



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक १७
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) Bill, 2014 (L. C. Bill No. I of 2014), introduced in the Maharashtra Legislative Council on the 24th February 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. C. BILL No. I OF 2014.

A BILL

further to amend the Maharashtra Village Panchayats Act.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment) Ordinance, 2014, on the 30th January 2014 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act

(१)

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) 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 III of 1959 (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 section 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. II of 2014 and saving.

3. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2014, is hereby repealed. Mah. Ord. II of 2014.

(2) Notwithstanding such repeal, anything done or any action taken under 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.

STATEMENT OF OBJECTS AND REASONS.

The Parliament has, with a view to extend the provisions of the 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 any 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. It was, therefore, considered expedient to amend the Maharashtra Village Panchayats Act (III of 1959), for the purpose, 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, and, therefore, promulgated the Maharashtra Village Panchayats (Amendment) Ordinance, 2014 (Mah. Ord. II of 2014), on the 30th January 2014.

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

Mumbai,
Dated the 14th February 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.