



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ५, अंक ५३] गुरुवार, जानेवारी ३०, २०१४/माघ १०, शके १९३५ [पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ५
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) Ordinance, 2014 (Mah. Ord. II of 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.

[Translation in English of the Maharashtra Village Panchayats (Amendment) Ordinance, 2014 (Mah. Ord. II of 2014), published under the authority of the Governor].

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort, Mumbai 400 001
dated the 30th January 2014.

MAHARASHTRA ORDINANCE No. II OF 2014.

AN ORDINANCE

further to amend the Maharashtra Village Panchayats Act.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

III action further to amend the Maharashtra Village Panchayats Act, for the
of 1959. purposes hereinafter appearing ;

(१)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Village Panchayats (Amendment) Ordinance, 2014.

(2) It shall come into force at once.

Insertion of
section
54-1A in III
of 1959.

2. In Chapter III-A of the Maharashtra Village Panchayats Act, before section 54-A, the following sections shall be inserted, namely :— III of 1959.

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.”.

STATEMENT

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 is 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 will lead to deepening of democratic decentralization and greater participation of the residents in the Scheduled Areas, in Panchayati Raj System, which at present is limited due to often remote and dispersed nature of their habitation. This will 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 is, therefore, is considered expedient to amend the Maharashtra Village Panchayats Act (III of 1959), for the purpose, immediately.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act (III of 1959), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th January 2014.

K. SANKARANARAYANAN,
Governor of Maharashtra.

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

S. S. SANDHU,
Principal Secretary to Government.