



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ११]

सोमवार, जून २, २०१४/ज्येष्ठ १२, शके १९३६

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ४२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Village Panchayats (Amendment and Continuance) Bill, 2014 (L. A. Bill No. XII of 2014), introduced in the Maharashtra Legislative Assembly on the 2nd June 2014, is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XII OF 2014.

A BILL

further to amend the Maharashtra Village Panchayats Act.

Mah. WHEREAS the Governor of Maharashtra promulgated the Maharashtra Ord. II Village Panchayats (Amendment) Ordinance, 2014, on the 30th January of 2014. 2014 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 24th February 2014, the Maharashtra Village Panchayats (Amendment) Bill, 2014 (L.C. Bill No. I of 2014), for replacing the said Ordinance by an Act of the State Legislature was passed by the Maharashtra Legislative Council on the 28th February 2014, and transmitted to the Maharashtra Legislative Assembly ;

AND WHEREAS thereafter, as, the session of the Maharashtra Legislative Assembly was prorogued on the 28th February 2014, the said Bill could not be passed by the Maharashtra Legislative Assembly ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance would have ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 6th April 2014 ;

AND WHEREAS both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2014, on the 5th April 2014 ;

Mah.
Ord. IX
of 2014.

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

Short title and commencement. 1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment and Continuance) Act, 2014.
(2) It shall be deemed to have come into force on the 30th January 2014.

Insertion of section 54-1A in III of 1959. 2. In Chapter III-A of the Maharashtra Village Panchayats Act (hereinafter referred to as "the principal Act"), before section 54-A, the following section shall be inserted, namely :—

Special provisions relating to village and Gram Sabha. "54-1A. Notwithstanding anything contained in sections 4, 5 or any other provisions of this Act, in the Scheduled Areas,—
(a) a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs, and which is declared as a village in the prescribed manner shall be the village for the purposes of this Chapter ;
(b) every village, so declared under clause (a), shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the panchayat at the village level and a panchayat may comprise of one or more than one of such villages."

Repeal of Mah. Ord. IX of 2014 and saving. 3. (1) The Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2014 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the said Ordinance (including any notification issued) shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

Mah.
Ord. IX
of 2014.

STATEMENT OF OBJECTS AND REASONS.

The Parliament has, with a view to extend the provisions of Part IX of the Constitution, relating to Panchayats in Scheduled Areas, enacted the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (40 of 1996) (for short referred to as "PESA"). In pursuance of the said Act of Parliament, the Maharashtra Village Panchayats Act (III of 1959) has been amended by Mah. XXVII of 2003, by inserting a separate Chapter III-A containing special provisions for *Gram Sabha* and Panchayat in Scheduled Areas.

2. In pursuance of PESA, it was considered expedient to ensure that a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs may be declared as a village and on such declaration each such village shall have a *Gram Sabha*. This would lead to deepening of democratic decentralization and greater participation of the residents in the Scheduled Areas, in Panchayati Raj System, which is limited due to often remote and dispersed nature of their habitation. This would also ensure that the *Gram Sabhas* of such villages can participate in development by using the rights conferred upon such *Gram Sabhas* under the PESA. For the purpose, it was considered expedient to amend the Maharashtra Village Panchayats Act (III of 1959), immediately.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act (III of 1959), for the purposes aforesaid, the Maharashtra Village Panchayats (Amendment) Ordinance, 2014 (Mah. Ord. II of 2014), was promulgated by the Governor of Maharashtra, on the 30th January 2014.

4. Thereafter, upon the re-assembly of the State Legislature on the 24th February 2014, the Maharashtra Village Panchayats (Amendment) Bill, 2014 (L.C. Bill No. I of 2014) for replacing the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Council on the 28th February 2014 and transmitted to the Maharashtra Legislative Assembly. However, as, thereafter the session of the Maharashtra Legislative Assembly was prorogued on the 28th February 2014, the said Bill could not be passed by the Maharashtra Legislative Assembly.

5. By operation of the provisions of article 213 (2) (a) of the Constitution, the said Ordinance would have ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 6th April 2014. It was, therefore, considered expedient, to take immediate action to continue the provisions of the said Ordinance, by promulgating a fresh Ordinance.

6. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the provisions of the Maharashtra Village Panchayats (Amendment) Ordinance, 2014 (Mah. Ord. II of 2014), for the purposes aforesaid, the Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2014 (Mah. Ord. IX of 2014), was promulgated by the Governor of Maharashtra on the 5th April 2014.

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

Mumbai,
Dated the 30th April 2014.

JAYANT PATIL,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of Legislative power, namely :—

Clause 2.—This clause seeks to insert a new section 54-1A in the Maharashtra Village Panchayats Act (III of 1959). Under the said proposed section 54-1A, power is conferred on the State Government to prescribe by rules, the manner in which a habitation or a group of habitations or a hamlet or group of hamlets comprising a community and managing its affairs in accordance with traditions and customs may be declared as a village in a Scheduled Area, for the purposes of the Chapter III-A of the said Act.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.