



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ८, अंक १७]

मंगळवार, मार्च २२, २०२२/चैत्र १, शके १९४४

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असाधारण क्रमांक ३८

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 Public Universities (Amendment) Bill, 2022, (L. A. Bill No. X of 2022), introduced in the Maharashtra Legislative Assembly on the 22nd March 2022, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

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

L. A. BILL No. X OF 2022.

A BILL

further to amend the Maharashtra Public Universities Act, 2016.

Mah. VI of 2017. WHEREAS it is expedient further to amend the Maharashtra Public Universities Act, 2016, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-third Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Public Universities Short title. (Amendment) Act, 2022.

Amendment
of section 2 of
Mah. VI of
2017.

2. In section 2 of the Maharashtra Public Universities Act, 2016 (hereinafter referred to as “ the principal Act ”),—

Mah. VI
of 2017.

(a) for clause (63), the following clause shall be substituted, namely :—

“ (63) “ university ” means any of the public universities mentioned in the Schedule A and Schedule B; ” ;

(b) in clause (64), for the words “the Schedule” the words and letter “ the Schedule A ” shall be substituted.

Amendment
of section 3 of
Mah. VI of
2017.

3. In section 3 of the principal Act,—

(a) for the words “ the Schedule ”, wherever they occur, the words and letter “ the Schedule A ” shall be substituted ;

(b) for sub-section (6), the following sub-section shall be substituted, namely :—

“ (6) Notwithstanding anything contained in this Act,—

(a) each of the existing cluster university specified in column (1) of Part I of the Schedule B shall, with effect from the date on which it is constituted, before the date of commencement of the Maharashtra Public Universities (Amendment) Act, 2022, be a public university and be deemed to be constituted under this Act consisting of the lead college or institution and constituent colleges or institutions as specified in columns (2) and (3) of the said Part ;

Mah.
of 2022.

(b) the State Government may, by notification in the *Official Gazette*,—

(i) constitute a cluster university comprising of cluster of Government colleges or Government institutions or Government aided colleges or Government aided institutions, fulfilling such norms or criteria as laid down by the Central Government therefor and complying the terms and conditions laid down by the Government, from time to time, and shall specify therein the lead college or institution and constituent colleges or institutions of such university ;

(ii) amend or insert necessary entry regarding cluster University in Part I or Part II of the Schedule B, as the case may be; and thereupon, the said Schedule shall stand amended accordingly ;

(iii) provide that such cluster university shall comprise of such university authorities and shall exercise such powers and perform such functions of university as may be specified in the notification;

(iv) provide for such other supplemental, incidental and consequential provisions as the State Government may deem necessary, as may be specified in the notification :

Provided that, every such notification shall be laid as soon as may be, after it is issued, before each House of the State Legislature.”.

4. In section 6 of the principal Act, in sub-section (1), for the words “ the Schedule ” the words and letter “the Schedule A” shall be substituted. Amendment of section 6 of Mah. VI of 2017.

5. In section 109 of the principal Act,—

(1) in sub-section (3),—

(i) in clause (d), the second and third provisos and Table thereunder, shall be deleted;

(ii) in clause (f), the third proviso shall be deleted;

(iii) in clause (g), for the second proviso, the following proviso and Table shall be substituted, namely :—

“ Provided further that, with a view to extend the dates of, making application for seeking Letter of Intent for opening new college or institution of higher learning, scrutiny of application by Board of Deans and forwarding the same to the State Government, grant of Letter of Intent by the State Government, scrutiny of compliance report and forward the same to the State Government and grant of final approval by the State Government, for the academic year 2022-2023, the day or dates referred to in clauses (a), (c), (d), (f) and (g) of sub-section (3), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :—

TABLE

Clauses	Day or date provided in existing provision	Day or date provided for Academic Year 2022-23
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the Letter of Intent is sought.	on or before 30th April 2022.
(c)	on or before 30th of November of the year in which such application is received by the university.	on or before 31st May 2022.
(d)	on or before 31st January of the immediately following year after the recommendations of the university.	on or before 15th July 2022.
(f)	on or before 1st day of May in which compliance report has been received.	on or before 31st July 2022.
(g)	on or before 15th June of the year in which such new colleges or institutions are proposed to be started.	on or before 17th August 2022.”;

(2) in sub-section (4),—

(i) in clause (a), the proviso shall be deleted ;

(ii) in clause (d), for the second proviso, the following proviso and Table shall be substituted, namely :—

“ Provided further that, with a view to extend the dates of, making application for seeking permission to start a new course of study, subjects, faculties, etc., scrutiny of the application by the Board of Deans and forwarding the same to the State Government and grant of permission by the State Government, for the academic year 2022-2023, the day or dates referred to in clauses (a), (c) and (d) of sub-section (4), as specified in column (2) of the Table given below, shall be read as provided in column (3) of the said Table :—

TABLE		
Clauses	Day or date provided in existing provision	Day or date provided for Academic Year 2022-23
(1)	(2)	(3)
(a)	before the last day of September of the year preceding the year in which the permission is sought.	on or before 30th April 2022.
(c)	on or before the 1st day of April of the year in which such application is scrutinized and forwarded to the State Government.	on or before 31st May 2022.
(d)	on or before 15th June of the year in which permission is granted by the State Government.	on or before 31st July 2022.”.

Amendment of Schedule appended to Mah. VI of 2017.

6. In the Schedule appended to the principal Act, for the heading “ SCHEDULE ” the word and letter “ SCHEDULE A ” shall be substituted.

Insertion of Schedule B to Mah. VI of 2017.

7. After Schedule A, the following Schedule shall be added, namely :—

“ SCHEDULE B

PART I

(See section 3(6)(a))

Name of the Cluster University	Name of the Lead College or Institution	Names of the Constituent Colleges or Institutions
(1)	(2)	(3)
1. Dr. Homi Bhabha State University, Mumbai	Institute of Science, Mumbai	(1) Elphinstone College, Mumbai, (2) Sydenham College, Mumbai, and (3) Secondary Training College, Mumbai.
2. Hyderabad (Sind) National Collegiate University, Mumbai	Hassaram Rijumal College of Commerce and Economics, Churchgate, Mumbai	(1) Kishinchand Chellaram College, Churchgate, Mumbai, and (2) Bombay Teachers' Training College, Colaba, Mumbai.
3. Karmaveer Bhaurao Patil University, Satara	Yashavantrao Chavan Institute of Science, Satara	(1) Chhatrapati Shivaji College, Satara, and (2) Dhananjay-rao Gadgil College of Commerce, Satara.

PART II

(See section 3(6) (b))

Name of the Cluster University	Name of the Lead College or Institution	Names of the Constituent Colleges or Institutions
(1)	(2)	(3)
		..

Removal of
difficulties.

8. (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 occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

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

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

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) provides for incorporation of the university. Sub-section (2) of said section provides that State Government may constitute the new university under the said Act and the name of the university shall be inserted in the Schedule appended to the said Act. Sub-section (6) of said section provides that, State Government may by notification, constitute the cluster university. However, there is no provision for insertion of the entry of the cluster university in the Schedule, therefore, it is necessary to amend said sub-section (6), suitably and to append separate Schedule to the said Act, so as to insert the names of the cluster university and the lead college and constituent colleges in the new Schedule.

2. Section 109 of the said Act provides for the procedure for permission for opening new college or institution or new course of study, subjects, faculties, etc. Sub-section (3) of said section 109 provides different dates for making application for seeking Letter of Intent, scrutiny of application by Board of Deans and forward the same to the State Government, grant of Letter of Intent by the Government, forwarding compliance report to the State Government after scrutiny and grant of final approval by the State Government for starting new college or institution.

Sub-section (4) provides different dates for making applications for permission to start new course of study, subjects, faculties, etc., scrutiny of application by Board of Deans and forward the same to the State Government and grant of permission by the State Government.

3. Due to the outbreak of pandemic Covid-19 disease, the procedure for permission for opening of a new college or institution or a new course of study, subjects, faculties, etc. could not be completed within the prescribed time limit specified in said sub-sections (3) and (4) of section 109, therefore, it is necessary to extend the dates provided in said sub-sections (3) and (4).

4. The Government, therefore, considers it expedient to amend sections 2, 3, 6, 109 and Schedule of the Maharashtra Public Universities Act, 2016 and to add a new Schedule B in the said Act, suitably, for the above purposes.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 17th March, 2022.

UDAY SAMANT,

Minister for Higher and Technical
Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 3.—Under this clause, which seeks to amend sub-section (6) of section 3 of the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017), under sub-clause (b), power is taken to the State Government, by notification in the *Official Gazette*,—

(a) to constitute a cluster university and to specify lead college or institution or constituent colleges or institutions of such university ;

(b) to amend or insert necessary entry regarding cluster university in the Schedule B ;

(c) to specify for university authorities and powers and functions of university ;

(d) to specify other supplemental, incidental and consequential provisions as the State Government may deem necessary.

Clause 8.—Under this clause power is taken to the State 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 proposals for delegation of legislative power are of normal character.