



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ५]

मंगळवार, फेब्रुवारी २६, २०१९/फाल्गुन ७, शके १९४०

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असाधारण क्रमांक ८

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 Trusts (Amendment) Bill, 2019 (L.A. Bill No. IV of 2019), introduced in the Maharashtra Legislative Assembly on the 26th February 2019, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. IV OF 2019.

A BILL

further to amend the Maharashtra Public Trusts Act.

XXIX of 1950. WHEREAS it is expedient further to amend the Maharashtra Public Trusts Act, for the purposes hereinafter appearing ; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Public Trusts (Amendment) Act, Short title. 2019.

XXIX of 1950. 2. In section 41AA of the Maharashtra Public Trusts Act,—

(a) in sub-section (1),—

(i) in clause (b), after the words “medically examined and treated” the brackets and words “(including *intra-ocular* operation)” shall be inserted ;

Amendment of section 41AA of XXIX of 1950.

(ii) in clause (c), after the words “the people seeking admission for medical examination and treatment” the brackets and words “(including *intra-ocular* operation)” shall be inserted ;

(iii) after the proviso, the following proviso shall be added, namely :—

“Provided further that, where the *intra-ocular* operation of a person is carried out in the medical centre, from the aid or grant received from the Central or State Government or any other institution, the person undergoing such operation shall not be counted as a beneficiary for the purposes of clause (b) or clause (c), as the case may be.”;

(b) in sub-section (5), the words “or an *intra-ocular* operation” shall be deleted.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Public Trusts Act (XXIX of 1950) has been enacted to regulate and to make better provisions for the administration of public religious and charitable trusts in the State.

Section 41AA of the said Act provides for the power of Charity Commissioner and the State Government to issue directions in respect of hospitals, etc., to earmark certain beds, etc., for poorer patients to be treated free of charge and at concessional rates.

2. The Bombay High Court (O.C.C.J.) in the Writ Petition (PIL) No. 3132 of 2004 (*Sanjiv Gajanan Punalekar Vs State of Maharashtra and Ors.*) has, on the 17th August 2006, approved the scheme for treatment of indigent patients and weaker section patients for the purposes of said section 41AA.

In view of the said scheme, all the public charitable trusts were directed to reserve and earmark ten per cent. of the total number of operational beds for indigent patients and to provide medical treatment to those patients free of cost, as also to reserve and earmark ten per cent. of the total number of operational beds, at concessional rate, to the persons belonging to the weaker section of the society.

3. Sub-section (5) of said section 41AA provides that the persons who desires to undergo operation for sterilization or an *intra-ocular* operation or who desires to undergo any operation or medical treatment specified by the State Government in this behalf, shall not be entitled for benefits in respect of reserved or earmarked quota for the purposes of said section 41AA.

4. With a view to provide maximum possible assistance to the poorer classes of the people of society, to implement the scheme approved by the High Court in its true spirit and to ensuring that the indigent patients and persons belonging to the weaker section of the society avail the facility of *intra-ocular* operations at the medical centres, it is considered expedient to suitably amend the said section 41AA.

5. The Bill seeks to achieve the above objectives.

Mumbai,
dated the 24th February 2019.

DEVENDRA FADNAVIS,
Chief Minister.