



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक २४]

बुधवार, एप्रिल २६, २०२३/वैशाख ६, शके १९४५

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असाधारण क्रमांक ३९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Board of Technical Education (Amendment) Act, 2023 (Mah. Act No. XXII of 2023), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXII OF 2023.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 26th April 2023).

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

WHEREAS it is expedient further to amend the Maharashtra State Board of Technical Education Act, 1997, for the purposes hereinafter appearing ; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

Mah.
XXXVIII
of
1997.

1. This Act may be called the Maharashtra State Board of Technical Education Short title. (Amendment) Act, 2023.

Mah.
XXXVIII
of
1997.

2. In the long title of the Maharashtra State Board of Technical Education Act, 1997 (hereinafter referred to as "the principal Act"), after the words "State of Maharashtra" the words "and matters relating to affiliation of Polytechnic or Institutions and courses of study therein with the said Board" shall be added. Amendment of long title of Mah. XXXVIII of 1997.

Amendment
of preamble
of Mah.
XXXVIII of
1997.

3. In the preamble of the principal Act, after the words “State of Maharashtra” the words “and matters relating to affiliation of Polytechnic or Institutions and courses of study therein with the said Board” shall be inserted.

Amendment
of section 2
of Mah.
XXXVIII of
1997.

4. In section 2 of the principal Act, —

(a) before clause (a), the following clause shall be inserted, namely,—

“(a-1) “affiliated institution” means an institution which has been granted affiliation by the Board;”;

(b) after clause (a), the following clauses shall be inserted, namely:—

“(aa) “autonomy” means a privilege of the Board, conferred on an institution permitting conduct of academic programmes and examinations, developing syllabus for the respective subjects and issuing certificates of passing the examinations relating to Diploma Level Technical Education;

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

(c) for clause (d), the following clause shall be substituted, namely:—

“(d) “Diploma Level Technical Education” means such Technical Education which follows the Secondary, Higher Secondary, Engineering or Technology Diploma Education, as the case may be, to attain Diploma or Post-Diploma or Post-Graduate Diploma or Advanced Diploma Level Engineering or Technology or Management or any other education specified by the Board.

Explanation. —For the purpose of this clause, the expression “Technical Education” also includes diploma level programme of education in engineering, technology, architecture, town planning, management, pharmacy and hotel management and catering technology, as declared by the regulatory authority”;

(d) after clause (g), the following clause shall be inserted, namely:—

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

XXIX
of
1950.
21 of
1860.
18 of
2023.

(e) in clause (j), for the words “three regions” the word “regions” shall be substituted;

(f) after clause (j), the following clause shall be inserted, namely:-

“(ja) “regional office” means the office established by the State Government for the concerned region;”;

(g) after clause (k), the following clause shall be inserted, namely:-

“(ka) “regulatory authority” means any authority or body established by or under the law made by the Parliament, whose approval is necessary to start Diploma Level Technical Education Institution or courses and which are authorized to regulate the matters connected therewith and includes the Board;”.

5. After section 4 of the principal Act, the following section shall be inserted, namely:-

Insertion of section 4A in Mah. XXXVIII of 1997. Objects of Board.

“4A. The objects of the Board shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service in general, and in particular the objects shall be,—

- (1) to supervise, monitor, regulate and to contribute for the development of Diploma Level Technical Education activities;
- (2) to conduct examinations and confer diplomas and other academic distinctions or titles on persons subject to such conditions as the Board may determine, and to withdraw or cancel any such diplomas or other academic distinctions or titles in the prescribed manner;
- (3) to provide facilities and offer opportunities for the development of Diploma Level Technical Education by instruction, training, research, development and extension and by such other means, as the Board may deems fit;
- (4) to devise and implement a programme of Diploma Level Technical Education that is relevant to the current needs of the society, aligned to the long term requirements and responsive to the anticipated changes and developments;
- (5) to further advancement of knowledge in Diploma Level Technical Education and to disseminate the same for the betterment of society;
- (6) to serve as a centre for fostering co-operation and exchange of ideas between the academic and research community on the one hand and the industrial and the Government employers on the other and to promote entrepreneurship among the students;
- (7) to promote equitable distribution of facilities of Diploma Level Technical Education and to develop Diploma educational network with use of modern communication media and technologies, appropriate for a learning society;
- (8) to provide for efficient and responsive administration, scientific management and to develop organisation of teaching, research and extension;
- (9) to build financial self-sufficiency by undertaking academic and allied programmes;
- (10) to promote better interaction and co-ordination amongst different State authorities and institutes;
- (11) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;
- (12) to develop or revise curriculum so as to fulfill requirements of industry and to incorporate advancements in technology;
- (13) to plan for effective implementation of curriculum and to develop required learning resources and to provide appropriate training to the teachers;

- (14) to implement academic programmes, other activities and to carry out teaching and research and offer continuing quality education programmes;
- (15) to provide learning, teaching, capability and skills development in technical education and their inter-disciplinary studies at Diploma level;
- (16) to provide instructions, teaching and training in technical education and make provisions for research;
- (17) to create centers of excellence for strengthening and innovations in Diploma Level Technical Education;
- (18) to start technical education programs, courses in new and emerging areas with innovative approaches;
- (19) to establish innovative approaches for, creation of seamlessness in academic structures, learning time-frames and continuous evaluation processes for, nurturing and cultivation of creativity and entrepreneurship;
- (20) to encourage or guide the institutions for conducting continuing education programmes in thrust areas or industry needs;
- (21) to acquire, hold, transfer and dispose off any property, interest or right thereto and to manage and deal with the same for effective functioning; and
- (22) to provide and acquire consultancy, affiliation and support services for furtherance of technical educational activities, including for affiliated institutions, examination Boards, Universities, Government educational bodies, Directorates and the Government Departments, etc., within or outside the Country.”.

Amendment of
section 5 of
Mah. XXXVIII
of 1997.

6. In section 5 of the principal Act, in sub-section (1),—

(a) after clause (a), the following clause shall be inserted, namely:—

“(a-1) The Director, Maharashtra State Board of Technical Education as the Member;”;

(b) in clause (b), for the words “the Director” the words “the Secretary” shall be substituted;

(c) in clause (c),—

(i) under the heading “**Class A-Ex-officio Members**”,—

(I) sub-clause (iii) shall be deleted;

(II) in sub-clause (v), for the words “Ministry of Human Resources Development” the words “Ministry of Education” shall be substituted;

(ii) under the heading “**Class B-Nominated Members**”,—

(I) sub-clause (iv) shall be deleted;

(II) for sub-clause (v), the following sub-clause shall be substituted, namely:—

“(v) Six members to be nominated by the Government from amongst office bearers of the registered associations of industries or professional bodies related to technical education recommended by them.”.

7. In section 6 of the principal Act, in sub-section (1), the words “or the post equivalent thereto” shall be deleted.

Amendment of section 6 of Mah. XXXVIII of 1997.

8. In section 20 of the principal Act,—

(a) in sub-section (2), for the words “the Chairman” the words “the Director” shall be substituted;

Amendment of section 20 of Mah. XXXVIII of 1997.

(b) after sub-section (7), the following sub-sections shall be added, namely:—

“(8) The Secretary shall be the custodian of the record, the common seal and such other property of the Board.

(9) The Secretary shall, from time to time, prepare and update the hand book of bye-laws and regulations made under this Act.

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

(11) Subject to the decisions of the authorities and committees thereof, the Secretary shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Board.”.

9. In section 22 of the principal Act,—

(a) in clause (zj), sub-clause (iii) shall be deleted;

Amendment of section 22 of Mah. XXXVIII of 1997.

(b) after clause (zm), the following clause shall be added, namely:—

“(zn) to upgrade Government polytechnic as Model Polytechnic or Center of Excellence, considering past performance of such institute.”.

10. In section 23 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

Amendment of section 23 of Mah. XXXVIII of 1997.

“(1A) The Director shall ensure that the directions issued by the Government and Governing Council are strictly complied with or, as the case may be, implemented.

(1B) Where any matter is required to be regulated by regulations or 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, and at the earliest opportunity thereafter, place them before the Board in the next meeting for approval :

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

(1C) For the purpose of purporting duties under sub-sections (1) and (1A), the Director may delegate his powers to perform such duties to the Secretary or such other officer as he deems fit.”.

Insertion of
section 24A of
Mah. XXXVIII
of 1997.

11. After section 24 of the principal Act, the following section shall be inserted, namely:-

Fee Fixation
Committee.

“24A. (1) The State Government shall by an order constitute a Fees Fixation Committee, to work out the real cost of delivery of each and every Diploma Level Technical Education run by the unaided private polytechnic or institution affiliated to the Board. The Government shall specify the emoluments and other allowances payable, term of office and conditions of services of the Chairperson and members of the Fee Fixation Committee in such order.

(2) The functions, powers and procedure of the Fees Regulating Authority, the procedure to be adopted by the Fees Regulating Authority and factors for determination of fees structure provided in sections 13, 14 and 15 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, shall *mutatis mutandis* be followed by the Fee Fixation Committee constituted under sub-section (1) while working out the real cost of delivery of each and every such education.”

Mah.
XXVIII
of 2015.

Amendment of
section 25 of
Mah. XXXVIII
of 1997.

12. In section 25 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (f), for the words “the Board” the words “ the Board and the regulatory authority” shall be substituted;

(ii) in clause (h), for the words “the Chairman” the words “the Director of the Board” shall be substituted;

(iii) in clause (i), for the words “the Board” the words “the Government and appropriate regulatory authority” shall be substituted;

(iv) in clause (j), for the words “the Board” the words “the Government and regulatory authority” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) No institution which is part of another authority, Board or University shall be considered for affiliation unless a “No Objection Certificate” is given by that authority, Board or University:

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

Amendment of
section 26 of
Mah. XXXVIII
of 1997.

13. In section 26 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The management seeking permission to open a new institution shall apply in the prescribed form to the Secretary of the Board as per the schedule declared by the Board for each academic year in accordance with the Academic Calendar.”;

(b) in sub-section (4), for the words “on or before the last day of December of the year” the words “within forty-five days from the last date of submission of application as mentioned in the said schedule” shall be substituted;

(c) for sub-section (5), the following sub-section shall be substituted, namely:—

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

Provided that, in exceptional cases and for the reasons to be recorded in writing, any application not recommended by the Board may be approved by the Government for starting a new Institution of Technical Education.”;

(d) after sub-section (5), the following sub-section shall be inserted, namely:—

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

14. In section 27 of the principal Act,-

Amendment of section 27 of Mah. XXXVIII of 1997.

(a) in sub-section (1), after the words and figures “under section 26” the words “and after approval of the regulatory authority, wherever required” shall be inserted;

(b) sub-section (5) shall be deleted.

15. In section 32 of the principal Act,-

Amendment of section 32 of Mah. XXXVIII of 1997.

(a) in sub-section (2), for the words “thirty days” the words “fifteen days” shall be substituted;

(b) for sub-section (4), the following sub-section shall be substituted, namely:-

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

16. In section 33 of the principal Act, in sub-section (3), after the words “ facilities exist as per norms” the words “, the institution has secured minimum required accreditations and have adequate financial capacity,” shall be inserted.

Amendment of section 33 of Mah. XXXVIII of 1997.

Amendment of
section 34 of
Mah. XXXVIII
of 1997.

17. In section 34 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) The institution granted autonomous status shall conduct assessment, declare results and recommend to the Board for award of joint certificate or diploma for different programmes.”.

Insertion of
section 34A in
Mah. XXXVIII
of 1997.

18. After section 34 of the principal Act, the following section shall be inserted, namely:-

“**34A.** (1) The Board on complaint or *suo moto* after conducting an enquiry, is satisfied that the institutions granted autonomy failed to comply with the provisions of sections 33 and 34, it shall recommend to the Government to withdraw the autonomous status of the institution:

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

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

Withdrawal of
autonomous
status.

Substitution of
section 35 of
Mah. XXXVIII
of 1997.

19. For section 35 of the principal Act, the following section shall be substituted, namely:-

Closer of
institution.

“**35.** (1) No management of an institution shall be allowed to close down the institution without prior permission of the Government and other regulatory authority which gives approval to start the institution.

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

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

(3) On receipt of such 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:

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

(4) If the Board decides to recommend the closure, it shall prepare and submit to the Government and wherever required to the regulatory authority also a report on the extent of the assets created by utilizing the funds provided by the Government or other public funding agencies, to be transferred to the Government.

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

(6) The procedure given in sub-sections (1) to (5) shall be applicable *mutatis-mutandis* to closure of the course or programme affiliated to the Board.”.

20. After section 35 of the principal Act, the following section shall be inserted, namely:-

Insertion of section 35A in Mah. XXXVIII of 1997.

“**35A.** (1) The management seeking permission of the Government for change or transfer of the management of the institution, shall apply in the form as may be prescribed by the Board or the regulatory authority, as the case may be, to the Secretary of the Board as per the schedule declared by the Board or the regulatory authority, as the case may be.

Change or transfer of management of institution.

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

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

21. In section 37 of the principal Act, after sub-section (3), the following sub-section shall be added, namely:-

Amendment of section 37 of Mah. XXXVIII of 1997.

“(4) The Board shall have a power to continue to earmark funds or to newly earmark funds from the funds of the current year or from the accumulated surplus of previous years, for specific objectives such as student development activities, student scholarship, project competitions, enterprise incubation and innovation, infrastructure development, employees salary protection fund, establishment and development of Skill Center and Center of Excellence or any other objectives.”.

22. For section 38 of the principal Act, the following section shall be substituted, namely:-

Substitution of section 38 of Mah. XXXVIII of 1997.

“**38.** (1) Subject to the provisions of this Act, the Fund of the Board shall be applied 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.

Application of fund.

(2) After considering the receipt and accumulation of funds referred in sub-section (1) of section 37, a portion of accumulated

balance in the Fund may be utilized by the Board, with the previous sanction of the Governing Council, from time to time, for all or any of the following purposes, namely:-

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

(ii) construction of buildings for Board;

(iii) for management of the Government Polytechnic as Model Polytechnic or Center of Excellence or for upgradation of specified laboratories at the Government Polytechnics:

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

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

Amendment of section 46 of Mah. XXXVIII of 1997.

23. In section 46 of the principal Act, sub-section (3) shall be deleted.

Amendment of section 47 of Mah. XXXVIII of 1997.

24. In section 47 of the principal Act, sub-section (1) shall be deleted.

Substitution of SCHEDULE of Mah. XXXVIII of 1997.

25. For the SCHEDULE appended to the principal Act, the following Schedule shall be substituted, namely:-

“SCHEDULE

REGIONS

(see section 2(j))

Sr. Nos.	Region	Area
1.	Amravati	Akola, Amravati, Buldhana, Washim and Yavatmal.
2.	Chhatrapati Sambhaji-nagar	Beed, Chhatrapati Sambhajnagar, Dharashiv, Hingoli, Jalna, Latur, Nanded and Parbhani.
3.	Mumbai	Mumbai, Mumbai Suburban, Navi Mumbai, Palghar, Raigad, Ratnagiri, Sindhudurg and Thane.
4.	Nagpur	Bhandara, Chandrapur, Gadchiroli, Gondia, Nagpur and Wardha.
5.	Nashik	Ahmednagar, Dhule, Jalgaon, Nandurbar and Nashik.
6.	Pune	Kolhapur, Pune, Sangli, Satara and Solapur.”.

26. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as the occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty:

Power to
remove
difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.