



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक २२(३)]

बुधवार, मार्च १५, २०१७/फाल्गुन २४, शके १९३८

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असाधारण क्रमांक ४३

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 Commission for Backward Classes (Amendment) Bill, 2017 (L. A. Bill No. VII of 2017), introduced in the Maharashtra Legislative Assembly on the 15th March 2017, is hereby published under the authority of the Governor.

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

PRAKASH. H. MALI,
Principal Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. VII OF 2017.

A BILL

to amend the Maharashtra State Commission for Backward Classes Act, 2005.

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

AND WHEREAS the Governor of Maharashtra was satisfied that

Mah. XXXIV of 2006. circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra State Commission for Backward Classes Act, 2005, for the purposes hereinafter appearing ; and, therefore, Mah. Ord. IV of 2017. promulgated the Maharashtra State Commission for Backward Classes (Amendment) Ordinance, 2017 on the 9th January 2017 ;

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

Short title and commencement. **1. (1)** This Act may be called the Maharashtra State Commission for Backward Classes (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 9th January 2017.

Amendment of section 3 of Mah. XXXIV of 2006.

2. In section 3 of the Maharashtra State Commission for Backward Classes Act, 2005 (hereinafter referred to as “ the principal Act ”), in sub-section (2), in clause (c), for the words “ six members, one member each ” the words “ eight members, at least one member each ” shall be substituted.

Mah. XXXIV of 2006.

Repeal of Mah. Ord. IV of 2017 and saving.

3. (1) The Maharashtra State Commission for Backward Classes (Amendment) Ordinance, 2017, is hereby repealed.

Mah. Ord. IV of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, 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 Maharashtra State Commission for Backward Classes Act, 2005 (Mah. XXXIV of 2006), has been enacted to provide for constitution of a State Level Commission for Backward Classes for ensuring reservation of appointments or posts in favour of the socially and educationally Backward Classes other than the Scheduled Castes and Scheduled Tribes, in the services under the Government of Maharashtra and other local or other authorities within the State. The Commission entertains, enquires, examines and recommends the requests for inclusion of any class in the list of Backward Classes and also examines the complaints of over-inclusion and under-inclusion of any class therein.

As per the provisions of sub-section (2) of section 3 of said Act the said Commission consists of a Chairperson, who is or has been, a judge of the Supreme Court or of a High Court, a social scientist, with experience of empirical research and six members, one member each from the six revenue divisions of the State, who have special knowledge in the matters relating to other backward classes.

2. Number of classes of citizens represents the Government for inclusion of their classes in the backward classes, as well as, the representatives of people also submit their representations for inclusion of certain group of citizens into backward classes and it is necessary to forward such representations to the Commission. In order to facilitate the Commission to discharge its functions the Government considered it expedient to enhance the number of members of the said Commission specified in section 3(2)(c) from six to eight.

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 to amend the Maharashtra State Commission for Backward Classes Act, 2005 (Mah. XXXIV of 2006), for the purposes aforesaid, the Maharashtra State Commission for Backward Classes (Amendment) Ordinance, 2017 (Mah. Ord. IV of 2017), was promulgated by the Governor of Maharashtra on the 9th January 2017.

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

RAJKUMAR BADOLE,

Mumbai,
Dated the 8th March 2017.

Minister for Social Justice and
Special Assistance.

FINANCIAL MEMORANDUM

Clause 2 of the Maharashtra State Commission for Backward Classes Amendment) Bill, 2017 provides for enhancing the number of the Members of the Maharashtra State Commission for Backward Classes to be nominated by the State Government as provided in clause (c) of sub-section (2) of section 3 of the Maharashtra State Commission for Backward Classes Act, 2005 (Mah. XXXIV of 2006), from six to eight. The recurring expenditure which will have to be met out of the Consolidated Fund of the State on account of the honorarium and allowances payable to the said additional Members will be rupees two lakh forty thousand on the enactment of this Bill as an Act of the State Legislature.