be published by the Government in the *Official Gazette*.

(3) The 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, 45 by virtue of which he is so appointed and such person shall inform the

Chairperson in writing so ceased to be the member of the Board, within a week therefrom.

6. The objects of the Board shall be to,—

Objects of
Board.

- 5 (1) emerge as one of the foremost institution of quality in Vocational Education and Training recognized by industry, industry associations, etc., nationally and internationally ;
- (2) engage and promote constant engagement with industry to understand the skilled manpower needs of industry and build partnerships for youth to learn in a practical and real-world environment ;
- 10 (3) conduct research in labour market requirements in order to understand emerging trends and offer suitable curricula, courses and programs ;
- (4) establish links, collaborations and partnerships with other institutions, industry and industry associations in India and abroad for creating an Industry-Academia partnership for mutual benefits ;
- 15 (5) collaborate with other institutions, profit and non-profit organizations, corporates, industry, industry associations, professional associations or other organizations in India or overseas to conceptualize, design, develop and offer specific customised Vocational Education and Training programmes and exchange programmes for students, trainers and others ;
- 20 (6) conduct pedagogical and skill enhancement training and development programs for faculty and trainers who are involved in imparting Vocational Education and Training ;
- 25 (7) develop qualified youth with skill proficiencies and competencies at different levels built on national principles of skill, Vocational Education and Training or as deemed appropriate by the Board ;
- (8) develop competent, skilled and capable youth imbued with skills, learning and the spirit of entrepreneurship and intrapreneurship to meet the skilled employment needs of the country and world ;
- 30 (9) provide learning, teaching, capacity, capability and skills development and entrepreneurial training, covering a wide spectrum of domains and specializations as may be relevant from time to time, in the fields in which future jobs are going to be created such as Automotive, Apparel and Furnishing, Aviation and Aerospace, Media and Entertainment, Film, Capital Goods, Communication, Design, Technology, Management and Entrepreneurship, Business, Banking and Insurance, Healthcare, Hospitality, Logistics, Sports, Travel and Tourism, Life Sciences, Applied and Creative Arts, Humanities, Data Science and Artificial Intelligence, E-Business, Retail, Analytics, Agri Business, related to industry 4.0 and any other fields of study including the imparting of skills that have employment potentiality ;
- 35 (10) promote skill education including Vocational Education and Training in an integrated and holistic manner with school education to ensure pathways for progression and mobility across forms of education and skill ;
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- 45

(11) start skill development programs and offer continuing quality vocational education and training programmes for skilling, upskilling and reskilling in new and emerging areas with innovative approaches ;

(12) provide students an opportunity of lifelong and continuous training through the Board courses offered through conventional or blended or distance or open or online education and other education delivery models suitable for different pedagogical approaches and systems ; 5

(13) provide skill development, vocational education and training opportunities to the informal sector and unorganized workforce through a variety of programs leading to gainful employment and entrepreneurship in order to build productivity ; 10

(14) conduct examinations and assessment and confer diplomas and certificates and other academic distinctions on persons subject to such conditions as the Board may determine, and to withdraw or cancel any such diplomas, certificates or other academic distinctions in the prescribed manner ; 15

(15) offer mechanism and facility of credit banking or transfer system to create options of multi-entry and exit and opportunities for movement across Boards or Universities or domains or sectors ; 20

(16) provide vertical mobility to students by offering Certificate, Diploma, Pre SSC and 10+2 Level skill based vocational education and training programs in high growth sectors and to prepare the youth towards gainful employment and entrepreneurship ;

(17) offer mechanism and facility for recognition of prior learning ; 25

(18) disseminate knowledge and skill through seminars, conferences, executive education programmes, community development programmes, publications and training programmes ;

(19) design and deliver high quality training, capacity building and development systems for teachers, administrators and working professionals ; 30

(20) promote and maintain transparency of the highest order in matters of admission, appointments, evaluation, accreditation, administration and finance ;

(21) establish innovative approaches for creation of seamlessness in academic structures, learning time-frames and working and continuous evaluation processes for nurturing and cultivation of creativity and entrepreneurship ; 35

(22) aim at reaching the unreached by using latest Information Communication Technology to deliver education, training and teaching resources to learners ; 40

(23) provide a teaching, learning and pedagogy which combines multiple forms of education and learning pedagogy and course delivery (blended or distance or open or online or skill or other) and thus provide a 'Virtual Campus' where students will come together with experienced faculty and industry members to develop and evolve ; 45

(24) provide a teaching, learning and pedagogy focused on hands-on training, professional and skill based training in line with market needs ;

5 (25) collaborate with other institutes, industries, businesses or labs or agencies or organizations of repute from other States of India or foreign countries to offer joint programmes or courses or exchange faculty or information or share best practices and give or receive resources or grants or consultancy for benefit of students ;

10 (26) build financial self-sufficiency by undertaking academic, skill and allied programmes and by providing professional and development services to the industry, public organizations, agencies and the society at large ;

15 (27) undertake skill assessments for the students studying in the Board as well as for other students, agencies, training provider, institutions, industry and organizations ;

(28) do research in the pedagogy of skill assessments, online assessments, computerized assessments or tests and develop required software, hardware solutions or other systems or processes for carrying out assessments or tests ;

20 (29) use modern processes, mechanisms and technologies for governance and management of learning, teaching, researching, evaluating, developing, organizing and creating socio- economic wealth for individuals and society for 21st century ;

25 (30) encourage industrial and industrial associations participation through establishment of in-service training centers, workshops and active participation in all aspects of governance, curricula design and development, teacher training, skill training, on-the-job training, internships, apprenticeships, placements, consultancy, joint projects, skill assessments certifications, etc. ;

30 (31) establish skill centers, community centers, information centers, test or assessment and examination centers, etc., at various locations in the State to facilitate delivery, student services and dissemination of vocational education and skill training ;

35 (32) liaison or collaborate with various ministries, State bodies, departments, agencies or other statutory bodies at state, national or international level in order to understand vocational education and skilling needs and to impart programmes accordingly ;

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

(34) undertake necessary or expedient action to pursue and promote the objectives of the Board ;

45 (35) ensure that the standard of diploma, certificates and other academic distinctions are not lower than those laid down by statutory regulatory authorities in India ; and

(36) pursue any other objects, as may be prescribed by the Government.

Appointment
and term of
office and
conditions of
service of
Director.

7. (1) The Board shall have a Director who shall be appointed by the Government from amongst the Joint Directors of Vocational Education and Training of the Directorate of Vocational Educational and Training or any other equivalent or higher post thereto, and his name shall be published by the Government by notification in the *Official Gazette*.

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(2) The Director shall hold office for term of five years from the date of the publication of his name in the *Official Gazette*.

(3) Nothing in sub-section (2) shall affect the power of the Government to transfer in the exigencies of public service, the Director to any other post under the Government during such term; and if the Director is superannuated in the service of the Government, he shall cease to be the Director, unless his services are extended or he is re-employed in the service of the Government and he is not transferred to some other post.

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(4) The Government may, from time to time, extend the term of office of the Director of the Board, however, the aggregate period of the term shall not exceed ten years.

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(5) The Director shall be an employee of the Government, equivalent to the post of the Joint Director of the Directorate of Vocational Education and Training and other conditions of service and rules of recruitment of the Director shall remain same as of the Joint Director of the Directorate of Vocational Education and Training.

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(6) Where a temporary vacancy of the Director occurs by reason of leave, illness or other cause, the Government may appoint another person to be the Director.

Term of office
and allowances
to members of
Board.

8. (1) The members of the Board, other than the *ex officio* members, shall hold office for a term of five years from the date on which their names are published in the *Official Gazette*.

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(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*.

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(3) The members other than *ex officio* members shall be entitled to such compensatory allowances as may be determined by regulations.

Establishment
of Governing
Council.

9. (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 and certificate level courses of skill development, vocational education and training, assessment and examination at state level.

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

(a) the Minister for Skill Development, ... President ;
Employment and Entrepreneurship,
Government of Maharashtra,

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(b) the Minister of State for Skill ... Vice-President ;
Development, Employment and
Entrepreneurship, Government of
Maharashtra,

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(c) the Secretary, Skill Development, ... Member ;
Employment and Entrepreneurship
Department, Government of Maharashtra,

- (d) the Secretary, Finance Department, ... Member ;
Government of Maharashtra or his
nominee not below the rank of
Deputy Secretary,
- 5 (e) the Secretary, Industry Department, ... Member ;
Government of Maharashtra or
his nominee not below the rank of
Deputy Secretary,
- 10 (f) the Secretary, Labour Department, ... Member ;
Government of Maharashtra or his
nominee not below the rank of
Deputy Secretary,
- 15 (g) the Secretary, Higher and ... Member ;
Technical Education Department,
Government of Maharashtra or his
nominee not below the rank of
Deputy Secretary,
- 20 (h) the Secretary, School Education and Sports Member ;
Department, Government of Maharashtra
or his nominee not below the rank of
Deputy Secretary,
- 25 (i) the Commissioner, Skill Development, ... Member ;
Employment and Entrepreneurship,
Maharashtra State, Konkan Bhavan,
Navi Mumbai,
- (j) the Director, Directorate of ... Member ;
Vocational Education and Training,
Maharashtra State,
- 30 (k) three members nominated by the ... Members;
Government from the Industries,
- (l) the Director, Maharashtra State Board ... Member-
of Skill, Vocational Education and Secretary.
Training,

35 (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 by notification in the *Official
Gazette*.

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

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

(6) The nominated members shall receive such allowance, as may be
determined by the Government, for meeting the personal expenditure in
45 attending the meeting or in performing any other functions as members.

Disqualification
of Chairperson
and members of
Board or
Governing
Council or any
Committee.

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

(a) if he directly or indirectly, by himself or his partner has any share or interest in any work done by order of, or any contract entered into on behalf of the Board ; 5

(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. 10

Casual
vacancies.

11. All casual vacancies in office of the members of the Board, the Governing Council or any Committee constituted by the Board, shall be filled 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. 15

Resignation
of member.

12. A member of the Board and the Governing Council except the *ex officio* member, may resign his office at any time by tendering his resignation in writing to the Chairperson of the Board or the President of the Governing Council, as the case may be, and such member shall be deemed to have vacated his office as soon as the Chairperson or the President, as the case may be, has received his resignation. 20

Removal of
member.

13. (1) The Government may, on the recommendation of the Board, and after making such further inquiry, as it may think fit, to make by order, remove any member of Board or any Committee thereof, in such manner if, a member,— 25

(a) has been convicted by a court in India for any offence involving moral turpitude ; or 30

(b) is an undischarged insolvent ; or

(c) has been declared physically disable by such medical authority as the Government may specify ; or

(d) is of unsound mind and stands so declared by a competent court ; or 35

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

Provided that, no such recommendation shall be made by the Board or no order shall be made under clause (e), unless he has been given a reasonable opportunity of showing cause why such recommendation or order should not be made. 40

(2) The Government may *suo motu*, by order, remove any member of 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 Board or of any Committee thereof : 45

Provided that, no member shall be removed from the 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 Board shall hold office during the pleasure of the Government and shall be removed at any time by the Government, if it deems fit.

5 **14.** (1) The Board shall meet not less than twice in every year, and six 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 any Committee 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.

15 **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 to become vacant under section 15 or 16, the same shall be referred to the Government and the decision of the Government in the matter shall be final. Decision on question as to vacancy.

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

19. The Board may invite any person who in its opinion is an expert in the field of Vocational Education, Training, Skill Development and Entrepreneurship or any other relevant field or any officer of the Government to attend its meeting or of its Committees, 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.

20. (1) The Board shall constitute the following Committees, namely :— Constitution of Committees.

(a) Academic Committee ;

(b) Finance Committee ;

35 (c) Sector Skill Committees ;

(d) Assessment, Examination and Certification Committee ;

(e) Accreditation, Affiliation and Equivalence 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 by 5 regulations.

Government
officers and
employees of
Board.

21. (1) The permanent employees of the existing Board shall continue in the services of the Board and shall be subject to the provisions of this Act and the regulations made thereunder :

Provided that,—

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(a) during the period of such employment all matters relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of service of the members of the said staff shall be regulated by the Maharashtra Civil Services Rules or such other rules as may, from time to time, be made by the Government ;

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(b) any such member shall have right of appeal to the Government against the order of rejection, dismissal or removal from service, fine or any other punishment.

(2) The permanent employees of the existing Board shall be transferable under the respective cadre of the Directorate of Vocational Education and Training in any of its offices or institution where the vacancy exists.

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(3) The employees appointed on contractual basis on the existing Board shall continue subject to the conditions as they were appointed.

(4) All expenditure which the existing Board may have incurred before the commencement of this Act in connection with any of the purposes of the existing Board, shall be deemed to be advance towards capital expenditure by the Government to the Board under section 41 on that date, and all assets acquired by such expenditure shall vest into the Board.

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

22. (1) The Board shall have the Secretary, who shall be appointed by the Government.

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(2) The Secretary shall, subject to the control of the Director, be the Executive Officer of the Board, and all other officers and servants for the time being serving under the Board, shall be subordinate to him.

(3) The Secretary shall be entitled to be present at the meetings of the Governing Council and Board and shall be the Member-Secretary of the Board.

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(4) In all suits and other legal proceedings by or against the Board, the pleading shall be signed and verified by the Secretary of the Board and all processes in such suits and proceedings shall be issued to and served on the Secretary of the Board.

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(5) The Secretary shall exercise such other powers and perform such other duties as may be prescribed by regulations.

(6) The Government shall appoint the required number of technical staff such as Joint Secretary, Deputy Secretaries, Assistant Secretaries, Inspector, Controller of Examination, and other staff such as Administrative

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Officer and Account Officers for the Board on the recommendation of the Board.

(7) The employees appointed under sub-section (6) shall exercise such powers and perform such duties of the Secretary as are, respectively
5 assigned to them by the Secretary under the general or special orders issued in this behalf.

(8) The employees specified in sub-section (6) shall be the servants of the Government, and the salaries and allowances shall be paid from the Consolidated Fund of the Government and other conditions of service of
10 these officers and staff shall be such as may be determined by the Government.

23. (1) The Board may, with the approval of the Government, appoint such other officers and servants, as it considers necessary, for the efficient performance of its functions under this Act. Other officers and employees of Board.

15 (2) The salaries, allowances and other conditions of service of the officers and servants appointed under sub-section (1), shall be such as may be determined by the Board by regulations.

CHAPTER III

POWERS AND DUTIES OF GOVERNING COUNCIL AND BOARD

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

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

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

(c) to approve matters related to staff regulations and approval thereof ;

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

(e) to decide accreditation policy of the institutes ;

(f) to exercise the powers relating to financial matters which are referred by the Board ;

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

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

(i) to approve the rules and procedures for appointment of officers and other employees of the Board, their qualifications, terms and conditions of services including conduct, discipline and duties, mode
40 of recruitment, pay scales, etc. ;

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

Powers and
duties of
Board.

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

(1) to provide facilities and promote vocational education and trainings in emerging areas of skill, including new frontiers in which future jobs are going to be created such as Automotive, Apparel and Furnishing, Aviation and Aerospace, Media and Entertainment, Film, Capital Goods, Communication, Design, Technology, Management and Entrepreneurship, Business, Banking and Insurance, Healthcare, Hospitality, Logistics, Sports, Travel and Tourism, Life Sciences Applied and Creative Arts, Humanities, Data Science and Artificial Intelligence, E-Business, Retail, Analytics, Agri Business, related to industry 4.0 and any other fields of study including the imparting of skills that have employment potentiality ;

(2) to develop curriculum packages and credit frameworks for different levels in accordance with the National Occupational Standards as specified by the National Skill Qualification Framework or as may be defined by the Board ;

(3) to define norms and parameters of vocational education and training, skill education, teaching and instruction, consistent with the credit framework and curriculum packages, in such skill and allied areas as the Board may deem fit ;

(4) to determine standards of admission to the courses of the Board, which may include an entrance examination, evaluation or any other method of testing or as may be defined by the Board ;

(5) to determine, specify and receive payment of fees and penalties and other charges, as the Board may deem fit, from students and any other person, institution, industry or body corporate for assessment and examinations and other services, including security deposit, affiliation, enrollment, consultancy, conferring autonomy, equivalence and advisory services, provided by the Board ;

(6) to facilitate instruction, in accordance with the credit framework and curriculum packages, in such skill and allied areas as the Board may deem fit, for the dissemination of knowledge and skills training and consistent with its objects ;

(7) to award diplomas, certificates and other distinctions to candidates on behalf of the Government after passing the final examination of Board, as the case may be ;

(8) to define norms of, examination or any other measure of assessment of knowledge and competency of a student of, or admission to, the institutions of skill education, vocational education and training affiliated to it ;

(9) to hold examinations or other assessments of knowledge or competency, or other assessment systems affiliated to it, as the Board may, from time to time, determine ;

(10) to affiliate and recognize vocational education and training and skill education institutions, training establishments, industry establishments, community centres, assessment bodies and skill

development centres, in such manner and in accordance with such parameters as may be specified by the Board ;

(11) to confer autonomous status on an institution in the manner laid down by the Board ;

5 (12) to recognize industries, companies, national and international partners for purposes of practical training of students in skill, and to define norms for recognition of competency attained by a student in such practical training in industry for the purpose of earning credits ;

10 (13) to recommend to Government for grant of permission to all institute imparting vocational education and training, skill development and entrepreneurship education for certificate and diploma level examination ;

15 (14) to define norms and measures of assessment for recognition of prior learning and competency in skills, based on relevant experience at work or in industry and to assign credits for such prior learning or competency in accordance with the credit framework and to confer certificate for recognition of prior learning ;

20 (15) to introduce semester system, continuous evaluation and choice-based credit system enabling credit transfer and joint diploma or dual diploma programmes with other academic institutions;

(16) to introduce blended or distance or open or online courses of vocational education and training, skill development and entrepreneurship education ;

25 (17) to lay down parameters for assessment certification and accreditation of skill trainers and training institutions in accordance with the norms prescribed, or in their absence, such norms as may be determined by the Board ;

(18) to create administrative and other technical posts and to make appointments thereto with the prior approval of the Government ;

30 (19) to undertake, or cause to be undertaken, such studies for assessment of skill needs as may be required in the future and to prepare and maintain a database of skills assessment and requirements in terms of the emerging employment market, as the case may be, relevant to the instructions imparted or proposed to be imparted by
35 the affiliated institutions ;

(20) to collaborate with any other University or institution of national importance in offering joint diploma programmes for bridging skill education with higher education ;

40 (21) to promote international collaboration with institutions of vocational education and training for the purpose of developing competency, knowledge and ability to global standards and award joint certificate and diploma with prior permission of the Government ;

45 (22) to advice the Government on matters of policy relating to Certificate and Diploma Level Vocational Education and Training, Skill Development and Entrepreneurship program of Central and State

Government in general, and on the following matters, in particular, namely :—

(a) co-ordination in between National policies and State policies in certificate and diploma level vocational education and training, skill development and entrepreneurship education ; 5

(b) co-ordination in between National Skill Development Agency, National Council of Vocational Education and Training and National Skill Development Corporation for National Skill Qualification Framework ;

(c) co-ordination with National Council of Vocational Education and Training for the implementation of policies ; 10

(d) co-ordination in between Secondary, Higher Secondary and university certificate level, diploma level and degree level vocational education and training, skill development and entrepreneurship education ; 15

(e) to maintain uniform standard of certificate and diploma level vocational education and training ;

(f) to lay down guiding principles for industry institute interaction for certification and assessment ;

(23) to lay down guiding principles for determining curricula and syllabi and also to prepare the detailed curricula and syllabi for certificate and diploma level vocational education and training, for all categories such as, regular, dual mode of training, part-time, correspondence course, yearly, semester pattern based courses and the likewise ; 20 25

(24) to prescribe and develop any book as text book and reference book or any other learning material, whether required for class room, on line or practical training and to prepare or cause to be prepared any book and print or non-print material or to publish or to produce directly or in collaboration with any other agency, any kind of learning material for certificate and diploma level vocational education and training courses ; 30

(25) to develop technological solutions and services in collaborations with industry on management and governance of online education, training and examination and assessment of the approved courses of the Board ; 35

(26) to conduct statistical and other research or training programs for the purpose of design, development, implementation and evaluation of the curriculum, teaching learning process and examination in collaboration with any agency within or outside India ; 40

(27) to approve the tailor-made customized courses of the Government and non-government organization for the purpose of recognition and affiliation ;

(28) to recommend choice-based credit system in-line with skill development pedagogy, providing students the facility of multi-entry-exit and credit banking and transfer at all levels ;

5 (29) to prescribe and regulate standard requirements for institutions in respect of basic facilities and other norms for affiliation and accreditation ;

10 (30) to call for any information from the institute recognized by it to ensure maintenance of academic standard, to call for special reports and information from the District level offices at the District Vocational Education and Training offices of the Directorate of Vocational Education and Training, Maharashtra State, on certificate and diploma level institutions recognised by it but not maintaining the required academic standard and to recommend the withdrawal of recognition to the Governing Council and will proceed as per the directives of
15 Governing Council regarding the withdrawal or recommend action against such institute ;

(31) to require institutions recognized by the Board to extend their co-operation in the conduct of the examination and to withdraw the
20 privileges of the Board from any institution, which fails to place at its disposal the facilities required to conduct examination after giving it a reasonable opportunity being heard before an order is made ;

(32) to prescribe the general conditions governing admission of regular candidates, ex-candidates and external candidates to the
25 examination and to specify the conditions relating to eligibility, attendance and term-work on the fulfilment of which a candidate shall have a right to be admitted to and to appear at any such examination ;

(33) to establish skill development centers in collaboration with industry for the benefit of the industry and society for providing all
30 types of relevant skills to students, in-service employees, working professionals and to undertake joint projects for the purpose of training or research ;

(34) to admit candidates for the examination, according to regulations, and to declare the result of the candidates appearing at
35 the examination conducted on such date or dates as may be fixed, by the Board ;

(35) to conduct examination and assessment of Skill Development programmes including Artisans-to- Technocrat Scheme, State
40 Apprenticeship Training Scheme, Vocational Education and Training at Pre SSC and 10+2 Level and award certificate and diploma level certificates as may be prescribed ;

(36) to make such provisions for integrated courses in same or different disciplines in the educational programmes of the Board ;

(37) to institute and to award scholarships, fellowships, stipends, medal, prizes and other rewards as also to prescribe condition therefor ;

45 (38) to receive gifts, grants, donations or benefactions from the Central Government and the State Government and to receive bequests, donations, endowments, and trusts and transfer of movable or immovable properties from testators, donors or transferors or interest therein or right thereto, as the case may be ;

(39) to hold any property, interest or right referred to in clause (38), and to manage and deal with the same ;

(40) to create own, hold on hire any property or infrastructure required for functioning of Board office and District offices as may be necessary for attainment of its objects ; 5

(41) to purchase or to take on lease or leave and license any land or building, premises or infrastructure which may be necessary or convenient as the Board may deem fit for attainment of its objects ;

(42) to borrow with the previous approval of the State Government, on the security of the property of the Board, money for the purposes of the Board ; 10

(43) to invest the funds of the Board in or upon such securities and transpose any investment from time to time in the banks in the interest of the Board ;

(44) to constitute provident fund for the benefit of the officer and employees of the Board ; 15

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

(46) to inspect and supervise generally the Board related working of the District level offices at the District Vocational Education and Training Officer of the Directorate of Vocational Education and Training, Maharashtra State and to inspect periodically the accounts thereof ; 20

(47) to appoint the staff of the Board as per the regulations ;

(48) to appoint such Committees as it may think necessary for the efficient discharge of its function under this Act ; 25

(49) to make regulations for the purpose of carrying out effectively the provision of this Act ;

(50) to make bye-laws relating to matters such as procedure to be followed by the Board, their Committees and any other matter concerning the Board and their Committees that are not provided under this Act and the regulations made thereunder ; 30

(51) to carry out all such acts as may be necessary to achieve the objective of this Act so as to improve, extend, expand the Certificate, diploma and advance diploma level vocational education and training, skill development and entrepreneurship education in the State and to maintain and improve standard of such certificate, diploma and advance diploma level vocational education and training, skill development and entrepreneurship education ; 35

(52) to make regulations for granting affiliation, recognition, equivalence, eligibility and autonomy to institutes and courses ; 40

(53) to appoint paper-setters, examiners, moderators, assessors, supervisors and other necessary personnel for conducting examination, assessment of candidate's performance and for compiling and declaration of results ; 45

(54) to conduct multiple enrolment cycles for Open and Online Learning programmes being offered by the Board ;

5 (55) to ensure that the standard of diplomas, certificates and other academic distinctions which are not lower than those laid down by statutory regulatory authorities in India ;

10 (56) to provide and acquire consultancy, affiliation and support services for furtherance of vocational education, training, skill development and entrepreneurship activities, including for affiliated institutions, examination boards, Universities, Government educational bodies, directorates and Government Department, etc., within or outside the Country ;

(57) to discharge the functions of the State Council of Vocational Training as per the guidelines of National Council of Vocational Education and Training or as may be prescribed by the Board ;

15 (58) to do all such acts and things, as may be necessary, conducive to the attainment of all or any of the objects of the Board.

20 **26.** (1) It shall be the duty of the Director of the Board to ensure that the provision of the Act and the regulations and bye-laws made thereunder, are observed effectively, and he shall have all the powers necessary for this purpose. Powers and duties of Director of Board.

(2) The Director shall be the Principal Academic and Chief Executive Officer of the Board responsible for the development of academic programme. He shall oversee, monitor and control the general administration of the Board to ensure efficiency and good order.

25 (3) The Director shall be entitled to be present and address at any meeting of any committee of the Board.

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

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

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

40 (6) In an emergency, which in the opinion of the Director of the Board, 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.

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

Powers of
Government
to issue
directions.

27. (1) The Government shall have the power to issue such directions as it may consider necessary, after considering the advice (if any) tendered by the Board, in regard to all or any matters specified in section 25. The Board concerned shall comply with such directions.

(2) The Government shall have 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. 5

(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. 10

(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 direction consistent with this Act as it may think fit, and the Board shall comply with such directions. 15

(5) In an emergency, which in the opinion of the Government, require 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. 20

(6) The Government may, by order in writing, specifying the reason 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 ordered to be done 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. 25

CHAPTER IV

PERMISSION, AFFILIATION, CONFERRING AUTONOMOUS STATUS AND EQUIVALENCE

Conditions of
permission
and
affiliation.

28. (1) The management applying for affiliation and management whose institution has been granted affiliation for a period specified, shall give and comply with the following undertakings,— 30

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

(b) that there shall be a separate local managing committee provided for an affiliated institution ; 35

(c) that 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 ;

(d) that there shall be suitable and adequate physical facilities such as buildings, laboratories, libraries, books, equipment and machineries required for teaching and research, hostels, gymnasium, as may be prescribed by regulations ; 40

(e) that the financial resources of the institution shall be such as to make due provision for its continued maintenance and working ; 45

(f) that the qualifications of teaching staff of the affiliated recognised institutions shall be such as prescribed by the Board and which shall be sufficient to make due provision for courses of study, teaching or training efficiently ;

5 (g) that the services of all teaching and non-teaching employees and the facilities of the institution to be affiliated, shall be made available for conducting examinations and assessments and for promoting other activities of the Board ;

10 (h) that the directions and orders issued by the Chairperson and other officers of the Board, in exercise of the powers conferred on them under the provisions of the Act and regulations made thereunder, shall be complied with ;

(i) that there shall be no change or transfer of the management without previous permission of the Board ;

15 (j) that institution shall not be closed without previous permission of the Board ;

20 (k) that in the event of disaffiliation or de-recognition or closure of the institution under section 35 or 39, as the case may be, all the assets the institution, including buildings and equipments which have been constructed or created out of the amount paid as a grant-in-aid by the Government, shall vest in the Government.

(2) No institution which is part of another Board shall be considered for affiliation unless a “No Objection Certificate” is given by the parent Board.

25 **29.** (1) The management seeking permission to open a new institution shall apply in the prescribed form to the Member-Secretary of the Board as per the time schedule declared by the Board, from time to time. Procedure for permission.

30 (2) All such applications received within the aforesaid prescribed time-limit, shall be scrutinized and physically inspected by the committee constituted by the Board and be forwarded to the Government.

35 (3) Out of the applications recommended by the Board, the Government may grant the permission as it may consider right and proper in its absolute discretion on the basis of the suitability of the management seeking permission to open new institution and the State level priorities with regard to location of institutions of Vocational Education and Training, Skill Development and Entrepreneurship Education :

40 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 of a new institution of Vocational Education and Training, Skill Development and Entrepreneurship Education.

(4) No application shall be entertained directly by the Government for the grant of permission for opening any new institution.

Procedure for
affiliation.

30. (1) On receipt of the permission from the Government under section 29, the Board shall consider grant of first time affiliation to the new institution by following the prescribed 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 institution. The decisions of the Board 5 in this regard shall be final.

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

(3) The Board shall decide,—

(a) whether affiliation should be granted or rejected ; 10

(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. 15

(4) The Member-Secretary shall communicate the decision of the Board to the management of the institute with a copy to the Government, and if the application for affiliation is granted, along with an intimation regarding,—

(a) the subjects and the courses of study approved for affiliation ;

(b) the number of students to be admitted ; 20

(c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) The procedure referred to in section 29 shall apply, *mutatis mutandis*, for the permission to open new courses, additional courses, new subjects and additional divisions. 25

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

(7) The procedure referred to in sub-sections (1) to (4) shall apply, *mutatis mutandis*, for the consideration of continuation of affiliation, from time to time. 30

Continuation
of affiliation.

31. The affiliated institution 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 28, 29 and 30, so far as applicable for grant of affiliation. 35

Extension of
affiliation.

32. The affiliated institution may apply for affiliation for additional courses of study. The Board shall follow the procedure as specified in sections 28, 29 and 30, so far as may be applicable for grant of affiliation.

Permanent
affiliation
and
recognitions.

33. The affiliated institution with at least six years standing as an affiliated institution may apply for permanent affiliation. The Board shall 40 consider and scrutinize the application and if satisfied that the affiliated institution 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 the institution. 45

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

5 (2) The Director shall cause every affiliated institution to be inspected, in every academic year by one or more Committees appointed by him in that behalf.

35. (1) If an affiliated institution fails to comply with the conditions of affiliation as provided in section 28, the Board may issue a notice to the management to show cause as to why the privileges conferred on the institution by affiliation should not be withdrawn in part or in whole or modified. Withdrawal of affiliation or recognition.

(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 institution. It shall specify in the notice, the period, which shall not be less than thirty days within which the management should file its written statement in reply to the notice.

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

(4) The Board shall, having regard to the interest of students studying in the institution, recommend to the Government the action to be taken in this behalf and the Government shall, thereafter, proceed to implement the recommendations.

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

30 (2) The Secretary shall place the applications before the Academic Committee and the Committee shall scrutinize the applications and decide, whether there is a *prima facie* case for consideration of such application. If the Academic Committee decides that there is a *prima facie* case, it shall conduct a local enquiry by way of discussion with head of institute, staff and students of institute.

(3) The local enquiry shall be on the point under criteria and to assess whether facilities exist as per norms and standards and the institution 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 the report of the Academic Committee for scrutiny of application and local enquiry before the Board in its meeting, which shall pass a resolution recording 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 academic autonomous status, it shall pass a resolution to that effect and specify the conditions subject to which academic autonomous status shall be conferred.

(5) The Secretary of the Board shall submit within a period of one month to the Secretary, Skill Development, Employment and Entrepreneurship Department of Government such recommendations of the Board along with a copy of the resolution and such other records to be decided by the Board, for approval. 5

(6) On receiving approval from the Government for conferment of academic autonomous status on the applicant institute, the Secretary of the Board shall inform the institute concerned, the matter in writing with conditions, if any. 10

(7) Rejection of conferment of academic autonomous status is also to be intimated to the concerned institute. 15

The activities in sub-sections (1) to (7) are to be completed within ten months from the last date of receipt of the application for conferment of an autonomy.

(8) Any guidelines, rules, regulations, etc., on academic autonomous status provided by Central and State Government, from time to time, shall become applicable to the institute seeking academic autonomous status and to the institute on which the academic autonomous status is already conferred. 20

Equivalence and eligibility. **37.** (1) The institutions granted academic autonomous status shall be required to obtain equivalence for their courses and programmes from the Board. 25

(2) The autonomous institutions 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 institutions in every year. 30

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

(5) The Governing Body and other committees of autonomous institutions shall have representative from the Board on such committees. 35

(6) The Board shall grant equivalence for the purpose of employment to any certificate, diploma, post diploma, advance 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. 40

(7) The Board shall, wherever necessary obtain equivalence for any certificate, diploma, advance diploma, or any such programme conducted by the Board from any similar board, college, university or any other Examination Authority within or outside India. 45

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

38. The Board on receipt of complaint or *suo-moto* after conducting an enquiry and after being heard by issuing show cause notice is satisfied that the institutions granted autonomy failed to comply with the conditions as provided in sections 35 and 36 and has failed to attain high academic and administrative standards as prescribed by the Board, from time to time, it shall recommend to the Government to withdraw the autonomous status of the institute and the decision of the Government thereon shall be final and binding.

39. (1) No management of an institution shall be allowed to close down the institution without prior permission of the Government.

(2) It shall be the sole responsibility of the management desirous of closing down the institution to settle all types of liabilities, financial or otherwise, including and related to teaching and non-teaching staff of such institutions and the Government or Board shall not be liable for such responsibilities at any stage.

(3) The management desires 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 closure, and pointing out the assets in the form of building and equipments, their original costs, the prevailing market value and the grants so far received by it from the Government or from public funding agencies.

(4) On receipt of such an application, the Board shall cause to make enquiries as it may deem fit, to assess and determine whether the institution be permitted to effect the closure. The Board may, examine whether the closure should be avoided by providing necessary assistance or taking over of the institute by the Government or transferring it to another management.

(5) If the Board decides to recommend the closure, it shall prepare and submit to the Government, a report on the extent of damages or compensation to be recovered from the management and whether the assets created utilising 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.

(6) If the Board has recommended the closure of the affiliated institution, the Government may issue the order for closure.

(7) If the Government decides to take over the institution or transfer the same to another management, the procedure to be followed shall be such, as may be prescribed by the Government.

(8) The procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the institution are not affected, and that the first year shall be closed first and no new admissions shall be effected. The procedure to phase out the closure shall be such, as may be prescribed by the Government.

CHAPTER V

FUND, FINANCE, ACCOUNT AND AUDIT

- Application of Board assets. **40.** All property, fund and other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purpose of this Act. 5
- Board's fund, its custody and investment. **41.** (1) The Board shall have its own fund, and the following money shall be credited thereto,—
- (a) fees, royalties and charges, including penalties, levied and collected by the Board ;
 - (b) grants, subventions, contributions and financial assistance, if any, made to it by the Government or otherwise ; 10
 - (c) bequests, donation and endowments or other contributions, if any;
 - (d) interest and dividends on, and sale proceeds of, any securities vested in it ; 15
 - (e) all rents and profits from the property vested in it ;
 - (f) other money received by, or on behalf of, the Board.
- (2) The Board shall establish the following funds, namely :—
- (a) general fund ;
 - (b) salary fund,— 20
 - (i) for all posts approved by the State Government;
 - (ii) for all other post separately ;
 - (c) trust fund ;
 - (d) development and programme fund ;
 - (e) contingency fund. 25
- (3) Any other fund which in the opinion of the Board is deemed necessary to establish. The establishment and utilization of which shall be as prescribed by regulations.
- (4) The following shall form part of, or be paid into the general fund,—
- (a) non-salary contribution or grant, received from the State Government or Central Government or Corporate Social Responsibility Funds under the Companies Act, 2013 ; 30
18 of 2013.
 - (b) all incomes of the Board from any source whatsoever including income from fees, other fees and charges ;
 - (c) any sums borrowed from the banks, or any other agency, with the permission of the Government ; 35
 - (d) sums received from any other source or agency.
- (5) The salary fund shall consist of all amounts received from the State Government, Central Government or any other endowment or contribution received towards full or part payment of the salary and allowances. No amount from this fund shall be utilized for the purpose other than payment of salaries and allowances. 40

(6) All income on moneys from trust, bequest, donations, endowments, subventions and similar grants shall form part of the trust fund.

(7) (a) The development and program fund of the Board shall consist of all infrastructure development grants received from the State Government, 5 all contributions made by the industry, banks and financial institutions or any person or institution.

(b) No amount from this fund shall be appropriated to any other fund of the Board or expanded for any other purpose.

(c) The development and program fund shall be utilized in the manner 10 consistent with the object of the program and as per the guidelines of the funding agency on expenditure and audit, to be granted and approved by the Governing Council.

(8) The Board shall have and maintain a contingency fund under a separate head of the Board accounts which shall be used only for the purpose 15 of meeting any unforeseen expenditure.

(9) Surplus money at the credit of these funds, including accruals thereto, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time to time, be deposited in the Nationalized or Scheduled Banks or invested in any other Equity or securities issued by 20 the Corporations having financial participation of the State Government.

2 of
1934.
10 of
1949.

(10) The Board may keep in current or deposit account with the State Bank of India or with any Schedule 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 bank 25 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.

(11) Such accounts shall be operated upon by such officers of the Board as may be authorized by the Board or regulation made in this behalf.

30 **42.** 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. General application of fund.

35 **43.** No payment shall be made by Bank out of the Board's fund except upon a cheques or letter of credit signed by an officer authorized by the Board in this behalf. How fund shall be drawn against.

40 **44.** The Board shall pay, from time to time, to each district office and institute such sums as the Board may determine, for enabling the offices and institute to discharge the duties and functions imposed on them by the Board for completion of works or Development Schemes within its jurisdiction. Allotment to District Offices and institute.

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

(2) The Board shall on or after the date referred to in sub-section (1), 45 consider the budget estimates prepared by it and submit them as approved

by it to the Government, for the sanction. The Government may pass such orders with reference to the budget estimated as it thinks fit, and communicate the same to the Board. The Board shall give effect to such order.

(3) The Financial year of the Board shall be the same as that of the State Government. 5

Annual
accounts and
audit. **46.** (1) The Board shall keep accounts in such form and in such manner as prescribed by the financial regulations approved by the Governing Council.

(2) The accounts of the Board shall be audited by an auditor appointed by the Board. 10

(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. 15

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

Inspection
and inquiry. **47.** (1) The Government shall have the right to cause an inspection to be made by such a person or persons as it may direct, of the Board of the buildings, hostels, laboratories, libraries and equipment of any institution 20 affiliated to the Board of the teaching or other work conducted by any such institute and of the conduct of any examination and assessment held on behalf of the Board, and to cause an inquiry to be made in like manner in respect of any matters conducted with the Board.

(2) The Government shall, in every case, give due notice to the Board 25 of its intention to cause an inspection or inquiry to be made and the Board shall be entitled to appoint a representative, who is authorized by the Board to be present and be heard at such inspection or inquiry.

(3) The Government shall communicate to the Board its views with reference to the results of the inspection or inquiry and may, after 30 ascertaining the opinion of the Board thereon, advise it on the action to be taken, and fix a time limit for taking such action.

(4) 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 35 such time as the Government may direct.

(5) Where the Board does not within the time fixed, takes 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 40 directions.

Information,
return, etc., to
be furnished
by Board. **48.** (1) The Board shall furnish to the Government such reports, returns and statement 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. 45

(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.

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CHAPTER VI

SUPPLIMENTRY AND MISCELLANEOUS PROVISIONS

49. All matters relating to the exercise of powers by the Board, conferred upon it by the Act, which have by regulation 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.

Manner of
exercise of
powers
delegated to
Committee.

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

Powers of
Board to
make
regulations.

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

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

(b) the subjects and curricula for the examinations and assessments ;

(c) the general condition governing admission of regular and external candidates for the examinations and particular conditions regarding eligibility, attendance, term work, on the fulfilment of which a candidate shall have a right to be admitted to and to appear at any such examination and assessment ;

(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 examination and other fees and charges payable in respect of other matters connected with these examinations, assessments, affiliation and permission ;

(f) the arrangement for the conduct of examinations and publications of results ;

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

(h) the qualifications and disqualification of examiner and assessors ;

(i) to award the certificates and diplomas, after the declaration of the result ;

(j) the appointment of officers and servants of the Board in its own or district office and the terms and conditions of their services ;

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

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

(m) the allowance which may be drawn by member of the Board 5 and the Committees appointed by them ;

(n) appointment of officers and staff from Government and other institutes for smooth conduct of examinations and assessment and their allowances ;

(o) to set procedure, norms and standards for new application for 10 permission to run the courses ;

(p) to give sanction for new institute, increase in intake or additional courses in existing institute ;

(q) preservation of record of the Board ;

(r) all non-academic matters for which provision is, in the opinion 15 of the Governing Council, necessary for the purposes of this Act ;

(s) any other matter which is to be or may be prescribed or may be specified or may be defined under this Act.

(3) No regulations made under this section shall have effect until the same has been sanctioned by the Government and published by the Board 20 in the *Official Gazette*.

First regulation.

51. (1) Notwithstanding anything contained in section 50, the first regulation shall be made by the Government and published in the *Official Gazette* and they shall continue to be in force until new regulations are duly made by the Board. 25

(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 or that any regulations referred to in sub-section (1) or made by the Board under section 50, need to be modified or repealed, either wholly or in part, the Government may, after consultation with the Board, and by 30 notification in the *Official Gazette*, make such regulations to modify or repeal any such regulation, 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 35 anything done or as omitted to be done before such date.

Power of Board to make bye-laws.

52. (1) The Board may make bye-laws consistent with this Act and with the approval of the Governing Council to provide for all or any of the following matters, namely :—

(a) the procedure to be followed at the meetings of the Board and 40 the Committees appointed by it 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. 45

(2) The bye-laws made under sub-section (1) shall be published by the Board in the *Official Gazette*.

5 **53.** If any question arises regarding the interpretation of any provision 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 a Board so require. The decision of the Government in the matter shall be final. Interpretation in case of doubt.

10 **54.** All affiliated and autonomous certificate and diploma level institutions shall render such help and assist the Board as the Board may require to perform and discharge its duties and functions under the Act. Duties of and assistance from institutions.

15 **55.** No suit, prosecution, or other legal proceedings shall lie against the Government, Governing Council, the Board or the members or any officers or servant of the Government or of the Governing Council or of the Board, for anything which is done in good faith done or purported or intended to be done in pursuance of this Act or any regulations or bye-laws. Protection of action taken in good faith.

45 of 1860. **56.** All members, officers and employees 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. Members, officers and employees of Board to be public servants.

20 **57.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the forgoing provision, such rules may be made for all or any of the following matters, namely :—

25 (a) any other objects of the Board, under sub-section (36) of section 6 ;

(b) the procedure to be followed to take over the institution or transfer the same to another management under sub-section (7) of section 39 ;

30 (c) the procedure to phase out the closure under sub-section (8) of section 39 ;

(d) any other matter which is to be or may be prescribed.

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

Savings.

58. (1) Every Committee of the existing Board shall, as soon as practicable, but within a period of six month from the date of commencement of this Act, be reconstituted in accordance with the provisions of this Act.

(2) Any person holding office immediately before the commencement of this Act as Chairman, Secretary, Deputy Secretary, Assistant Secretary, 5 Inspector, Account Officer, Controller of Examinations to the existing Board shall continue to hold the said office until the corresponding officers are appointed by the Government as per the provisions of this Act.

(3) All institutions affiliated or recognised to the existing Board immediately before the commencement of this Act shall be deemed to be 10 affiliated or recognised to the Board under this Act until their affiliation or recognition is withdrawn or reconsidered under the provisions of this Act.

(4) The existing students of all the institutions recognised with the existing Board and the Maharashtra State Council for Vocational Training 15 immediately before the commencement of this Act shall continue to remain as students of the institutions as recognised by the Board.

(5) The courses and certification recognised by the existing Board and the Maharashtra State Council of Vocational Training immediately before the commencement of this Act shall continue to remain recognised course 20 and certification of the Board.

(6) All the educational institutions which were entitled to any privileges of the existing Board immediately before the commencement of this Act shall be deemed to be entitled to similar privileges under this Act of the Board. 25

(7) All benefactions accepted or received by the existing Board and held by it immediately before the commencement of this Act shall be deemed to have been accepted, received or held by the Board under this Act and all the conditions on which such benefactions were accepted, received or held shall be deemed to be valid under this Act, notwithstanding that such 30 conditions may be inconsistent with any of the provisions of this Act.

(8) All property, moveable or immovable, and all rights, and interests of whatsoever kind, and powers and privileges of the existing Board immediately before the commencement of this Act shall stand transferred and shall, vest in the Board and be applied for the objects and purposes for 35 which the Board is constituted.

(9) All obligations incurred, all contracts entered into and all matters and things engaged to be done, before the first constitution of the Board by, with or for, the State Government or the existing Board for any of the purposes of this Act, in respect of any scheme for the promotion of the 40 vocational 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 Board, as the case may be, continued or instituted by or against 45 the Board.

(10) All legal proceedings or remedies instituted or enforceable by or against the existing Board before the commencement of this Act may be continued or enforced, as the case may be, by or against the Board as established under this Act.

5 (11) All debts, liabilities and obligations incurred before the commencement of this Act and lawfully subsisting against the existing Board shall be discharged and satisfied by the Board.

(12) Any will, deed or other documents made before the commencement of this Act, which contains any bequest, gift, term or trust in favour of existing Board shall, on and from the commencement of this Act, be construed as if the Board is named therein instead of the existing Board.

(13) All references to the existing Board in any enactment or other instruments issued under any enactment immediately before the commencement of this Act shall be construed as references to the Board constituted under this Act.

(14) The appointment of examiners made under the orders and subsisting immediately before the commencement of this Act shall be deemed to have been made under and for the purpose of this Act for the Board, and such examiners shall continue to hold office and discharge their duties and functions until fresh appointments are made under this Act.

(15) The service regulations applicable to the officers and employees of the existing Board immediately before the commencement of this Act shall be deemed to have been prescribed under this Act and shall, save as otherwise provided by or under this Act, continue to remain in force until they are superseded in accordance with the provisions of this Act.

(16) All notices and orders made or issued by any authority and orders, circulars of the existing Board before the commencement of this Act shall, in so far as they are not inconsistent with provisions of this Act, continue to be in force and be deemed to have been made or issued under this Act.

30 **59.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not in consistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Power to remove difficulties.

35 Provided that, no such order shall be made after the expiry of the 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.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra State Board of Skill Development was initially integral part of the Maharashtra State Board of Technical Education Examination, which was established in the Year 1963 for the purpose of regulation, affiliation and examination of Certificate and Diploma level Vocational and Technical Education Courses in the State. In the year 1986, the Maharashtra State Board of Vocational Education Examination separated from the Maharashtra State Board of Technical Education Examination. The Maharashtra State Board of Skill Development is currently regulating 320 courses under 29 different sectors of 6 months, 1 year and 2 years duration with provision of part time and full time basis. Presently there are 1165 institutions affiliated to the Board, which are having total intake capacity of 62840 students.

2. The Maharashtra State Board of Skill Development is working as one of the implementing agency of the National Policy on Skill Development and Entrepreneurship, 2015 and New Education Policy, 2020, in the State of Maharashtra. The said Board will also regulate the National Skill Qualification Framework compliant vocational education and skill training courses in the State of Maharashtra. The Government considers it expedient to give statutory status to the said Board to change the name of Board as the Maharashtra State Board of Skill, Vocational Education and Training.

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

(a) to develop competent, skilled and capable youth imbued with skills, learning and the spirit of entrepreneurship to meet the skilled employment as per the market needs ;

(b) to promote vocational education at secondary and higher secondary education and skills training leading to employment and entrepreneurship in an integrated manner with industry, so as to ensure pathways for progression and mobility ;

(c) to create dedicated skill eco-systems by strengthening institute-industry interactions for designing NSQF compliant courses, curriculum design and mandatory industry participation ;

(d) to study of labour market at a regular intervals to understand the change in industry requirements, change in skill set, job role proficiency required and fine tune the training and the curriculum accordingly ;

(e) to upgrade the existing skill set of the teachers by undertaking a train the trainer (ToT) programme ;

(f) to provide vocational education and skill training, and employment opportunities to wide range of learners representing diverse backgrounds, age groups and socio-economic status and geographic location ;

(g) to co-ordinate with employers, industries and industry associations to ensure relevant curricula design, skill training, placements, internships, traineeship, apprenticeship, consultancy, joint projects, etc. ;

(h) to promote inclusive growth by facilitating employment and providing self-employment guidance for the youth to enhance their incomes, thus promoting inclusive growth for sustainable development ;

(i) to provide for approval of proposals for permission, affiliation and recognition of institutions and centres for skill training, vocational education and training on self-finance basis ;

(j) to provide for approval of the tailor-made customized courses of Government and Non-Government organization for the purpose of recognition and affiliation ;

(k) to produce for counselling and placement, which will provide necessary guidance and counselling about the skills offered and the students will be placed after completing vocational education and training skilling courses ;

(l) to provide for integrated vocational education and training, to promote and provide recognition of prior learning, mechanism and facility of credit banking or transfer system and vertical mobility to higher education facilities in the State ;

(m) to produce for building financial self-sufficiency by undertaking academic, skill and allied programmes and by providing professional and development services to the industry, public organizations, agencies and the society at large.

4. The Bill also provides establishment of the Maharashtra State Board of skill, Vocational Education and Training, establishment of Governing Council, Constitution of Academic Committee, Finance Committee, sector skill committees, Assesment, Examination and Certification Committee, Accredation, Affiliation and Equivalence Committee.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st December 2021.

NAWAB MALIK,
Minister for Skill Development,
Employment and Entrepreneurship.

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 Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.—Under this clause, power is taken to the Government to establish by notification in the *Official Gazette*, the Maharashtra State Board of Skill, Vocational Education and Training, for the purposes of the Act.

Clause 5(2).—Under this clause, power is taken to the Government, to publish in the *Official Gazette*, the names and tenure of the persons other than *ex officio* member who have been nominated as a members of the Board.

Clause 6(36).—Under this clause power is taken to the Government to prescribe any other objects of the Board.

Clause 7(1) and (2).—Under this clause, power is taken to the Government, to appoint and publish the name of the Director of the Board in the *Official Gazette*.

Clause 9(1) and (3).—Under this clause, power is taken to the Government,—

(a) to establish, the Governing Council by notification in the *Official Gazette* ;

(b) to publish the names of the members of the Governing Council by notification in the *Official Gazette*.

Clause 39 (7) and (8).—Under these clauses power is taken to the Government to prescribe the procedure,—

(a) to take over the institution or transfer the same to the another management ;

(b) to phase out for effecting the closure of an institution ;

Clause 50.—Under this clause, power is taken to the Board to make regulations for the purposes of carrying out into effect the provisions of the Act and such regulations shall be published by the Board in the *Official Gazette*.

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) such regulations or modify or repeal any such regulations, either in full or in part 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 or that any regulations referred to in sub-section (1) or made by the Board under section 50 need to be modified or repealed, either wholly or in part.

Clause 52.—Under this clause, power is taken to the Board to make bye-laws for the purposes specified in the Act and bye-laws shall be published in the *Official Gazette*.

Clause 57(1).—Under this clause, power is taken to the Government to make rules for carry out the purposes of this Act, by notification in the *Official Gazette*.

Clause 59.—Under this clause, power is taken to the Government, to remove by an Order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of the Act, within a period of two years from the commencement of the Act.

2. The above-mentioned provisions for deletion of legislative powers are of normal character.

FINANCIAL MEMORANDUM

The Bill provides for the establish and incorporate the Maharashtra Board of Skills, Vocational Education and Training. The expenditure for proper function of the said Board and payments and salaries and its staff will be met from the consolidated fund and the income of the said Board, such as fees and other charges, grants, loans etc., received by the said Board.

The annual recurring expenditure of about rupees three crore fifty six lakhs, for the salary and allowances of the Government employees posted in the Board will be incurred from the Consolidated Fund of the State on the enactment of the Bill as an Act of the State Legislature.

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 Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Council, the consideration of the Maharashtra State Board of Skill, Vocational Education and Training Bill, 2021.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. C. BILL No. VI OF 2021.]

[A Bill to establish and incorporate the Maharashtra State Board of Skill, Vocational Education and Training to regulate matters pertaining to Skill, Vocational Education and Training and Entrepreneurship Education as per the National Skill Qualification Framework and other Skills Courses in the State of Maharashtra and for other matters connected therewith or incidental thereto.]

**[SHRI NAWAB MALIK,
Minister for Skill Development,
Employment and Entrepreneurship.]**

**[As passed by the Legislative Council
on the 23rd December 2021.]**

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