

L. A. BILL No. XIII OF 2022.

A BILL

to provide for the use of Marathi language for the official purposes of the local authorities in the State of Maharashtra.

5 WHEREAS it is expedient to provide for the use of Marathi language for the official purposes of the local authorities in the State of Maharashtra; it is hereby enacted in the Seventy-third Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Local Authorities Short title.
10 (Official Languages) Act, 2022.

2. In this Act, unless the context requires otherwise,— Definitions.

(a) "Appointing Authority" means any local authority or any officer or authority thereof who has powers to appoint the employees in any Local Authority or any department or office
15 thereof ;

(b) "Disciplinary Authority" means the Authority competent to impose penalties under the rules or regulations relating to discipline applicable to the employees ;

(c) "District Marathi Language Committee" means a District Marathi Language Committee constituted in each District under section 5D of the Maharashtra Official Languages Act, 1964 ;

Mah.
V of
1965.

(d) "employee" means any person employed as an employee or officer in the office of the Local Authority and also includes persons employed on contractual basis;

(e) "Local Authority" means,-

(i) Municipal Corporation, Municipal Council, *Nagar Panchayat*, Industrial Township, Zilla Parishad, Panchayat Samiti, Village Panchayat, any other Local Self Government Authority or Planning Authority ; or

(ii) statutory corporations, Government companies or any authority owned, controlled or financed by the State Government;

(f) "Marathi" means the Marathi language in Devnagari script which is adopted in the State under the Government Resolutions issued, from time to time ;

(g) "Marathi Language Officer" means an officer designated as the Marathi Language Officer under section 5 ;

(h) "prescribed" means prescribed by rules;

(i) "State Government" means the Government of Maharashtra;

(j) "State Marathi Language Committee" means a State Marathi Language Committee constituted under section 5C of the Maharashtra Official Languages Act, 1964.

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1965.

Official
language of
Local
Authorities.

3. (1) The official language of all the Local Authorities in the State of Maharashtra shall be Marathi. Except the official purposes specified in sub-section (2), Marathi shall be the language to be used for all official purposes as well as purposes related to the public interface and public interest in all offices of the Local Authority, including,-

(a) all internal affairs or business of all offices of the Local Authority ;

(b) all communication and correspondence to be made with the public in the State by the office of the Local Authority;

(c) all noting, drafting, all remarks, comments and opinions thereon, manuals, any administrative proceedings, bye-laws, all types of notices, any administrative work and business, schemes, programs, policies, decisions, resolutions, administrative and other reports, press releases, invitation cards, letter-heads, communication of meetings, minutes of meetings or any other documents pertaining to public interface and public interest to be issued by any office of the Local Authority ;

(d) any license, permit, certificate, tender or advertisement to be given or issued by or on behalf of the Local Authority or any Department or office thereof ;

(e) all standard forms, proformas or registers to be used or any other documents pertaining to the public interface and public interest in the office of the Local Authority ;

(f) all sign boards, name plates, notice boards and any other display matters pertaining to public interface and public interest in the Local Authority or any Department or office thereof ;

(g) all stamps or seals to be used in offices of the Local Authority;

5 (h) any other documents or services to be provided online and any communication pertaining to the public interface and public interest to be made through the websites, apps, portals and any other electronic mode of communication by any office of the Local Authority ;

10 (i) any other such official purposes as may be prescribed.

(2) The English language may be used in,-

(i) communication which is purely technical and scientific in nature ;

15 (ii) correspondence with the Government of India and the offices under it including Indian embassies, consular offices and trade commissions ;

(iii) correspondence with any other State Government with whom there is no agreement as referred to in the proviso to article 346 of the Constitution of India ;

20 (iv) correspondence with foreign embassies or consulates ;

(v) accounts to be rendered to the Accountant General and correspondence with the Accountant General;

25 (vi) all statements for legal opinions and all legal opinions, legal briefs and conveyancing, matters connected with litigation in the High Court and Supreme Court, legal compilations and law examinations ;

(vii) medical prescriptions, post mortem report and reports in medico-legal cases and such other technical matters in the Medical Department of the Local authorities ;

30 (viii) any other such purposes as may be prescribed.

4. Every Local Authority shall make suitable provisions in its policies pertaining to the public interface and public interest for use of the Marathi for effective implementation of the provisions of this Act.

Provisions in policy for effective implementation of this Act.

35 5. (1) Every office of the Local Authority shall designate a suitable officer as 'Marathi Language Officer' to discharge the functions assigned to him under this Act.

Designation of Marathi Language Officer.

(2) The Marathi Language Officer shall discharge the following functions, namely :-

40 (a) receive the grievances pertaining to non-use of Marathi for official purposes and implementation of the provisions of this Act in the office and to facilitate for its effective redressal; and

(b) to take steps to ensure the effective implementation of the provisions of this Act and the rules made thereunder.

(3) The Head of the office and any other officers and employees in the office shall render necessary assistance to the Marathi Language Officer for discharging functions assigned to him under this Act.

Proactive disclosure about use of Marathi.

6. Each office of the Local Authority shall proactively publish on its website or any other electronic mode or any other modes of communication, which are easily accessible to the public, that Marathi is being used for all official purposes as well as purposes related to the public interface and public interest, other than purposes mentioned in sub-section (2) of section 3.

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Responsibility of implementation and compliance.

7. The administrative Head or Head of the Department or Head of the office or controlling officer of the office of the Local Authority shall be responsible for,—

(a) effective implementation of the provisions of this Act and the rules made thereunder ;

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(b) compliance of all directions and instructions issued by the District Marathi Language Committee, State Marathi Language Committee and the State Government, from time to time;

(c) providing all necessary facilities and services for effective implementation of the provisions of this Act and the rules made thereunder.

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Powers and functions of District Marathi Language Committee.

8. (1) The District Marathi Language Committee shall exercise the following powers and discharge the following functions, namely :—

(a) give directions to all offices of the Local Authority in the District for effective implementation of the provisions of this Act and the rules made thereunder ;

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(b) enquire into and redress the grievances and complaints pertaining to non-use of Marathi for official purposes as well as purposes related to the public interface and public interest and implementation of the provisions of this Act and the rules made thereunder;

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(c) call and receive the necessary information, records and reports pertaining to complaints and grievances under this Act from all offices of the Local Authority in the District;

(d) enquire into and resolve the complaints and grievances regarding implementation of this Act and dispose of them in an expeditious manner;

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(e) direct the concerned office of the Local Authority to comply with the provisions of this Act, if found violating any of the provisions of this Act ;

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(f) submit an annual report to the State Marathi Language Committee about action taken by it in discharge of its functions under this Act alongwith its recommendations with regard to the effective implementation of the provisions of this Act.

(2) The offices of the Local Authority shall comply with the directions of the District Marathi Language Committee within a period of fifteen days from the receipt thereof and forward a compliance report to the District Marathi Language Committee.

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9. The State Government and State Marathi Language Committee may issue such directions or instructions to all the offices of the Local Authority as may be necessary for effective implementation of the provisions of this Act and the rules made thereunder. The
5 offices of Local Authority shall comply with the directions of the State Government and State Marathi Language Committee. Power to give directions.

10. The Appointing Authority and Disciplinary Authority shall on receipt of the complaint or grievance regarding non-implementation of the provisions of this Act and the rules made thereunder, initiate
10 disciplinary action against the employee of the concerned Local Authority under the service rules or regulations as applicable to him, if found necessary. The Appointing Authority and Disciplinary Authority shall submit a report regarding such disciplinary action taken by it to the District Marathi Language Committee. Punishment.

11. (1) The State Government may, by notification in the *Official Gazette*, make rules, for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be
20 comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule
25 shall from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

30 12. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty: Power to remove difficulties.

35 Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Official Languages Act, 1964 (Mah. V of 1965) provides that the official language of the State of Maharashtra shall be Marathi and for use of Marathi language for the official purposes of the State except certain purposes prescribed in the rules made thereunder.

2. The Government has been receiving various grievances regarding not using Marathi language in the offices of Local Self Government Authorities. The Government, therefore, considers it expedient to enact a new law to provide for the use of Marathi, for official purposes as well as purposes related to the public interface and public interest, by all the Local Self Government Authorities within the State of Maharashtra.

3. The salient features of the Bill are as follows :—

(i) to provide that the official language of all the Local Authorities in the State of Maharashtra shall be Marathi ; and Marathi shall be the language to be used for all official purposes as well as purposes related to the public interface and public interest in all offices of the Local Authority ;

(ii) to provide that English may be used for certain official purposes specified in the Act in all offices of Local Authority ;

(iii) to provide that each office of the Local Authority shall make suitable provisions in its policies pertaining to the public interface and public interest for use of the Marathi;

(iv) to provide that each office of the Local Authority shall proactively disclose that Marathi is being used in all official purposes as well as purposes related to the public interface and public interest;

(v) to provide that the Head of the office shall be responsible for effective implementation of the Act;

(vi) to provide that the District Marathi Language Committee formed under the Maharashtra Official Languages Act, 1964 in each District shall enquire into and redress the grievances under this Act and ensure effective implementation thereof.

(vii) to provide that the State Government, State Marathi Language Committee and District Marathi Language Committee may issue such directions or instructions to all the offices of the Local Authority, for effective implementation of the provisions of the Act ;

(viii) to provide for initiating disciplinary action against the employees of the Local Authority for violation of the provisions of the Act.

4. The Bill seeks to achieve the above objectives.

Mumbai,

SUBHASH DESAI,

Dated the 23rd March, 2022. Minister for Marathi Language.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 3.—Under this clause,—

(i) in sub-clause (1), in paragraph (i), power is taken to the State Government, to prescribe by rules, any official purposes as well as purposes related to the public interface and public interest, other than those specified in sub-clause (1) of clause 3, for which Marathi shall be used by the Local Authority;

(ii) in sub-clause (2), in paragraph (ix), power is taken to the State Government, to prescribe by rules, any purposes, other than those purposes specified in sub-clause (2) of clause 3, for which English language may be used in communication by the Local Authority.

Clause 11.—Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, to carry out the purposes of the Act.

Clause 12.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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Language for the official purposes of
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**[SHRI SUBHASH DESAI,
Minister for Marathi Language.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**