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# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, मार्च १८, १९७१/कालगुन २७, शके १८९२

स वर्तंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पुष्ट क्रमांक दिले आहेत.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके.

**पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेत्या  
दिनांकाना प्रसिद्ध झाली आहेत :—**

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बुधवार, मार्च १७, १९७१/कालगुन २६, शके १८९२

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on  
the 17th March 1971:—

#### L. A. BILL No. I OF 1971.

##### A BILL

*further to amend the Maharashtra Land Revenue Code, 1966.*

Mah. XLI of 1966. WHEREAS, it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Land Revenue Code (Amendment) Act, 1971. Short title

**Amendment 2.** In section 36 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as the principal Act), in sub-section (4),—

Mah.  
XLI  
of  
1966.

(a) after the words “ or in favour of a co-operative society ” the words, figures, brackets and letter “ or the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, or a corresponding new bank within the meaning of clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the Maharashtra State Financial Corporation established under the relevant law ” shall be inserted ;

(b) after the words “ by such co-operative society ” the words “, State Bank of India, corresponding new bank, or as the case may be, Maharashtra State Financial Corporation ” shall be inserted ;

(c) for the words “ or as the case may be, the co-operative society ”, at both the places where they occur, the words “ the co-operative society, the State Bank of India, the corresponding new bank, or as the case may be, the Maharashtra State Financial Corporation ” shall be substituted ;

(d) for the words “ on the application of the society, ” the words “ on the application of the co-operative society, the State Bank of India, the corresponding new bank or the Maharashtra State Financial Corporation, ” shall be substituted.

**Amendment 3.** In section 53 of the principal Act,—

Mah.  
XLI  
of  
1966.

(a) in sub-section (1), the words, brackets and figure “ summarily ” and “ in the manner provided in sub-section (2) ” shall be deleted ;

(b) after sub-section (1), the following new sub-section shall be inserted, namely :—

“(1-A) Before evicting such person, the Collector shall give him a reasonable opportunity of being heard and the Collector may make a summary enquiry, if necessary. The Collector shall record his reasons in brief, for arriving at the opinion required by sub-section (1). ”;

(c) in sub-section (2), for the words “ The Collector shall serve ” the words “ The Collector shall, on his finding as aforesaid, serve ” shall be substituted.

भाग पाच] महाराष्ट्र शासन राजपत्र, मार्च १८, १९७१/फालगुन २७ शके १८९२

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#### STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 36 of the Maharashtra Land Revenue Code, 1966, an occupant—Class II can lawfully mortgage his property without the permission of the Collector in favour of the State Government or a co-operative society for securing a loan. It is now proposed to extend this facility of securing loan from the State Bank of India or any nationalised bank or the Maharashtra State Financial Corporation.

Under section 53 of the Maharashtra Land Revenue Code, 1966, persons unauthorisedly occupying Government lands can be evicted by a Collector without hearing them. This provision, therefore, confers an arbitrary power of eviction on a Collector, and is unreasonable. It is, therefore, proposed that the Collector shall, before evicting such persons, give them a reasonable opportunity of being heard, and may make a summary enquiry and also record his reasons in brief in arriving at his decision.

The Bill seeks to achieve the above objects.

Bombay, dated the 27th February 1971.

H. G. VARTAK,  
Minister for Revenue.

Bombay, dated the 17th March 1971.

S. H. BELAVADI,  
Secretary,

Maharashtra Legislative Assembly.

रीजस्टर्ड नं. एम एच.१



# महाराष्ट्र शासन राजपत्र

प्राधिकृत प्रकाशन

गुरुवार, मार्च २५, १९७१/चैन्त्र ४, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधान परिषदेत सादर केलेली विधेयके पुढील विधेयके, इत्यादी, असाधारण राजपत्र स्थूल त्यांच्यापुढे दर्शविलेल्या दिनांकांना प्रसिद्ध झाली आहेत :—

२

शनिवार, मार्च २०, १९७१/फालगुन २९, शके १८९२

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following report of the Joint Committee on the Bill to make better provision for the clearance of slum areas in the State and their redevelopment and the Bill as amended by the Joint Committee, which were presented to the Maharashtra Legislative Assembly on the 19th March 1971 are in accordance with the provisions of sub-rule (4) of rule 128 of the Maharashtra Legislative Assembly Rules, published for general information :—

#### L. A. BILL No. XXV OF 1970.

##### A BILL

to make better provision for the clearance of slum areas in the State and their redevelopment.

#### COMPOSITION OF THE JOINT COMMITTEE

1. Shri N. K. Tirpude, Minister for Forests and Housing (*Chairman*).
2. Shri P. G. Kher, Minister for Urban Development.
3. Shri Shantaram Gopal Gholap, M.L.A.

4. Shri Homi Jahangir Taleyarkhan, M.L.A.
5. Shri Marotrao Damodar Tumpalliwar, M.L.A.
6. Shri Narayanrao Uttamrao Deshmukh, M.L.A.
7. Shri Anant Narayan Namjoshi, M.L.A.
8. Dr. (Smt.) Sushilabai Balraj, M.L.A.
9. Shri Shivram Sawant Khem Sawant Bhonsle, M.L.A.
10. Shri Tikamdas Daduram Memjade, M.L.A.
11. Shri Vishwanath Suryabhan Jadhav, M.L.A.
12. Shri Hashu Parsharam Advani, M.L.A.
13. Shri Vithal Ramrao Kaldate, M.L.A.
14. Shri Gulabrao Bhauraao Ganacharya, M.L.A.
15. Shri Ram Arjun Mahadik, M.L.A.
16. Dr. Waman Shankar Matkar, M.L.A.
17. Shri S. R. Patkar, M.L.A.
18. Shri Wamanrao Mahadik, M.L.A.
19. Shri Narhar Waman Limaye, M.L.C.
20. Shri Rikhabchand Kalyanmal Sharma, M.L.C.
21. Shri Manikrao Padmanna Mangudkar, M.L.C.
22. Shri Chhedilal Budhanlal Gupta, M.L.C.
23. Dr. Vasantkumar Ramkrishna Pandit, M.L.C.
24. Shri Moinuddin Harris, M.L.C.
25. Shri Narayan Dyandeo Patil, M.L.C.

## LEGISLATURE SECRETARIAT

Shri S. H. Belavadi, Secretary.  
 Shri S. R. Kharabe, Joint Secretary.

## URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

Shri S. A. Virkar, Deputy Secretary.

## LAW AND JUDICIARY DEPARTMENT

Shri B. P. Dalal, Secretary.  
 Shri S. W. Dhurandhar, Joint Secretary.

### REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which L. A. Bill No. XXV of 1970 (to make better provision for the clearance of slum areas in the State and their redevelopment) was referred, having been authorised by the Committee to submit the report on their behalf, present this Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Assembly on the 8th May 1970. The motion for reference of the Bill to a Joint Committee of both Houses was, after obtaining the concurrence of the Legislative Council, adopted by the Assembly on the 29th December 1970.

3. All the members of the Assembly and Council were requested to send their amendments or suggestions, if any, on or before the 20th January 1971. Members of the public as also some representative associations of Tenants' and Landlords' organizations, Municipal Corporations and individuals were requested, through a Press Note and individual letters to offer their views on or before that date.

4. The Committee held 4 sittings in all. The first sitting was held on the 30th December 1970, to settle certain preliminary matters. At the sittings held on 28th January 1971 the Committee discussed the provisions of the Bill, generally. At the further sittings held on the 29th and 30th January 1971 the Committee considered the provisions of the Bill together with the amendments and suggestions. On the 9th March 1971 the Committee, after finalising the amendments to be incorporated in the Bill, adopted the report.

5. The salient features of the changes made in the Bill by the Committee may be briefly stated as follows:—

The Committee considered the question of improvement of individual dilapidated buildings in slum areas which are unfit for human habitation and arrived at the conclusion that the Act should be divided into three main parts, namely, "Slum Areas", "Slum Improvement" and "Slum Clearance and Redevelopment". Under the first part, the State Government should be empowered to declare certain specified areas as slum areas (Chapter II), then there should be power to execute works of improvement either within or outside the buildings in the slum area which are unfit for human habitation and provide for restrictions on erection of buildings in such areas (Chapter III); and lastly, provision should be made for wholesale removal of buildings from a slum area with a view to redeveloping it (Chapter IV).

The Committee noticed that in the implementation of the scheme of slum clearance the provisions of sub-clause (2) of clause 5 (renumbered as clause 11) are crucial for the reason that before declaring any area as a clearance area under that clause, the Competent Authority is required to take into consideration various matters noticed therein. Under that sub-clause as it stands, the Competent Authority is required to satisfy itself as to the sufficiency of its resources, ascertain the number of persons who are likely to be dishoused and to take such measures as are practicable whether by the arrangement of its programme or by securing as far as practicable such accommodation in advance of displacement which may become necessary from time to time as the demolition of buildings in the area or in different parts thereof proceeds, or in any other manner so as to ensure that as little hardship as possible is inflicted on those dishoused. The Committee, however, feel that it is necessary to frame rules for the purpose of giving effect to this provision, and therefore, suggest that power to frame rules for various matters should be taken to the State Government.

The rules to be framed will provide *inter-alia*, for—

- (i) ascertaining the number and names of persons who on a specified date were occupying the buildings in the clearance area;
- (ii) the location of temporary or permanent accommodation with floor area to be provided to those who are dishoused; and
- (iii) the rent to be paid for such accommodation.

Under clause 18 (renumbered as clause 24), the tenants are given the right to occupy a building after it is re-erected. The Committee think that in order to enable a tenant to know whether a building is re-erected or not, provision should be made requiring the Competent Authority to inform the tenant of the re-erection of the building, and require him to occupy the building within a period of one month. On failure to do so, it should be provided that the tenancy should stand terminated, and the owner entitled to possession thereof. This provision is suggested on the lines of section 35(6) of the Bombay Building Repairs and Reconstruction Board Act, 1969.

The Committee considered the provisions of clause 19(3) of the Bill (renumbered as clause 25) and in their opinion unless a tenant is given certain assistance in the payment of rent, he will not be able to pay the standard rent where it exceeds the amount of annual rent which is to be equivalent to 4 per cent. of the aggregate cost of re-erection of the building together with the cost of the land. The Committee, therefore, think that a provision should be made, taking power to the State Government to make rules for determining the amount of difference that may be paid to the owner by way of compensating the tenant for the excess. The scheme for subsidized rent to be provided under the rules should be on the lines of the scheme obtaining under the Housing Board.

In regard to clause 31 (renumbered as clause 37) the Committee think that there should be a provision for punishing persons who instigate or abet obstruction to, or molestation of persons who have authorisedly entered into or upon any land or building. They also think that an offence under sub-clause (3) should be punishable with imprisonment as well as fine.

In regard to clause 32 (renumbered as clause 38), the Committee consider that the Competent Authority shall not only have power to demolish but also power to forfeit erections made in contravention of any of the provisions of the Act, and for the removal of material. This will serve as an effective disincentive to make erections in contravention of the Act.

The Committee further think that where any expenses incurred by the Competent Authority are directed by the Tribunal to be paid to that authority, they should be paid in equal monthly instalments, not exceeding twenty.

Lastly, the Committee consider that the Bill should provide that the Tribunal should consist of three persons and not two, and should provide for the rules regulating the practice and procedure of the Tribunal, the staff thereof and other relevant matters.

**6.** The observations of the Committee in regard to the principal changes in the several clauses of the Bill are detailed in the succeeding paragraphs.

**7. Clause 1, Long Title and Preamble.**—Since the Bill now covers the aspect of Slum Improvement also by reason of insertion of a New Chapter (Chapter III) consequential changes have been made in Clause 1, Long Title and Preamble.

**8. Clause 2.—(1) Paragraph (i).**—The Committee noticed that the Tribunal consists of only two persons, and that it would be difficult to come to a decision if the members disagree. The Committee, therefore, consider that the Tribunal should consist of three persons viz. the President, an officer not below the rank of a Deputy Director of Town Planning and an officer not below the rank of a Surveyor Engineer to Government. This paragraph has been amended accordingly.

(2) *Paragraph (j).*—The definition of “ works of improvement ” has been inserted consequent upon the insertion of the Chapter on Slum Improvement.

9. *Clause 3.*—The Committee feel that since it will not be possible for the Municipal Commissioner to exercise and perform, the various powers and functions of the Competent Authority under the Act it is necessary that provision should be made for delegation of these powers and functions and accordingly, provision has been made for such delegation to an officer not below the rank of a City Engineer or Deputy Municipal Commissioner specified by the Municipal Commissioner, and in the case of Housing Board, an officer not below the rank of an Assistant Housing Commissioner to be specified by the Housing Commissioner.

10. *Clause 4.*—(i) A provision has been made in sub-clause (1) to give due publicity to the declaration of a slum area in such manner as may be prescribed by rules made in this behalf.

(ii) The Committee think that on appeal to the Tribunal by an aggrieved party against such declaration, the Tribunal should not only have power to confirm or rescind the declaration but also have power to modify it. Sub-clause (4) has been amended to make this clear.

11. *New clauses 5 to 10.*—These clauses deal with slum improvement and follow the provisions of the (Central) Slum Areas (Improvement and Clearance) Act, 1956 (XCVI of 1956) substance of which may be briefly stated as under :—

*Clauses 5, 6 and 7.*—Where the Competent Authority is satisfied that any buildings in a slum area are unfit for human habitation and that they can be rendered fit for such habitation by making works of improvement either within or outside the buildings at a reasonable expense (which it has to decide after taking into consideration the estimated cost of works as also the estimated value of the buildings after the works are completed), it shall serve a notice on the owners of the buildings and, as the case may be, on the owners of the lands and also on any other person having interest in the buildings or lands to execute such works of improvement and within such time not being less than thirty days as may be specified. If the notice is not complied with within the specified time, the Competent Authority may itself execute the works and recover the amount of expenses together with interest from the owners of the buildings or the lands, as the case may be, as arrears of land revenue. Further any expenses that may be incurred by the Competent Authority or the local authority as the case may be, in maintaining such works or for amenities accruing from such works will be recoverable from the occupiers of the building or buildings as arrears of land revenue.

*Clause 8.*—The Competent Authority can, by notification, direct that no person shall erect a building in a slum area except with the previous permission in writing of the Competent Authority. When on application for such permission, the Competent Authority wants to refuse permission then it will do so only after hearing the person concerned. It has been made clear that any such notification shall remain in force for a period of two years or such extended period not exceeding a further period of five years and that it shall not apply to (i) execution of works of improvement under clauses 5 (1) and 9 (2); and (ii) the erection of buildings in slum areas under re-numbered clause 12.

*Clauses 9 and 10.*—Where the Competent Authority is satisfied that any building within a slum area is unfit for human habitation and will not be fit for such habitation even after incurring reasonable expenses on the works of improvement therein, it shall serve a notice on the owner of the building and on any other person having interest in that building to show cause as to why the building should not be demolished. If the person concerned gives an undertaking that he shall not use

the building till it is rendered fit for human habitation or to execute specified works of improvement in the building within the specified time to the satisfaction of the Competent-Authority then the Competent Authority shall not order the demolition of the building. If however, the works of improvement are not carried out within the specified time or the building is being used in contravention of the terms of the undertaking, then the Competent Authority shall require the building to be vacated within a specified period not being less than thirty days and order the demolition of the building within six weeks after the said period is over. When the person concerned does not comply with the order and demolish the building within the specified period, then the Competent Authority shall have the building demolished and the material sold. The expenses of such demolition shall be recouped from the sale proceeds of the material and if the sale proceeds are less than the remaining amount of expenses shall be recovered from the owner of the building or any other person having interest therein as arrears of land revenue.

12. *Clause 11 (original clause 5).*—A provision has been made empowering the State Government to make rules in order to implement the provisions of sub-clause (2) of clause 11, effectively, as stated earlier in sub-paragraph 2 of paragraph 5.

13. *Clause 24 (original clause 18).*—New sub-clause (5) has been added to provide that the Competent Authority shall inform the tenant who has duly intimated to be accommodated in the building after it is re-erected, that the building is likely to be or is ready for occupation from a specified date and that he should occupy the same within a period of one month from such date. If he fails to do so, then he stands to lose his tenancy. If he is already occupying the temporary accommodation provided to him by the Competent Authority he will have to vacate it. If he does not vacate it, he shall be liable to be ejected therefrom.

14. *Clause 25 (original clause 19).*—Where the standard rent per annum is fixed at more than the annual rent which is equivalent to four per cent. of the cost of the re-erected building and the land, referred to in sub-clause (3) of that clause then the State Government should pay to the owner such amount of the difference by way of compensating the tenant for the excess amount as may be prescribed by rules made in this behalf.

15. *Clause 36 (original clause 30).*—The Committee think that it would be adequate if the notice is served on any adult member or any adult servant of the family. It is not necessary that it should necessarily be served on the adult male member. But it is however necessary that it should be served on the adult servant of the family and not any servant. Sub-clause (1) (b) and sub-clause (2) have been amended accordingly.

16. *Clause 37 (original clause 31).*—Existing sub-clause (3) provides for penalty for obstructing the entry of any authorised person on any building or land or for his molestation upon such entry. The Committee think that punishment should also be provided for instigation or abetment of such an offence also and further that an offence under this sub-clause should be punishable with imprisonment as well as fine. The sub-clause has been amended for the purpose.

17. *Clause 38 (original clause 32).*—The Committee feel that when buildings are erected in contravention of the provisions of new clause 8 (namely restriction on erection of buildings in slum areas), then the Competent Authority should have power to demolish such buildings. The Committee, therefore, recommend that this clause should be amended to provide for demolition of buildings erected in these circumstances. The Committee also feel that the Competent Authority should not only have power to demolish but also power to forfeit the erection and for the removal of the material. The clause has been amended accordingly.

18. *Clause 44 (original clause 38).*—This clause has been amended to provide that the expenses which are directed by the Tribunal to be paid may be paid in equal monthly instalments not exceeding 20.

19. *Clause 45.*—The Committee consider that the Tribunal should have powers of a civil court for the purpose of calling persons and for production of documents, and that its proceedings should be treated as judicial proceedings. Further, there should be provision for making rules regarding staff of the Tribunal and for regulating the practice and procedure of the Tribunal. Accordingly, new clause 45 has been added for the purpose.

20. Changes made by the Committee in other clauses of the Bill are either clarificatory or minor or of consequential or drafting nature.

Bombay, the 9th March 1971.

N. K. TIRPUDE,  
Chairman.

[Note.—Deletions made by the Joint Committee are shown in square brackets and additions are either underlined or sidelong.]

## L. A. BILL No. XXV OF 1970.

### A BILL

*to make better provision for [the clearance] the improvement and clearance  
of slum areas in the State and their redevelopment.*

(as amended by the joint committee)

WHEREAS, it is expedient to make better provision for [the clearance]  
the improvement and clearance of slum areas in the State and for their redevelopment;  
and for matters connected with the purposes aforesaid; It is hereby enacted  
in the [Twenty-first] Twenty-second Year of the Republic of India as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the Maharashtra Slum Areas ([Clearance] Short title,  
Improvement, Clearance and Redevelopment) Act, [1970.] 1971.  
extent and  
commencement.
- (2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in such areas and on such date as the State Government may, by notification in the *Official Gazette*, appoint ; and different dates may be appointed for different areas.

**Definitions.**

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

(a) “Administrator” means,—

(i) in Greater Bombay or any part thereof, such person not being a person below the rank of a Divisional Commissioner as the State Government may, by notification in the *Official Gazette*, appoint, and

(ii) elsewhere the Divisional Commissioner ;

(b) “building” includes a house, out-house, stable, shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material [whatever,] whatsoever, whether used as a human dwelling or otherwise; and also includes verandahs, fixed platforms, plinths, door-steps, electric meters, walls including compound walls and fencing and the like; but does not include plant or machinery comprised in a building;

(c) “Competent Authority” means a person or body appointed to be the Competent Authority under section 3 ;

(d) “land” includes building and also benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(e) “occupier” includes,—

(i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable ;

(ii) an owner in occupation of, or otherwise using, his land or building ;

(iii) a rent-free tenant of any land or building ;

(iv) a licensee in occupation of any land or building ; and

(v) any person who is liable to pay to the owner damages for the use and occupation of any land or building ;

(f) “owner”, when used with reference to any building or land, means the person who receives or is entitled to receive the rent of the building or land, if the building or land were let, and includes,—

(i) an agent or trustee who receives such rent on account of the owner ;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any building or land devoted to religious or charitable purpose ;

(iii) a receiver, sequestrator or manager appointed by a court of competent jurisdiction to have the charge of or to exercise the rights of owner of the said building or land ; and

(iv) a mortgagee-in-possession ;

(g) “prescribed” means prescribed by rules made under this Act ;

(h) “slum clearance” means the clearance of any slum area by the demolition and removal of buildings therefrom ;

(i) “Tribunal” means a Tribunal consisting of the President (being a person who is holding or has held any judicial office not lower in rank than that of a District Judge who has held such office for a period of not less than five years) and [another (being a person who is holding or has held an office not below the rank of a [Director] Deputy Director of Town Planning [or Superintending Engineer to Government].] and a person who is holding or had held office not below the rank of Superintending Engineer to Government);

(j) 'works of improvement' includes in relation to any building in a slum area the execution of any one or more of the following works, namely:—

- (i) repairs which are necessary;
- (ii) structural alterations;
- (iii) provision of light points, water taps and bathing places;
- (iv) construction of drains, open or covered;
- (v) provision for latrines, including conversion of dry latrines into flush latrines;
- (vi) provision of additional or improved fixtures or fittings;
- (vii) opening up or paving of courtyards;
- (viii) construction of passages or roads;
- (ix) any other work including the demolition of any building or any part thereof which in the opinion of the Competent Authority is necessary for executing any of the works specified above.

3. (1) The State Government may, by notification in the *Official Gazette*, appoint any person to be the Competent Authority for the purposes of this Act, for such area as may be specified in the notification. Appointment of Competent Authorities.

(2) Where any body corporate (including a local authority) is appointed to be the Competent Authority, then the powers and functions of the Competent Authority under this Act shall, subject to such restrictions and conditions as the Competent Authority may impose in this behalf, be exercised and performed on behalf of such body corporate—

(a) by the Municipal Commissioner or any officer not below the rank of a City Engineer or Deputy Municipal Commissioner as may be specified by the Municipal Commissioner in this behalf, in the case of a Municipal Corporation constituted under any law for the time being in force;

(b) by the Chief Officer, in the case of a Municipal Council constituted under any law for the time being in force;

(c) by the Chairman of the Nagpur Improvement Trust (constituted under the Nagpur Improvement Trust Act, 1936), in the case of such Trust;

(d) by the Housing Commissioner or any officer not below the rank of Assistant Housing Commissioner specified by the Housing Commissioner in this behalf, in the case of a Housing Board constituted under any law for the time being in force.

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## CHAPTER II

### *Slum [Clearance and Redevelopment.] Areas.*

4. (1) Where any Competent Authority upon report from any of its officers or other information in its possession, is satisfied as respects any area, that the buildings in that area,— Declaration of slum areas.

(a) are unfit for human habitation, or

(b) are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, inadequacy of open spaces and community facilities, or any combination of these factors, detrimental to safety, health or morals,

it may, by notification in the *Official Gazette*, declare such area to be a slum area. Such declaration shall also be published in such other manner (as will give due publicity to the declaration in the area) as may be prescribed.

(2) In determining whether buildings are unfit for human habitation for the purposes of this Act, regard shall be had to the condition thereof in respect of the following matters, that is to say,—

- (a) repairs;
- (b) stability;
- (c) freedom from damp;
- (d) natural light and air;
- (e) provision for water-supply;
- (f) provision for drainage and sanitary conveniences;
- (g) facilities for the disposal of waste water;

and the building shall be deemed to be unfit as aforesaid, if, and only if, it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(3) Any person aggrieved by a declaration made under sub-section (1) may, within thirty days after the date of such declaration in the *Official Gazette*, appeal to the Tribunal.

(4) On an appeal, the Tribunal may make an order either confirming, modifying or rescinding the [order] declaration; and the decision of the Tribunal shall be final.

### CHAPTER III

#### Slum Improvement

Power of  
Competent  
Authority  
to require  
improvement  
of buildings,  
unfit for  
human  
habitation.

5. (1) Where the Competent Authority upon report from any of its officers or other information in its possession, is satisfied that any buildings in a slum area are in any respect unfit for human habitation it may, unless in its opinion the buildings are not capable at reasonable expense of being rendered so fit, serve upon the owners of the buildings a notice requiring them, within such time, not being less than thirty days as may be specified in the notice, to execute the works of improvement either within or outside the buildings specified therein, and stating that in the opinion of the Authority those works will render the buildings fit for human habitation:

Provided that, where any owner of the building is different from the owner of the land on which the building stands, and the works of improvement required to be executed relate to provision of water taps, bathing places, construction of drains, open or covered, as the case may be, provision of flush latrines and such works are to be executed outside the building, the notice shall be served upon the owner of the land.

(2) In addition to serving a notice under this section on the owners, the Competent Authority may serve a copy of the notice on any other person having an interest in the buildings or the lands on which the buildings stand whether as lessee, mortgagee, or otherwise.

(3) In determining for the purposes of this Act, whether the buildings can be rendered fit for human habitation at reasonable expense, regard shall be had to the estimated cost of the works necessary to render them so fit and the value which it is estimated that the buildings will have when the works are completed.

Enforcement  
of notice  
requiring  
execution  
of works  
of improve-  
ment.

6. (1) If a notice under section 5 requiring the owners of the buildings or of the lands on which the buildings stand, as the case may be, to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice, the Competent Authority may itself do the works required to be done by the notice.

(2) All expenses incurred by the Competent Authority under this section, together with interest, at such rate as the State Government may by order fix, from the date when a demand for the expenses is made until payment, may be recovered by the Competent Authority from the owners of the buildings or of the lands on which the buildings stand; as the case may be, as arrears of land revenue :

Provided that, if any owner proves that he—

- (a) is receiving the rent merely as agent or trustee for some other person ; and
- (b) has not in his hands on behalf of that other person sufficient money to satisfy the whole demand of the Authority, his liability shall be limited to the total amount of the money which has in his hands as aforesaid.

7. Where works of improvement have been executed in relation to any building or buildings in a slum area in pursuance of the provisions of sections 5 and 6, any expenses incurred by the Competent Authority or, as the case may be, any local authority in connection with the maintenance of such works of improvement or the enjoyment of amenities and conveniences rendered possible by such works, shall be recoverable from the occupier or occupiers of the building or buildings as arrears of land revenue.

Expenses of  
maintenance  
of work of  
improvement  
etc., to be  
recoverable  
from the  
occupiers of  
buildings.

8. (1) The Competent Authority may, by notification in the *Official Gazette* (and also published in such other manner as may be prescribed), direct that no person shall erect any building in a slum area except with the previous permission in writing of the Competent Authority.

Restriction  
on building,  
etc., in slum  
areas.

(2) Every notification issued under sub-section (1) shall cease to have effect on the expiration of two years from the date thereof, or such extended period or periods not exceeding a further five years as the State Government may, by notification in the *Official Gazette* (and also published in such other manner as may be prescribed) from time to time specify in this behalf, except as respect things done or omitted to be done before such cesser.

(3) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the Competent Authority in such form and containing such information in respect of the erection of the building to which the application relates as may be prescribed.

(4) On receipt of such application, the Competent Authority, after making such inquiry as it considers necessary, shall, by order in writing—

- (a) either grant the permission subject to such terms and conditions, if any, as may be specified in the order; or
- (b) refuse to grant such permission:

Provided that, before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(5) Nothing contained in sub-section (1) shall apply to—

- (a) any works of improvement required to be executed by a notice under sub-section (1) of section 5; or in pursuance of an undertaking given under sub-section (2) of section 9; or

(b) the erection of any building in any area in respect of which a slum clearance order has been made under section 12.

9. (1) Where a Competent Authority upon a report from any of its officers, or other information in its possession is satisfied, that any building in a slum area is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as lessee, mortgagee or otherwise, a notice of building to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

Competent  
Authority  
to order  
demolition  
of building  
unfit for  
human  
habitation.

(2) If any of the persons upon whom a notice has been served under sub-section (1) appears in pursuance thereof before the Competent Authority and gives an undertaking to the Authority that such person shall within a period specified by the Authority execute such works of improvement in relation to the building as will in the opinion of the Authority render the building fit for human habitation or that it shall not be used for human habitation until the Authority on being satisfied that it has been rendered fit for that purpose cancels the undertaking, the Authority shall not make any order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Competent Authority shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

Procedure  
to be  
followed  
where  
demolition  
order has  
been made.

10. (1) Where an order for demolition of a building under section 9 has been made, the owner of the building or any other person having an interest therein shall demolish that building within the time specified in that behalf by the order ; and if the building is not demolished within that time, the Competent Authority shall enter and demolish the building and sell the materials thereof.

(2) Any expenses incurred by the Competent Authority under sub-section (1), if not satisfied out of the proceeds of sale of materials of the building, shall be recoverable from the owner of the building or any other person having an interest therein as arrears of land revenue.

#### CHAPTER IV

##### Slum Clearance and Redevelopment

Power to  
declare  
any slum  
area to  
be a  
clearance  
area.

[5.] 11. (1) Where the Competent Authority, upon a report from any of its officers or other information in its possession, is satisfied as respects any slum area, that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area, the Authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and then, it shall, by an order notified in the *Official Gazette*, declare the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Act. The order shall also be given wide publicity in such manner as may be prescribed.

(2) Before any area is declared to be a clearance area, the Competent Authority shall satisfy itself as to the sufficiency of its resources, and ascertain the number of persons who are likely to be dishoused in such area, and thereafter, to take such measures as are practicable whether by the arrangement of its programme or by securing as far as practicable such accommodation in advance of displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof proceeds, or in any other manner so as to ensure that as little hardship as possible is inflicted on those dishoused. The State Government may, subject to the provisions of Chapter V, and subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this sub-section; and without prejudice to the generality of this provision, such rules may provide for ascertaining the number and names of persons who on a date to be specified by the Competent Authority were occupying the buildings comprised in the clearance area, for the location of the accommodation either temporary or

permanent and the extent of floor area to be provided to those who are dishoused, for occupying the building after it is re-erected, for rent to be paid for the temporary accommodation provided to those who are dishoused, the circumstances in which persons provided with temporary accommodation may be evicted, and for purposes connected with the matter aforesaid. The provisions of sub-section (2) of section 46 shall apply in relation to rules made under this section as they apply to rules made under that section;

(3) The Competent Authority shall forthwith transmit to the Administrator a copy of the declaration under this section, together, with a map and a statement of the number of persons who, on the date specified [in the statement] by the Competent Authority under sub-section (2), were occupying buildings comprised in the clearance area.

[6.] 12. (1) As soon as may be after the Competent Authority has declared any Clearance slum area to be a clearance area, it shall make a clearance order in relation to that order, area, ordering the demolition of each of the buildings specified therein, and requiring each such building to be vacated within such time as may be specified in the order, and shall submit the order to the Administrator for confirmation.

(2) The Administrator may either confirm the order in whole or subject to such variations as he considers necessary; or reject the order.

(3) As soon as a clearance order is confirmed, the Administrator shall publish a notice in such manner as may be prescribed ; stating that the order has been confirmed and naming a place where a copy of the order [is] confirmed and of the [place] map referred to therein may be seen at all reasonable hours.

(4) Any person aggrieved by the order of the Administrator may, within six weeks of the publication of the notice of the confirmation of the order, prefer an appeal to the Tribunal ; and the decision of the Tribunal shall be final.

(5) Where any such appeal is duly made, the Tribunal,—

(i) may, by interim order, suspend the operation of the order either generally, or in so far as it affects any property, until the final determination of the appeal; and

(ii) if satisfied upon hearing of the appeal that the order is not within the powers of this Act, or that the interests of the appellant have been substantially prejudiced, by any requirement of this Act not having been complied with, may quash the order either generally, or in so far as it affects any property of the appellant.

(6) Subject to the provisions of the last preceding sub-section, the order shall become operative at the expiration of six weeks from the date on which the notice of confirmation of the order is published in accordance with the provisions of this Act.

(7) When a clearance order has become operative, the owners of buildings to which the order applies shall demolish the buildings before the expiration of six weeks from the date on which the buildings are required by the order to be vacated, or before the expiration of such longer period as in the circumstances of the case, the Competent Authority may deem reasonable.

(8) If the buildings are not demolished before the expiration of the period mentioned in sub-section (7), the Competent Authority may enter and demolish the buildings, and sell the material thereof.

(9) Any expenses incurred by the Competent Authority in demolishing any buildings, after giving credit, for any amount realised by the sale of materials, may be recovered by the Competent Authority from the owner of the building or any person having interest therein as arrears of land revenue ; and any surplus in the hands of the Competent Authority shall be paid by it to the owner of the building, or if there [is more than one,] are more than one owner, shall be paid as those owners agree. In default of agreement between the owners, the Competent Authority shall deposit the surplus amount in Greater Bombay, in the Bombay City Civil Court, and elsewhere, in the District Court ; and the decision of the Principal Judge, or as the case may be, the District Judge, on the question of distributing the surplus between the owners, shall be final.

(10) Subject to the provisions of this Act, and of any other law for the time being in force in relation to town-planning and to the regulation of the erection of buildings, where a clearance order has become operative, the owner of the land to which the order applies, may redevelop the land in accordance with the plans approved by the Competent Authority, and subject to such restrictions and conditions (including a condition with regard to the time within which the redevelopment shall be completed), if any, as that Authority may think fit to impose :

Provided that, an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Competent Authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Tribunal and its decision shall be final.

(11) No person shall commence or cause to be commenced any work in contravention of a plan approved or a restriction or condition imposed under sub-section (10).

**Power of Competent Authority to redevelop buildings in accordance with a clearance order.** [7.] 13. (1) Notwithstanding anything contained in sub-section (1) of section [6.] 12, the Competent Authority may, at any time after the land has been cleared of buildings in accordance with a clearance order, but before the work of redevelopment of that land has been commenced by the owner, by order, determine to redevelop the land at its own cost, if that Authority is satisfied that it is necessary in the public interest to do so.

(2) Where land has been cleared of the buildings in accordance with a clearance order, the Competent Authority, if it is satisfied that the land has been, or is being, redeveloped by the owner thereof in contravention of plans duly approved, or any restrictions or conditions imposed under sub-section (10) of section [6.] 12, or has not been redeveloped within the time, if any, specified under such conditions, may, by order, determine to redevelop the land at its own cost:

Provided that, before passing such order, the owner shall be given a reasonable opportunity of showing cause why the order should not be passed.

### CHAPTER [III] V.

#### *Acquisition of Land.*

**Power of State Government to acquire land.** [8.] 14. (1) Where on any representation from the Competent Authority it appears to the State Government that, in order to enable the Authority to redevelop any clearance area, it is necessary that any land within adjoining or surrounded by publishing in the *Official Gazette*, a notice to the effect that the State Government has decided to acquire the land in pursuance of this section :

Provided that, before publishing such notice, the State Government may call upon the owner of, or any other person who, in the opinion of the State Government, may be interested in, such land to show cause why it should not be acquired, and after considering the cause, if any, shown by the owner or any other person interested in the land, the State Government may pass such order as it deems fit.

(2) When a notice as aforesaid is published in the *Official Gazette*, the land shall, on and from the date on which the notice is so published, vest absolutely in the State Government free from all encumbrances.

[9.] 15. (1) Where any land is vested in the State Government under sub-section (2) of section [8.] 14, the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(2) If any person fails or refuses to comply with an order under sub-section (1), the State Government may take possession of the land, and may for that purpose use such force as may be reasonably necessary.

(3) Where any land is taken possession of as aforesaid, the State Government shall make that land available to the Competent Authority for the purpose of carrying out any order of demolition or for the purpose of redevelopment.

[10.] 16. Every person having any interest in any land acquired under this Act shall be entitled to receive from the State Government compensation as provided hereafter in this Act.

[11.] 17. (1) Where any land is acquired and vested in the State Government under this Chapter, the State Government shall pay for such acquisition compensation, the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the amount payable as compensation in respect of any land acquired shall be an amount equal to sixty times the net average monthly income actually derived from such land during the period of the five consecutive years immediately preceding the date of publication of the notice referred to in section [8.] 14.

(4) The net average monthly income referred to in sub-section (3) shall be calculated in the manner and in accordance with the principles set out in the First Schedule.

(5) The Competent Authority shall after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (4) the net average monthly income actually derived from the land, and publish a notice in a conspicuous place on the land and serve it in the manner provided in section [30] 36 and calling upon the owner of the land and every person interested therein, to intimate to it, before a date specified in the notice, whether such owner or person agrees to the amount so determined and if he does not so agree, what amount he claims to be the net average monthly income actually derived from the land.

(6) Any person who does not agree to the amount of the net average monthly income determined by the Competent Authority under sub-section (5), and claims a sum in excess of that amount may prefer an appeal to the Tribunal within thirty days from the date specified in the notice referred to in that sub-section.

(7) On appeal, the Tribunal shall, after hearing the appellant, determine the net average monthly income and [is] its determination shall be final and shall not be questioned in any court of law.

(8) Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building :

Provided that, where the owner of the land and the owner of the building on such land are different, the Competent Authority shall apportion the amount of compensation between the owner of the land and the owner of the building (in the same proportion as the market price of the land bears to the market price of the building on the date of the acquisition.)

[Appointment] [12.] 18. (1) Where several persons claim to be interested in the amount of compensation determined under section [11.] 17, the Competent Authority shall determine the persons who in its opinion are entitled to receive compensation, and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Competent Authority may refer the dispute to the decision of the Tribunal ; and the Tribunal in deciding any such dispute shall follow the provisions of Part III of the Land Acquisition Act, 1894.

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1894

Payment [13.] 19. (1) After the amount of compensation has been determined, the Competent Authority shall, on behalf of the State Government, tender payment of of, and pay the compensation to the persons entitled thereto.

the same in court. (2) If the persons entitled to compensation do not consent to receive it, or if there be any dispute as to the title to receive compensation or as to the apportionment of it, the Competent Authority shall deposit the amount of the compensation in Greater Bombay, in the Bombay City Civil Court, and elsewhere in the Court of the District Judge, and that Court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

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Powers of [14.] 20. (1) The Competent Authority may, for the purposes of determining the amount of compensation or apportionment thereof, require by order any person in relation to furnish such relevant information in his possession as may be specified in the to determine order.

of compensation, etc. (2) The Competent Authority shall, while holding an inquiry under section [11.] 17, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

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- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavit;
- (d) requisitioning any public record from any court or office;
- (e) issuing commissions for examination of witnesses.

Payment of interest. [15.] 21. When the amount [or] of compensation is not paid or deposited on or before taking possession of the land the Competent Authority on behalf of the State Government shall pay the amount of compensation determined with interest thereon from the time of so taking possession until the amount shall have been so paid or deposited at such rate (not being less than 4 per cent. per annum) as the State Government may by order fix.

## CHAPTER [IV.] VI.

*Protection of tenants in slum areas from eviction.*

[16.] **22.** (1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the Competent Authority,—

(a) institute, after the commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, [1970] 1971, any suit or proceeding for obtaining any decree or order for the eviction of an occupier from any building or land in a slum area; or

(b) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of an occupier from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the Competent Authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the Competent Authority, after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall, by order in writing, either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3), the Competent Authority shall take into account the following factors, namely:—

(a) whether, alternative accommodation within the means of the occupier would be available to him, if he were evicted;

(b) whether, the eviction is in the interest of improvement and clearance of the slum area;

(c) any other factors, if any, as may be prescribed.

(5) Where the Competent Authority refuses to grant the permission, it shall record a brief statement of the reasons for such refusal, and furnish a copy thereof to the applicant.

[17.] **23.** Any person aggrieved by an order of the Competent Authority refusing to grant the permission referred to in sub-section (1) of the last preceding section may, within thirty days of the date of the order, prefer an appeal to the Tribunal, and the decision of the Tribunal shall be final.

[18.] **24.** (1) Where a tenant in occupation of any building in a slum area vacates any building, or is evicted therefrom, on the ground that it is required for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the Competent Authority that he desires to be replaced in occupation of the building after the re-erection of the building.

(2) On receipt of such declaration, the Competent Authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the re-erection of the building and an estimate of the cost thereof, and such other particulars as may be necessary; and shall, on the basis of such plans and estimate and particulars, if any, furnished, and having regard to the provisions of sub-section (3) of section [19.] 25, and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1).

(3) The rent provisionally determined under sub-section (2) shall be communicated in the prescribed manner to the tenant and the owner.

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of  
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Proceedings  
for eviction  
of occupiers  
not to be  
taken with-  
out  
permission  
of Compe-  
tent  
Authority.

(4) If the tenant after the receipt of such communication intimates in writing to the Competent Authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1), he would pay to the owner, until the rent is finally determined under section [19.] 25, the rent provisionally determined under sub-section (2), the Competent Authority shall direct the owner to place the tenant in occupation of the building after the re-erection of the building, (and intimation of such re-erection shall be given in the manner provided in sub-section (5)) and the owner shall be bound to comply with such direction.

(5) As soon as the work of carrying out re-erection of the building is nearing completion or is completed, the Competent Authority shall give notice to the tenants concerned by affixing it in some conspicuous part of the building and by sending it by post to the address which may have been registered with the Competent Authority by any tenant and in such other manner as may be determined by the Competent Authority, that the building is likely to be or is ready for occupation from a specified date, and that they should occupy the building so re-erected within a period of one month from such date. If a tenant fails to occupy the building within a period of one month from the specified date, his tenancy or other right in respect of the said building shall, notwithstanding anything contained in any contract or in any law for the time being in force, be deemed to be terminated, and the owner shall be entitled to possession thereof. If such tenant has accepted the temporary accommodation provided by the Competent Authority, he shall have to vacate the same also forthwith: and if he does not vacate, he shall be liable to be evicted therefrom in the manner provided in section 33.

Rent of  
buildings in  
slum areas.

[19.] 25. (1) Where any building in a slum area is let to a tenant after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section.

(2) Where any such building is let to a tenant (other than a tenant who is placed in possession of the building in pursuance of a direction made under sub-section (4) of section [18], 24,) the tenant shall be liable to pay to the owner,

(a) if there is a general law relating to the control of rents in force in the area in which the building is situated and applicable to that building, the rent determined in accordance with the provisions of that law;

(b) if there is no such law in force in such area, such rent as may be agreed upon between the owner and the tenant.

(3) Where any such building is let to a tenant in pursuance of a direction made under sub-section (4) of section [18], 24, the tenant shall be liable to pay to the owner an annual rent of a sum equivalent to four per cent. of the aggregate cost of re-erection of the building and the cost of the land on which the building is re-erected, unless the landlord has the standard rent fixed under any law relating to the control of rents, at a higher rate. Where the standard rent per annum is fixed at more than the annual rent aforesaid, the State Government shall pay to the owner such amount of the difference by way of subsidised rent as may be prescribed by rules made in this behalf.

*Explanation.*—For the purposes of this sub-section, the cost of the land shall be deemed to be a sum equivalent to the compensation payable in respect of the land if it were acquired under section [8] 14, on the date of commencement of the re-erection of the building.

(4) The rent payable by a tenant in respect of any building under sub-section (3) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (5) :

Provided that, an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the re-erection of the building.

(5) The authority to which the application referred to in sub-section (4) shall be made, shall be,—

(a) where there is a general law relating to the control of rents in force in the area in which the building is situate, the authority to which applications may be made for fixing of rents of buildings situate in that area ; and for the purpose of determining the rent under this section that authority may exercise all or any of the powers it has under such general law ; and the provisions of such law including provision relating to appeals shall apply accordingly ;

(b) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the State Government, and such rules may provide the procedure that will be followed by that authority in determining the rent and also for appeals against the decision of such authority.

(6) Where the rent is finally determined under this section, then the amount of rent provisionally determined as aforesaid and paid by the tenant shall be adjusted against the rent so finally determined ; and if the amount so paid falls short of or is in excess of, the rent finally determined, the tenant shall pay the deficiency, or be entitled to a refund, as the case may be.

[20.] 26. Nothing in this Chapter shall apply to, or in relation to, the eviction under any law of a tenant from any building in a slum area belonging to Government, the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936, or any local authority.

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Chapter not  
to apply to  
eviction of  
tenants from  
certain  
buildings.

## CHAPTER [V.] VII

### MISCELLANEOUS.

[21.] 27. It shall be lawful for any person authorised by the Competent Authority Powers of in this behalf to enter into or upon any building or land for the purposes of this Act entry, with or without assistants or workmen, in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work which is authorised by or under this Act or which it is necessary to execute for any of the purposes or in pursuance of any of the provisions of this Act or of any notice, rule or order made thereunder.

[22.] 28. (1) The Competent Authority may, by general or special order, authorise Powers of any person,— inspection.

(a) to inspect any drain, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land, to which the provisions of this Act apply, and in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be ;

(b) to examine works under construction in a slum area, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain, or other work opened, [injured] damaged or removed for the purpose of such inspection shall be filled in, reinstated or made good, as the case may be, by the Competent Authority at its own cost.

Power to [23.] 29. (1) Any person authorised by the Competent Authority in this behalf enter land adjoining may, with or without assistants or workmen, enter on any land within fifty yards of land where any work authorised by or under this Act for the purpose of depositing thereon work is in any soil, gravel, stone or other materials, or for obtaining access to such work or progress, for any other purposes connected with the carrying on of the same.

(2) The person so authorised shall, before entering on any land under sub-section (1), state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage, as may be, and compensation shall be payable by the Competent Authority to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

Breaking into building. [24.] 30. It shall be lawful for any person authorised in writing by the Competent Authority in this behalf to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present, refuses to open such door, gate or barrier.

Entry to be made in day time. [25.] 31. No entry authorised by or under this Act shall be made except at reasonable hours and between the hours of sun-rise and sun-set.

Occupier's or Owner's consent. [26.] 32. Save as provided in this Act, no building or land shall be entered without the consent of the occupier, or if there be no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the ordinarily case may be, not less than twenty-four hours' written notice of the intention to obtain. make such entry:

Provided that, no such notice shall be necessary if the place to be inspected is a shed for cattle or a latrine, urinal or a work under construction.

Power of eviction to be exercised only by the Competent Authority. [27.] 33. Where the Competent Authority is satisfied either upon a representation from the owner of a building or upon other information in its possession that the occupants of the building have not vacated it in pursuance of any order or direction issued or given by the Authority, the Authority shall, by order, direct the eviction of the occupants from the building in such manner and within such time as may be specified in the order, and for the purpose of such eviction, may use or cause to be used such force as may be necessary:

Provided that, before making any order under this section, the Competent Authority shall give a reasonable opportunity to the occupants of the building to show cause why they should not be evicted therefrom.

Power to remove offensive or dangerous trades from slum areas. [28.] 34. The Competent Authority may, by order in writing, direct any person carrying on any dangerous or offensive trade in a slum area to remove the trade from that area within such time as may be specified in the order:

Provided that, no order under this section shall be made unless the person carrying on the trade has been afforded a reasonable opportunity of showing cause as to why the order should not be made.

[29.] 35. (1) Except as otherwise expressly provided in this Act, any person Appeals aggrieved by any notice, order or direction issued or given by the Competent Authority may appeal to the Administrator within a period of thirty days from the date of issue of such notice, order or direction.

(2) Every appeal under this Act shall be made by petition in writing accompanied by a copy of the notice, order or direction appealed against.

(3) On the admission of an appeal, all proceedings to enforce the notice, order or direction and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal; and if the notice, order or direction is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

(4) No appeal shall be decided under this section unless the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

(5) The decision of the Administrator on appeal shall be final and shall not be questioned in any court.

[30.] 36. (1) Every notice, order or direction issued under this Act shall, Service of notice, etc. save as otherwise expressly provided in this Act, be served,—

(a) by giving or tendering the notice, order or direction, [or] and by sending it by registered post to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or direction on some conspicuous part of his last known place of abode or business, or by giving or tendering the notice, order or direction to some adult [male] member or adult servant of his family or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where the person on whom a notice, order or direction is to be served is a minor, service upon his guardian or upon any adult [male] member or adult servant of his family shall be deemed to be the service upon the minor.

(3) Every notice, order or direction, which by or under this Act is to be served as a public notice, order or direction or as a notice, order or direction which is not required to be served on any individual therein specified shall, save as otherwise expressly provided, be deemed to be sufficiently served if a copy thereof is affixed in such conspicuous part of the office of the Competent Authority or in such other public place during such period, or is published in such local newspaper or in such other manner, as the Competent Authority may direct.

[31.] 37. (1) Whoever fails to comply with any notice, order or direction issued or given under this Act shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(2) Whoever commences or causes to be commenced any work in contravention of any restriction or condition imposed under sub-section (10) of section [6.] 12, or any plan for the redevelopment of a clearance area shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever obstructs the entry of any person authorised by or under this Act to enter into or upon any building or land or molests such person [after such entry shall be punished with fine] after such entry or incites or instigates or abets such obstruction or molestation shall, on conviction, be punished with imprisonment which may extend to three months and with fine which may extend to one thousand rupees.

(4) If the person committing an offence under this Act, is a company, every person who at the time the offence is committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished, accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) Notwithstanding anything contained in sub-section (3), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished, accordingly.

*Explanation.—*For the purposes of this section—

(a) “company” means a body corporate and includes a firm or other association of individuals ; and

(b) “director” in relation to a firm means a partner in the firm.

**Order of demolition of buildings in certain cases.** [32.] 38. (1) Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of the provisions of section 8 or of any restriction or condition imposed under sub-section (10) of section [6] 12, or a plan for the redevelopment of any clearance area or in contravention of any notice, order or direction issued or given under this Act, the Competent Authority may, in addition to any other remedy that may be resorted to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner thereof within such time not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, [the Competent Authority may itself cause the erection to be demolished] the building so erected shall be liable to forfeiture or to summary demolition by an order of the Competent Authority and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:

Provided that, no such order shall be made unless the owner has been given a reasonable opportunity of being heard.

(2) Forfeiture under this section shall be adjudged by the Competent Authority, and any property so forfeited shall be disposed of as the Competent Authority may direct; and the cost of removal of the property under this section shall be recoverable as an arrear of land revenue;

[(2)] (3) For the purpose of causing any building to be demolished under sub-section (1) the Competent Authority may use or cause to be used such force as may be necessary.

**Jurisdiction of courts.** [33.] 39. No court inferior to that of a Magistrate of the First Class, or a Presidency Magistrate shall try an offence punishable under this Act.

**Previous sanction of Competent Authority for prosecution.** [34.] 40. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Competent Authority.

**Protection of action taken in good faith.** [35.] 41. No suit, prosecution, or other legal proceedings shall lie against the Competent Authority or against any person acting under its authority for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

[36.] **42.** Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Administrator, Competent Authority or Tribunal is empowered by or under this Act, to determine ; and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

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[37.] **43.** The Competent Authority and any person authorised by it under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Bar of  
jurisdiction.Competent  
Authority  
etc., to be  
public  
servants.

[38.] **44.** Where under any of the provisions of this Act, any expenses incurred by a Competent Authority (which is a body corporate) under the provisions of this Act are to be recovered as arrears of land revenue, and the claim of the Competent Authority in respect of such expenses is disputed, the question shall be referred to the Tribunal which shall, after making such inquiry as it may deem fit, and after giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final, and shall not be called in question in any court or other authority. Where the Tribunal decides the claim in favour of the Competent Authority, then the expenses which are directed to be paid, may be paid in equal monthly instalments not exceeding twenty.

Tribunal to  
determine  
claims of  
Competent  
Authorities  
before they  
are  
recovered  
as arrears of  
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**45.** (1) In exercising the jurisdiction conferred upon it by or under this Act the Tribunal shall have the powers of a civil court for the purpose of taking evidence on oath, affirmation or affidavit, or summoning and enforcing the attendance of witnesses, of compelling discovery and the production of documents and material objects requisitioning any public record or any copy thereof from any court or office, issuing commissions for the examination of witnesses or documents, and for such other purpose as may be prescribed including any other powers of a Civil Court which may be vested in the Tribunal; and the Tribunal shall be deemed to be a civil court for all the purposes of sections 195, 480 and 482 of the Code of Criminal Procedure, 1898 and its proceedings shall be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Provisions  
relating to  
Tribunal.

(2) In the case of any affidavit to be filed any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

(3) The State Government may appoint such officers and staff to assist the Tribunal as may be prescribed. The period of office of the President of the Tribunal and the recruitment and conditions of service of the Registrar and the staff so appointed shall be regulated by rules made under section 46.

(4) Subject to the provisions of this Act and to the previous approval of the State Government, the President may make regulations for regulating the practice and procedure of the Tribunal, including the award of costs by the Tribunal, the levy of any process fee (including provisions for recovery thereof in the form of court-fee stamps) the right of appearance before the Tribunal, the place or places of its sittings the disposal by the Tribunal of any proceedings before it notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal and generally for the effective exercise of its powers and discharge of its functions under this Act.

(5) The regulations made under this section shall be published in the *Official Gazette*.

(6) All orders passed by the Tribunal shall be executed in the same manner in which similar orders, if passed by the State Government, could have been executed.

(7) Notwithstanding anything contained in the Bombay Court-fees Act, 1959, every appeal or application made to the Tribunal shall bear a court-fee stamp of one rupee if the value of the property is ten thousand rupees or less and of two rupees if such value exceeds ten thousand rupees.

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1959.

Power to [39.] 46. (1) The State Government may, subject to the condition of previous make rules. publication, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this section 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, 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.

Cesser of [40.] 47. Where any area is declared to be a slum area, or where any building is corresponding laws. ordered to be demolished, then as from the date of such declaration, or as the case may be, the date of the order, the provisions of any law corresponding to the provisions of this Act in relation to the slum area, or as the case may be, in relation to any building referred to above in force immediately before the said date, shall, save as otherwise provided in this Act, cease to be in force in the slum area, or as the case may be, shall not apply in relation to any such building, but so long only as the said declaration remains in force, or as the case may be, the building is redeveloped.

Amendment of certain enactments. [41.] 48. The enactments specified in the second column of the Second Schedule are hereby amended in the manner, and to the extent, specified in third column thereof.

#### FIRST SCHEDULE

(See section [11] 17)

##### *Principles for determination of the net average monthly income*

1. The Competent Authority shall first determine the gross rent actually derived by the owner of the land acquired including any building on such land during the period of five consecutive years referred to in sub-section [(1)] (4) of section [11] 17.

2. For such determination the Competent Authority may hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the local authority concerned showing the rental value of such land.

3. The net average monthly income referred to in sub-section [(1)] (4) of section [11] 17 shall be sixty per cent. of the average monthly gross rent which shall be one-sixtieth of the gross rent during the five consecutive years as determined by the Competent Authority under paragraph 1.

4. Forty per cent. of the gross monthly rental referred to above shall not be taken into consideration in determining the net average monthly income but shall be deducted in lieu of the expenditure which the owner of the land would normally incur for payment of any property tax to the local authority, for collection charges, income-tax or bad debts as well as for works of repair and maintenance of the buildings, if any, on the land.

5. Where the land or any portion thereof has been unoccupied or the owner has not been in receipt of any rent for the occupation of the land during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land had been leased out for rent during the said period, and for this purpose the rent actually derived from the land during a period prior or subsequent to the period during which it remained vacant or from similar land in the vicinity shall be taken into account.

#### SECOND SCHEDULE

(See section [41] 48)

Serial No.	Enactment	Amendment
1	2	3
1	The Bombay Housing Board Act, 1948 ..	In section 24, after clause (c), the following new clause shall be inserted, namely :— “(cc) slum clearance; ”.
2	The Madhya Pradesh Housing Board Act, 1950.	In section 16, after clause (c), the following new clause shall be inserted, namely :— “(cc) slum clearance; ”.

S. H. BELAVADI,  
Secretary,  
Bombay, dated the 20th March 1971. Maharashtra Legislative Assembly.



# महाराष्ट्र शासन राजपत्र

प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १, १९७१/चंत्र ११, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधान परिषदेत सादर केलेली विधेयके

पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या  
दिनांकांना प्रसिद्ध झाली आहेत :—

गुरुवार, मार्च २५, १९७१/चंत्र ४, शके १८९३

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly  
on the 25th March 1971 :—

### L. A. BILL No. V OF 1971

*A BILL* to amend the Maharashtra Regional and Town Planning Act, 1966,  
further to amend the Maharashtra Regional and Town Planning Act, 1966.

Mah. WHEREAS, it is expedient further to amend the Maharashtra Regional and  
xxxvii of Town Planning Act, 1966, for the purposes hereinafter appearing; It is hereby  
1966, enacted in the Twenty-second Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra Regional and Town Planning  
(Amendment) Act, 1971.

(2) It shall be deemed to have come into force on the 20th day of February 1971.

Short  
title and  
commencement.

Amendment  
of section 2  
of Mah.  
XXXVII  
of 1966.

Mah.  
XXXVII  
of 1966

2. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the principal Act),—
- (1) in clause (7), for the words “ and includes lay-out and sub-division of any land ” the words “ and includes redevelopment and lay-out and sub-division of any land ; and “ to develop ” shall be construed accordingly ” shall be substituted ;
  - (2) in clause (8), for the word “ constituted ” the words “ constituted or declared ” shall be substituted.

Amendment  
of section  
113 of  
Mah.  
XXXVII  
of 1966.

3. In section 113 of the principal Act,—
- (1) in sub-section (3), after the word “ Authority ” the words, brackets and figure “ constituted under sub-section (2) ” shall be added ;
  - (2) after sub-section (3), the following new sub-section shall be inserted namely :—

“(3A) Having regard to the complexity and magnitude of the work involved in developing any area as a site for the new town, the time required for setting up new machinery for undertaking and completing such work of development, and the comparative speed with which such work can be undertaken and completed in the public interest, if the work is done through the agency of a corporation including a company owned or controlled by the State or a subsidiary company thereof, set up with the object of developing an area as a new town, the State Government may, notwithstanding anything contained in sub-section (2), require the work of developing and disposing of land in the area of a new town to be done by any such corporation, company or subsidiary company aforesaid, as an agent of the State Government; and thereupon, such corporation or company shall, in relation to such area, be declared by the State Government, by notification in the *Official Gazette*, to be the New Town Development Authority for that area.”;

(3) in sub-section (4), for the word, brackets and figure “ sub-section (1) ” the word, brackets and figure “ sub-section (2) ” shall be substituted ;

(4) in sub-section (5),—

(a) for the words “ On the constitution of a Development Authority ” the words “ On the constitution of, or on the declaration of any corporation or company as, a Development Authority ” shall be substituted ;

(b) for the words “ before such constitution ” the words “ before such constitution or declaration ” shall be substituted ;

(5) in sub-section (6), for the words “ Development Authority ” the words, brackets and figure “ Development Authority constituted under sub-section (2) ” shall be substituted.

Insertion  
of new  
section 113A  
in Mah.  
XXXVII  
of 1966.

4. After section 113 of the principal Act, the following new section shall be inserted, namely :—

Power of  
State  
Government  
to acquire  
land for  
Corporation  
or Company  
declared to  
be New  
Town  
Development  
Authority.

“ 113A. Notwithstanding anything contained in this Act, or in any law for the time being in force, where any corporation or company is declared to be the New Town Development Authority under sub-section (3A) of section 113, the State Government shall acquire either by agreement or under the Land Acquisition Act, 1894 (and such acquisition may have been commenced before the coming into force of this section) any land within the area designated under this Act, as the site of the new town, any land adjacent to that area which is required for the purposes connected with the development of the new town, and any land whether adjacent to that area or not, which is required for provision of services or amenities for the purposes of the new town; and vest such land in such Authority for the purposes of this Chapter.”

5. In section 114 of the principal Act,—

(1) in sub-section (1)—

(a) after the words "such Authority shall" the words, figures and letter "subject to the provisions of section 113A" shall be inserted;

(b) in the proviso, after the words "Development Authority" the words, brackets and figures "constituted under sub-section (2) of section 113" shall be inserted;

(2) in sub-section (2), in the proviso, in clause (a), for the words "shall consult with the Chairman of the Development Authority, or, if the Chairman is not available, with the Vice-Chairman" the following shall be substituted, namely:—

"shall consult with the Chairman, or if the Chairman is not available, with the Vice-Chairman, of the Development Authority constituted under sub-section (2) of section 113, or as the case may be, with the officer or officers of the Development Authority declared under sub-section (3A) of that section who is or are duly authorised by such Authority".

6. In section 116 of the principal Act,—

(1) after the words "A Development Authority" the words, brackets and figures "constituted under sub-section (2) of section 113" shall be inserted;

(2) to the marginal note, the words, brackets and figures "constituted under section 113(2)" shall be added.

7. In section 117 of the principal Act,—

(a) for the words "acquired by a Development Authority" the words, brackets and figures "acquired by the State Government or a Development Authority constituted under sub-section (2) of section 113" shall be substituted;

(b) for the words "served on the Development Authority" the words "served on the State Government or the Development Authority" shall be substituted.

8. In section 118 of the principal Act,—

(a) in sub-section (1), after the words "acquired by it" the words "or vesting in it" shall be inserted;

(b) in sub-section (2),—

(1) for the words "land acquired by them under this Act" the words "land acquired for it for the purposes of this Act" shall be substituted;

(2) for the words "on land belonging to" the words "on land belonging to, or vesting in," shall be substituted.

9. In section 119 of the principal Act, after the words "land acquired by the Authority" the words "or vested in it" shall be inserted.

10. In section 122 of the principal Act,—

(a) in sub-section (1), after the words "a Development Authority" the words, brackets and figures "constituted under sub-section (2) of section 113" shall be inserted;

(b) in sub-section (2), for the words "a Development Authority" the words "such Development Authority" shall be substituted;

(c) in sub-section (5), after the words "audit shall" the words "except as provided in that Chapter" shall be inserted.

Amendment  
of section  
114 of Mah.  
XXXVII  
of 1966.

Amendment  
of section  
116 of  
Mah.  
XXXVII  
of 1966.

Amendment  
of section  
117 of  
Mah.  
XXXVII  
of 1966.

Amendment  
of section  
118 of  
Mah.  
XXXVII  
of 1966.

Amendment  
of section  
119 of  
Mah.  
XXXVII  
of 1966.

Amendment  
of section  
122 of  
Mah.  
XXXVII  
of 1966.

Amendment  
of section 126  
of Mah.  
XXXVII  
of 1966.

11. In section 126 of the principal Act,—

(1) in sub-section (1), for the words “any Appropriate Authority may acquire the land” the words, figures and letter “any Appropriate Authority may, except as otherwise provided in section 113A, acquire land” shall be substituted;

(2) in sub-section (2), after the word and figures “section 49” the words, figures and letter “and except as provided in section 113A” shall be inserted.

Amendment  
of section 130  
of Mah.  
XXXVII  
of 1966.

12. In section 130 of the principal Act, in sub-sections (1) and (3), after the words “Development Authority” the words, brackets and figures “constituted under sub-section (2) of section 113” shall be inserted.

Amendment  
of section 131  
of Mah.  
XXXVII  
of 1966.

13. In section 131 of the principal Act, after the words “Development Authority” the words, brackets and figures “constituted under sub-section (2) of section 113” shall be inserted.

Amendment  
of section 132  
of Mah.  
XXXVII  
of 1966.

14. In section 132 of the principal Act, after the words “Development Authority” wherever they occur, the words, brackets and figures “constituted under sub-section (2) of section 113” shall be inserted.

Amendment  
of section 150  
of Mah.  
XXXVII  
of 1966.

15. In section 150 of the principal Act, in sub-section (2), for the words “Development Authority” the words, brackets and figures “Development Authority constituted under sub-section (2) of section 113” shall be substituted.

Amendment  
of section 152  
of Mah.  
XXXVII  
of 1966.

16. In section 152 of the principal Act, to clause (4), the following proviso shall be added, namely :—

“Provided that, in the case of a New Town Development Authority declared under sub-section (3A) of section 113, that Authority shall, for the purpose of information of the public, publish in the *Official Gazette* and in such other manner as it may consider necessary, the officers of the Authority who will exercise the powers and perform the functions of that Authority for the purposes of this Act.”.

Amendment  
of section 160  
of Mah.  
XXXVII  
of 1966.

17. In section 160 of the principal Act,—

(1) in sub-section (1),—

(a) after the words “Development Authority” where they occur for the second time, the words, brackets and figures “constituted under sub-section (2) of section 113” shall be inserted ;

(b) after the words “specified in the notification” the words, brackets, figures and letter “or that the Development Authority declared under sub-section (3A) of section 113 shall cease to function in relation to such area of the new town from such date as may be specified in the notification” shall be inserted ;

(c) after the words “dissolved accordingly” the words “, or as the case may be, shall be deemed to cease to function in relation to the area of such new town” shall be added ;

(2) in sub-section (2), in clause (a), after the words “Development Authority” the words “for the purposes of this Act” shall be inserted.

Repeal of  
Mah. Ord. I  
of 1971

18. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, Mah. Ord. I of 1971, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS.

To relieve congestion in Greater Bombay, the State Government appointed the Bombay Metropolitan Regional Planning Board under the Maharashtra Regional and Town Planning Act, 1966. The draft plan prepared by the Bombay Metropolitan Regional Planning Board was published in the *Maharashtra Government Gazette*, dated the 29th January 1970 inviting suggestions and objections to the said plan before 27th May 1970. Since the housing, transport and other problems in Greater Bombay have assumed great urgency, Government thought it desirable not to wait until the Regional Plan was finally approved and published in the *Official Gazette* and a New Town Development Authority was established under the Maharashtra Regional and Town Planning Act, 1966. In February 1970, Government had decided to permit the State Industrial and Investment Corporation of Maharashtra, Limited to float a subsidiary company for development of a new town. Accordingly, a subsidiary company of the State Industrial and Investment Corporation of Maharashtra, Limited, entitled the City and Industrial Development Corporation of Maharashtra, Limited, was registered under the Companies Act, 1956, for the purpose.

In order to enable Government in certain cases to entrust the development of the new towns to a corporation or a company or a subsidiary company thereof as agent of Government, and to enable the said corporation or company to proceed with the development speedily, it was necessary to amend the Maharashtra Regional and Town Planning Act, 1966. The following notes on clauses explain the important provisions of the Act.

*Clause 3.*—This clause provides for taking power to the State Government to entrust the work of developing and disposing of land in the area of a new town to a corporation including a company owned or controlled by the State or a subsidiary company thereof as agent of Government.

*Clause 4.*—This clause provides that where a corporation or a company is declared to be a New Town Development Authority, then the State Government should acquire by agreement or under the Land Acquisition Act, 1894, any land within the area of the new town and vest such land in such corporation or company.

*Clause 17.*—This clause provides that when the State Government is satisfied that purposes for which the New Town Development Authority was established had been substantially achieved and it was not necessary that the Authority should continue to function, then Government should direct that such Development Authority shall cease to function in the area of the new town for which such Authority was declared to be the New Town Development Authority.

The other clauses provide for certain consequential amendments to indicate that certain provisions are applicable to Development Authorities constituted under sub-section (2) of section 113 only and not in relation to the New Town Development Authority declared under new sub-section (3A) of section 113.

As the State Legislature was not in session and it was necessary to take immediate action to amend the Act for these purposes, the Governor of Maharashtra promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 1971, on the 20th February 1971.

This Bill is intended to convert the Ordinance into an Act of the State Legislature.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207(3) OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 22nd March 1971.)

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Regional and Town Planning (Amendment) Bill, 1971:

## FINANCIAL MEMORANDUM.

Clause 4 of the bill empowers Government to acquire the land required for development of the site for the New Town and to vest the same in the company declared as New Town Development Authority. Notifications, for land acquisition under Section 4 of the Land Acquisition Act have been issued. The work of preparing a Plan for the new city has also been taken up.

It is difficult at this stage to give an exact estimate of the cost involved, but tentatively the cost of the project is estimated at about Rs. 200 to Rs. 250 crores, out of which about Rs. 30 to 35 crores will be for land acquisition.

The cost on account of land acquisition will initially have to be paid by the State Government. As for the remaining cost of the plan, the exact financial arrangements between the Government and the City and Industrial Development Corporation of Maharashtra Limited are still under consideration. At this stage, therefore, it is difficult to give an exact estimate of the additional amounts required to be spared from the budgetary resources of the State Government.

S. H. BELAVADI,

Secretary,

Bombay, dated the 25th March 1971.

Maharashtra Legislative Assembly.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चंत्र ११, शके १८९३

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शुक्रवार, मार्च २६, १९७१/चंत्र ५, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri B. K. Boman-Behram, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 26th March, 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. VI OF 1971

##### A BILL

*to amend the Bombay Corneal Grafting Act, 1957.*

Bom. WHEREAS, it is expedient to amend the Bombay Corneal Grafting Act, XXX- 1957, for the purpose hereinafter appearing; It is hereby enacted in the Twenty- III of second year of the Republic of India as follows:—  
1957.

1. (1) This Act may be called the Bombay Corneal Grafting (Amendment) Short title and Commencement. Act, 1971.

(2) It shall come into force at once.

Bom. 2. In section 3 of the Bombay Corneal Grafting Act, 1957, in sub-section (3),  
XXX- for the words "an approved institution" the words "or retired from an  
II of approved institution or attached to such institution as Honorary Consultant"  
1957. shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

Section 3 of the Bombay Corneal Grafting Act as it now stands restricts the authority for the removal of the eyes from a dead body only to Registered Medical Practitioners working in an approved institution. This debars a qualified practitioner in ophthalmology from performing a simple operation of removing the eye.

It is, therefore, proposed to enlarge the scope of section 3 to some extent so as to enable at least a qualified practitioner retired from an approved institution or attached to such institution as Honorary Consultant to remove an eye of the dead person provided the other conditions laid down in the Act are satisfied.

The Bill is to achieve this object.

B. K. BOMAN-BEHRAM,  
Member-in-charge.

Bombay, dated 23rd March, 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

Bombay, 26th March 1971.

भाग पाच ]

महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चैत्र ११, शके १८९३

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शुक्रवार, मार्च २६, १९७१/चैत्र ५, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri B. K. Boman-Behram, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 26th March 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules:—

#### L. A. BILL No. VII OF 1971.

##### A BILL

further to amend the Bombay Municipal Corporation Act.

Bom. III of WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, for the purpose hereinafter appearing; It is hereby enacted  
1888. Twenty-second Year of the Republic of India, as follows :—

1. This Act may be called the Bombay Municipal Corporation (Amendment) Short title, Act, 1971.

2. In section 271 of the Bombay Municipal Corporation Act, in sub-section (I), the following words shall be added at the end, namely :—

“ or where the owner or the person primarily liable for payment of property taxes, fails or refuses to give such assent after request in writing made by the Commissioner or any officer duly authorised by him in that behalf, on the written application of the occupier of the premises provided he undertakes to bear the cost of the supply pipes. ”

### STATEMENT OF OBJECTS AND REASONS

Section 271 (I) of the Bombay Municipal Corporation Act provides that supply pipes for conveying to any premises a private supply of water from a Municipal water work, shall not be connected with such water work except on the written application or with the written assent of the owner of the premises or of the person primarily liable for the payment of property taxes on the said premises.

It has been found from experience in numerous cases that even where a tenant or occupier applies for permission to provide supply pipes for conveying to his premises a private supply of water from the municipal water works, his application is refused by the Municipal authorities because in terms of section 271 (I), the assent of the owner has to be obtained. In such cases the owner almost invariably refuses his assent, although the tenant or occupier may be willing to bear the costs of providing the supply pipes. Such refusal amounts to hardship to the tenant or occupier.

It is, therefore, necessary to amend the section so as to enable an occupier of the premises to apply for and obtain permission to provide the necessary supply pipes in the event of the owner refusing his assent. The owner will have an opportunity to raise objection, if any, on receiving the written request from the Commissioner.

B. K. BOMAN-BEHRAM,

Bombay, 23rd March, 1971.

Member-in-charge.

S. H. BELAVADI,

Secretary,

Bombay, 26th March 1971.

Maharashtra Legislative Assembly.

शक्रवार, मार्च २६, १९७१/चैत्र ५, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri B. K. Boman-Behram, M.L.A. at the meeting of the Maharashtra Legislative Assembly on the 26th March 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules:—

#### L. A. BILL No. VIII OF 1971

##### A BILL

further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Bom. WHEREAS, it is expedient further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; of It is hereby enacted in the Twenty-Second Year of the Republic of India as 1947. follows :—

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1971.

**Amendment 2.** In section 5 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter referred to as "the principal Act"), in clause of section 5 of Bom. LVII of 1947, for paragraph (ii) the following shall be substituted, namely :—

"(c)(i) in relation to premises let for residence any member of the tenant's family residing with him at the time of his death as may be decided in default of agreement by the Court; and

(ii) in relation to premises let for business, trade or storage any member of tenant's family carrying on business, trade or storage with the tenant in the said premises at the time of the death of the tenant as may continue after his death to carry on the business, trade or storage, as the case may be, in the said premises and as may be decided in default of agreement by the Court."

**Amendment 3.** In section 10-B of the principal Act, in sub-section (1), for the words, of section 10-B of Bom. LVII of 1947, brackets and figures "sub-section (3) of section 45 of the City of Bombay Police Act, 1902," the words and figures "section 51 of the Bombay Police Act, 1951," shall be substituted and for the words, brackets and figures "sub-section (1) of the said section 45" and for the words, brackets and figures "sub-section (2) of the said section 45" the words and figures "the said section 51" shall be substituted.

**Amendment 4.** In section 12 of the principal Act, in sub-section (3), in clause (a),—  
(a) after the words "or permitted increases" the words "or the amount of rent or permitted increases then due" shall be inserted;  
(b) after the words, brackets and figures "in sub-section (2)" the words "or until the institution of a suit for recovery of possession" shall be inserted; and  
(c) the words "for recovery of possession" shall be deleted.

**Amendment 5.** In section 13 of the principal Act, in sub-section (1),—

(a) to clause (a), the following proviso shall be added, namely,—

"Provided that where a tenant has taken a separate electric connection for his premises from the licensee under the Indian Electricity Act, 1910, or has taken a separate water connection for his premises from a local authority, or has taken a separate telephone connection, he shall not be deemed to have committed any act of waste, trespass or a change of user. The licensee under the Indian Electricity Act, 1910, or the local authority or the telephone authority, as the case may be, shall not be deemed to have committed any act of trespass;"

(b) in clause (b), after the words "any permanent structure" the words "within a period of three years preceding the institution of the suit for recovery of possession of the premises" shall be inserted and the following explanation shall be added to clause—

*Explanation.*—For the purpose of this clause, construction of wooden partition, standing kitchen, or a bathroom or air-conditioning of the premises shall not be deemed to be permanent structure;

(c) after clause (e), the following new clause shall be inserted, namely :—

"(ee) that the tenant has, after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1971, given the whole or any part of his residential premises on licence for monetary consideration to any person or has kept a paying guest, without the previous consent of the landlord in writing; or";

(d) in clause (hh) the word "immediate" shall be deleted.

(e) in clause (hhh) the word "immediate" shall be deleted.

**6. In section 21 of the principal Act,—**

(a) to sub-section (1), the following proviso shall be added, namely :—

"Provided that the notice shall be served within one year from the commencement of the tenancy of the tenant giving the notice,"; and

(b) in sub-section (2), after the words "Any landlord who fails" the words "without reasonable cause," shall be inserted.

**7. In section 22 of the principal Act, in sub-section (2), after the words "any tenant or sub-tenant who fails" the words "without reasonable cause" shall be inserted.**

Amendment  
of section  
21 of Bom.  
LVII of  
1947.

of section  
22 of Bom.  
LVII of  
1947.

**8. After section 22 of the principal Act, the following new section shall be inserted, namely :—**

**"22-A (1) Every tenant who has, before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1971, given his premises, or part thereof, to any person on licence for monetary consideration, shall furnish to the landlord, within one month of the receipt of a notice served upon him by the landlord by post or in any other manner, a statement in writing signed by him giving full particulars of such licence including the terms and conditions thereof, number of licensees and the monetary consideration charged.**

**(2) Any tenant who fails, without reasonable cause, to furnish such statement or intentionally furnishes a statement which is false in any material particulars shall, on conviction, be punished with fine which may extend to one thousand rupees."**

Bom.  
of  
1971.

Insertion  
of new  
section 22-A  
in Bom.  
LVII of  
1947.

## STATEMENT OF OBJECTS AND REASONS

With a view to removing certain flaws and lacunae which have come to light in the course of the day-to-day administration of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and as a result of judicial decisions, the Act requires to be brought up-to-date.

### Notes on Clauses—

*Clause 2.*—Paragraph (c) of clause (11) of section 5 of the principal Act is so worded as to suggest that it applies to residential premises only. In the case of Paroobai *vs.* Baldevdas (1964) Guj. L.R. 564, the Gujarat High Court has held that the provisions of clause (c) apply only to residential premises. The consequence was that the heirs or members of the family of a tenant whose contractual tenancy was terminated prior to his death, did not get the protection of the Act, if the premises was let for non-residential purposes. To remove this hardship caused by the said judgment, the Gujarat Government has suitably amended clause (c) so as to confer protection on business premises also. A similar amendment in our Act is also necessary.

*Clause 3.*—Section 10-B of the principal Act contains a reference to section 45 of the City of Bombay Police Act, 1902, which has since been repealed and replaced by section 51 of the Bombay Police Act, 1951. This clause, therefore, seeks to make a suitable amendment to section 10-B to bring the section up-to-date.

*Clause 4.*—Clause 4 seeks to provide that if a tenant pays up the arrears of rent prior to the institution of the suit for possession, he should be protected.

*Clause 5 (a).*—This clause is intended to relieve the hardship of the tenants in respect of water shortage, joint electric connections, etc. This would enable the tenants to obtain their independent water and electric connections and thus lead a peaceful life without their tenancy being endangered.

*Clause 5 (b).*—The amendment proposed by this clause would enable the tenant to erect a wooden partition or a standing kitchen or a bathroom or to air-condition his premises. Having regard to shortage of space and increase in the number of persons residing in the premises and the requirements of modern life, it is necessary for a tenant to have a wooden partition or a standing kitchen and a bathroom as well as air-conditioning of the premises. These are facilities which a tenant should not be deprived of and, if tenant obtains them, he should not be evicted from the premises on the ground that he has erected a permanent structure. The State of Gujarat has made a similar amendment by Act LVII of 1963. The present clause (b) of sub-section (1) of section 13 enables a landlord to evict a tenant who may have erected a permanent structure many years ago without the landlord's written consent. It may be that the tenant may have created a permanent structure many years ago with the landlord's consent and the landlord having taken no objection for a number of years, the tenant might have destroyed the evidence of consent. It is, therefore, proposed that a landlord should not be permitted to have unfettered freedom of evicting a tenant and that his right to evict the tenant should be restricted to a period of three years preceding

the institution of the suit for recovery of possession. The said provision would help a diligent landlord and at the same time remove the hardship caused to the tenants.

*Clause 5 (c).*—This clause seeks to provide a ground for eviction of a tenant who gives his residential premises to another person by leave and licence for a monetary consideration. By giving the premises on leave and licence the tenants cause congestion or overcrowding and a heavy pressure upon the sanitary conveniences provided in old buildings. Sub-letting after the date of the Ordinance of 1959 has been prohibited and it stands to reason that tenants who sublet under the guise of leave and licence should be disentitled to the protection of the Act. However, the proposed amendment is not retrospective. If the licensees who are already in occupation are evicted, they might create another big housing problem and it is, therefore, proposed that, if a tenant gives premises on leave and licence hereafter, the landlord should be enabled to evict him.

*Clause 5 (d) and (e).*—In view of the fact that in practice a number of years elapse before the landlord obtains a decree for possession against his tenant, the words "immediate purpose" in clauses (hh) and (hhh) serve no purpose. Recently the High Court held that the words "immediate purpose" mean "immediate in point of time". The real meaning should be direct purpose and not remote purpose. In order to remove the ambiguity, it is proposed to delete the word "immediate" in both the said clauses (hh) and (hhh).

*Clause 6.*—The present section 21 casts a liability upon a landlord to furnish the particulars of the amount of standard rent and permitted increases to a tenant. There is no time-limit and a landlord would find himself in great difficulties when a tenant demands the particulars after a number of years. It is, therefore, proposed to provide that a tenant should be entitled to demand the particulars within one year from the commencement of the tenancy of the tenant giving the notice. If a landlord has lost the proof about the material particulars, he should be enabled to plead the same in a criminal court, before he is convicted for failure to furnish the particulars.

*Clause 8.*—It adds a new section 22-A to the principal Act. This is necessitated by the proposed insertion of clause (ee) in sub-section (1) of section 13.

The Bill seeks to achieve these objects.

Bombay, 23rd March, 1971.

B. K. BOMAN-BEHRAM,  
Member-in-charge.

Bombay, 26th March, 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चैत्र ११, शके १८९३

४७

संसदीय  
उत्तरांश  
मंत्री का  
प्रतिक्रिया  
विवरण  
प्रतिक्रिया

शुक्रवार, मार्च २६, १९७१/चैत्र ५, शके १८९३

The following Bill is published under the first proviso to rule 115(1) of the Maharashtra Legislative Assembly Rules:—

**L. A. BILL No. IX OF 1971.**

**A BILL**

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1971.*

WHEREAS by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1971; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra (Supplementary) Appropriation Act, Short title, 1971.

Issue of  
Rs.  
1,42,60,54,237  
out of the  
Consolidated  
Fund of the  
State for  
the year  
1970-71.

Appropria-  
tion.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of one hundred forty-two crores, sixty lakhs, fifty-four thousand, two hundred and thirty-seven rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1971, in respect of the services and purposes specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1971.

#### THE SCHEDULE.

(See sections 2 and 3.)

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—					
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total			
1	2	3	4					
<b>A—EXPENDITURE ON REVENUE ACCOUNT</b>								
General Administration Department								
1	Election ..	18, Parliament, State/ Union Territory Legisla- ture.	52,76,125	....	52,76,125			
2	General Administra- tion.	19, General Administra- tion.	12,57,020	3,04,560	15,61,580			
3	Miscellaneous De- partments.	26, Miscellaneous Departments.	34,50,236	....	34,50,236			
5	Public Works ..	50, Public Works ..	2,20,000	....	2,20,000			
8	Miscellaneous ..	71, Miscellaneous ..	10	....	10			
		Total, General Adminis- tration Department.	1,02,03,391	3,04,560	1,05,07,951			
Home Department								
9	State Excise Duties.	10, State Excise Duties ..	3,58,000	....	3,58,000			
10	Taxes on Vehicles ..	11, Taxes on Vehicles ..	....	86,02,000	86,02,000			
11	Other Taxes and Duties.	13, Other Taxes and Duties.	7,000	....	7,000			

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Home Department—contd.</b>					
12	General Administra- tion.	19, General Administra- tion.	2,76,030	....	2,76,030
13	Administration of Justice.	21, Administration of Justice.	55,000	....	55,000
14	Jails .. .	22, Jails .. .	3,80,000	....	3,80,000
15	Police .. .	23, Police .. .	3,01,57,557	....	3,01,57,557
16	Miscellaneous De- partments.	26, Miscellaneous Depart- ments.	57,000	....	57,000
17	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	28,000	....	28,000
19	Pensions and Other Retirement Benefits.	65, Pensions and Other Retirement Benefits.	4,000	....	4,000
20	Miscellaneous .. .	71, Miscellaneous .. .	20	....	20
		Total, Home Department	3,13,22,607	86,02,000	3,99,24,607
<b>Revenue and Forests Department</b>					
21	Land Revenue .. .	9, Land Revenue .. .	41,37,450	5,400	41,42,850
22	Other Taxes and Duties.	13, Other Taxes and Duties.	1,02,710	74,43,000	75,45,710
23	Stamps .. .	14, Stamps .. .	3,20,000	....	3,20,000
24	Registration .. .	15, Registration Fees .. .	2,70,010	....	2,70,010
26	Appropriation for Reduction or Avoid- ance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	50,000	50,000
27	General Administra- tion.	19, General Administra- tion.	1,07,88,340	....	1,07,88,340
28	Scientific Depart- ments.	27, Scientific Depart- ments.	33,000	....	33,000
30	Famine Relief .. .	64, Famine Relief .. .	2,61,99,000	....	2,61,99,000
32	Forest .. .	70, Forest .. .	120	....	120
		Total, Revenue and Forests Department.	4,18,50,630	74,98,400	4,93,49,030

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Agriculture and Co-operation Department</b>					
35	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	.....	6,59,000	6,59,000
36	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	.....	11,95,500	11,95,500
37	General Administration.	19, General Administration.	2,54,606	.....	2,54,606
38	Miscellaneous Departments.	26, Miscellaneous Departments.	7,000	.....	7,000
39	Agriculture ..	31, Agriculture ..	1,28,15,070	.....	1,28,15,070
40	Animal Husbandry ..	33, Animal Husbandry ..	8,68,520	.....	8,68,520
41	Co-operation ..	34, Co-operation ..	30	.....	30
42	Fisheries ..	35, Industries ..	21,19,000	.....	21,19,000
43	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	38,48,201	.....	38,48,201
44	Miscellaneous ..	71, Miscellaneous ..	3,000	.....	3,000
Total, Agriculture and Co-operation Department.			1,99,15,427	18,54,500	2,17,69,927
<b>Education, Sports and Social Welfare Department</b>					
46	General Administra- tion.	19, General Administra- tion.	2,89,550	.....	2,89,550
48	Education ..	28, Education ..	10,69,72,060	.....	10,69,72,060
49	Labour and Employ- ment.	38, Labour and Employ- ment.	20	.....	20
50	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	37,27,816	.....	37,27,816
52	Miscellaneous ..	71, Miscellaneous ..	10	.....	10
Total, Education, Sports and Social Welfare Department.			11,09,89,456	.....	11,09,89,456

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consoli- dated Fund	Total
1	2	3	4	5	6
<b>Urban Development, Public Health and Housing Department</b>					
52A	Other Taxes and Duties.	13, Other Taxes and Duties.	1,84,00,000	1,84,00,000	1,84,00,000
55	General Administration.	19, General Administration.	3,82,010	....	3,82,010
57	Medical	29, Medical	1,01,39,283	....	1,01,39,283
58	Public Health	30, Public Health	5,53,27,790	....	5,53,27,790
61	Public Works	50, Public Works	50	....	50
62	Bombay Development Scheme.	51, Bombay Development Scheme.	11,000	....	11,000
63	Miscellaneous	71, Miscellaneous	4,46,150	....	4,46,150
Total, Urban Development, Public Health and Housing Department.			6,63,06,283	1,84,00,000	8,47,06,283
<b>Finance Department</b>					
66	Sales Tax	12, Sales Tax	14,91,900	93,75,000	1,08,66,900
69	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	65,23,000	65,23,000
70	General Administration.	19, General Administration.	7,85,900	....	7,85,900
72	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	3,65,000	....	3,65,000
Total, Finance Department			26,42,800	1,58,98,000	1,85,40,800

No. of Grant or other Appropria- tion	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Buildings and Communications Department</b>					
77	General Administra- tion.	19, General Administra- tion.	4,01,010	....	4,01,010
79	Public Works ..	50, Public Works ..	3,52,81,230	2,76,000	3,55,57,230
81	Capital Outlay on Public Works.	52, Capital Outlay on Public Works.	28,10,827	259	28,11,086
82	Ports and Pilotage ..	53, Ports and Pilotage ..	1,66,000	....	1,66,000
		Total, Buildings and Communications Department.	3,86,59,067	2,76,259	3,89,35,326
<b>Irrigation and Power Department</b>					
84	General Administra- tion.	19, General Administra- tion.	3,54,615	....	3,54,615
85	Scientific Depart- ments.	27, Scientific Departments.	2,51,000	....	2,51,000
86	Public Health ..	30, Public Health ..	23,71,030	....	23,71,030
87	Co-operation ..	34, Co-operation ..	23,000	....	23,000
88	Irrigation and Navi- gation (Commercial).	43, Irrigation, Navigation, Embankment and Dra- inage Works (Commercial)	62,07,010	....	62,07,010
89	Irrigation and Navi- gation (Non-Com- mercial).	44, Irrigation, Navigation, Embankment and Dra- inage Works (Non-Com- mercial).	51,75,620	....	51,75,620
90	Electricity Schemes ..	45, Electricity Schemes ..	7,79,510	....	7,79,510
91	Capital Outlay on Irrigation and Navigation.	48, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works.	33,010	....	33,010
92	Public Works ..	50, Public Works ..	53,27,010	....	53,27,010
		Total, Irrigation and Power Department.	2,05,21,805	....	2,05,21,805

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
<b>Law and Judiciary Department</b>					
93	General Administra- tion.	19, General Administra- tion.	3,11,020	....	3,11,020
94	Administration of Justice.	21, Administration of Justice.	40,24,380	17,49,150	57,73,530
95	Miscellaneous ..	71, Miscellaneous ..	4,72,500	....	4,72,500
		Total, Law and Judiciary Department.	48,07,900	17,49,150	65,57,050
<b>Industries and Labour Department</b>					
96	Other Taxes and Duties.	13, Other Taxes and Duties.	4,80,000	....	4,80,000
99	General Administra- tion.	19, General Administra- tion.	2,23,600	....	2,23,600
100	Supplies and Dis- posals.	25, Supplies and Dis- posals.	2,33,000	....	2,33,000
101	Miscellaneous De- partments.	26, Miscellaneous Depart- ments.	19,000	....	19,000
102	Scientific Depart- ments.	27, Scientific Departments.	3,63,010	....	3,63,010
103	Industries ..	35, Industries ..	7,29,030	8,863	7,37,893
104	Labour and Employ- ment.	38, Labour and Employ- ment.	11,53,730	....	11,53,730
106	Stationery and Printing.	68, Stationery and Printing.	10	....	10
		Total, Industries and Labour Department.	32,01,380	8,863	32,10,243

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Rural Development Department</b>					
109	General Administra- tion.	19, General Administra- tion.	70,010	....	70,010
111	Agriculture ..	31, Agriculture ..	40,310	....	40,310
112	Community Develop- ment Projects, National Extension Service and Local De- velopment Works.	37, Community Develop- ment Projects, National Extension Service and Local Development Works.	20	....	20
113	Irrigation and Navi- gation.	44, Irrigation, Navigation, Embankment and Drain- age Works (Non-Com- mercial).	50,00,030	....	50,00,030
		Total, Rural Develop- ment Department.	51,10,370	....	51,10,370
<b>Food and Civil Supplies Department</b>					
117	General Administra- tion.	19, General Administra- tion.	49,300	....	49,300
118	Miscellaneous Depart- ments.	26, Miscellaneous Depart- ments.	50,70,010	....	50,70,010
119A	Miscellaneous ..	71, Miscellaneous ..	10,000	....	10,000
		Total, Food and Civil Supplies Department.	51,29,310	....	51,29,310
<b>Maharashtra Legislature Secretariat</b>					
120	Parliament and State Legislature.	18, Parliament, State/ Union Territory Legis- lature.	10,210	....	10,210
		Total, Maharashtra Legislature Secretariat.	10,210	....	10,210
		Total, A-Expenditure on Revenue Account.	36,06,70,636	5,45,91,732	41,52,62,368

No. of Grant or other Appropri- priation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5	6
<b>B-EXPENDITURE ON CAPITAL ACCOUNT</b>					
<b>General Administration Department</b>					
122	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	47,000	....	47,000
		<b>Total—General Administration Department.</b>	<b>47,000</b>	<b>....</b>	<b>47,000</b>
<b>Revenue and Forests Department</b>					
125A	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	1,10,000	....	1,10,000
126	Capital Outlay on Forests.	119, Capital Outlay on Forests.	50	....	50
		<b>Total—Revenue and Forests Department.</b>	<b>1,10,050</b>	<b>....</b>	<b>1,10,050</b>
<b>Agriculture and Co-operation Department</b>					
27	Capital Outlay on Agricultural Improvement and Research.	95, Capital Outlay on Schemes of Agricultural Improvement and Research.	3,09,08,053	24,896	3,09,32,949
128	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	1,02,61,010	....	1,02,61,010
130	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	50,070	....	50,070
		<b>Total—Agriculture and Co-operation Department.</b>	<b>4,12,19,133</b>	<b>24,896</b>	<b>4,12,44,029</b>

No. of Grant or other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Finance Department</b>					
134	Payments of Commuted Value of Pensions.	120. Payments of Commuted Value of Pensions.		70,000	70,000
135	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	69,350		69,350
		<b>Total—Finance Department.</b>	<b>69,350</b>	<b>70,000</b>	<b>1,39,350</b>
<b>Buildings and Communications Department</b>					
136	Capital Outlay on Public Works.	103, Capital Outlay on Public Works.	2,46,05,240	....	2,46,05,240
		<b>Total—Buildings and Communications Department.</b>	<b>2,46,05,240</b>	<b>....</b>	<b>2,46,05,240</b>
<b>Irrigation and Power Department</b>					
139	Capital Outlay on Irrigation (Commercial).	99, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).	4,61,60,080	....	4,61,60,080
140	Capital Outlay on Irrigation (Non-Commercial).	100, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	14,22,000	....	14,22,000
141	Capital Outlay on Electricity Schemes.	101, Capital Outlay on Electricity Schemes.	10	....	10
		<b>Total—Irrigation and Power Department.</b>	<b>4,75,82,090</b>	<b>....</b>	<b>4,75,82,090</b>

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5	6
		<b>Industries and Labour Department</b>			
143	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	30,08,610	42,573	30,51,183
145	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	1,59,12,500	....	1,59,12,500
		<b>Total—Industries and Labour Department.</b>	<b>1,89,21,110</b>	<b>42,573</b>	<b>1,89,63,683</b>
		<b>Food and Civil Supplies Department</b>			
146	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	....	4,897	4,897
		<b>Total—Food and Civil Supplies Department.</b>	<b>....</b>	<b>4,897</b>	<b>4,897</b>
		<b>Total—B-Expenditure on Capital Account.</b>	<b>13,25,53,973</b>	<b>1,42,366</b>	<b>13,26,96,339</b>
		<b>C-EXPENDITURE UNDER DEBT HEADS</b>			
		<b>Revenue and Forests Department</b>			
150	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	3,46,57,000	....	3,46,57,000
		<b>Total—Revenue and Forests Department.</b>	<b>3,46,57,000</b>	<b>....</b>	<b>3,46,57,000</b>
		<b>Agriculture and Co-operation Department</b>			
151	Public Debt—Other Loans	O, Public Debt—IV—Other Loans	....	11,95,500	11,95,500
152	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	9,50,50,010	....	9,50,50,010
		<b>Total—Agriculture and Co-operation Department.</b>	<b>9,50,50,010</b>	<b>11,95,500</b>	<b>9,62,45,510</b>

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Education, Sports and Social Welfare Department</b>					
153	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	17,00,000	....	17,00,000
<b>Total,—Education, Sports and Social Welfare Department.</b>			17,00,000	....	17,00,000
<b>Urban Development, Public Health and Housing Department</b>					
155	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	96,000	....	96,000
<b>Total,—Urban Development, Public Health and Housing Department.</b>			96,000	....	96,000
<b>Finance Department</b>					
157	Public Debt— Floating Debt	O-Public Debt— II-Floating Debt	72,72,00,000	72,72,00,000	72,72,00,000
<b>Total—Finance Department.</b>			72,72,00,000	72,72,00,000	72,72,00,000
<b>Law and Judiciary Department</b>					
164	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	1,20,000	....	1,20,000
<b>Total—Law and Judiciary Department.</b>			1,20,000	....	1,20,000

No. of Grant of other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Industries and Labour Department</b>					
167	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.!	1,80,77,020	.....	1,80,77,020
		Total,—Industries and Labour Department.	1,80,77,020	.....	1,80,77,020
		Total, C-Expenditure Under Debt Heads.	14,97,00,030	72,83,95,500	87,80,95,530
		<b>GRAND TOTAL ..</b>	<b>64,29,24,639</b>	<b>78,31,29,598</b>	<b>1,42,60,54,237</b>

## STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of Article 204 of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the year 1970-71. The amounts are shown below :—

	Rs.
(a) Revenue Expenditure .. ..	.. 41,52,62,368
(b) Capital Expenditure .. ..	.. 13,26,96,339
(c) Expenditure under Debt Heads .. ..	.. 87,80,95,530
Total ..	 1,42,60,54,237

Dated the 26th March 1971.

(Signed) S. K. WANKHEDA.

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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF  
THE CONSTITUTION OF INDIA

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra (Supplementary) Appropriation Bill, 1971.

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

B. P. DALAL,  
Secretary to the Government of Maharashtra,  
Law and Judiciary Department.

Bombay, dated the 26th March 1971.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चैत्र ११, शके १८९३

६१

शुक्रवार, मार्च २६, १९७१/चैत्र ५, शके १८९३

The following Bill is published under the first proviso to rule 115(1) of the Maharashtra Legislative Assembly Rules:—

**L. A. BILL No. X OF 1971.**

**A BILL**

*to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the services of a part of the financial year 1971-72.*

WHEREAS it is expedient to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the services of a part of the financial year 1971-72 ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Appropriation (Vote on Account) Short title, Act, 1971.

Withdrawal 2. From and out of the Consolidated Fund of the State, there may be withdrawn of Rs. 2,26,24,56,000 sums not exceeding those specified in column 4 of the Schedule hereto annexed from and out amounting in the aggregate to the sum of two hundred twenty-six crores, twenty-four lakhs, fifty-six thousand rupees towards defraying the several charges which will come of the Consolidated Fund in course of payment during the financial year 1971-72.

for the financial year,  
1971-72.

Appro- 3. The sums authorised to be withdrawn from and out of the Consolidated Fund priation. of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

#### THE SCHEDULE

(See sections 2 and 3)

No. of Grant or other Appropria- tion	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>A—EXPENDITURE ON REVENUE ACCOUNT</b>					
<b>General Administration Department</b>					
1	Election ..	18, Parliament, State/Union Territory Legislature.	22,40,000	....	22,40,000
2	General Administra- tion.	19, General Administra- tion.	33,20,000	3,80,000	37,00,000
3	Miscellaneous Departments.	26, Miscellaneous Depart- ments.	35,50,000	....	35,50,000
4	Public Health ..	30, Public Health ..	3,000	....	3,000
5	Public Works ..	50, Public Works ..	1,20,000	....	1,20,000
6	Bombay Develop- ment Scheme.	51, Bombay Development Scheme.	85,000	....	85,000
7	Territorial and Political Pensions.	66, Territorial and Political Pensions.	6,000	22,000	28,000
8	Privy Purses and Allowances of Indian Rulers.	67, Privy Purses and Allowances of Indian Rulers.	54,000	23,000	77,000
9	Miscellaneous ..	71, Miscellaneous ..	33,50,000	....	33,50,000
Total, General Adminis- tration Department.			1,27,28,000	4,25,000	1,31,53,000

No. of Grant or other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolida- ted Fund	Total
1	2	3	4	Rs.	Rs.
<b>Home Department</b>					
10	State Excise Duties ..	10, State Excise Duties ..	14,30,000	1,000	14,31,000
11	Taxes on Vehicles ..	11, Taxes on Vehicles ..	13,60,000	2,44,87,000	2,58,47,000
12	Other Taxes and Duties.	13, Other Taxes and Duties.	1,76,000	....	1,76,000
13	General Administra- tion.	19, General Administra- tion.	4,50,000	....	4,50,000
14	Administration of Justice.	21, Administration of Justice.	64,000	....	64,000
15	Jails ..	22, Jails ..	37,42,000	1,000	37,43,000
16	Police ..	23, Police ..	5,72,15,000	8,000	5,72,23,000
17	Miscellaneous Depart- ments.	26, Miscellaneous Depart- ments.	1,44,000	....	1,44,000
18	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	1,16,000	....	1,16,000
19	Public Works ..	50, Public Works ..	2,29,000	....	2,29,000
20	Pensions and other Retirement Benefits.	65, Pensions and other Retirement Benefits.	1,000	....	1,000
21	Miscellaneous ..	71, Miscellaneous ..	15,22,000	....	15,22,000
Total, Home Department.			6,64,49,000	2,44,97,000	9,09,46,000
<b>Revenue and Forests Department</b>					
22	Land Revenue ..	9, Land Revenue ..	80,00,000	10,000	80,10,000
23	Other Taxes and Duties.	13, Other Taxes and Duties.	1,25,000	....	1,25,000
24	Stamps ..	14, Stamps ..	3,50,000	....	3,50,000
25	Registration ..	15, Registration Fees ..	8,50,000	....	8,50,000
26	Interest on Debt and other Obligations.	16, Interest on Debt and other Obligations.	....	5,50,000	5,50,000
27	Appropriations for Reduction or Avoid- ance of Debt.	17, Appropriations for Reduction or Avoidance of Debt.	....	2,00,000	2,00,000
28	General Administra- tion.	19, General Administra- tion.	1,94,10,000	3,000	1,94,13,000

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
Revenue and Forests Department—contd.					
29	Scientific Departments.	27, Scientific Departments.	1,40,000	....	1,40,000
30	Bombay Development Scheme.	51, Bombay Development Scheme.	2,000	....	2,000
31	Famine Relief ..	64, Famine Relief ..	8,90,64,000	1,000	8,90,65,000
32	Stationery and Printing.	68, Stationery and Printing.	2,000	....	2,000
33	Forest ..	70, Forest ..	1,48,75,000	2,000	1,48,77,000
34	Miscellaneous ..	71, Miscellaneous ..	1,00,000	8,000	1,08,000
35	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	4,30,000	80,000	5,10,000
		Total, Revenue and Forests Department.	13,33,48,000	8,54,000	13,42,02,000
Agriculture and Co-operation Department					
36	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	10,00,000	10,00,000
37	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	23,00,000	23,00,000
38	General Administration.	19, General Administration.	4,00,000	....	4,00,000
39	Miscellaneous Departments.	26, Miscellaneous Departments.	4,000	....	4,000
40	Agriculture ..	31, Agriculture ..	4,03,40,000	1,000	4,03,41,000
41	Animal Husbandry	33, Animal Husbandry ..	73,00,000	....	73,00,000
42	Co-operation ..	34, Co-operation ..	1,40,00,000	....	1,40,00,000
43	Fisheries ..	35, Industries ..	17,00,000	....	17,00,000
44	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	54,00,000	....	54,00,000
45	Miscellaneous ..	71, Miscellaneous ..	1,000	....	1,000
		Total, Agriculture and Co-operation Department.	6,91,45,000	33,01,000	7,24,46,000

No. of Grant or other Appropria- tion	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Education, Sports and Social Welfare Department</b>					
46	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	4,33,000	4,33,000
47	General Administration.	19, General Administration.	3,06,000	....	3,06,000
48	Scientific Departments.	27, Scientific Departments.	1,75,000	....	1,75,000
49	Education ..	28, Education.. ..	16,35,00,000	2,000	16,35,02,000
50	Labour and Employment.	38, Labour and Employment.	40,96,000	....	40,96,000
51	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	1,14,47,000	....	1,14,47,000
52	Pensions and other Retirement Benefits.	65, Pensions and other Retirement Benefits.	8,14,000	....	8,14,000
53	Miscellaneous ..	71, Miscellaneous ..	4,59,000	....	4,59,000
		Total,—Education, Sports and Social Welfare Department.	18,07,97,000	4,35,000	18,12,32,000
<b>Urban Development, Public Health and Housing Department</b>					
54	Other Taxes and Duties.	13, Other Taxes and Duties.	1,00,000	45,00,000	46,00,000
55	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	7,00,000	7,00,000
56	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debts.	....	5,10,000	5,10,000
57	General Administration.	19, General Administration.	4,50,000	....	4,50,000
58	M i s c e l l a n e o u s Departments.	26, Miscellaneous Departments.	2,000	....	2,000
59	Medical ..	29, Medical .. ..	3,50,00,000	....	3,50,00,000
60	Public Health ..	30, Public Health .. ..	2,90,00,000	....	2,90,00,000
61	Family Planning ..	30A, Family Planning .. ..	83,23,000	....	83,23,000

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महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चंत्र ११, शके १८९२

[भाग पा]

No. of Grant or other Appropria- tion	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
		<b>Urban Development, Public Health and Housing Department—contd.</b>	Rs.	Rs.	Rs.
62	Community Development Projects, National Extension Service and Local Development Works,	37, Community Development Projects, National Extension Service and Local Development Works.	13,000	....	13,000
63	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	15,00,000	....	15,00,000
64	Public Works ..	50, Public Works ..	48,10,000	....	48,10,000
65	Bombay Development Scheme.	51, Bombay Development Scheme.	15,000	....	15,000
66	Miscellaneous ..	71, Miscellaneous ..	77,75,000	1,000	77,76,000
67	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	1,40,000	80,000	2,20,000
		<b>Total—Urban Development, Public Health and Housing Department.</b>	8,71,28,000	57,91,000	9,29,19,000
		<b>Finance Department</b>			
69	Sales Tax ..	12, Sales Tax ..	35,00,000	....	35,00,000
71	Interest on and Other Debt Obligations.	16, Interest on Debt and Other Obligations.	....	8,00,00,000	8,00,00,000
72	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	9,00,00,000	9,00,00,000
73	General Administration.	19, General Administration.	29,82,000	....	29,82,000
74	Miscellaneous Departments.	26, Miscellaneous Departments.	8,78,000	....	8,78,000

No. of Grant or other Appropria- tion	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Finance Department—contd.</b>					
75	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	7,58,000	....	7,58,000
76	Pensions and Other Retirement Benefits.	65, Pensions and Other Retirement Benefits.	76,50,000	7,60,000	84,10,000
77	Miscellaneous ..	71, Miscellaneous ..	73,68,000	....	73,68,000
		Total—Finance Department:	2,31,36,000	17,07,60,000	19,38,96,000
<b>Buildings and Communications Department</b>					
78	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	1,04,000	1,04,000
79	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	89,000	89,000
80	General Administration.	19, General Administration.	2,95,000	....	2,95,000
81	Scientific Departments.	27, Scientific Departments	2,05,000	....	2,05,000
82	Public Works ..	50, Public Works ..	6,23,61,000	78,000	6,24,39,000
83	Bombay Development Scheme.	51, Bombay Development Scheme.	6,00,000	....	6,00,000
84	Capital Outlay on Public Works.	52, Capital Outlay on Public Works.	14,76,000	....	14,76,000
85	Ports and Pilotage ..	53, Ports and Pilotage ..	7,81,000	....	7,81,000
86	Miscellaneous ..	71, Miscellaneous ..	5,47,000	....	5,47,000
		Total—Buildings and Communications Department.	6,62,65,000	2,71,000	6,65,36,000

No. of Grants or other Appropriation 1	Services and Purposes 2	Heads of Accounts 3	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			4		
<b>Irrigation and Power Department</b>					
87	General Administration.	19, General Administration.	4,18,000	....	4,18,000
88	Scientific Departments.	27, Scientific Departments.	5,85,000	....	5,85,000
89	Public Health ..	30, Public Health ..	37,17,000	....	37,17,000
90	Co-operation ..	34, Co-operation ..	55,000	....	55,000
91	Irrigation and Navigation (Commercial).	43, Irrigation, Navigation, Embankment and Drainage Works (Commercial).	3,26,19,000	....	3,26,19,000
92	Irrigation and Navigation (Non-Commercial).	44, Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	47,52,000	....	47,52,000
93	Electricity Schemes ..	45, Electricity Schemes ..	2,20,000	....	2,20,000
94	Capital Outlay on Irrigation and Navigation.	48, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works.	1,00,000	....	1,00,000
95	Public Works ..	50, Public Works ..	1,10,63,000	....	1,10,63,000
Total—Irrigation and Power Department.			5,35,29,000	....	5,35,29,000
<b>Law and Judiciary Department</b>					
96	General Administration.	19, General Administration.	5,70,000	....	5,70,000
97	Administration of Justice.	21, Administration of Justice.	67,50,000	10,00,000	77,50,000
98	Miscellaneous ..	71, Miscellaneous ..	3,00,000	1,000	3,01,000
Total—Law and Judiciary Department.			76,20,000	10,01,000	86,21,000
<b>Industries and Labour Department</b>					
99	Other Taxes and Duties.	13, Other Taxes and Duties.	6,45,000	....	6,45,000
100	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	6,67,000	6,67,000
101	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	2,000	2,000

No. of Grant or other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
Industries and Labour Department—contd.					
102	General Administra- tion.	19, General Administra- tion.	2,45,000	....	2,45,000
103	Supplies and Disposals.	25, Supplies and Disposals	4,30,000	....	4,30,000
104	Miscellaneous De- partments.	26, Miscellaneous Depart- ments.	14,000	....	14,000
105	Scientific Depart- ments.	27, Scientific Departments.	8,67,000	1,000	8,68,000
106	Industries ..	35, Industries ..	35,24,000	1,000	35,25,000
107	Labour and Employ- ment.	38, Labour and Employ- ment.	21,65,000	1,000	21,66,000
108	Electricity Schemes ..	45, Electricity Schemes ..	38,20,000	....	38,20,000
109	Stationery and Printing.	68, Stationery and Print- ing.	80,00,000	2,000	80,02,000
110	Miscellaneous ..	71, Miscellaneous ..	1,00,000	2,50,000	3,50,000
		Total, Industries and Labour Department.	1,98,10,000	9,24,000	2,07,34,000
Rural Development Department					
111	Land Revenue ..	9, Land Revenue ..	1,40,00,000	....	1,40,00,000
112	General Administra- tion.	19, General Administra- tion.	7,15,000	....	7,15,000
113	Public Health ..	30, Public Health ..	82,00,000	....	82,00,000
114	Agriculture ..	31, Agriculture ..	4,00,000	....	4,00,000
115	Community Develop- ment Projects, National Extension Service and Local Development Works.	37, Community Develop- ment Projects, National Extension Service and Local Development Works.	1,25,00,000	....	1,25,00,000
116	Irrigation and Navi- gation.	44, Irrigation, Navigation, Embankment and Drainage Works (Non- Commercial).	70,00,000	....	70,00,000

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Rural Development Department—contd.</b>					
117	Public Works	50, Public Works	9,70,000	....	9,70,000
118	Forest	70, Forest	2,40,000	....	2,40,000
119	Miscellaneous	71, Miscellaneous	3,08,00,000	8,00,000	3,16,00,000
120	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	....	70,000	70,000
		Total, Rural Development Department.	7,48,25,000	8,70,000	7,56,95,000
<b>Food and Civil Supplies Department</b>					
121	General Administra- tion.	19, General Administra- tion.	2,20,000	....	2,20,000
122	Miscellaneous De- partments.	26, Miscellaneous Departments.	~ 77,60,000	....	77,60,000
		Total, Food and Civil Supplies Department.	79,80,000	....	79,80,000
<b>Maharashtra Legislature Secretariat</b>					
124	Parliament and State Legislature.	18, Parliament, State/ Union Territory Legisla- ture.	9,60,000	25,000	9,85,000
		Total, Maharashtra Legis- lature Secretariat.	9,60,000	25,000	9,85,000
		Total, A—Expenditure on Revenue Account.	80,37,20,000	20,91,54,000	1,01,28,74,000
<b>B—EXPENDITURE ON CAPITAL ACCOUNT</b>					
<b>General Administration Department</b>					
125	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	44,50,000	....	44,50,000
126	Capital Outlay on Other Work.	109, Capital Outlay on Other Works.	3,44,000	....	3,44,000
127	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	1,30,000	....	1,30,000
		Total, General Adminis- tration Department.	49,24,000	....	49,24,000

No. of Grant or other Appropriation	Services and Purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Home Department</b>					
128	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	21,18,000	....	21,18,000
		Total, Home Department.	21,18,000	....	21,18,000
<b>Revenue and Forests Department</b>					
129	Compensation to Land holders.	92, Payment of Compensation to Landholders, etc. on the abolition of the Zamindari System.	25,50,000	....	25,50,000
130	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	51,000	....	51,000
131	Capital Outlay on Forests.	119, Capital Outlay on Forests.	47,36,000	....	47,36,000
		Total, Revenue and Forests Department.	73,37,000	....	73,37,000
<b>Agriculture and Co-operation Department</b>					
132	Capital Outlay on Agricultural Improvement and Research.	95, Capital Outlay on Schemes of Agricultural Improvement and Research.	81,95,000	30,000	82,25,000
133	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	1,39,66,000	....	1,39,66,000
134	Milk Schemes ..	109, Capital Outlay on Other Works.	20,00,000	....	20,00,000
135	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	10,17,00,000	....	10,17,00,000
		Total, Agriculture and Co-operation Department.	12,58,61,000	30,000	12,58,91,000
<b>Education, Sports and Social Welfare Department</b>					
136	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	3,000	....	3,000
		Total, Education, Sports and Social Welfare Department.	3,000	....	3,000

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Urban Development, Public Health and Housing Department</b>					
137	Capital Outlay on Public Health.	94, Capital Outlay on Improvement of Public Health.	85,00,000	....	85,00,000
138	Capital Outlay on Public Works.	103, Capital Outlay on Public Works.	3,00,000	....	3,00,000
139	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	15,60,000	....	15,60,000
140	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	13,00,000	....	13,00,000
			1,16,60,000	....	1,16,60,000
<b>Finance Department</b>					
141	Payments of Commuted Value of Pensions.	120, Payments of Commuted Value of Pensions.	1,66,000	36,000	2,02,000
142	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	1,00,000	....	1,00,000
			2,66,000	36,000	3,02,000
<b>Buildings and Communications Department</b>					
143	Capital Outlay on Public Works.	103, Capital Outlay on Public Works.	2,13,19,000	8,000	2,13,27,000
144	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	72,000	....	72,000
145	Capital Outlay on Ports.	110, Capital Outlay on Ports.	20,29,000	....	20,29,000
			2,34,20,000	8,000	2,34,28,000

No. of Grant or other Approp- riation.	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Irrigation and Power Department</b>					
146	Capital Outlay on Irrigation (Commercial).	99, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).	16,33,78,000	1,36,000	16,35,14,000
147	Capital Outlay on Irrigation (Non-Commercial).	100, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	2,86,92,000	....	2,86,92,000
148	Capital Outlay on Electricity Schemes.	101, Capital Outlay on Electricity Schemes.	5,00,92,000	....	5,00,92,000
149	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	7,19,000	....	7,19,000
		Total, Irrigation and Power Department.	24,28,81,000	1,36,000	24,30,17,000
<b>Industries and Labour Department</b>					
150	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	64,55,000	....	64,55,000
151	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	3,20,58,000	....	3,20,58,000
		Total, Industries and Labour Department.	3,85,13,000	....	3,85,13,000
<b>Food and Civil Supplies Department</b>					
152	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	31,88,60,000	1,000	31,88,61,000
		Total, Food and Civil Supplies Department.	31,88,60,000	1,000	31,88,61,000
		Total, B—Expenditure on Capital Account.	77,58,43,000	2,11,000	77,60,54,000

No. of Grant or other Approp- riation.	Services and Purposes	Head of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		Rs.
<b>C—EXPENDITURE UNDER DEBT HEADS</b>					
<b>General Administration Department</b>					
153	Loans and Advances	Q, Loans and Advances by State / Union Territory Government.	11,35,000	....	11,35,000
		Total, General Adminis-tration Department.	11,35,000	....	11,35,000
<b>Home Department</b>					
154	Loans and Advances	Q, Loans and Advances by State / Union Territory Government.	1,14,000	....	1,14,000
		Total, Home Department	1,14,000	....	1,14,000
<b>Revenue and Forests Department</b>					
155	Public Debt in respect of Land Compensation Bonds, etc.	O, Public Debt—I—Permanent Debt.	....	9,00,000	9,00,000
156	Loans and Advances	Q, Loans and Advances by State / Union Territory Government.	80,00,000	....	80,00,000
		Total, Revenue and Forests Department.	80,00,000	9,00,000	89,00,000
<b>Agriculture and Co-operation Department</b>					
158	Public Debt—Other Loans.	O, Public Debt—IV—Other Loans.	....	22,26,000	22,26,000
159	Loans and Advances	Q, Loans and Advances by State/Union Territory Government.	3,90,00,000	....	3,90,00,000
		Total, Agriculture and Co-operation Department.	3,90,00,000	22,26,000	4,12,26,000

No. of Grant or other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>Education, Sports and Social Welfare Department.</b>					
160	Loans and Advances	Q, Loans and Advances by State/Union Territory Government.	15,47,000	....	15,47,000
		Total, Education, Sports and Social Welfare Department	15,47,000	....	15,47,000
<b>Urban Development, Public Health and Housing Department.</b>					
161	Public Debt—Other Loans.	O, Public Debt—IV—Other Loans.	....	5,10,000	5,10,000
162	Loans and Advances	Q, Loans and Advances by State/Union Territory Government.	52,00,000	....	52,00,000
		Total, Urban Development, Public Health and Housing Department.	52,00,000	5,10,000	57,10,000
<b>Finance Department</b>					
163	Public Debt—Permanent Debt.	O, Public Debt—I—Permanent Debt.	....	3,00,00,000	3,00,00,000
164	Public Debt—Floating Debt.	O, Public Debt—II—Floating Debt.	....	20,00,00,000	20,00,00,000
165	Public Debt—Loans from the Central Government.	O, Public Debt—III—Loans from the Central Government.	....	8,00,00,000	8,00,00,000
167	Loans and Advances	Q, Loans and Advances by State/Union Territory Government.	35,00,000	....	35,00,000
		Total, Finance Department.	35,00,000	31,00,00,000	31,35,00,000

No. of Grant or other Appropri- ation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Buildings and Communications Department</b>					
169	Public Debt— Other Loans.	O, Public Debt— IV—Other Loans	....	89,000	89,000
170	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	1,57,000	....	1,57,000
		Total, Buildings and Communications Depart- ment.	1,57,000	89,000	2,46,000
<b>Irrigation and Power Department</b>					
171	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	1,64,000	....	1,64,000
		Total, Irrigation and Power Department.	1,64,000	....	1,64,000
<b>Law and Judiciary Department</b>					
172	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	1,25,000	....	1,25,000
		Total, Law and Judiciary Department.	1,25,000	....	1,25,000
<b>Industries and Labour Department</b>					
173	Public Debt— Floating Debt ..	O, Public Debt— II—Floating Debt ..	....	57,71,000	57,71,000
174	Public Debt— Other Loans ..	O, Public Debt— IV—Other Loans ..	....	2,000	2,000
175	Loans and Advances	Q, Loans and Advances by State/Union Territory Government.	4,50,00,000	....	4,50,00,000
		Total, Industries and Labour Department.	4,50,00,000	57,73,000	5,07,73,000

No. of Grant or other Approp- riation	Services and Purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
176	Rural Loans and Advances.	Development Department Q, Loans and Advances by State/Union Territory Government.	5,00,00,000	....	5,00,00,000
		Total, Rural Develop- ment Department.	5,00,00,000	....	5,00,00,000
177	Food and Civil Supplies Department. Loans and Advances.	Food and Civil Supplies Department. Q-Loans and Advances by State/Union Territory Government.	80,000	....	80,000
		Total, Food and Civil Supplies Department.	80,000	....	80,000
178	Maharashtra Legislature Secretariat Loans and Advances.	Maharashtra Legislature Secretariat Q, Loans and Advances by State/Union Territory Government.	8,000	....	8,000
		Total, Maharashtra Legislature Secretariat.	8,000	....	8,000
		TOTAL, C—EXPENDI- TURE UNDER DEBT HEADS.	15,40,30,000	31,94,98,000	47,35,28,000
		GRAND TOTAL ..	1,73,35,93,000	52,88,63,000	2,26,24,56,000

### STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of article 206 of the Constitution of India, read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the expenditure charged on the Consolidated Fund of the State and the grants made in advance by the Legislative Assembly in respect of the estimated expenditure for a part of the financial year 1971-72. The amounts are shown below:—

	Rs.
(a) Revenue Expenditure .. . . . .	1,01,28,74,000
(b) Capital Expenditure .. . . . .	77,60,54,000
(c) Expenditure under Debt Heads .. . . . .	47,35,28,000
<b>Total .. . . . .</b>	<b>2,26,24,56,000</b>

Dated the 26th March 1971.

(Signed) S. K. WANKHEDA.

### GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

In exercise of the powers conferred upon him by clause (1) of article 207 of the Constitution of India, the Governor of Maharashtra has recommended to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Appropriation (Vote on Account) Bill, 1971.

By order and in the name of the Governor of Maharashtra

B. P. DALAL,  
Secretary to the Government of Maharashtra,  
Law and Judiciary Department.  
Bombay, dated the 26th March 1971.

भाग पाच | महाराष्ट्र शासन राजपत्र, एप्रिल १, १९७१/चैत्र ११, शके १८९३ ७९

शुक्रवार, मार्च २६, १९७१/चैत्र ५, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on the 26th March 1971:—

#### L. C. BILL No. I OF 1971.

##### A BILL

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

Bom LIX WHEREAS, it is expedient further to amend the Bombay Provincial Municipal of Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted 1949, in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Bombay Provincial Municipal Corporations Short title. (Amendment) Act, 1971.

**Amendment of section 48** 2. (1) Section 48 of the Bombay Provincial Municipal Corporations Act (hereinafter referred to as "the principal Act") shall be renumbered as sub-section (1) of Bom. LIX of 1949, thereof and in sub-section (1) so renumbered,—<sup>Bom. LIX of 1949.</sup>

(i) in clause (c), the words "subject to such directions as the Standing Committee may from time to time give," shall be deleted;

(ii) in clause (d), the words "subject to the orders of the Standing Committee" shall be deleted.

(2) After sub-section (1) so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Municipal Commissioner may, on the recommendation of the Municipal Secretary to that effect transfer any officer and servant subordinate to the Municipal Secretary to any other department under the control of the Municipal Commissioner."

**Amendment of section 53 of Bom. LIX of 1949.** 3. In section 53 of the principal Act, in sub-section (2), the words beginning with "subject, in either case," and ending with "dispenses with this requirement" shall be deleted.

**Amendment of section 56 of Bom. LIX of 1949.**

4. In section 56 of the principal Act,—

(a) in sub-section (1), in clause (d) of the proviso, the words beginning with "and drawing a monthly salary" and ending with "or the Municipal Secretary" shall be deleted;

(b) in sub-section (4), the words "Subject to the provisions of clause (d) of the proviso to sub-section (1)," shall be deleted.

**Amendment of section 57 of Bom. LIX of 1949.** 5. In section 57 of the principal Act, in sub-section (2), the words "and receiving a monthly salary, exclusive of allowances, not exceeding one hundred and fifty rupees" shall be deleted.

### STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Bombay Provincial Municipal Corporations Act, 1949, functions such as prescribing duties and granting leave to and exercising supervision and effective control on the officers and servants subordinate to the Municipal Secretary are exercisable by the Municipal Secretary subject to the directions of the Standing Committee. In order to have effective control and proper supervision over the subordinate staff it is necessary that these functions which are purely administrative should be entrusted entirely to the Municipal Secretary. The Standing Committee is a deliberative and policy making body and it is felt that such a body need not burden itself with the said functions. It is, therefore, necessary to amend the Bombay Provincial Municipal Corporations Act, 1949.

Hence this bill.

Bombay, dated the 18th March 1971.

**G. P. PRADHAN,**  
Member-in-Charge.

Bombay, dated the 26th March 1971.

**S. H. BELAVADI,**  
Secretary,  
Maharashtra Legislative Council.



# महाराष्ट्र शास्त्रज्ञ राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधान परिषदेत सादर केलेली विधेयके

पूढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या  
दिनांकांना प्रसिद्ध झाली आहेत :—

१०

शुक्रवार, एप्रिल २, १९७१/चैत्र १२, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on  
the 2nd April 1971 :—

#### L. A. BILL No. XIV OF 1971.

##### A BILL

*further to amend the Maharashtra Zilla Parishads and Panchayat Samitis  
Act, 1961.*

WHEREAS, it is expedient further to amend the Maharashtra Zilla Parishads and  
Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; It is hereby  
enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971.

**Amendment 2.** In section 242 of the Maharashtra Zilla Parishads and Panchayat Samitis Mah. of section 242 of Act, 1961 (hereinafter referred to as the "principal Act"), in the first proviso, for V of Mah. V of the words "ten years" the words "twelve years" shall be substituted. 1962.  
1962.

**Amendment 3.** In section 253B of the principal Act, in sub-section (1), in the proviso, in of section 253B of clause (a), for the words "nine years" the words "eleven years" shall be substituted; Mah. V of and for the words "ten years" the words "twelve years" shall be substituted. 1962.

## STATEMENT OF OBJECTS AND REASONS.

As it has not been possible so far for the "State" Government to work out and put through the scheme of final allotment of Government servants to Zilla Parishads, it is considered necessary to extend the aggregate period of deputation for a further period of two years by amending section 242 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Sub-section (1) of section 253B of the Act provides for deputation in the case of Government servants borne on certain cadres for an aggregate period of nine years commencing from the 1st day of May 1962 in individual cases, and in any case such period cannot extend beyond ten years from that day. The section further provides that on the expiry of the relevant period, the Government servant shall stand repatriated to service under the State Government. Since a large number of Government servants have continued to remain on compulsory deputation with the Zilla Parishads, it will not be possible to provide them in Government service on their repatriation as any such repatriation will create administrative difficulties both in the State sector and in the Zilla Parishad sector. In order to obviate these difficulties, it is considered that their period of deputation in the aggregate should be extended to 11 years and in any case they should not remain on deputation beyond a period of 12 years from the 1st day of May 1962. It is, therefore, proposed to amend sub-section (1) of section 253B of the Act, accordingly.

Bombay, dated the 31st March 1971.

N. M. TIDKE,  
Minister for Rural Development.

Bombay, 2nd April 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

८५

११

मंगळवार, एप्रिल ६, १९७१/चैत्र १६, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 6th April 1971 :—

#### L. A. BILL No. XIII OF 1971,

##### A BILL

*to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government of Maharashtra or certain public authorities in the State of Maharashtra, in certain cases and for matters connected therewith.*

WHEREAS, it is expedient to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government of Maharashtra or certain public authorities in the State of Maharashtra, in certain cases and for matters connected therewith; It is hereby enacted in the Twenty-second year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Lokayukta and Upa-Lokayuktas Short title, extent and commencement.  
Act, 1971.

- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

- (a) "action" means action taken by way of decision, recommendation or finding or in any other manner and includes failure to act; and all other expressions connoting action shall be construed accordingly;
- (b) "allegation", in relation to a public servant, means any affirmation that such public servant,—
  - (i) has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person,
  - (ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives, or
  - (iii) is guilty of corruption, or lack of integrity in his capacity as such public servant;
- (c) "competent authority", in relation to a public servant, means,—
  - (i) in the case of a Minister or Secretary ... the Chief Minister,
  - (ii) in the case of any other public servant ... such authority as may be prescribed;
- (d) "grievance" means a claim by a person that he sustained injustice or undue hardship in consequence of maladministration ;
- (e) "Lokayukta" means a person appointed as the Lokayukta under section 3;
- (f) "Upa-Lokayukta" means a person appointed as an Upa-Lokayukta under section 3 ;
- (g) "maladministration" means action taken or purporting to have been taken in the exercise of administrative functions in any case,—
  - (i) where such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or
  - (ii) where there has been negligence or undue delay in taking such action, or the administrative procedure or practice governing such action involves undue delay ;
- (h) "Minister" means a member (other than the Chief Minister) of the Council of Ministers, by whatever name called, for the State of Maharashtra, that is to say, a Minister, Minister of State and Deputy Minister ;
- (i) "officer" means a person appointed to a public service or post in connection with the affairs of the State of Maharashtra ;
- (j) "prescribed" means prescribed by rules made under this Act ;
- (k) "public servant" denotes a person falling under any of the descriptions hereinafter following, namely :—
  - (i) every Minister referred to in clause (h) ;
  - (ii) every officer referred to in clause (i);
  - (iii) every President of a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, and every President of a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965; Mah. V of 1962. Mah. XL of 1965.
  - (iv) every person in the service or pay of,—
    - (a) any local authority in the State of Maharashtra, which is notified by the State Government in this behalf in the *Official Gazette*,

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(b) any corporation (not being a local authority) established by or under a State or Provincial Act and owned or controlled by the State Government,

(c) any Government company within the meaning of section 617 of the Companies Act, 1956, in which not less than fifty-one per cent. of the paid up share capital is held by the State Government, or any company which is a subsidiary of a company in which not less than fifty-one per cent. of the paid up share capital is held by the State Government,

(d) any society registered under the Societies Registration Act, 1860, which is subject to the control of the State Government and which is notified by that Government in this behalf in the *Official Gazette*;

(l) "Secretary" means a Secretary to the Government of Maharashtra and includes a Special Secretary, an Additional Secretary and a Joint Secretary.

3. (1) For the purpose of conducting investigations in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta and one or more persons to be known as the Upa-Lokayukta or Upa-Lokayuktas :

Appointment of  
Lokayukta  
and Upa-  
Lokayuktas.

Provided that,—

(a) the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court and the Leader of the Opposition in the Legislative Assembly, or if there be no such Leader, a person elected in this behalf by the Members of the Opposition in that House in such manner as the Speaker may direct;

(b) the Upa-Lokayukta or Upa-Lokayuktas shall be appointed after consultation with the Lokayukta.

(2) Every person appointed as the Lokayukta or an Upa-Lokayukta shall, before entering upon his office, make and subscribe, before the Governor, or some person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose in the First Schedule.

(3) The Upa-Lokayuktas shall be subject to the administrative control of the Lokayukta and, in particular, for the purpose of convenient disposal of investigations under this Act, the Lokayukta may issue such general or special directions as he may consider necessary to the Upa-Lokayuktas:

Provided that, nothing in this sub-section shall be construed to authorise the Lokayukta to question any finding, conclusion or recommendation of an Upa-Lokayukta.

4. The Lokayukta or an Upa-Lokayukta shall not be a member of Parliament or a member of the Legislature of any State and shall not hold any office of trust or profit (other than his office as the Lokayukta or, as the case may be, an Upa-Lokayukta), or be connected with any political party or carry on any business or practise any profession; and accordingly before he enters upon his office, a person appointed as the Lokayukta or, as the case may be, an Upa-Lokayukta, shall,—

(a) if he is a member of Parliament or of the Legislature of any State, resign such membership; or

(b) if he holds any office of trust or profit, resign from such office; or

(c) if he is connected with any political party, sever his connection with it; or

(d) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or

(e) if he is practising any profession, suspend practice of such profession.

**Term of office and other conditions of service of Lokayukta and Upa-Lokayukta.**

5. (1) Every person appointed as the Lokayukta or an Upa-Lokayukta shall hold office for a term of five years from the date on which he enters upon his office:

Provided that,—

(a) the Lokayukta or an Upa-Lokayukta may, by writing under his hand addressed to the Governor, resign his office;

(b) the Lokayukta or an Upa-Lokayukta may be removed from office in the manner specified in section 6.

(2) If the office of the Lokayukta or an Upa-Lokayukta becomes vacant, or if the Lokayukta or an Upa-Lokayukta is, by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, those duties shall, until some other person appointed under section 3 enters upon such office or, as the case may be, until the Lokayukta or such Upa-Lokayukta resumes his duties, be performed,—

(a) where the office of the Lokayukta becomes vacant or where he is unable to perform the duties of his office, by the Upa-Lokayukta or if there are two or more Upa-Lokayuktas by such one of the Upa-Lokayuktas as the Governor may by order direct;

(b) where the office of an Upa-Lokayukta becomes vacant or where he is unable to perform the duties of his office, by the Lokayukta himself, or if the Lokayukta so directs, by the other Upa-Lokayukta or, as the case may be, such one of the other Upa-Lokayuktas as may be specified in the direction.

(3) On ceasing to hold office, the Lokayukta or an Upa-Lokayukta shall be ineligible for further employment (whether as the Lokayukta or an Upa-Lokayukta or in any other capacity) under the Government of Maharashtra or for any employment under, or office in, any such local authority, corporation, Government company or society as is referred to in sub-clause (iv) of clause (k) of section 2.

(4) *There shall be paid to the Lokayukta and the Upa-Lokayuktas such salaries as are specified in the Second Schedule.*

(5) *The allowances and pension payable to, and other conditions of service, of the Lokayukta or an Upa-Lokayukta shall be such as may be prescribed :*

Provided that,—

(a) in prescribing the allowances and pension payable to, and other conditions of service of, the Lokayukta, regard shall be had to the allowances and pension payable to and other conditions of service of, the Chief Justice of the High Court:

(b) in prescribing the allowances, and pension payable to, and other conditions of service of, the Upa-Lokayuktas, regard shall be had to the allowances and pension payable to, and other conditions of service of, a Judge of the High Court:

Provided further that, the allowances and pension payable to, and other conditions of service of, the Lokayukta or an Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

**Removal of Lokayukta or an Upa-Lokayukta.**

6. (1) Subject to the provisions of article 311 of the Constitution, the Lokayukta or an Upa-Lokayukta may be removed from his office by the Governor on the ground of misbehaviour or incapacity, and on no other ground:

Provided that, the inquiry required to be held under clause (2) of the said article before such removal shall be held by a person appointed by the Governor, being a person who is or has been a Judge of the Supreme Court of India or who is or has been a Judge of a High Court.

(2) The person appointed under the proviso to sub-section (1) shall submit the report of his inquiry to the Governor who shall, as soon as may be, cause it to be laid before each House of the State Legislature.

(3) Notwithstanding anything contained in sub-section (1), the Governor shall not remove the Lokayukta or an Upa-Lokayukta unless an address by each House of the State Legislature supported by a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting, has been presented to the Governor in the same session for such removal.

7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of,—

(i) a Minister or a Secretary; or

(ii) a President referred to in sub-clause (iii) of clause (k) of section 2; or

(iii) any other public servant being a public servant of a class or sub-class of public servants notified by the State Government in consultation with the Lokayukta, in this behalf,

Matters  
which may  
be investi-  
gated by  
Lokayukta  
or Upa-  
Lokayukta.

in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, the subject of a grievance or an allegation.

(2) Subject to the provisions of this Act, an Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant not being a Minister, Secretary or other public servant referred to in sub-section (1) in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of a grievance or an allegation.

(3) Notwithstanding anything contained in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any action which may be investigated by an Upa-Lokayukta under that sub-section whether or not a complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may, by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that, no investigation made by an Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be open to question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

8. (1) Except as hereinafter provided, the Lokayukta or an Upa-Lokayukta shall not conduct any investigation under this Act in the case of a complaint involving a grievance in respect of any action,—

Matters not  
subject to  
investiga-  
tion.

(a) if such action relates to any matter specified in the Third Schedule; or

(b) if the complainant has or had any remedy by way of proceedings before any tribunal or court of law:

Provided that, the Lokayukta or an Upa-Lokayukta may conduct an investigation notwithstanding that the complainant had or has such a remedy if the Lokayukta or, as the case may be, the Upa-Lokayukta is satisfied that such person could not or cannot, for sufficient cause, have recourse to such remedy.

(2) The Lokayukta or an Upa-Lokayukta shall not investigate any action,—  
 (a) in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850, with the prior concurrence of the <sup>37 of</sup> 1850.  
 Lokayukta; or

(b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952, with the prior concurrence of the Lokayukta. <sup>60 of</sup> 1952.

(3) The Lokayukta or an Upa-Lokayukta shall not investigate any complaint involving a grievance against a public servant referred to in sub-clause (iv) of clause (k) of section 2.

(4) The Lokayukta or an Upa-Lokayukta shall not investigate any complaint which is excluded from his jurisdiction by virtue of a notification issued under section 18.

(5) The Lokayukta or an Upa-Lokayukta shall not investigate,—

(a) any complaint involving a grievance, if the complaint is made after the expiry of twelve months from the date on which the action complained against becomes known to the complainant;

(b) any complaint involving an allegation, if the complaint is made after the expiry of five years from the date on which the action complained against is alleged to have taken place :

Provided that, the Lokayukta or an Upa-Lokayukta may entertain a complaint referred to in clause (a), if the complainant satisfies him that he had sufficient cause for not making the complaint within the period specified in that clause.

(6) In the case of any complaint involving a grievance, nothing in this Act shall be construed as empowering the Lokayukta or an Upa-Lokayukta to question any administrative action involving the exercise of a discretion except where he is satisfied that the elements involved in the exercise of the discretion are absent to such an extent that the discretion can *prima facie* be regarded as having been improperly exercised.

**Provisions.** 9. (1) Subject to the provisions of this Act, a complaint may be made under this relating to Act to the Lokayukta or an Upa-Lokayukta,—

(a) in the case of a grievance, by the person aggrieved ;

(b) in the case of an allegation, by any person other than a public servant :

Provided that, where the person aggrieved is dead or is for any reason unable to act for himself, the complaint may be made by any person who in law represents his estate or, as the case may be, by any person who is authorised by him in this behalf.

(2) Every complaint shall be made in such form and shall be accompanied by such affidavits as may be prescribed.

(3) Notwithstanding anything contained in any other enactment, any letter written to the Lokayukta or an Upa-Lokayukta by a person in police custody, or in a gaol or in any asylum or other place for insane persons, shall be forwarded to the addressee unopened and without delay by the police officer or other person in charge of such gaol, asylum or other place and the Lokayukta or Upa-Lokayukta, as the case may be, may, if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (2).

(4) Notwithstanding anything contained in section 10 or any other provision of this Act, every person who wilfully or maliciously makes any false complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine. No Court shall take cognizance of such offence except with the previous sanction of the Lokayukta.

**10.** (1) Where the Lokayukta or an Upa-Lokayukta proposes (after making such preliminary inquiry, as he deems fit) to conduct any investigation under this Act, he—

(a) shall forward a copy of the complaint or, in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor, to the public servant concerned and the competent authority concerned ;

(b) shall afford to the public servant concerned an opportunity to offer his comments on such complaint or statement ; and

(c) may make such orders as to the safe custody of documents relevant to the investigation, as he deems fit.

(2) Every such investigation shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the investigation shall not be disclosed to the public or the press whether before, during or after the investigation :

Provided that, the Lokayukta or an Upa-Lokayukta may conduct any investigation relating to a matter of definite public importance in public, if he, for reasons to be recorded in writing, thinks fit to do so.

(3) Save as aforesaid the procedure for conducting any such investigation shall be such as the Lokayukta or, as the case may be, the Upa-Lokayukta considers appropriate in the circumstances of the case.

(4) The Lokayukta or an Upa-Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint involving a grievance or an allegation, if in his opinion—

(a) the complaint is frivolous or vexatious, or is not made in good faith; or

(b) there are no sufficient grounds for investigating or, as the case may be, for continuing the investigation; or

(c) other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.

(5) In any case where the Lokayukta or an Upa-Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons therefor and communicate the same to the complainant and the public servant concerned.

(6) The conduct of an investigation under this Act in respect of any action shall not affect such action, or any power or duty of any public servant to take further action with respect to any matter subject to the investigation.

**11.** (1) Subject to the provisions of this section, for the purpose of any investigation (including the preliminary inquiry, if any, before such investigation) under this Act, the Lokayukta or an Upa-Lokayukta may require any public servant or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary inquiry), the Lokayukta or an Upa-Lokayukta shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) such other matters as may be prescribed.

(3) Any proceeding before the Lokayukta or an Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.<sup>45 of 1860.</sup>

(4) Subject to the provisions of sub-section (5), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the State Government or any public servant, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of any investigation under this Act and the State Government or any public servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any rule of law in legal proceedings.

(5) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document—

- (a) as might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime; or
- (b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet,

and for the purpose of this sub-section a certificate issued by the Chief Secretary certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.

(6) Subject to the provisions of sub-section (4), no person shall be compelled for the purposes of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

**Reports of Lokayukta and Upa-Lokayuktas.** 12. (1) If, after investigation of any action in respect of which a complaint involving a grievance has been or can be or could have been made, the Lokayukta or an Upa-Lokayukta is satisfied that such action has resulted in injustice or undue hardship to the complainant or any other person, the Lokayukta or Upa-Lokayukta shall, by a report in writing, recommend to the public servant and the competent authority concerned that such injustice or undue hardship shall be remedied or redressed in such manner and within such time as may be specified in the report.

(2) The competent authority to whom a report is sent under sub-section (1) shall, within one month of the expiry of the term specified in the report, intimate or cause to be intimated to the Lokayukta or, as the case may be, the Upa-Lokayukta, the action taken for compliance with the report.

(3) If, after investigation of any action in respect of which a complaint involving an allegation has been or can be or could have been made, the Lokayukta or an Upa-Lokayukta is satisfied that such allegation can be substantiated either wholly or partly, he shall by report in writing communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority.

(4) The competent authority shall examine the report forwarded to it under sub-section (3) and intimate within three months of the date of receipt of the report, the Lokayukta or, as the case may be, the Upa-Lokayukta, the action taken or proposed to be taken on the basis of the report.

(5) If the Lokayukta or the Upa-Lokayukta is satisfied with the action taken or proposed to be taken on his recommendations or findings referred to in sub-sections (1) and (3), he shall close the case under information to the complainant, the public servant and the competent authority concerned, but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the complainant concerned.

(6) The Lokayukta and the Upa-Lokayuktas shall present annually a consolidated report on the performance of their functions under this Act to the Governor.

(7) On receipt of a special report under sub-section (5), or the annual report under sub-section (6), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before each House of the State Legislature.

(8) Subject to the provisions of sub-section (2) of section 10, the Lokayukta may at his discretion make available, from time to time, the substance of cases closed or otherwise disposed of by him or by an Upa-Lokayukta, which may appear to him to be of general public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

**13. (1) The Lokayukta may appoint, or authorise an Upa-Lokayukta or any Officer subordinate to the Lokayukta or an Upa-Lokayukta to appoint, officers and other employees to assist the Lokayukta and the Upa-Lokayuktas in the discharge of their functions under this Act.**

Staff of  
Lokayukta  
and Upa-  
Lokayukta.

(2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Lokayukta and Upa-Lokayuktas shall be such as may be prescribed, after consultation with the Lokayukta.

(3) Without prejudice to the provisions of sub-section (1), the Lokayukta or an Upa-Lokayukta may for the purpose of conducting investigations under this Act utilize the services of—

(i) any officer or investigation agency of the State or Central Government with the concurrence of that Government; or

(ii) any other person or agency.

**14. (1) Any information, obtained by the Lokayukta or the Upa-Lokayuktas or members of their staff in the course of, or for the purposes of any investigation under this Act, and any evidence recorded or collected in connection with such information, shall, subject to the provisions of the proviso to sub-section (2) of section 10, be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872, no Court shall be entitled to compel the Lokayukta or an Upa-Lokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded or collected.**

Secrecy of  
information.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars,—

(a) for purposes of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report ; or

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923, or an offence of giving or fabricating false evidence under the Indian Penal Code or for purposes of any proceedings under section 15 ; or

(c) for such other purposes as may be prescribed.

(3) An officer or other authority prescribed in this behalf may give notice in writing to the Lokayukta or an Upa-Lokayukta, as the case may be, with respect to any document or information specified in the notice or any class of documents so specified that in the opinion of the State Government the disclosure of the documents or information or of documents or information of that class would be contrary to public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring the Lokayukta, the Upa-Lokayukta or any member of their staff to communicate to any person any document or information specified in the notice or any document or information of a class so specified.

Intentional  
insult or  
interruption  
to, or  
bringing  
into dis-  
repute,  
Lokayukta  
or Upa-  
Lokayukta.

15. (1) Whoever intentionally offers any insult, or causes any interruption to the Lokayukta or an Upa-Lokayukta while the Lokayukta or the Upa-Lokayukta is conducting any investigation under this Act, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or an Upa-Lokayukta into disrepute, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(3) The provisions of section 198B of the Code of Criminal Procedure, 1898, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (1) of the said section 198B, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction,—

(a) in the case of an offence against the Lokayukta, of the Lokayukta :

(b) in the case of an offence against an Upa-Lokayukta, of the Upa-Lokayukta concerned.

Protection.

16. (1) No suit, prosecution, or other legal proceeding shall lie against the Lokayukta or the Upa-Lokayuktas or against any officer, employee, agency or person referred to in section 13 in respect of anything which is in good faith done or intended to be done under this Act.

(2) No proceedings of the Lokayukta or the Upa-Lokayuktas shall be held bad for want of form and except on the ground of jurisdiction, no proceedings or decision of the Lokayukta or the Upa-Lokayuktas shall be liable to be challenged, reviewed, quashed or called in question in any court.

Conferment  
of additional  
functions on  
Lokayukta,  
and Upa-  
Lokayuktas,  
etc.

17. (1) The Governor may, by notification published in the *Official Gazette*, and after consultation with the Lokayukta, confer on the Lokayukta or an Upa-Lokayukta, as the case may be, such additional functions in relation to the redress of grievances and eradication of corruption as may be specified in the notification.

(2) The Governor may, by order in writing and after consultation with the Lokayukta, confer on the Lokayukta or an Upa-Lokayukta such powers of a supervisory nature over agencies, authorities or officers set up, constituted or appointed by the State Government for the redress of grievances and eradication of corruption.

(3) The Governor may, by order in writing and subject to such conditions and limitations as may be specified in the order, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta or an Upa-Lokayukta), and notwithstanding anything contained in this Act the Lokayukta shall comply with such order :

Provided that, the Lokayukta may entrust investigation of any such action (being action in respect of which a complaint may be made under this Act to an Upa-Lokayukta) to an Upa-Lokayukta.

(4) When any additional functions are conferred on the Lokayukta or an Upa-Lokayukta under sub-section (1), or when the Lokayukta or an Upa-Lokayukta is to investigate any action under sub-section (3), the Lokayukta or Upa-Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving a grievance or an allegation, as the case may be, and the provisions of this Act shall apply accordingly.

18. (1) The State Government may on the recommendation of the Lokayukta Power to and on being satisfied that it is necessary or expedient in the public interest so to do, exclude complaints against certain classes of public servants. by notification in the *Official Gazette*, complaints, involving grievances or complaints against persons belonging to any class of public servants specified in the notification, from the jurisdiction of the Lokayukta or, as the case may be, Upa-Lokayukta :

Provided that, no such notification shall be issued in respect of public servants holding posts carrying a minimum monthly salary (exclusive of allowances) of one thousand rupees or more.

(2) Every notification issued under sub-section (1) shall be laid as soon as may be after it is issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two 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 the notification or both Houses agree that the notification should not be made, and notify such decision in the *Official Gazette*, the notification shall from the date of publication of such decision 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 by virtue of that notification.

19. The Lokayukta or an Upa-Lokayukta may, by a general or special order in writing, direct that any powers conferred or duties imposed on him by or under this delegate. Act (except the power to make reports to the Governor under section 12) may also be exercised or discharged by such of the officers, employees or agencies referred to in section 13, as may be specified in the order.

20. (1) The Governor may, by notification in the *Official Gazette*, make rules Power to for the purpose of carrying into effect the provisions of this Act. make rules

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for—

(a) the authorities for the purpose required to be prescribed under sub-clause (ii) of clause (c) of section 2;

(b) the allowances and pension payable to and other conditions of service of, the Lokayukta and Upa-Lokayuktas;

(c) the form in which, complaints may be made and the fees, if any, which may be charged in respect thereof;

(d) the powers of a civil court which may be exercised by the Lokayukta or an Upa-Lokayukta;

(e) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is in the opinion of the Governor necessary for the proper implementation of this Act.

(3) 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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 under that rule.

**Removal of doubts.** 21. For the removal of doubts it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or an Upa-Lokayukta to investigate any action which is taken by or with the approval of—

- (a) any Judge as defined in section 19 of the Indian Penal Code;
- (b) any officer or servant of any court in India;
- (c) the Accountant General, Maharashtra ;
- (d) the Chairman or a member of the Maharashtra State Public Service Commission ;
- (e) the Chief Election Commissioner, the Election Commissioners and the Regional Commissioners referred to in article 324 of the Constitution and the Chief Electoral Officer, Maharashtra State;
- (f) the Speaker of the Maharashtra Legislative Assembly or the Chairman of the Maharashtra Legislative Council.

45 of  
1860.

**Saving.** 22. The provisions of this Act shall be in addition to the provisions of any other enactment or any rule of law under which any remedy by way of appeal, revision, review or in any other manner is available to a person making a complaint under this Act in respect of any action, and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

#### THE FIRST SCHEDULE.

[See section 3(2)]

I ..... , having been appointed Lokayukta Upa-Lokayukta do swear in the name of God solemnly affirm that I will bear faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill.

#### THE SECOND SCHEDULE.

[See section 5 (4)]

There shall be paid to the Lokayukta and the Upa-Lokayuktas in respect of time spent on actual service, salary at the following rates per mensem, that is to say,—

Lokayukta	.. . . . .	4,000 rupees
Upa-Lokayukta	.. . . . .	3,500 rupees

Provided that, if the Lokayukta or an Upa-Lokayukta at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service as the Lokayukta or, as the case may be, Upa-Lokayukta shall be reduced—

- (a) by the amount of that pension, and
- (b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and
- (c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

### THE THIRD SCHEDULE.

[See section 8 (1) (a)]

- (a) Action taken for the purpose of investigating crime or protecting the security of the State.
- (b) Action taken in the exercise of powers in relation to determining whether a matter shall go to a court or not.
- (c) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.
- (d) Action taken in respect of appointments, removals, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service.
- (e) Grant of honours and awards.

## STATEMENT OF OBJECTS AND REASONS.

The Administrative Reforms Commission set up by the Government of India presented an interim report, in which it took note of the oft-expressed public outcry against the prevalence of corruption, the existence of wide-spread inefficiency and the unresponsiveness of the administration to popular complaint. The Commission has recommended that there should be a statutory machinery to enquire into the complaints alleging corruption or injustice arising from maladministration.

2. To give effect to the recommendations of the Commission in so far as they relate to matters within the purview of the Union Government, the Government of India has already moved and passed the Lokpal and Lokayuktas Bill, in the Lok Sabha. It is necessary to have corresponding State legislation in respect of matters and authorities within the purview of the State Government, to provide a similar statutory machinery to enquire into complaints based on actions of all State public servants, including the Ministers. The following notes on clauses explain in brief the important provisions of the Bill.

*Clause 2—Sub-clause (b).*—To distinguish between vigilance cases and grievance cases, a specific definition of “ allegation ” has been given.

*Sub-clauses (d) and (g).*—The definition of “ grievance ” has to be read with that of “ maladministration ”. “ Maladministration ” has been defined to cover not only a decision, but also administrative procedure and practice, so that the administrative machinery itself is improved.

*Sub-clause (k).*—As it is proposed that the Lokayukta should inquire into allegations/grievances against the Presidents of the *Zilla Parishads* and Municipalities also, they have been included in the definition of “ public servant ” and referred to in clause 7(1)(ii).

*Clause 3—Sub-clauses (1) and (2).*—It is proposed that the Lokayukta should be of the status of a Chief Justice of a High Court, and an Upa-Lokayukta should be of the status of a Judge of the High Court. As in the Central Bill, the Act envisages that not only lawyers and Judges, but public men, etc. should be eligible. It is not necessary to lay down any qualifications in the Act ; but from the salary specified in section 5(4) and as in prescribing other conditions of service under section 5(5) the service conditions and precedence are to be considered, the status similar to that of a Judge can be assumed.

*Sub-clause (3).*—It is proposed to have a single administrative office for the Lokayukta and the Upa-Lokayuktas. A single authority in the administrative charge, like a Chief Justice in a High Court, will be conducive to smooth functioning of the machinery. It has been made clear in the proviso that the Lokayukta cannot operate as a reviewing authority over the Upa-Lokayuktas.

*Clause 5—Sub-clauses (1) and (2).*—These are self-explanatory.

*Sub-clause (3).*—As under State legislation, it may not be possible to debar employment under the Government of India or other State Governments, this clause puts an embargo on the Lokayukta and Upa-Lokayuktas taking up any office under the State Government or under authorities under the control of that Government to insure their independence.

*Clause 6.*—This clause deals with the removal from office of the Lokayukta and Upa-Lokayuktas. It seeks to ensure that the grounds and procedure for such removal are similar to those applicable in the case of Judges of a High Court.

*Clause 7—Sub-clauses (1) and (2).*—These provide for matters, which may be investigated by the Lokayukta and Upa-Lokayuktas.

*Sub-clauses (3) and (4).*—These are self-explanatory and are *inter alia* intended to avoid duplication of investigations and ensure proper distribution of work among the Upa-Lokayuktas.

*Clause 8—Sub-clause (2).*—This provision is necessary so that matters which have already been gone into by a Commission of Inquiry, may not be subjected to another investigation by the Lokayukta or the Upa-Lokayuktas.

*Sub-clause (5).*—The time-limit for grievances is 12 months, but it has been provided that the period shall be computed from the date of knowledge of action and not from the date of occurrence.

The period of limitation for allegations of corruption has been fixed as 5 years from the date of occurrence and not 12 months.

In order to provide some relief in really hard cases, a provision has been made for relaxation of the time-limit in the case of grievances alone.

*Clause 9—Sub-clause (1) (b).*—This provision debars public servants from making allegations. This seems to be necessary in order to maintain the discipline of administrative organisation.

*Sub-clause (4).*—It is desirable to have a provision to stall frivolous complaints. This provision is based on section 5 of the Public Servants (Inquiries) Act, 1850 (37 of 1850).

*Clause 10—Sub-clause (1) (a).*—This provision seeks to provide that when the Lokayukta or an Upa-Lokayukta decides to conduct an investigation against a public servant, the competent authority in respect of such public servant should also be informed of the matter.

*Sub-clause (6).*—This provision is necessary to ensure that administrative action connected with the matter under investigation by the Lokayukta or an Upa-Lokayukta should not come to a standstill.

*Clause 13*—This provides for the staff of the Lokayukta and Upa-Lokayuktas and the machinery required by them for conducting investigations.

*Clause 14—Sub-clause (1).*—This sub-clause protects information available not only to the functionaries and their employees, but other public servants also who might have obtained or come by any information collected by these functionaries in the course of any investigation with which these public servants might have been connected.

*Clause 17—Sub-clauses (1) and (2).*—These sub-clauses will enable the Governor, by notification or order, to transfer various quasi-administrative consultative and supervisory functions to the new functionaries.

*Sub-clause (3).*—This will enable the Governor to refer important cases to the Lokayukta for investigation and report.

*Clause 18*—It is felt that with a view to enabling the Lokayukta or an Upa-Lokayukta to concentrate on really important cases, when the work becomes unmanageable, the Government should be empowered to exclude by notification, on the recommendation of the Lokayukta, complaints against public servants belonging to such class (not being public servants holding posts carrying a minimum monthly salary of one thousand rupees or more exclusive of allowances) as may be specified in the notification. This may become necessary particularly in the case of public servants in the lower grades of pay.

*Clause 19*—This is necessary to enable the new functionaries to delegate routine functions of investigation, etc. to the staff under them.

*Clause 20*—This clause empowers the Governor to make rules under the Act.

V. P. NAIK,  
Chief Minister.

Bombay, dated the 30th March 1971.

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महाराष्ट्र शासन राजपत्र, एप्रिल ८, १९७१/चैत्र १८, शके १८९३ [ भाग पाच

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 30th March 1971).

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Lokayuka and Upa-Lokayuktas Bill, 1971.

### MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative powers of issuing notifications, rules and order.

2. *Clause 1(3).*—This clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

3. *Clause 2 (k) (iv) (a) and (d).*—These clauses empower the State Government to notify any local authorities and any societies under the control of the State Government, so that the persons in their service or pay shall also be public servants.

4. *Clause 17.*—This clause empowers the Governor to entrust additional functions to the Lokayukta and Upa-Lokayuktas by notification in the *Official Gazette*, and by order to confer on them powers of a supervisory nature or to refer important cases for investigation and report.

5. *Clause 18.*—In this clause, power is taken to Goverment, with sufficient safeguards, to exclude from the jurisdiction of the Lokayukta and Upa-Lokayuktas complaints against certain lower classes of public servants, by issuing notification in the *Official Gazette*. Every such notification shall be laid before each House of the State Legislature and shall be liable to be modified or annulled by the Legislature.

6. *Clause 19.*—This empowers the Lokayukta and Upa-Lokayuktas to delegate by order some of their powers to their officers, etc.

7. *Clause 20.*—This clause empowers the Governor to make rules for the purposes of carrying into effect the provisions of the proposed enactment. The various matters in relation to which such rules may be made have been detailed in the various, items of sub-clause (2) of this clause and relate mainly to the specification of competent authorities in relation to the different public servants, the conditions of service of the Lokayukta and Upa-Lokayuktas and their staff, the procedure to be followed in making complaints, the additional powers of a Civil Court which may be exercised by the Lokayukta and Upa-Lokayuktas, etc. The rules are required to be laid before the Legislature and liable to be modified or annulled by it.

8. All these matters are necessary for the effective administration of the provisions in the Bill, and it is difficult to provide for all situations in the Bill itself. The delegation of legislative power is therefore of a normal character.

## CONTENTS OF FINANCIAL MEMORANDUM.

Clause 3(1) of the Bill provides for the appointment of two functionaries one to be known as the Lokayukta and the other as the Upa-Lokayukta. Clause 5 of the Bill read with the Second Schedule also prescribes the salaries of the Lokayukta and the Upa-Lokayukta. It, however, provides that it is prescribing the allowances and pension payable to and other conditions of service of the Lokayukta and the Upa-Lokayukta regard shall be had to the allowances and pension payable to and other conditions of service of the Chief Justice of a High Court and a Judge of the High Court, respectively. Clause 13 provides for the appointment of staff of the Lokayukta and the Upa-Lokayukta. The salaries and other conditions of service of the staff of the Lokayukta and Upa-Lokayukta are to be prescribed by rules after consultation with the Lokayukta. It is not possible to give precise details of the expenditure involved. The new institutions are, however, estimated to entail a non-recurring expenditure of Rs. 1 lakh and recurring expenditure of Rs. 5 lakhs a year.

S. H. BELAVADI,

Secretary,

Maharashtra Legislative Assembly.

Bombay, dated the 6th April 1971.

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मंगळवार, एप्रिल ६, १९७१/चैत्र १६, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 6th April 1971.

#### L. A. BILL No. XVI OF 1971.

##### A BILL

to amend the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967, the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Mah. WHEREAS, it is expedient to amend the Maharashtra Agricultural University XXIII (*Krishi Vidyapeeth*) Act, 1967, the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-

IX second Year of the Republic of India as follows:—

of  
1969.

Mah.

V of

1962.

1. (1) This Act may be called the Maharashtra Agricultural Universities and Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971.  
Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment  
of section 2  
of Mah.  
XXIII of  
1967.

2. In section 2 of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) <sup>Mah.</sup>  
Act, 1967 (hereinafter referred to as "the Maharashtra Agricultural University of  
Act"), in clause (g), after the words "by the University" the words "and includes 1967,  
any institution for lower agricultural education, such as an agricultural school  
or *gramsevak* training centre, which is under the direct management of the University,  
or which is recognised as such by the University" shall be inserted.

Amendment  
of section 7  
of Mah.  
XXIII of  
1967.

3. In section 7 of the Maharashtra Agricultural University Act, in sub-section (7),  
the words "or under the control of any *Zilla Parishad*" shall be deleted.

Insertion of  
section 7A in  
Mah. XXIII  
of 1967.

4. After section 7 of the Maharashtra Agricultural University Act, the following  
section shall be inserted, namely:—

Transfer of  
management  
and main-  
tenance and  
control of  
certain agri-  
cultural  
schools from  
*Zilla*  
*Parishads* to  
the  
University.

"7A. Notwithstanding anything contained in the Maharashtra Zilla Parishads <sup>Mah.</sup>  
and Panchayat Samitis Act, 1961, with effect from such date or dates (not being <sup>V of</sup> 1962,  
later than two years from the commencement of the Maharashtra Agricultural <sup>Mah.</sup>  
Universities and Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971) <sup>of</sup> 1971,  
as may be appointed, and subject to such terms and conditions (if any) as may be specified,  
by the State Government by notification in the *Official Gazette*, the  
management and maintenance of agricultural schools (together with any property  
appertaining thereto) vesting in the *Zilla Parishads* and situated in the University  
area shall cease to vest in the *Zilla Parishads*, and shall stand transferred to the  
University. The University shall thereupon assume responsibility for their  
management and maintenance as in the case of other institutions transferred to  
it under sub-section (7) of section 7. The responsibility of the *Zilla Parishads*  
to give grants to aided agricultural schools shall also, with effect from the date  
aforesaid, cease and shall become the responsibility of the University, subject  
to such terms and conditions (if any) as may be specified by the State Government  
by notification in the *Official Gazette*."

Amendment  
of section 13  
of Mah.  
XXIII of  
1967.

5. In section 13 of the Maharashtra Agricultural University Act, in sub-section (6),  
for the words "by the Executive Council" the words "by the Statutes" shall be  
substituted.

Amendment  
of section 2  
of Mah.  
XXIII of  
1967.

6. In section 25 of the Maharashtra Agricultural University Act, in sub-section (1),  
under the heading "I. *Ex-Officio Members*", under the sub-heading "Category B",  
before entry (i), the following entry shall be inserted, namely :—

"(a-i) The Minister of State for Agriculture, Maharashtra State,."

Amendment  
of section 38  
of Mah.  
XXIII of  
1967.

7. In section 38 of the Maharashtra Agricultural University Act, after sub-  
section (1A), the following sub-section shall be inserted, namely :—

"(1B) After such date as may be specified by the State Government by notification in the *Official Gazette*, [not being earlier than two years from the commencement of the Maharashtra Agricultural Universities and Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971], no college or other institution in the University area giving instruction at the degree or diploma level in the field of Agriculture shall, save with the sanction of the State Government, be or continue to be associated in any way with, or seek admission to any privileges of, any University established by law outside the State, or any other authority or body outside the State awarding such degree or diploma."

## 8. In section 39 of the Maharashtra Agricultural University Act,—

(a) after sub-section (3), the following sub-section shall be added, namely :—

“ (4) The Court shall also have power, after consultation with the Executive Council, to recognise any institution for lower agricultural education, such as an agricultural school or *gramsevak* Training Centre under the management of any authority other than the University as a recognised institution for the purpose of providing means of instruction in lower level education in agricultural and allied activities. The procedure prescribed in sub-sections (2) and (3) for applying for and granting or refusing to grant recognition to any institution of research or specialised studies shall apply *mutatis mutandis* for applying for and granting or refusing to grant recognition to any institution for lower agricultural education.”.

(b) in the marginal note, after the words “ and specialised studies ” the words “ and of lower agricultural education ” shall be added.

## 9. After section 53 of the Maharashtra Agricultural University Act, the following section shall be inserted, namely :—

Amendment  
of section 39  
of Mah.  
XXIII of  
1967.

Insertion of  
section 53A  
in Mah.  
XXIII of  
1967.

Mah.  
V of  
1962.

“ 53A. (1) Notwithstanding anything contained in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, with effect from the date appointed under section 7A in respect of any agricultural school (hereinafter in this section referred to as “ the appointed day ”), every person (whether he is a Government servant on deputation to a *Zilla Parishad* under section 253B or is finally allotted to a *Zilla Parishad* under section 242 or 253C of the said Act or is appointed by a *Zilla Parishad* or has otherwise become an officer or servant of a *Zilla Parishad* under the said Act) serving in such school immediately before the appointed day, shall be taken over and employed by the University, and every person so taken over and employed shall be subject to the provisions of this Act and the Statutes and Regulations made thereunder:

University  
to absorb  
staff of  
agricultural  
schools the  
management  
and main-  
tenance of  
which is  
transferred  
to it from  
the *Zilla*  
*Parishads*.

Provided—

(a) that, during the period of such employment, all matters relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of service of such person shall be regulated by the rules, which were applicable to him immediately before the appointed day, or in the case of a Government servant on deputation be regulated by such other rules as may, from time to time, be made by the State Government ;

(b) that, against any order of reduction, dismissal or removal from service or any other punishment, any such person shall have a right of appeal, if he is a Government servant on deputation, to the State Government; and if he is or has become an officer or servant of a *Zilla Parishad* to such authority as was competent to entertain such appeal under the rules applicable to him immediately before the appointed day.

(2) Subject to the provisions of sub-sections (3) and (4), all persons taken over and employed by the University under sub-section (1), who are servants of the State Government on deputation to a *Zilla Parishad* under section 253B of the said Act, shall from the appointed day cease to be on such deputation ; and who are permanent servants of the State Government or of a *Zilla Parishad*, shall have a lien on their posts in the service of the State Government or the *Zilla Parishad*, as the case may be, and the period of their service under the University shall if they choose to revert to the service of the State Government or the *Zilla Parishad*, be counted for their increments, pension and other matters relating to their service.

(3) Notwithstanding anything contained in sub-sections (1) and (2), every person taken over by the University under sub-section (1) shall, within a period of two years from the appointed day [or such further time (if any) as the State Government may decide], give notice in writing to the State Government—

(a) that he desires to retire and thereupon he shall be permitted to retire from Government service or the *Zilla Parishad* service, as the case may be, and shall be entitled to all such terminal benefits as compensation, pension or gratuity, or the like, as he would have been entitled to had he then retired from Government service or the *Zilla Parishad* service, as the case may be, or

(b) that he should be permanently absorbed in the service of the University and thereupon the University shall absorb him permanently in its service, any service rendered or deemed to be rendered by him under the State Government or the *Zilla Parishad* shall be deemed to be service under the University, and he shall be entitled to receive from the University such terms and conditions of service as respects remuneration, leave and pension, and such rights as respects disciplinary matter or rights similar thereto as changed circumstances may permit as are not less favourable than those to which that person was entitled to immediately before the appointed day, or

(c) that he should be permitted to revert to Government service or the *Zilla Parishad* service, as the case may be, and thereupon he shall be permitted to revert to the said service on the same terms and conditions of service applicable to him immediately before the appointed day.

(4) If any person taken over by the University under sub-section (1) fails to give notice under sub-section (3) in time, he shall be deemed to have opted to be permanently absorbed in the service of the University under clause (b) of sub-section (3).

(5) Notwithstanding anything contained in this section, in the case of any person taken over by the University, if in the opinion of the University such person is not suitable or is surplus to its requirements, the University may move the State Government, within a period of two years from the appointed day, to repatriate him to the service of Government or the *Zilla Parishad*, as the case may be. Upon such request by the University, the State Government or the *Zilla Parishad*, as the case may be, shall take back the person in its service.”.

Amendment  
of section 58  
of Mah.  
XXIII of  
1967.

10. For section 58 of the Maharashtra Agricultural University Act, the following section shall be, and shall be deemed always to have been, substituted, namely :—

Acts and  
proceedings  
not invalidated  
by  
vacancies.

“ 58. No act or proceeding of the University or any authority or body thereof shall be invalidated merely by reason of the existence of any vacancy in, or defect in the constitution or reconstitution of, the University or any such authority or body at any time.”

Amendment  
of section 2  
of Mah.  
IX of 1969.

11. In section 2 of the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 (hereinafter referred to as “ the Punjabrao Agricultural University Act.”) Mah. IX of institution for lower agricultural education, such as an agricultural school or *gram-sevak* training centre, which is under the direct management of the University, or which is recognised as such by the University ” shall be inserted.

Amendment  
of section 7  
of Mah. IX  
of 1969.

12. In section 7 of the Punjabrao Agricultural University Act, in sub-section (6), the words “ or under the control of any *Zilla Parishad* ” shall be deleted.

13. After section 7 of the Punjabrao Agricultural University Act, the following section shall be inserted, namely :—

Mah.  
V of  
1962.  
Mah.  
of  
1971.

**“ 7A. Notwithstanding anything contained in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, with effect from such date or dates (not being later than two years from the commencement of the Maharashtra Agricultural Universities and Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971, as may be appointed and subject to such terms and conditions (if any) as may be specified, by the State Government by notification in the *Official Gazette*, the management and maintenance of agricultural schools (together with any property appertaining thereto) vesting in the Zilla Parishads and situated in the University area shall cease to vest in the Zilla Parishads and shall stand transferred to the University. The University shall thereupon assume responsibility for their management and maintenance as in the case of other institutions transferred to it under sub-section (6) of section 7. The responsibility of the Zilla Parishads to give grants to aided agricultural schools shall also, with effect from the date aforesaid, cease and shall become the responsibility of the University, subject to such terms and conditions (if any) as may be specified by the State Government by notification in the *Official Gazette*. ”**

Transfer of  
management  
and mainte-  
nance and  
control of  
certain  
agricultural  
schools from  
Zilla  
Parishads  
to the  
University.

14. In section 13 of the Punjabrao Agricultural University Act, in sub-section (6), for the words “ by the Executive Council ” the words “ by the Statutes ” shall be substituted.

Amendment  
of section 13  
of Mah. IX  
of 1969.

15. In section 25 of the Punjabrao Agricultural University Act, in sub-section (1), under the heading “ I. Ex-Officio Members ”, under the sub-heading “ Category B ”, before entry (i), the following entry shall be inserted, namely :—

Amendment  
of section 25  
of Mah. IX  
of 1969.

“(ai) The Minister of State for Agriculture, Maharashtra State.”.

16. In section 38 of the Punjabrao Agricultural University Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment  
of section 38  
of Mah. IX  
of 1969.

Mah.  
of  
1971.

“(IA) After such date as may be specified by the State Government by notification in the *Official Gazette*, (not being earlier than two years from the commencement of the Maharashtra Agricultural Universities and Zilla Parishads and Panchayat Samitis (Amendment) Act, 1971), no college or other institution in the University area giving instruction at the degree or diploma level in the field of agriculture shall, save with the sanction of the State Government, be or continue to be associated in any way with, or seek admission to any privileges of, any University established by law outside the State or any other authority or body outside the State awarding such degree or diploma.”.

17. In section 39 of the Punjabrao Agricultural University Act,—

Amendment  
of section 39  
of Mah. IX  
of 1969.

(a) after sub-section (3), the following sub-section shall be added, namely :—

“(4) The Court shall also have power, after consultation with the Executive Council, to recognise any institution for lower agricultural education, such as an agricultural school or *gramseyak* training centre, under the management of any authority other than the University as a recognised institution for the purpose of providing means of instruction in lower level education in agriculture and allied activities. The procedure prescribed in sub-sections (2) and (3) for applying for and granting or refusing to grant recognition to any institution of research or specialised studies shall apply *mutatis mutandis* for applying for and granting or refusing to grant recognition to any institution for lower agricultural education.”;

(b) in the marginal note, after the words “ and specialised studies ” the words “ and of lower agricultural education ” shall be added.

18. After section 53 of the Punjabrao Agricultural University Act, the following section shall be inserted, namely:—

University  
to absorb  
staff of  
agricultural  
schools the  
management  
and main-  
tenance of  
which is  
transferred  
to it from  
the *Zilla  
Parishads*.

“ 53A. (1) Notwithstanding anything contained in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, with effect from the date appointed under section 7A in respect of any agricultural school (hereinafter in this section referred to as “ the appointed day ”), every person (whether he is a Government servant on deputation to a *Zilla Parishad* under section 253B or is finally allotted to a *Zilla Parishad* under section 242 or 253C of the said Act or is appointed by a *Zilla Parishad* or has otherwise become an officer or servant of a *Zilla Parishad* under the said Act) serving in such school immediately before the appointed day, shall be taken over and employed by the University, and every person so taken over and employed shall be subject to the provisions of this Act and the Statutes and Regulations made thereunder:

Provided—

(a) that, during the period of such employment, all matters relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of service of such person shall be regulated by the rules, which were applicable to him immediately before the appointed day, or in the case of a Government servant on deputation be regulated by such other rules as may, from time to time, be made by the State Government;

(b) that, against any order of reduction, dismissal or removal from service or any other punishment, any such person shall have a right of appeal, if he is a Government servant on deputation, to the State Government; and if he is or has become an officer or servant of a *Zilla Parishad* to such authority as was competent to entertain such appeal under the rules applicable to him immediately before the appointed day.

(2) Subject to the provisions of sub-sections (3) and (4), all persons taken over and employed by the University under sub-section (1) who are servants of the State Government on deputation to a *Zilla Parishad* under section 253B of the said Act, shall from the appointed day cease to be on such deputation; and who are permanent servants of the State Government or of a *Zilla Parishad*, shall have a lien on their posts in the service of the State Government or the *Zilla Parishad*, as the case may be, and the period of their service under the University shall if they choose to revert to the service of the State Government or the *Zilla Parishad*, be counted for their increments, pension and other matters relating to their service.

(3) Notwithstanding anything contained in sub-sections (1) and (2), every person taken over by the University under sub-section (1) shall, within a period of two years from the appointed day (or such further time (if any) as the State Government may decide) give notice in writing to the State Government—

(a) that he desires to retire and thereupon he shall be permitted to retire from Government service or the *Zilla Parishad* service, as the case may be, and shall be entitled to all such terminal benefits as compensation, pension or gratuity, or the like, as he would have been entitled to had he then retired from Government service or the *Zilla Parishad* service, as the case may be, or

(b) that he should be permanently absorbed in the service of the University and thereupon the University shall absorb him permanently in its service, any service rendered or deemed to be rendered by him under the State Government or the *Zilla Parishad* shall be deemed to be service under the University, and he shall be entitled to receive from the University such .....

disciplinary matters or rights similar thereto as changed circumstances may permit as are not less favourable than those to which that person was entitled to immediately before the appointed day, or

(c) that he should be permitted to revert to Government service or the *Zilla Parishad* service, as the case may be, and thereupon he shall be permitted to revert to the said service on the same terms and conditions of service applicable to him immediately before the appointed day.

(4) If any person taken over by the University under sub-section (1) fails to give notice under sub-section (3) in time, he shall be deemed to have opted to be permanently absorbed in the service of the University under clause (b) of sub-section (3).

(5) Notwithstanding anything contained in this section, in the case of any person taken over by the University, if in the opinion of the University such person is not suitable or is surplus to its requirements, the University may move the State Government, within a period of two years from the appointed day, to repatriate him to the service of Government or the *Zilla Parishad*, as the case may be. Upon such request by the University, the State Government or the *Zilla Parishad*, as the case may be, shall take back the person in its service.”.

19. For section 58 of the Punjabrao Agricultural University Act, the following Amendment section shall be, and shall be deemed always to have been, substituted, namely:— of section 58 of Mah. IX of 1969.

“ 58. No act or proceeding of the University or any authority or body thereof shall be invalidated merely by reason of the existence of any vacancy in, or defect in the constitution or reconstitution of, the University or any such authority or body at any time.”.

Mah. 20. In the First Schedule to the Maharashtra Zilla Parishads and Panchayat V of Samitis Act, 1961, to entry 1, the following shall be added at the end, namely :— 1962.

“ Note.—This entry shall cease to be in operation, when the management and maintenance or the control of all such existing schools is transferred to the Mahatma Phule *Krishi Vidyapeeth* or the Punjabrao *Krishi Vidyapeeth* under section 7A of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 or the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968, as the case may be.”.

Mah.  
XXIII  
of  
1967.  
Mah.  
IX of  
1969.

Amendment  
of First  
Schedule to  
Mah. V of  
1962.

### STATEMENT OF OBJECTS AND REASONS.

The Mahatma Phule *Krishi Vidyapeeth* and the Punjabrao *Krishi Vidyapeeth* have been established under the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 and the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968. During the implementation of the two Acts, certain amendments have been found necessary. The following notes on clauses explain the objects and reasons of the important amendments to the Acts proposed in the Bill.

**2. Clauses 2, 8, 11 and 17.**—These clauses are intended to provide that the institutions for lower agricultural education which are under the direct management of the University shall be recognised institutions and to prescribe the procedure to be followed by such other institutions which desire to be recognised institutions.

**3. Clauses 3, 4, 12, 13 and 20.**—The agricultural schools which were formerly under Government were transferred to the *Zilla Parishads* and under section 100 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. To pass on these schools, which are now under the control of the *Zilla Parishads*, to the two Universities, it is considered necessary to have further provisions to transfer their management and maintenance (together with any property appertaining thereto) and to relieve the *Zilla Parishads* of their responsibility to give grants to aided agricultural schools and to make consequential amendment in the *Zilla Parishads* Act.

**4. Clauses 9 and 18.**—On transfer of the agricultural schools under the *Zilla Parishads* to the Universities all persons serving therein (whether they are Government servants on deputation or whether they are or have become *Zilla Parishad* servants) shall be taken over and employed by the Universities, subject to the following provisions :—

(a) During the period of such employment, the conditions of service of the members of such staff shall continue to be regulated by the rules which were applicable to them, or in the case of Government servants on deputation they will be regulated by such other rules as may be made by the State Government. Any such member shall have a right of appeal, if he is a Government servant on deputation to the State Government; and if he is a servant of a *Zilla Parishad* to such authority as may be competent to entertain such appeal under the rules applicable to him.

(b) Before the expiry of the period of two years from the appointed day, every such officer or servant will have an option to give notice to the State Government that he should be permitted to retire and get terminal benefits, or that he should be permanently absorbed in the service of the University, or that he should be permitted to revert to the service of the State Government or the *Zilla Parishad*, as the case may be. If he fails to give such notice in time, he shall be deemed to have opted to be permanently absorbed in the service of the University.

**5. Clauses 5 and 14.**—Section 13(6) of both Acts is being amended to make it consistent with section 35(b) under which the emoluments and other conditions of service of the Vice-Chancellor are to be determined by the Statutes.

**6. Clauses 6 and 15.**—In both Universities, the Minister for Agriculture and the Deputy Minister for Agriculture by virtue of their office are the Pro-Chancellor of the University and a member of the Court, respectively. Consequent on the creation of the office of the Minister of State for Agriculture, it is proposed to appoint him also as an *ex-officio* member of the Court.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल ८, १९७१/चंत्र १८, शके १८९३ १११

7. *Clauses 7 and 16.*—As in the other University Acts, it is proposed that no institution in the State giving instruction at the degree or diploma level in the field of agriculture should now seek admission to or continue to enjoy the privileges of any outside university or other authority awarding degrees, etc., except with the sanction of the State Government.

8. *Clauses 10 and 19.*—Sometimes, it becomes impossible to fill up certain vacancies in a body or authority of the University e.g. absence of any donor donating Rs. 50,000 or more. Opportunity is taken to clarify that the acts and proceedings of any body or authority shall not be invalidated merely by reason of the existence of any vacancy in, or defect in the constitution or reconstitution of, the body or authority at any time.

P. K. SAWANT,

Minister for Agriculture

Bombay, dated the 31st March 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

The important proposals for delegation of legislative power contained in the Bill are explained below :—

2. *Clauses 4 and 13.*—New section 7A empowers the State Government to appoint a convenient date or dates by notification in the *Official Gazette*, on which the management and maintenance of the Zilla Parishad Agricultural Schools (together with the property) shall stand transferred to the University. The terms and conditions (if any) on which such transfer is to take place may be specified in the notification.

3. *Clauses 7 and 16.*—New sub-section (1B) of section 38 empowers Government to fix a suitable date by notification in the *Official Gazette*, after which no institution in the University area giving instruction at the degree or diploma level in the field of agriculture shall, without the sanction of Government, be able to seek privileges or continue privileges of any University or authority outside the State, awarding such degree or diploma.

4. Both proposals are made for administrative convenience and to avoid encumbering the Act with unnecessary details. They are of a normal character.

S. H. BELAVADI,

Secretary,

Maharashtra Legislative Assembly.

Bombay, dated the 6th April 1971.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ त्रामांक दिले आहेत.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधान परिषदेत सादर केलेली विधेयके

पृढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या  
दिनांकांना प्रसिद्ध झाली आहेत :—

१३

गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on  
the 8th April 1971 :—

#### L. C. BILL No. II OF 1971.

##### A BILL

Bom.  
I of  
1959. further to amend the Bombay Inferior Village Watans Abolition Act, 1958.

WHEREAS, it is expedient further to amend the Bombay Inferior Village Watans  
Abolition Act, 1958, for the purposes hereinafter appearing ; It is hereby enacted  
in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Bombay Inferior Village Watans Abolition Short title.  
(Amendment) Act, 1971.

Bom.  
I of  
1959. 2. In section 5 of the Bombay Inferior Village Watans Abolition Act, 1958, for Amendment  
of section  
sub-section (3), the following sub-section shall be substituted, namely :—  
5 of Bom.  
I of 1959.

“(3) The occupancy of the land regranted under sub-section (1) shall be  
partible but not transferable by metes and bounds.”.

१९४

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चंत्र २५, शके १८९३

[भाग पाच]

#### STATEMENT OF OBJECTS' AND REASONS.

Under sub-section (3) of section 5 of the Bombay Inferior Village Watan Abolition Act, 1958 watan lands regranted to the inferior village watandars, can be transferred or partitioned with the previous sanction of the Collector and on payment of such amount as the State Government may by general or special order determine. Because of this permissive provision, land regranted to such persons has been transferred on a large scale to others. This has left the watandars without any land and their economic condition has deteriorated to a large extent. People with money have exploited the needy watandars. It is necessary to stop transfers of such land.

The Bill seeks to achieve the object.

Bombay, dated the 6th April 1971.

D. H. TAYADE,  
Member-in-charge.

Bombay, dated the 8th April 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Council.

१४

गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

#### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri Hashu Adwani, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. II OF 1971.

##### A BILL

to provide for the prevention, abatement and control of pollution of air in the State ; for the constitution of the Board, and for conferring on such Board functions relating thereto, and for purposes connected with the matters aforesaid.

WHEREAS, due to rapid industrial development in the State, a large number of industries spring up at various places, without making any adequate provisions for prevention of discharge of noxious and offensive gases into air.

AND WHEREAS, considering the gravity of the problem, it is expedient to provide for the prevention, abatement and control of pollution of air in the State, for controlling existing and new discharge, for the constitution of the Board and for conferring on such Board functions relating thereto, and for purposes connected

with the matters aforesaid; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

## CHAPTER I.

### PRELIMINARY.

**Short title, extent and commencement.** 1. (1) This Act may be called the Maharashtra Prevention of Air Pollution Act, 1971.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different areas and different provisions of this Act.

**Definitions and interpretation of terms.**

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

(a) “disposal system” means a system for disposing of industrial gases.

(b) “functions” includes powers and duties, and any reference to the conferring or exercise of functions shall include a reference to the imposing or performance of duties;

(c) “pollution” means such contamination of air or such discharge of any industrial gas, or gases into air as may or is likely to create directly or indirectly a nuisance or render air harmful or injurious to public health or safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses or to animal, plant and health; and “pollute” shall be construed accordingly.

(d) “prescribed” means prescribed by rules;

(e) the expression “alkali work” means every work for—

(i) the manufacture of sulphate of soda or sulphate of potash, or

(ii) the treatment of copper ores by common salt or other chlorides whereby any sulphate is formed, in which muriatic acid gas is evolved;

(f) the expression “noxious or offensive gas” includes the following gases and fumes:—

(i) Muriatic acid;

(ii) Sulphuric acid;

(iii) Sulphurous acid, except that arising solely from the combustion of coal;

(iv) Nitric acid and acid forming oxides of nitrogen;

(v) Sulphuretted hydrogen;

(vi) Chlorine, and its acid compounds;

(vii) Fluorine compounds;

(viii) Cyanogen compounds;

(ix) Bisulphide of carbon;

(x) Chloride of sulphur;

(xi) Fumes from cement works;

(xii) Fumes containing copper, lead, antimony, arsenic, zinc, or their compounds;

(xiii) Fumes from tar works;

(g) the expression “owner” includes any lessee, occupier or any other person carrying on any work to which this Act applies;

(h) the expression "best practicable means", where used with respect to the prevention of the escape of noxious and offensive gases, has reference not only to the provision and the efficient maintenance of appliances adequate for preventing such escape, but also to the manner in which such appliances are used and to the proper supervision, by the owner, of any operation in which such gases are evolved.

3. Nothing in this Act shall be construed as exempting any work from any of the provisions of this Act applicable to the work as being a work of a certain class or description by reason only that the work is subject to other provisions of this Act as being a work of some other class or description.

## CHAPTER II.

### CONSTITUTION, PROCEEDINGS AND ORGANISATION OF THE BOARD.

4. (1) The State Government shall, as soon as practicable, after the commencement of this Act, by notification in the *Official Gazette*, constitute for the purposes of Board for this Act, a Board to be called the Maharashtra Prevention of Air Pollution Board (*in this Act referred to as "the Board"*) to carry out the functions assigned to it by or under this Act.

(2) The Board shall consist of the following members, namely :—

- (a) a Chairman to be nominated by the State Government ;
- (b) four officials to be nominated by the State Government ;
- (c) five members to be nominated by the State Government from amongst members of local authorities functioning in the State ;
- (d) not more than five members to be nominated by the State Government to represent the interests of persons concerned with carrying on any industry or trade or any other interests which, in the opinion of the State Government, ought to be represented ;
- (e) a member-secretary to be nominated by the State Government.

(3) The Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, and to contract, and may, by the name aforesaid, sue or be sued.

5. (1) Save as otherwise provided by or under this Act, a member of the Board, other than the member-secretary, shall hold office for a term of five years from the date of his nomination or until successor has been duly nominated, whichever is longer.

(2) A member of the Board, other than the member-secretary and Government officials, may at any time resign his office by writing under his hand addressed—

- (a) in the case of Chairman, to the State Government ; and
  - (b) in any other case to the Chairman of the Board ;
- and the seat of the Chairman or such other member shall thereupon become vacant.

(3) A member of the Board, other than the member secretary and Government officials, shall be deemed to have vacated his seat if he is absent, without the permission of the Board, from three consecutive meetings thereof ; or where he is nominated under clause (c) of sub-section (2) of section 4, if he ceases to be a member of a local authority, or becomes subject to any of the disqualifications specified in section 7.

(4) A casual vacancy in the Board shall be filled by a fresh nomination, and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated, and during any such vacancy the continuing members may act as if no vacancy had occurred.

(5) A member of the Board shall be eligible for re-nomination.

(6) The other terms and conditions of service of the members of the Board, other than the member-secretary and Government officials, shall be such as may be prescribed.

**Meetings** 6. The Board shall meet not less than thrice a year, and at least once in every four months, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

**Disqualification of non-official members** 7. A person shall be disqualified for being appointed or continuing as a non-official member, if he—

- (a) is of unsound mind, and stands so declared by a competent court;
- (b) is an undischarged insolvent; or
- (c) is or has been convicted of an offence involving moral turpitude.

**Removal of members** 8. If the State Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent to perform or has become incapable of performing his duties as a member or should for any other good and sufficient reason be removed, the State Government may, after giving the member an opportunity to show cause against his removal, by notification in the *Official Gazette*, remove him from office.

**Executive Committee of,—** 9. (1) There shall be an Executive Committee of the Board, which shall consist

- (a) the Chairman;
- (b) one official member of the Board specified by the State Government;
- (c) one other member of the Board to be nominated by the State Government;
- (d) the member-secretary.

(2) The Chairman of the Board shall also be the Chairman of the Executive Committee; and the member-secretary shall also be the Secretary of the Executive Committee.

(3) Subject to the general control, direction and superintendence of the Board, the Executive Committee shall be competent to deal with any matter within the competence of the Board.

**Constitution of Sub-Committees** 10. (1) The Board may constitute as many sub-committees (including area sub-committees for air pollution prevention areas) consisting wholly of members, or wholly of other persons or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.

(2) A sub-committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed by regulations made by the Board.

(3) The members of a sub-committee (other than the members of the Board) shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Board as may be prescribed.

**Temporary Association with Board for particular purposes** 11. (1) The Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person so associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

**12.** No act or proceedings of the Board, Executive Committee or any sub-committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board, the Executive Committee, or as the case may be, any sub-committee.

Vacancy in  
Board not to  
invalidate  
acts or  
proceedings.

**13.** (1) The member-secretary of the Board shall be a whole-time officer and the terms and conditions of his service shall be such as may be prescribed.

Member-  
Secretary  
of Board.

(2) He shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its Chairman.

**14.** (1) For the efficient exercise of the powers and functions of the Board by Officers and or under this Act, the Chairman of the Board or any other officer authorised by the State Government in this behalf, may, with the previous approval of the State Government, appoint such technical and administrative officers and staff as may be considered necessary.

Servants of  
Board.

(2) The officers and staff so appointed shall be entitled to receive such salaries and allowances and shall be governed by such terms and conditions of service, as may be determined by the State Government.

(3) The officers and staff so appointed under this section shall work under the control of the Chairman and shall be subordinate to him.

**15.** All expenses incurred by the Board including expenses incurred on account of salaries and allowances of the member-secretary, the officers and staff shall be met from such funds as may be placed at the disposal of the Board by the State Government.

Expenses of  
Board.

### CHAPTER III

#### POWERS AND FUNCTIONS OF THE BOARD.

**16.** (1) Subject to the provisions of this Act, the functions of the Board shall be—

Functions  
of Board.

(a) to advise the State Government to prevent air pollution in the State;

(b) to promote the cleanliness of air; and

(c) to plan a State-wide programme by stages, if necessary, for the prevention, abatement and control of existing or new pollution of air in different areas of the State, and to secure execution thereof in the air pollution prevention areas;

(d) to register the alkali work, a scheduled work, a cement work, a smelting work.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Board shall perform all or any of the following functions, namely :—

(a) to advise the State Government on any matter concerning the prevention, abatement and control of pollution of air;

- (b) to co-ordinate the activities of the sub-committees (if any), and to resolve disputes among them;
- (c) to advise, consult and co-operate with local authorities, other State agencies, Central Government, or industrial undertakings in relation to any of the purposes of this Act;
- (d) to provide technical assistance and guidance to the area sub-committees (if any), to carry out special investigations and research relating to problems of air pollution and prevention, abatement or control thereof;
- (e) to encourage, participate in and conduct investigations, research and demonstrations relating to air pollution problems and prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties under this Act;
- (f) to plan and organise the training of persons engaged or to be engaged in programmes for the prevention, abatement or control of air pollution on such terms and conditions as the Board may specify;
- (g) to collect and disseminate information relating to air pollution, and the prevention, abatement and control thereof;
- (h) to collect, compile and publish technical and statistical data in respect of matters relating to air pollution, and the measures devised for its effective prevention, and also prepare manuals, codes or guides relating to industrial discharge of gases;
- (i) to advise, or render any service to any local body or industrial undertaking on any matter concerning the prevention, abatement and control of air pollution, and in particular, to co-ordinate their activities and resolve disputes among them (if any) in respect thereof, and render service to any local authority or industrial undertaking in regard to treatment and disposal of industrial gases and waste and charge such commission or fees therefor as may be agreed upon;
- (j) to inspect works and plants and to review plans, specifications and other data relating to disposal systems or any part thereof in connection with the issue of such permits as are required by or under this Act;
- (k) to issue, continue in effect, revoke, modify or deny under such conditions as it may specify, to prevent, control or abate pollution, permission for the discharge of industrial gases and for the installation, modification or operation of disposal system or any part thereof;
- (l) to issue, modify or revoke orders—
  - (i) prohibiting or abating discharges of gases into air in the air pollution prevention areas;
  - (ii) requiring the construction of new disposal systems or any parts thereof, or the modification, extension or alteration of existing disposal systems or any part thereof, or the adoption of the remedial measures to prevent, control or abate air pollution:

**General Powers of Board.** 17. Subject to the provisions of this Act and the rules made thereunder, the Board shall have power,—

- (a) to constitute an Advisory Committee of persons who may not be members to advise the Board;
- (b) to engage suitable consultants or persons having special knowledge or skill to assist the Board in the performance of its functions;

- (c) with the previous sanction of the State Government, to delegate any of its powers generally or specially to any of the sub-committees appointed under section 10 or officers, and to permit them to redelegate specific powers to their subordinates ;
- (d) to do such other things and to perform such acts as the Board may think necessary ; so however that, none of such acts or things are inconsistent with the provisions of this Act or rules made thereunder or any other law, for the proper discharge of its functions, and generally for the purpose of carrying into effect the purposes of this Act.

**18.** The State Government may issue to the Board such general or special directions as to questions of policy or as to the exercise or performance of its powers or functions by or under this Act, as it may think necessary or expedient for the purpose of carrying into effect the purposes of this Act; and the Board shall be bound to follow and act upon such directions.

Directions  
by State  
Govern-  
ment.

## CHAPTER IV

### PREVENTION OF POLLUTION OF AIR.

**19.** (1) For the purpose of enabling the Board to perform the functions entrusted to it by or under this Act, the Board or any officer empowered by it in that behalf, may make surveys of any air pollution prevention area, and gauge and keep records of air pollution and other characteristics in that area, and may take steps for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith; and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

Power of  
Board to  
obtain  
information.

(2) The Board may give directions requiring any person who in its opinion is discharging industrial gases, to give such information as to the discharging at such times and in such form as may be specified in the directions and such directions shall be complied by such person within such time as may be specified in the said direction :

Provided that, any person to whom such directions are given may, if he considers that the directions are unreasonable or unduly onerous, within 15 days of the receipt thereof, make representations to the State Government, with respect thereto, and the State Government, may after hearing, if necessary, such person and any person deputed by the Board in this behalf, by order in writing either confirm the direction or, if it thinks fit, require the Board to revoke or modify the said directions as specified in the order and the Board shall comply with the State Government's requirement as specified in the order.

**20.** (1) Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the Board or any officer empowered by it in that behalf, of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one-fifth part of a grain of muriatic acid.

(2) The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence Rs. 5,000 and in the case of every subsequent offence Rs. 10,000.

**Prevention 21.** (1) In addition to the condensation of muriatic acid gas as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the escape of noxious or offensive gases by the exit flue of any apparatus used in any process carried on in the work, and for preventing the discharge, whether directly or indirectly, of such gases into the atmosphere, and for rendering such gases where discharged harmless and inoffensive, subject to the qualification that, on the basis of the amount of acid gas per cubic foot, no objection shall be taken under this section by Board or any officer empowered by it in that behalf to any muriatic acid gas in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet where the amount of such acid gas in each cubic foot of air, smoke, or gases so discharged does not exceed the amount limited by the last preceding section.

(2) If the owner of any alkali work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding in the case of the first offence Rs. 5,000, and in the case of every subsequent offence Rs. 10,000, with a further sum not exceeding Rs. 500 for every day during which any such subsequent offence has continued.

**Separation of 22.** (1) Every work of whatever description in which any liquid containing either acids and acid or any other substance capable of liberating sulphuretted hydrogen from alkali other substances from alkali waste or drainage therefrom is produced or used shall be carried on in such manner that the liquid shall not come in contact with alkali waste, or with drainage therefrom, and drainage so as to cause a nuisance.

(2) The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence Rs. 5,000 and in the case of every subsequent offence Rs. 10,000 with a further sum not exceeding Rs. 500 for every day during which any such subsequent offence has continued.

(3) On the request of the owner of any such work as is mentioned in this section the Board shall, at the expense of such owner, provide and maintain a drain or channel for carrying off such liquid as aforesaid produced in such work into the sea or into any river or watercourse into which the liquid can be carried without contravention of the Maharashtra Prevention of Water Pollution Act, 1969, as amended by any subsequent enactment.

(4) Compensation shall be made to any person for any damage sustained by him by reason of the exercise by the Board of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the Board under this section.

**Deposit or discharge of alkali waste.** (1) Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

(2) Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding in the case of the first offence Rs. 2,000, and in the case of every subsequent offence Rs. 5,000, with a further sum not exceeding Rs. 500 for every day during which any such subsequent offence has continued.

**Prevention 24.** Whether alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the Board that a nuisance is occasioned thereby, the Board, if satisfied of the existence of the nuisance, and already deposited a notice on such owner or occupier requiring him to abate it, shall serve or dis- charged. owner or occupier fails to use the best practicable and reasonably available means

Mah.  
of  
1969.

for the abatement thereof, he shall be liable to a fine not exceeding Rs. 2,000 and if he does not proceed to use such means within such time as may be limited by the court inflicting such fine, he shall be liable to a further penalty not exceeding Rs. 500 for every day after the expiration of the time so limited during which such failure continues.

#### SULPHURIC ACID, MURIATIC ACID, AND OTHER SPECIFIED WORKS.

**25.** (1) Every sulphuric acid work as defined in paragraph (1) of the Schedule to this Act shall be carried on in such manner as to secure the condensation to the satisfaction of the Board or any officer empowered by it in that behalf, of the acid gases of sulphur or of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in that work, to such an extent that the total acidity of those gases in each cubic foot of residual gases after completion of the process, and before admixture with air, smoke, or other gases, does not exceed what is equivalent to four grains of sulphuric anhydride.

Condensation of acid gases in Sulphuric acid and muriatic acid works.

(2) Every muriatic acid work as defined in paragraph (8) of the Schedule to this Act shall be carried on in such manner as to secure the condensation to the satisfaction of the Board or any officer empowered by it in that behalf of the muriatic acid gas evolved in such work; to such extent that in each cubic foot of air, smoke, or chimney gases escaping from the work into the atmosphere there is not contained more than one-fifth part of a grain of muriatic acid.

(3) The owner of any sulphuric acid work or of any muriatic acid work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence Rs. 5,000 and in a case of every subsequent offence Rs. 10,000.

**26.** (1) The owner of any work specified in the Schedule to this Act (hereinafter referred to as a scheduled work) shall use the best practicable means for preventing the escape of noxious or offensive gases by the exit flue of any apparatus used in any process carried on in the work and, for preventing the discharge, whether directly or indirectly, of such gases into the atmosphere, and for rendering such gases where discharged harmless and inoffensive, subject to the qualification that, on the basis of the amount of acid gas per cubic foot, no objection shall be taken under this section by the Board or any officer empowered by it in that behalf.

Prevention of discharge of noxious or offensive gases in scheduled works.

(a) To any muriatic acid gas in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet, where the amount of such acid gas in each cubic foot of air, smoke, or gases so discharged does not exceed the amount limited by the last preceding section;

(b) To any acid gases in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet receiving the residual gases from any process for the concentration or distillation of sulphuric acid, where the total acidity of such acid gases (including those from the combustion of coal) in each cubic foot of air, smoke, or gases so discharged does not exceed what is equivalent to one grain and a half of sulphuric anhydride.

(2) If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding in the case of the first offence Rs. 2,000, and in the case of every subsequent offence Rs. 5,000, with a further sum not exceeding Rs. 500 for every day during which any such subsequent offence has continued.

**Provisional** 27. (1) The Board or any officer empowered by it in that behalf may inquire order to whether, in any works in which aluminous deposits are treated for the purpose of prevent discharge making cement (hereinafter called cement works) or in any works in which sulphide, of noxious ores, including regulus, are calcined or smelted (hereinafter called smelting works), or offensive means can be adopted at a reasonable expense for preventing the discharge from cement and smelting works. harmful or inoffensive.

(2) Where it appears to the Board that such means can be adopted at a reasonable expense, the Board may by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of cement works or smelting works, of any noxious or offensive gas which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they think fit.

#### REGISTRATION OF WORKS.

**Registration of works, and stamp duty.** 28. (1) An alkali work, a scheduled work, a cement work, or a smelting work shall not be carried on unless it is certified to be registered by Board.

(2) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and then the certificates issued in the prescribed manner.

(3) A certificate of registration, if issued at a time when a previous certificate is in force, shall be in force for one year after the time when that certificate ceases to be in force, and if issued at a time when no previous certificate is in force shall be in force until the following first day of April.

(4) An application for a certificate of registration of a work may, in the case of the first registration of that work, be made at any time, and an application for any subsequent certificate in respect of that work shall be made in the month of January or February.

(5) A certificate of registration shall be issued on application being made in the prescribed manner by the owner of the work, if the conditions of registration are complied with, and one of the conditions, in the case of the first registration of an alkali or scheduled work, or the registration of such a work if the work has been closed for a period of twelve months previously, shall be that the work is at the time of registration furnished with such appliances as appear to the Board or any officer empowered by it in that behalf to be necessary in order to enable the work to be carried on in accordance with such of the requirements of this Act as apply to the work :

Provided that the Board may dispense with the last mentioned condition in the case of works erected before the commencement of this Act which were not before the commencement of this Act required to be registered.

(6) There shall be charged upon every such certificate a stamp duty of Rs. 100 in the case of an alkali work, and of Rs. 75 in the case of any other work.

(7) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to the Board, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(8) The owner of a work which has been carried on in contravention of this section shall be liable to a fine not exceeding Rs. 500.

#### INSPECTION.

29. (1) For the purpose of the execution of this Act, an officer empowered by Inspection Board in that behalf may at all reasonable times by day and night, without giving of works previous notice, but so as not to interrupt the process of the manufacture,—

(a) enter and inspect any work to which, in the opinion of the Board, any of the provisions of this Act applies ; and

(b) examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged ; and

(c) ascertain the quantity of gas discharged into the atmosphere, condensed or otherwise dealt with ; and

(d) enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing either acid or any other substance capable of liberating sulphuretted hydrogen from alkali waste or drainage therefrom is likely to come into contact with alkali waste or drainage therefrom ; and

(e) apply any such tests and make any such experiments, and generally make all such inquiries, as seem to him to be necessary or proper for the execution of his duties under this Act.

(2) The owner of any such work shall, on the demand of the Board or of any officer empowered by it in that behalf, furnish him within a reasonable time with a sketch plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas or any process for the condensation of such gas or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

(3) The owner of every such work and his agents shall render to the Board or every officer empowered by it in that behalf all necessary facilities for entry, inspection, examination and testing in pursuance of this Act.

(4) Every owner of a work in which such facilities are not afforded to the Board or any officer empowered by it in that behalf as are required by this Act, or in which the Board or any officer empowered by it in that behalf is obstructed in the execution of his duty under this Act, and every person wilfully obstructing the Board or any officer empowered by it in that behalf in the execution of his duty under this Act, shall be liable on conviction to a fine not exceeding Rs. 500.

30. The Board or any officer empowered by it in that behalf shall, on or before Annual report to the first day of March in every year, make a report in writing to the Government Government giving a true and full account of its activities and a copy of such report shall be laid before both Houses of Legislature.

#### PROCEDURE.

31. In calculating the proportion of acid to a cubic foot of air, smoke, or gases Provision as to calculation of acid. for the purposes of this Act, such air, smoke, or gases shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

**Sanction of Prosecution.** 32. No legal proceedings or prosecution for an offence punishable under this Act shall be instituted, until the expiration of one month after notice has been given to the offender that the taking of such proceedings or prosecution is being considered, and no legal proceedings or prosecution instituted shall be withdrawn, except with the previous sanction of the Board, or any officer authorised by the Board in this behalf.

**Jurisdiction of Courts.** 33. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

**Cognizance of offences.** 34. No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of the Board.

**Further provisions as to recovery of fines in Courts.** 35. (1) In any proceeding under this Act in relation to a fine for an offence—  
 (a) It shall be sufficient to allege that any work is a work to which this Act applies, without more ; and  
 (b) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer or persons in such work is usually known.

(2) A person shall not be subject to a fine under this Act for more than one offence in respect of the same work or place in respect of any one day.

(3) Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the Board or any officer empowered by it in that behalf, or for failing to use the best practicable means as required by this Act, an officer appointed by the Board in that behalf shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which the Board or officer empowered by it in that behalf founds this opinion, or the means which such owner has failed to use, and the means which, in the opinion of the Board or any officer empowered by it in that behalf would suffice, and shall produce a copy of such notice before the court having cognizance of the matter.

(4) A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

**Service of notices.** 36. Any notice, summons, or other document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by post or by delivering the same to the owner, or at his residence or works ; and the document shall be deemed to be properly addressed if addressed to the registered address of an owner, or when required to be served on or sent to the owner of any works, if addressed to the owner of the works at the works with the addition of the proper postal address, but without naming the person who is the owner.

**Complaint by sanitary authority in cases of nuisance.** 37. Where complaint is made to the Board by any sanitary authority, on information given by any of their officers, or any ten inhabitants of area, that any work to which this Act applies is carried on (either within or without the district) in contravention of this Act, or that any alkali waste is deposited or discharged (either within or without the district) in contravention of this Act, and that a nuisance is occasioned thereby to any of the inhabitants of their area, the Board shall make inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken as it may deem fit.

38. (1) Where a nuisance arising from the discharge of any noxious or offensive Actions in gas or gases is wholly or partially caused by the acts or defaults of the owners of case of several works to which any of the provisions of this Act applies, any person injured by such nuisance may proceed against any one or more of such owners, and may recover damages from each owner made a defendant in proportion to the extent of the contribution of that defendant to the nuisance, notwithstanding that the act or default of that defendant would not separately have caused a nuisance.

(2) This section shall not authorise the recovery of damages from any defendant who can produce a certificate from the Board or any officer empowered by it in that behalf that in the works of that defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

39. Nothing in this Act shall legalise any act or default that would, but for Saving this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive as to general any person of any remedy by action, indictment, or otherwise, to which he would have been entitled if this Act had not been passed.

## CHAPTER V.

### FUNDS, ACCOUNTS AND AUDIT.

40. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Board in each financial year such sums as the State Government may consider necessary for the performance of the functions of the Board under this Act.

41. (1) The Board shall have its own fund, and all sums which may, from time to time, be paid to it by the State Government, and all other receipts of the Board shall be credited to the fund of the Board, and all payments by the Board shall be made therefrom.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

42. The Board shall prepare, in such form and at such time each year as may be prescribed a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the State Government.

43. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant-General, Maharashtra.

(2) These accounts of the Board shall be audited by the Accountant-General, Maharashtra, and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Accountant-General has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(3) The accounts of the Board as certified by the Accountant-General or any other person appointed by him in this behalf together with the auditor's report thereon shall be forwarded annually to the State Government and the State Government shall cause the same to be laid before both Houses of the State Legislature.

## CHAPTER VI.

## MISCELLANEOUS.

Govern- 44. The State Government may, by notification in the *Official Gazette*, appoint  
ment such persons as it thinks fit, having the prescribed qualifications to be Govern-  
ment analysts for such air pollution prevention areas as may be assigned to them  
by the State Government.

Returns 45. The Board shall furnish to the State Government such reports, returns,  
and reports, statistics, accounts and other information with respect to its fund or activities as  
the State Government may from time to time, require.

Local 46. All local authorities shall render such help and assistance and furnish such  
authorities information to the Board as the Board may require for carrying out its function,  
to assist, and shall make available to the Board for inspection and examination such records,  
maps, plans and other documents as may be necessary for the discharge of its func-  
tions.

Protection 47. No suit, prosecution or other legal proceedings shall lie against any member,  
of action officer or servant of the Board or of Government for anything in good faith done or  
taken in intended to be done by or under this Act, or any rule made thereunder.  
good faith.

Power of 48. (1) The State Government may, after consultation with the Board and  
State subject to the condition of previous publication, make rules to carry out the purposes  
Government of this Act.  
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 comprised in one session or in two 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 the rule or both Houses  
agree that the rule should not be made, the rules shall from the date of publication  
of a notification in the *Official Gazette*, of such decision have effect only in such  
modified form or be of no effect, as the case may be; so, however, that any such modi-  
fication or annulment shall be without prejudice to the validity of anything previously  
done under that rule.

Power to 49. The State Government may, by notification in the *Official Gazette*, delegate  
delegate any power (other than the power to make rules) exercisable by it under this Act  
or the rules made thereunder to any officer of the State Government.

Members, 50. All members, officers, and servants of the Board, when acting or purporting  
Officers and to act in pursuance of any of the provisions of this Act and rules made thereunder  
Staff of shall be deemed to be public servants within the meaning of section 21 of the Indian of  
Board to be Public Penal Code.  
Servants. XLV  
1860.

## SCHEDULE.

## LIST OF WORKS.

(1) Sulphuric acid works, that is to say, works in which the manufacture of sul-  
phuric acid is carried on by the lead chamber process, namely, the process by which  
sulphurous acid is converted into sulphuric acid by the agency of oxides of nitrogen  
and by the use of a lead chamber.

(2) Sulphuric acid (Class II) works, that is to say, works in which the manufacture  
of sulphuric acid is carried on by any process other than the lead chamber process,  
and works for the concentration or distillation of sulphuric acid.

(3) Chemical manure works, that is to say, works in which the manufacture of chemical manure is carried on, and works in which any mineral phosphate is subjected to treatment involving chemical change through the application or use of any acid.

(4) Gas liquor works, that is to say, works (not being sulphate of ammonia works or muriate of ammonia works) in which sulphuretted hydrogen or any other noxious or offensive gas is evolved by the use of ammoniacal liquor in any manufacturing process and works in which any such liquor is desulphurised by the application of heat in any process connected with the purification of gas.

(5) Nitric acid works, that is to say, works in which the manufacture of nitric acid is carried on and works in which nitric acid is recovered from oxides of nitrogen.

(6) Sulphate of ammonia works and muriate of ammonia works, that is to say, works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on.

(7) Chlorine works, that is to say, works in which chlorine is made or used in any manufacturing process.

(8) Muriatic acid works, that is to say—

(a) Muriatic acid works, or works (not being alkali works as defined in this Act) where muriatic acid gas is evolved either during the preparation of liquid muriatic acid or for use in any manufacturing process;

(b) Tin plate flux works, that is to say, works in which any residue or flux, from tin plate works is calcined for the utilisation of such residue or flux, and in which muriatic acid gas is evolved; and

(c) Salt works, that is to say, works (not being works in which salt is produced by refining rock salt otherwise than by the dissolution of rock salt at the place of deposit) in which the extraction of salt from brine is carried on, and in which muriatic acid gas is evolved.

(9) Sulphide works, that is to say, works in which sulphuretted hydrogen is evolved by the decomposition of metallic sulphides, or in which sulphuretted hydrogen is used in the production of such sulphides.

(10) Alkali waste works, that is to say, works in which alkali waste or the drainage therefrom is subjected to any chemical process for the recovery of sulphur or for the utilization of any constituent of such waste or drainage.

(11) Venetian red works that is to say, works for the manufacture of Venetian red, crocus, or polishing powder, by heating sulphate or some other salt of iron.

(12) Lead deposit works, that is to say, works in which the sulphate of lead deposit from sulphuric acid chambers is dried or smelted.

(13) Arsenic works, that is to say, works for the preparation of arsenious acid, or where nitric acid or a nitrate is used in the manufacture of arsenic acid or an arseniate.

(14) Nitrate and chloride of iron works, that is to say, works in which nitric acid or a nitrate is used in the manufacture of nitrate or chloride of iron.

(15) Bisulphide of carbon works, that is to say, works for the manufacture of bisulphide of carbon.

(16) Sulphocyanide works, that is to say, works in which the manufacture of any sulphocyanide is carried on by the reaction of bisulphide of carbon upon ammonia or any of its compounds.

(17) Picric acid works, that is to say, works in which nitric acid or a nitrate is used in the manufacture of picric acid.

(18) Paraffin oil works, that is to say, works in which crude shale oil is refined.

(19) Bisulphite works, that is to say, works in which sulphurous acid is used in the manufacture of acid sulphites of the alkalis or alkaline earths.

(20) Tar works, that is to say, works where gas tar or coal tar is distilled or is heated in any manufacturing process.

(21) Zinc works, that is to say, works in which by the application of heat, zinc is extracted from the ore, or from any residue containing that metal.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

१३१

#### STATEMENT OF OBJECTS AND REASONS.

Due to rapid industrial development in the State, a large number of industries spring up at various places without making any adequate provisions for prevention of discharge of noxious and offensive gases into the air, which affects the public health in general and creates inhumane and unhealthy conditions of work for the workers working in these industries.

Articles 42 and 47 of the part IV of the Constitution of India direct the State to take steps for improvement of public health and make provision for just and humane conditions of work.

In order to guard the public from unhealthy conditions created by industrial development, effective and adequate steps are necessary and hence the bill.

HASHU ADVANI,  
Member-in-charge.

Bombay, 16th March, 1971.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (1)  
AND (3) OF THE CONSTITUTION OF INDIA.

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 26th March 1971).

In exercise of the powers conferred upon him by clauses (1) and (3) of article 207  
of the Constitution of India, the Governor of Maharashtra is pleased to recommend  
to the Maharashtra Legislative Assembly the consideration of the Maharashtra  
Prevention of Air Pollution Bill, 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 48 of the Bill seeks to empower the State Government to make rules for carrying out the purposes of this Act.

This delegation of legislative powers is of normal character.

S. H. BELAVADI,

Secretary,

Bombay, dated the 8th April 1971.

Maharashtra Legislative Assembly.

भाग पाच ]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

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१५

गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri K. S. Dhondge, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. III OF 1971.

##### A BILL

*to provide for the abolition of certain hereditary and customary rights.*

WHEREAS, it is expedient to abolish certain hereditary and customary rights prevailing in the State of Maharashtra and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Abolition of Hereditary and Customary Rights Act, 1971.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force at once.

Short title,  
extent and  
commencement.

**Definitions.**

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

“Schedule” means the Schedule appended to this Act.

Abolition  
of heredi-  
tary and  
customary  
rights.

3. Notwithstanding any law, custom or usage to the contrary, the hereditary and customary rights specified in the Schedule shall be abolished.

Power of State Government to amend the Schedule.

4. The State Government may, by notification in the *Official Gazette*, add any hereditary and customary right in the Schedule and upon such notification, the Schedule shall be deemed to be amended accordingly.

**Penalty**

for offences.

5. Whoever, in contravention of the provisions of this Act, enforces or abets the enforcement of any hereditary and customary right abolished by this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and also with fine which may extend to five hundred rupees.

**Offences under this Act to be cognisable.**

6. Offences under this Act shall be cognisable.

Payment of compensation to property.

7. If in consequence of abolition of any right under section 3, any person is deprived of his property he shall be entitled to compensation equal to six times the cash value of the average income in money or in kind received by such person during the three years immediately preceding the date on which such right is abolished; such cash value shall be determined in the prescribed manner.

Method of awarding compensation.

(1) A person entitled to compensation under section 7 may make an application to the Collector for compensation in the prescribed form within the prescribed period.

(2) On receipt of the application referred to in sub-section (1) the Collector shall, after holding a formal inquiry in the prescribed manner make an award determining the compensation in the prescribed manner.

(3) Every award under sub-section (2) shall be in writing signed by the Collector and shall specify the amount awarded together with the grounds of awarding the said amount.

Appeal against Collector's award.

9. An appeal shall lie against an award of the Collector to the Maharashtra Revenue Tribunal.

Procedure before Revenue Tribunal.

(1) The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act the Maharashtra Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908

Limitation.

11. Every appeal made under this Act to the Maharashtra Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963, shall apply to the filing of such appeal.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal Court-fees made under this Act to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

13. The award made by the Collector subject to an appeal to the Maharashtra Revenue Tribunal and the decision of the Maharashtra Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

14. All inquiries and proceedings before the Collector and the Maharashtra Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

15. (1) The State Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters :—

(i) under section 7, the manner in which the cash value shall be determined ;

(ii) under sub-section (1) of section 8, the form in which and the period within which an application for compensation shall be made ;

(iii) under sub-section (2) of section 8, the manner in which inquiry shall be held and the compensation shall be determined ;

(iv) under section 12 the value of the Court-fee stamps to be affixed to an appeal.

(3) All Rules made under this Act shall be subject to the condition of previous publication.

(4) 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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.

## SCHEDULE

(See section 2)

### *Hereditary and Customary Rights*

Serial No. 1	Name of the Right 2	Remarks, if any 3
1	Right of precedence in applying <i>Shendur</i> to the idol of Maruti deity on festival days and right of precedence in performing Pooja.	
2	Right of precedence in beating <i>Dak</i> (डाक) before Kamai deity.	
3	Right of <i>Wati</i> of Jogni.	
4	Right of precedence in breaking the curd-pot (दहीहंडी) on a religious festival and moving in a palanquine (पालखी).	

## SCHEDEULE—contd.

Serial No. 1	Name of the Right 2	Remarks, if any 3
5	<i>Man pan</i> of twelve <i>Balutedars</i> in the Village.	
6	Right of place at the rightside and getting oil at the time of Sawari in Durgahs, Tajwa (Tabut), Sandal, and right of precedence in worship of Balajichi Kathi, Mahadevachi Kathi, Palkhi of Khandoba, Palkhi of Jyotiba.	
7	Right of Poojaris of Deosthans to receive offerings before the deity and receiving benefits from the movable and immovable property of the temple.	
8	Right of breaking of chains and parading of carts and chariots during festivals.	
9	The <i>mans</i> of Mahakali, Kadak Laxmi <i>man</i> and Jokhmar <i>man</i> .	
10	Rights known as Faski, Pandhari <i>man</i> , <i>Man-dhan</i> , Manachi Supari and Manacha Shidha.	
11	Right of performance of Tulsi marriage with Mankari <i>Bhat</i> first in the House of Mankari accompanied by Vajantri (वाजंत्री).	
12	Right to compel playing of Vajantri (वाजंत्री) before the House of Mankari on Desara, Diwali, Shimga and Padva.	
13	Traditional rights of Priests and Mankaris over the income of temples at Pandharpur, Shingnapur, Tuljapur, Jyotiba, Vaijnath, Khandoba and other places.	
14	Right of taking the turban cloth (शेला) offered to Maruti deity during <i>Shevanti</i> ceremony in a marriage.	
15	Right of precedence in accepting the <i>tilak</i> and betel nut on wedding ceremony.	
16	Right of precedence in reading of <i>Parat</i> and drinking of neem juice on Gudi Padwa day.	
17	Right of precedence in applying <i>Shendur</i> to the deity accompanied by playing on musical instruments and right of Bhandara (cooking and distributing food to the devotees) on Hanuman Jayanti festival.	
18	Right of precedence in performing puja and procession of <i>Shiralashet Bhuloba</i> idols.	
19	Right of precedence to parade bullocks and breaking the <i>Toran</i> on <i>Pola</i> day accompanied by playing on musical instruments.	
20	Right of precedence in performing the puja of Shami and Apta trees accompanied by playing on musical instruments, of offering Bali (Sacrifice) and hoisting of flag at Chawdi or fort, on Dasara day.	
21	Right of precedence in applying <i>Shendur</i> on Diwali day.	
22	Right of precedence in igniting Holi and performing other rights on that occasion, accompanied by playing on musical instruments.	

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

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#### STATEMENT OF OBJECTS AND REASONS.

Certain hereditary rights and customs such as claim to parade bullocks on the Pola day, claim for precedence in worship of God Maruti by applying red pigment (शेंदूर), precedence in *man-pan* on certain festival occasions like padava, holi, etc. are still prevalent in the rural areas of Maharashtra. The court recognizes these rights of Mankaris and if anybody has overridden their rights court orders either temporary or permanent injunction or gives decisions in favour of Mankaris. These rights and customs are inconsistent with the fundamental right of equality guaranteed by the Constitution and are an anachronism in the present socialistic pattern of society. Besides, in their very nature these rights are an exception to this common law and lead to social discrimination and consequent threat of disorder and discord amongst the rural population. It is, therefore, highly expedient to abolish these rights forthwith.

The Bill seeks to achieve this object.

Bombay, dated the 16th March 1971.

K. S. DHONDGE,  
Member-in-charge.

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महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

[भाग पाच]

**GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (1) AND (3) OF  
THE CONSTITUTION OF INDIA**

*(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 26th March 1971)*

In exercise of the powers conferred upon him by clauses (1) and (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Abolition of Hereditary and Customary Rights Bill, 1971.

## MEMORANDUM ON DELEGATED LEGISLATION.

Clause 15 of the Bill empowers the State Government to make rules to carry out the purposes of the Act. The various matters in respect of which such rules may be made have been specified in sub-clause (2) of that clause and relate to the manner of determining the cash value, the form in which and the period within which application for compensation shall be made, the manner in which inquiry shall be held and the compensation shall be determined, the value of Court-fee stamps to be affixed to an appeal. It is difficult and cumbersome to make provisions for these matters of detail and procedure in the Act itself. The delegation of Legislative power is of the normal type.

S. H. BELAVADI,

Bombay, dated the 8th April 1971,

Secretary,  
Maharashtra Legislative Assembly.

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गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri N. . SHAH M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XII OF 1971.

##### *A BILL*

*further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.*

Bom. WHEREAS, it is expedient further to amend the Bombay Tenancy and Agricultural LXVII Lands Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted in of 1948, the Twenty-second year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands Short title  
and  
commencement. (Amendment) Act, 1971.
- (2) It shall come into force at once.

2. In section 65 of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom.  
 (hereinafter referred to as the principal Act), after sub-section (1), the following  
 of  
 sub-section shall be inserted, namely :—  
 1948.

Amendment  
 of section  
 65 of Bom.  
 LXVII of  
 1948.

“(1A) The assumption of management of land under sub-section (1) on the  
 ground that the full and efficient use of the land has not been made for the purpose  
 of agriculture shall be for such period as the State Government may, from time to  
 time fix, so, however, that such period shall not exceed ten years in the aggregate.”.

Insertion  
 of new  
 section  
 65A in  
 Bom.  
 LXVII of  
 1948.

3. After section 65 of the principal Act, the following section shall be inserted,  
 namely :—

“65A. (1) For the purpose of making full and efficient use of land for agriculture,  
 the State Government may, by notification in the *Official Gazette*, prescribe  
 standards of cultivation ; and different standards may be prescribed in relation  
 to different areas and different classes of land.

(2) Such standards may include all or any one or more of the following matters,  
 namely :—

(i) the methods of agriculture to be adopted, including the use of improved  
 seeds, modern mechanical methods of cultivation, fertilizers, pesticides and  
 method of rotational cultivation ;

(ii) the proper maintenance of embankments and bunds ;

(iii) the payment of proper wages and grant of reasonable terms of employment to agricultural labourers ;

(iv) maintenance of regular and accurate accounts in respect of agricultural products ;

(v) use of available and potential surface and underground water resources ;  
 and

(vi) such other matters as may be prescribed.

(3) In respect of any land which is used by the holder for raising grass or which  
 abounds in natural growth of grass but which, in the opinion of the State Government  
 is suitable for growing food-crops, the State Government may, having regard  
 to the extent of land held by such holder, and after determining the requirements  
 of land for grass for his cattle, declare by notification in the *Official Gazette*,  
 that mere raising of grass or allowing its natural growth in any part of such land  
 not so determined shall not be deemed to be the full and efficient use of such land  
 for agriculture.”.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

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#### STATEMENT OF OBJECTS AND REASONS.

Section 65 of the Bombay Tenancy and Agricultural Lands Act, 1948, provides for the assumption of management of lands, by Government, which remains uncultivated through the default of the holder or for any other cause not beyond his control. However, there is no provision for a time-limit for taking over of management. Clause 2 of the Bill seeks to provide for this.

In Thana District and several other places in Maharashtra, the grass is taken as a natural growth. Such lands could be utilised for raising food-crops and even yield of grass thereon could be raised if the land is cultivated.

It is also felt necessary to prescribe standards of cultivation for the purpose of making full and efficient use of such land.

The Bill seeks to achieve these objects.

COUNCIL HALL,  
Bombay, 30th March, 1971.

N. B. SHAH, M.L.A.,  
Member-in-charge.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 3 of the Bill empowers the State Government to prescribe, by notification in the *Official Gazette*, standards of cultivation for the purpose of making full and efficient use of land for agriculture and also enables the State Government to prescribe different standards in relation to different local areas and different classes of land. That clause also empowers the State Government to declare by notification in the *Official Gazette*, that the mere raising of grass in, or allowing the natural growth of grass on, any land suitable for growing food-crops shall not be deemed to be the full and efficient use of such land for agriculture.

The delegation of powers as provided in the Bill is of normal character.

S. H. BELAVADI,  
Secretary,

Maharashtra Legislative Assembly.

Bombay, dated the 8th April 1971.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चंत्र २५, शके १८९३

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गुरुवार, एप्रिल ८, १९७१/चंत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri T. S. Karkhanis M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XV OF 1971.

##### A BILL

further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

WHEREAS, it is expedient further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1971. Short title and Commencement.
- (2) It shall come into force at once,

**Insertion of sub-section (2AA)** 2. In section 13 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, after sub-section (2-A), the following sub-section shall be and shall be Bom. LVII deemed always to have been inserted, namely :—

“(2-AA) The provisions of clause (g) of sub-section (I) shall not apply to tenants' housing societies; and no tenants' housing society shall be entitled to evict a tenant for the *bona fide* and/or reasonable requirements of the society or of its members.

*Explanation.*—For the purpose of this sub-section, the expression 'tenants' housing society' shall mean a co-operative housing society registered under the Maharashtra Co-operative Societies Act, 1960, and formed in respect of Mah a property which was, prior to the formation of such society, occupied in part or XXIV in whole by tenants under any arrangement, whatsoever, directly arrived at with of the landlord of the property; and the expression 'tenant' shall have the meaning assigned to it in clause (11) of section 5.”

## STATEMENT OF OBJECTS AND REASONS.

Under the provisions of clause (g) of sub-section (1) of section 13 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 a co-operative housing society is entitled to evict statutory or contractual tenants protected by the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, on the grounds of *bona-fide* requirements of the society or of its members. Of late, several properties occupied by tenants have been the subject matter of forming co-operative housing societies. In many such properties, illegal occupants and/or persons otherwise interested, have taken a leading part in the formation of such societies to legalise their occupation of the premises, and have fixed up fantastic prices to purchase the properties from the landlord. Many a *bona fide* tenant who finds the price too high or who is unable to pay the price of the premises occupied by him even though it may be reasonable, is not able to join such societies. In such cases, the society takes outsiders in respect of the premises occupied by such tenants. Later the society files eviction proceedings against such tenants contending that the premises are, reasonably and *bona fide* required by such outside members. The Society having huge funds at its disposal, is capable of pursuing ceaseless litigation, whereas, the tenant, who could not join the society because of lack of funds, finds the additional burden of litigation, too high for him. This is against the principles of the socialistic pattern of society. To avoid such untold harassment to the tenants, it has become necessary to provide specifically that the tenants' housing society should not be entitled to evict such *bona fide* tenants, who otherwise pay their rents regularly and do not contravene any other provisions of the Rent Act.

The Bill seeks to achieve this object.

Council Hall,  
Bombay, dated the 1st April, 1971.

T. S. KARKHANIS,  
Member-in-Charge.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.  
Bombay, dated the 8th April 1971.

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गुरुवार, एप्रिल ८, १९७१/चंत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri T. S. Karkhanis, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April, 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### **L. A. BILL No. XVII OF 1971**

#### ***A BILL***

*further to amend the Maharashtra Industrial Development Act, 1961.*

Mah.  
III of  
1962.

WHEREAS, it is expedient further to amend the Maharashtra Industrial Development Act, 1961, for the purpose hereinafter appearing ; It is hereby enacted in the Twenty-second year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Industrial Development Short title. (Amendment) Act, 1971.

**Amendment  
of section  
32 of Mah.  
III of 1962.** 2. In section 32 of the Maharashtra Industrial Development Act, 1961, to sub-section (1), the following proviso shall be added, namely,—

Mah.  
III of  
1962.

“Provided that no agricultural land of agriculturists, holding land equal to or less than ‘economic holding’, shall be acquired if in the surrounding areas of such land barren or uncultivable Government or private land is available to serve the purpose.”.

**Explanation.**—For the purpose of this proviso ‘economic holding’ shall be determined under section 6 of the Bombay Tenancy and Agricultural Lands Act, 1948.

## STATEMENT OF OBJECTS AND REASONS

It is observed that sometimes, eventhough the fallow or uncultivable lands are available in the surrounding areas, agricultural lands are acquired for purposes of Industrial Development under the provisions of Maharashtra Industrial Development Act, 1961. As a result the agricultural development is hampered and number of small landholders and their families are thrown out of their generation old occupations. This state of affairs is highly unsatisfactory and requires to be remedied.

The Bill seeks to achieve this object.

T. S. KARKHANIS,  
Member-in-charge.

Bombay, dated the 2nd April 1971.

S. H. BELAVADI,  
Secretary,

Maharashtra Legislative Assembly.

Bombay, dated the 8th April 1971.

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गुरुवार, एप्रिल ८, १९७१/चैत्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri M. B. Sangvikar, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th April 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### **L. A. BILL No. XVIII OF 1971.**

##### *A BILL*

*further to amend the Maharashtra Municipalities Act, 1965.*

Mah.  
XL of  
1965.

WHEREAS, it is expedient further to amend the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing ; It is hereby enacted in the twenty-second year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Municipalities (Amendment) Act, 1971. Short title.

**Amendment of section 41 of Mah. XL of 1965.** 2. In section 41 of the Maharashtra Municipalities Act, 1965 (hereinafter referred to as the principal Act), in sub-section (1), after the word "writing" the words "duly verified and attested by an Officer not below the rank of Tahsildar" shall be inserted.

**Amendment of section 55 of Mah. XL of 1965.** 3. In section 55 of the principal Act,—

(a) in sub-section (2), after clause (b) the following clause shall be added, namely :—  
“(c) of the Vice-President, exercising the powers and performing the duties of the President under section 59, during the absence of the President, be sent to the Collector.”

(b) in sub-section (3) to proviso the following words shall be added, namely :—  
“or to the Vice-President, exercising the powers and performing the duties of the President under section 59 during the absence of the President, as the case may be.”

(c) in sub-section (4), in clause (a) after the words “Vice-President” the following words shall be inserted, namely :—

“or of the Vice-President, exercising the powers and performing the duties of the President under section 59, during the absence of the President.”

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल १५, १९७१/चैत्र २५, शके १८९३

१५३

#### STATEMENT OF OBJECTS AND REASONS

Under section 41 of the Maharashtra Municipalities Act, 1965, a Councillor can resign his office by tendering his resignation in writing to the President and it is effective on its receipt by the President. It has been noticed that such resignations received have subsequently been disowned by the Councillors. To obviate such occasions and to ensure authenticity of the letters, it is proposed that such resignation should be verified and attested by an Officer not below the rank of a Tahsildar. Section 41 is proposed to be amended for the purpose.

The Nagpur Bench of the High Court of Bombay in Special Civil Application No. 594 of 1969 decided on 19th February 1970, has held that requisition for No Confidence Motion against Vice-President cannot be given to the Vice-President who is performing the duties of President nor could it be given to the Collector also, under section 55 of the Maharashtra Municipalities Act, 1965. Similarly, there is no provision in the Act for the removal of the Vice-President who is exercising the powers and performing the duties of the President during the absence of President. Provision is proposed to be made for the purpose.

The Bill seeks to achieve these objects.

M. B. SANGVIKAR,  
Member-in-charge.

Council Hall, Bombay, dated the 7th April 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

Bombay, dated the 8th April 1971.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, एप्रिल २२, १९७१/वैशाख २, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधान परिषदेत सादर केलेली विधेयके पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या दिनांकांना प्रसिद्ध क्षाली आहेत :—

२०

गुरुवार, एप्रिल ८, १९७१/वैश्व १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri N. V. Ugale, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 2nd April 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XI OF 1971.

##### A BILL

further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

**Mah.** WHEREAS, it is expedient further to amend the Maharashtra Agricultural Lands XXVII (Ceiling on Holdings) Act, 1961, for the purposes hereinafter appearing ; It is hereby of enacted in the twenty-second year of the Republic of India as follows :— 1961.

1. (1) This Act may be called the Maharashtra Agricultural Lands (Ceiling Short title on Holdings) (Amendment) Act, 1971. and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment 2.** In section 2 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (hereinafter referred to as the Principal Act),—

**XXVII of Mah. 1961.**

(a) in clause (9) for item (iii) the following item shall be substituted, namely :—

“ (iii) by hired labour, or by servants on wages, payable in cash or kind (but not in crop share) with personal participation of himself or any member of his family in major agricultural operations like sowing, reaping, etc., for a major period of agricultural seasons, as prescribed. ”;

(b) the following proviso shall be added to clause (20) namely :—

“ provided that all members living under one roof will be deemed to be joint. ”.

**Amendment 3.** In section 4 of the principal Act,—

**of section 4 of Mah. XXVII of 1961.**

(a) in sub-section (1) in explanation for the words, “ to any extent ” the words “ to the extent that may be prescribed by the State Government by general or special order ” shall be substituted;

(b) the following proviso shall be added to sub-section (2), namely :—

“ *Provided in case of non-cultivating holder, who pays or is liable to pay tax on income, all land held by him shall be treated as surplus.* ”.

**Amendment 4.** In section 6 of the principal Act, for the word “ twice ” the words “ one and half times ” shall be substituted.

**of Mah. XXVII of 1961.**

**Amendment 5.** In section 10 of the principal Act, in sub-section (1), in clause (a) for the words, letters and figures “ 4th day of August 1959 ” the words, letters and figures “ 1st day of November 1956 ” shall be and shall be deemed always to have been substituted.

**Amendment 6.** In section 47 of the principal Act, in sub-section (1),—

(a) clauses ‘ (c) ’, ‘ (d) ’, ‘ (e) ’ and ‘ (g) ’ shall be deleted;

(b) in clause (k) the words, “ or other non-agricultural ” and “ or non-agricultural ” wherever they occur, shall be deleted.

**7.** In the First Schedule of the principal Act,—

(1) in column 4, for the figure “ 18 ” wherever it occurs, the figure “ 9 ” shall be substituted ;

(2) in column 5, for the figure “ 27 ” wherever it occurs, the figure “  $13\frac{1}{2}$  ” shall be substituted ;

(3) in column 6, for the figure “ 48 ” wherever it occurs, the figure “ 24 ” shall be substituted ;

(4) in column 7,—

(a) for the figure “ 66 ” wherever it occurs, the figure “ 33 ” shall be substituted ;

(b) for the figure “ 126 ” wherever it occurs, the figure “ 63 ” shall be substituted ;

(c) for the figure “ 78 ” wherever it occurs, the figure “ 39 ” shall be substituted ;

(d) for the figure “ 84 ” wherever it occurs, the figure “ 42 ” shall be substituted ;

(e) for the figure “ 96 ” wherever it occurs, the figure “ 48 ” shall be substituted ;

(f) for the figure “ 114 ” wherever it occurs, the figure “ 57 ” shall be substituted ;

(g) for the figure “ 108 ” wherever it occurs, the figure “ 54 ” shall be substituted.

### STATEMENT OF OBJECTS AND REASONS.

The Ceiling prescribed by the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 is unduly high, so much so that hardly any land has become available for distribution. This Amendment, therefore, proposes to reduce the ceiling on holdings of agricultural land to one half of the present ceiling, so that more land would be available for distribution to the landless persons. Further it is felt necessary to define the expression 'member of a family' in such a manner so as to safeguard against misuse. It is also necessary that direct participation by the owner of agricultural lands for major period of agricultural seasons should be aimed at, and supervisory type of cultivation should be eliminated. Moreover, fictitious partition made since 1st November 1956 should also be disregarded while considering the holding of the land-holder. With these ends in view the following amendments have been proposed :—

#### NOTES ON CLAUSES

1. *Clause 2 (a).*—The definition of personal cultivation given in item (iii) in clause (9) in section 2 of the Act is amended so as to make it compulsory on the land-owner to participate in cultivation as regards major agricultural operations like sowing, reaping, etc. The period which would be required to consider it as major participation, is left to be prescribed by the Rules taking into consideration the local conditions in the various parts of the State.

*Clause 2 (b).*—In clause (20), in section 2 of the Act, a proviso is added to the definition of "member of a family" so as to make all members of a family who live under one roof, to constitute a joint family.

2. *Clause 3.*—In clause 3 Amendment is proposed to the explanation to sub-section (1) of section 4 of the Act, so that the extent of land to be left with a person as an exempted area, is to be prescribed by the Government by general or special order and in this manner further restriction has been proposed, on exemption. Further a proviso is added to the effect that in the case of a non-cultivating holder who pays or is liable to pay tax on income, all his holding would be treated as surplus.

3. *Clause 4.*—The present ceiling for a family consisting of members exceeding five in number, is proposed to be reduced to one and half times instead of the present provision of twice the Ceiling area given in section 6 of the Act.

4. *Clause 5.*—In section 10 of the Act to undo the transfers and partitions which were made with a view to defeating the purpose of imposing of maximum limit on Agricultural holdings, it is, proposed not to exclude the area transferred or partitioned after 1st November 1956, while calculating the Ceiling area.

5. *Clause 6.*—Granting exemptions as provided in section 47 of the Act to the land held by public Trusts, Regimental Farms, etc., is done away with by deletion of clauses (c), (d), (e) and (g) of that section. It is also proposed that industrial undertakings should not be allowed to have exemptions regarding ceiling for non-industrial purposes under the plea of non-agricultural use. Hence the deletion of the words 'or other non-agricultural' and 'or non-agricultural' in clause (k) is proposed.

6. *Clause 7-In First Schedule.*—(as regards section 2 (18), section 5 and section 23) the ceiling area is proposed to be reduced by  $\frac{1}{2}$ , and accordingly columns 4, 5, 6 and 7 are proposed to be amended, keeping the present Scheme of categories of lands area-wise, as it is. The Amendment is expected to make available considerable area of land for distribution in the interest of landless persons. Further this would help and encourage intensive cultivation.

The Bill seeks to achieve these objects.

N. V. UGALE,  
GULABRAO GANACHARYA,  
Members-in-charge.

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महाराष्ट्र शासन राजपत्र, एप्रिल २२, १९७१/वृशाख २, शके १८९३ [भाग पाच]

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF THE  
CONSTITUTION OF INDIA.

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 8th April 1971).

**Order**

In exercise of the powers conferred upon him by clause (3) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Agricultural Lands (Ceiling on Holdings) Bill, 1971 by Shri N. V. Ugale and Shri Gulabrao Ganacharya, M.L.As.

भाग पाच]

महाराष्ट्र शासन राजपत्र, एप्रिल २२, १९७१/वैशाख २, शके १८९३

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 (a) of the Bill empowers the State Government to prescribe by general and special order the extent to which a person may hold exempted land. This proposal for delegation of Legislative power is of normal character.

S. H. BELAVADI,  
*Secretary,*

Bombay, dated 8th April 1971.

Maharashtra Legislative Assembly.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, मे ६, १९७१/वैशाख १६, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहे.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयक

**पुढील विधेयके, इत्याही, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या  
दिनांकाना प्रसिद्ध झाली आहेत :—**

३०

गुरुवार, एप्रिल २९, १९७१/वैशाख ९, शके १८९३।

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 29th April 1971 :—

**L. A. BILL No. XXXVII OF 1971.**

#### A BILL

*to repeal the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948.*

Bom.  
XXXI      WHEREAS, it is expedient to repeal the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948 ; It is hereby enacted in the Twenty-second  
of Year of the Republic of India as follows :—

1. This Act may be called the Bombay Building (Control on Erection, Short title.  
Re-erection and Conversion) (Repeal) Act, 1971.

Bom.  
XXXI      2. The Bombay Building (Control on Erection, Re-erection and Conversion) Repeal of  
of 1948. Act, 1948, is hereby repealed. Bom.XXXI  
of 1948.

१९७

महाराष्ट्र शासन राजपत्र, मे ६, १९७१/वैशाख १६, शके १८९३

[भाग पाच्च]

### STATEMENT OF OBJECTS AND REASONS.

In 1948 when the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948, was enacted, considerable difficulty was experienced in providing housing accommodation in the industrial cities and towns of the then province of Bombay. Essential building materials like brick, iron, steel and cement, in short supply were not easily available for essential construction work. It was, therefore, proposed to control the construction of buildings, so that all non-essential work could be immediately stopped and the material which would otherwise be utilised on them would become available for doing essential work. It is for this reason that the Act aforesaid was enacted. At present cement, iron, steel and other building materials are more easily available in the open market. It, therefore, appears that the Act has outlived the utility, and requires to be repealed. The Bill provides to secure this object.

Bombay, dated the 24th April 1971.

R. A. PATIL,  
Minister for Industries.

Bombay, dated the 29th April 1971.

S. H. BELAVADI.  
Secretary,  
Maharashtra Legislative Assembly.

३१

शुक्रवार, एप्रिल ३०, १९७१/वैशाख '१०, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 30th April 1971.

#### L. A. BILL No. XXVIII OF 1971.

##### *A BILL*

*to amend the Maharashtra Agricultural University (Krishi Vidyapeeth) Act, 1967 and the Punjabrao Agricultural University (Krishi Vidyapeeth) Act, 1968.*

Mah. WHEREAS, it is expedient to amend the Maharashtra Agricultural University XXIII of (Krishi Vidyapeeth) Act, 1967 and the Punjabrao Agricultural University (Krishi 1967. Vidyapeeth) Act, 1968, for the purposes hereinafter appearing; It is hereby enacted Mah. in the Twenty-second Year of the Republic of India as follows :— IX of 1969.

- 1.. This Act may be called the Maharashtra Agricultural Universities (Amendment) Short title, Act, 1971.

१९९

महाराष्ट्र शासन राजपत्र, मे ६, १९७१/वैज्ञानि १६, शके १८९३

[भाग पाच]

Amendment  
of section 7  
of Mah.  
XXIII of  
1967.

2. In section 7 of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) <sup>Mah.</sup> Act, 1967, in sub-section (7), after the words " comes into force, " the words " or <sup>XXIII</sup> such further period as the State Government may by notification in the *Official Gazette* specify," shall be inserted.

Amendment  
of section 7  
of Mah. IX  
of 1969.

3. In section 7 of the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, <sup>Mah.</sup> 1968, in sub-section (6), after the words " comes into force, " the words " or such IX of further period as the State Government may by notification in the *Official Gazette* <sup>1969</sup> specify," shall be inserted.

## STATEMENT OF OBJECTS AND REASONS.

Under section 7(7) of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 and section 7(6) of the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968, the lower level agricultural educational institutions and activities mentioned therein (including agricultural schools under the control of the Zilla Parishads) are required to be transferred to the Universities, within three years from the date on which the relevant section comes into force. Section 7 of the first University Act was brought into force on the 1st June 1968 and therefore the period of three years is due to expire shortly on the 31st May 1971. Section 7 of the second University Act was brought into force on the 20th October 1969, and the period of three years has started to run in this case also. Government is considering the question of bringing a comprehensive legislation to amend the two Acts, *inter alia*, for making provisions for transfer of management and maintenance and control of agricultural schools (including property and staff) from the Zilla Parishads to the Universities. As some more time will be required to prepare and pass such legislation, in the meanwhile it is considered expedient to have a short Bill to take power to the State Government to extend the period laid down in section 7 suitably, so as to allow a reasonable period for finally transferring the institutions to the Universities after making all necessary enabling provisions therefor.

P. K. SAWANT,  
Minister for Agriculture.

Bombay, dated the 29th April 1971.

### MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill seeks to take power to the State Government to specify by notification in the *Official Gazette* the further period within which the lower level agricultural educational institutions and activities mentioned in section 7(7) of the Maharashtra Agricultural University (*Krishi Vidyapeeth*) Act, 1967 and section 7(6) of the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 shall be transferred to the Agricultural University concerned. Thus, the Bill involves proposals for delegation of legislative power. As some changes are contemplated in the scheme of these sections and as it is not possible to know the exact period which may be required for such changes, it is necessary to take such power. The proposal for delegation is of a normal character.

S. H. BELAVADI,

Secretary,

Bombay, dated 30th April 1971.

Maharashtra Legislative Assembly.

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बुधवार, ५, १९७१/वैशाख १५, शके १८९३

The following Bill is published under the first proviso to Rule 115 (1) of the Maharashtra Legislative Assembly Rules:—

**L.A. BILL No. XXX OF 1971.**

**A BILL**

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1972.*

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1972; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Appropriation Act, 1971.

Short title.

Issue of Rs. 2. From and out of the Consolidated Fund of the State, there may be paid 12,21,89, and applied sums not exceeding those specified in column 4 of the Schedule hereto 22,000 out of the annexed amounting in the aggregate [inclusive of the sums specified in column 4 Mah. XVIII of the Schedule to the Maharashtra Appropriation (Vote on Account) Act, 1971] Fund of the to the sum of one thousand two hundred and twenty-one crores, eighty-nine lakhs of 1971. State for and twenty-two thousand rupees towards defraying the several charges which the year will come in course of payment during the year ending on the thirty-first day of 1971-72. March 1972, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1972.

### THE SCHEDULE.

(See sections 2 and 3)

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>A—EXPENDITURE ON REVENUE ACCOUNT</b>					
General Administration Department					
1	Election ..	18, Parliament, State/Union Territory Legislature.	1,34,21,000	....	1,34,21,000
2	General Adminis-tration.	19, General Administra-tion.	1,98,76,000	22,58,000	2,21,34,000
3	Miscellaneous Depart-ments.	26, Miscellaneous Depart-ments.	2,12,75,000	....	2,12,75,000
4	Public Health ..	30, Public Health ..	18,000	....	18,000
5	Public Works ..	50, Public Works ..	7,20,000	....	7,20,000
6	Bombay Development Scheme.	51, Bombay Development Scheme.	4,89,000	....	4,89,000
7	Territorial and Poli-tical Pensions.	66, Territorial and Poli-tical Pensions.	36,000	1,30,000	1,66,000
8	Privy Purses and Allowances of Indian Rulers.	67, Privy Purses and Allowances of Indian Rulers.	3,12,000	1,35,000	4,47,000
9	Miscellaneous ..	71, Miscellaneous ..	2,00,48,000	....	2,00,48,00
Total, General Adminis-tration Department.			7,61,95,000	25,23,000	7,87,18,000

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			1	2	3
<b>Home Department</b>					
10	State Excise Duties ..	10, State Excise Duties ..	85,75,000	4,000	85,79,000
11	Taxes on Vehicles ..	11, Taxes on Vehicles ..	81,50,000	14,69,19,000	15,50,69,000
12	Other Taxes and Duties.	13, Other Taxes and Duties.	10,51,000	....	10,51,000
13	General Administration	19, General Administra- tion.	26,89,000	....	26,89,000
14	Administration of Justice.	21, Administration of Justice.	3,81,000	....	3,81,000
15	Jails .. ..	22, Jails .. ..	2,24,52,000	1,000	2,24,53,000
16	Police .. ..	23, Police .. ..	34,32,89,000	44,000	34,33,33,000
17	Miscellaneous Depart- ments.	26, Miscellaneous De- partments.	8,63,000	....	8,63,000
18	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	6,93,000	....	6,93,000
19	Public Works ..	50, Public Works ..	13,72,000	....	13,72,000
20	Pensions and Other Retirement Benefits.	65, Pensions and Other Retirement Benefits.	3,000	....	3,000
21	Miscellaneous ..	71, Miscellaneous ..	91,32,000	....	91,32,000
Total, Home Department			39,86,50,000	14,69,68,000	54,56,18,000
<b>Revenue and Forests Department</b>					
22	Land Revenue ..	9, Land Revenue ..	4,79,90,000	50,000	4,80,40,000
23	Other Taxes and Duties.	13, Other Taxes and Duties.	7,35,000	3,96,28,000	4,03,63,000
24	Stamps .. ..	14, Stamps .. ..	19,86,000	....	19,86,000
25	Registration .. ..	15, Registration Fees ..	44,36,000	....	44,36,000
26	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	32,68,000	32,68,000
27	Appropriations for Re- duction or Avoidance of debt.	17, Appropriations for Reduction or Avoidance of Debt.	....	12,50,000	12,50,000
28	General Administration	19, General Administra- tion.	11,65,55,000	10,000	11,65,65,000

No. of Grant or other Appropriation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on Consolidated Fund	Total
1	2	3	4		
<b>Revenue and Forests Department—contd.</b>					
29	Scientific Departments	27, Scientific Departments.	7,55,000	....	7,55,000
30	Bombay Development Scheme.	51, Bombay Development Scheme.	8,000	....	8,000
31	Famine Relief ..	64, Famine Relief ..	9,44,04,000	2,000	9,44,06,000
32	Stationery and Printing.	68, Stationery and Printing.	5,000	....	5,000
33	Forest ..	70, Forest ..	9,76,75,000	3,000	9,76,78,000
34	Miscellaneous ..	71, Miscellaneous ..	5,06,000	40,000	5,46,000
35	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	25,70,000	4,50,000	30,20,000
		Total, Revenue and Forests Department.	36,76,25,000	4,47,01,000	41,23,26,000
<b>Agriculture and Co-operation Department</b>					
36	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	56,02,000	56,02,000
37	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	1,33,56,000	1,33,56,000
38	General Administration.	19, General Administration.	23,47,000	....	23,47,000
39	Miscellaneous Departments.	26, Miscellaneous Departments.	22,000	....	22,000
40	Agriculture ..	31, Agriculture ..	24,20,07,000	5,000	24,20,12,000
41	Animal Husbandry ..	33, Animal Husbandry ..	4,34,46,000	2,000	4,34,48,000
42	Co-operation ..	34, Co-operation ..	8,28,32,000	1,000	8,28,33,000
43	Fisheries ..	35, Industries ..	99,47,000	1,000	99,48,000
44	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	3,20,51,000	1,000	3,20,52,000
45	Miscellaneous ..	71, Miscellaneous ..	5,000	1,000	6,000
		Total, Agriculture and Co-operation Department.	41,26,57,000	1,89,69,000	43,16,26,000

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Education, Sports and Social Welfare Department</b>					
46	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	26,00,000	26,00,000
47	General Administration	19, General Administra- tion.	18,01,000	....	18,01,000
48	Scientific Departments.	27, Scientific Depart- ments.	9,75,000	....	9,75,000
49	Education ..	28, Education ..	1,04,10,00,000	10,000	1,04,10,10,000
50	Labour and Employ- ment.	38, Labour and Employ- ment.	2,45,73,000	....	2,45,73,000
51	Miscellaneous Social and Developmental Organisations .	39, Miscellaneous Social and Developmental Organisations.	6,86,47,000	....	6,86,47,000
52	Pensions and other Retirement Benefits.	65, Pensions and other Retirement Benefits.	49,14,000	....	49,14,000
53	Miscellaneous ..	71, Miscellaneous ..	27,49,000	....	27,49,000
Total—Education, Sports and Social Welfare Department.			1,14,46,59,000	26,10,000	1,14,72,69,000
<b>Urban Development, Public Health and Housing Department</b>					
54	Other Taxes and Duties.	13, Other Taxes and Duties.	5,82,000	2,34,00,000	2,39,82,000
55	Interest on Debt and Other Obligations.	16, Interest on Debt and Other Obligations.	....	41,38,000	41,38,000
56	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	30,54,000	30,54,000
57	General Administra- tion.	19, General Administra- tion.	26,07,000	....	26,07,000
58	Miscellaneous Depart- ments.	26, Miscellaneous De- partments.	8,000	....	8,000

No. of Grant or other Appropriation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			4		
	Urban Development, Public Health and Housing	Department—contd.	Rs.	Rs.	Rs.
59	Medical ..	29, Medical ..	20,87,57,000	....	20,87,57,000
60	Public Health ..	30, Public Health ..	16,89,11,000	1,000	16,89,12,000
61	Family Planning ..	30A, Family Planning ..	4,83,23,000	....	4,83,23,000
62	Community Development Projects, National Extension Service and Local Development Works.	37, Community Development Projects, National Extension Service and Local Development Works.	70,000	....	70,000
63	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	82,41,000	....	82,41,000
64	Public Works ..	50, Public Works ..	2,88,28,000	....	2,88,28,000
65	Bombay Development Scheme.	51, Bombay Development Scheme.	80,000	....	80,000
66	Miscellaneous ..	71, Miscellaneous ..	4,66,15,000	2,000	4,66,17,000
67	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	8,11,000	4,60,000	12,71,000
		Total—Urban Development, Public Health and Housing Department.	51,38,33,000	3,10,55,000	54,48,88,000
		Finance Department			
68	Taxes on Income other than Corporation Tax.	4, Taxes on Income other than Corporation Tax.	15,000	....	15,000
69	Sales Tax ..	12, Sales Tax ..	1,93,59,000	7,46,29,000	9,39,88,000
70	Other Taxes and Duties.	13, Other Taxes and Duties.	37,000	....	37,000
71	Interest on Debt and other Obligations..	16, Interest on Debt and Other Obligations.	....	35,86,39,000	35,86,39,000
72	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	39,25,08,000	39,25,08,000
73	General Administration.	19, General Administration.	1,78,90,000	....	1,78,90,000

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		Total amount
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4		
<b>Finance Department—Contd.</b>					
74	Miscellaneous Departments.	26, Miscellaneous Departments.	52,72,000	....	52,72,000
75	Miscellaneous Social and Developmental Organisations.	39, Miscellaneous Social and Developmental Organisations.	45,49,000	....	45,49,000
76	Pensions and other Retirement Benefits.	65, Pensions and other Retirement Benefits.	4,59,04,000	45,57,000	5,04,61,000
77	Miscellaneous ..	71, Miscellaneous ..	4,42,15,000	....	4,42,15,000
		Total, Finance Department.	13,72,41,000	83,03,33,000	96,75,74,000
<b>Buildings and Communications Department</b>					
78	Interest on Debt and other Obligations.	16, Interest on Debt and other Obligations.	....	6,23,000	6,23,000
79	Appropriation for Reduction or Avoidance of Debt.	17, Appropriation for Reduction or Avoidance of Debt.	....	5,33,000	5,33,000
80	General Administration.	19, General Administration.	17,67,000	....	17,67,000
81	Scientific Departments.	27, Scientific Departments.	12,25,000	....	12,25,000
82	Public Works ..	50, Public Works ..	37,41,62,000	4,67,000	37,46,29,000
83	Bombay Development Scheme.	51, Bombay Development Scheme.	35,98,000	....	35,98,000
84	Capital Outlay on Public Works.	52, Capital Outlay on Public Works.	88,51,000	....	88,51,000
85	Ports and Pilotage ..	53, Ports and Pilotage ..	46,86,000	....	46,86,000
86	Miscellaneous ..	71, Miscellaneous ..	32,78,000	....	32,78,000
		Total, Buildings and Communications Department.	39,75,67,000	16,23,000	39,91,90,000

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legilsative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Irrigation and Power Department</b>					
87	General Administration	19, General Administra- tion.	25,09,000	....	25,09,000
88	Scientific Departments	27, Scientific Departments.	35,09,000	....	35,09,000
89	Public Health ..	30, Public Health ..	2,23,05,000	....	2,23,05,000
90	Co-operation ..	34,Co-operation ..	3,26,000	....	3,26,000
91	Irrigation and Naviga- tion (Commercial)	43, Irrigation, Navigation, Embankment and Drainage Works (Commercial).	17,79,12,000	....	17,79,12,000
92	Irrigation and Naviga- tion (Non-Commercial)	44, Irrigation, Navigation, Embankment and Drainage Works (Non-Com- mercial).	2,28,88,000	....	2,28,88,000
93	Electricity Schemes ..	45, Electricity Schemes ..	7,87,000	....	7,87,000
94	Capital Outlay on Irri- gation and Navigation	48, Capital Outlay on Irri- gation, Navigation, Em- bankment and Drainage Works.	3,00,000	....	3,00,000
95	Public Works ..	50, Public Works ..	6,63,78,000	....	6,63,78,000
		Total, Irrigation and Power Department.	29,69,14,000	....	29,69,14,000
<b>Law and Judiciary Department</b>					
96	General Administration	19, General Administra- tion.	34,10,000	....	34,10,000
97	Administration of Jus- tice.	21, Administration of Justice.	4,04,80,000	59,90,000	4,64,70,000
98	Miscellaneous ..	71, Miscellaneous ..	17,86,000	5,000	17,91,000
		Total, Law and Judiciary Department.	4,56,76,000	59,95,000	5,16,71,000
<b>Industries and Labour Department</b>					
99	Other Taxes and Duties	13, Other Taxes and Duties	38,53,000	3,25,00,000	3,63,53,000
100	Interest on Debt and other Obligations.	16, Interest on Debt and other Obligations	....	40,03,000	40,03,000
101	Appropriation for Re- duction or Avoidance of Debt.	17, Appropriation for Re- duction or Avoidance of Debt.	....	9,000	9,000
102	General Administra- tion.	19, General Administra- tion.	14,55,000	....	14,55,000

No. of Grant or other Appropriation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
		<b>Industries and Labour Department—contd.</b>	<b>Rs.</b>	<b>Rs.</b>	<b>Rs.</b>
103	Supplies and Disposals	25, Supplies and Disposals.	25,80,000	.....	25,80,000
104	Miscellaneous Departments.	26, Miscellaneous Departments.	84,000	.....	84,000
105	Scientific Departments	27, Scientific Departments.	51,93,000	3,000	51,96,000
106	Industries ..	35, Industries ..	2,11,44,000	2,000	2,11,46,000
107	Labour and Employment.	38, Labour and Employment.	1,29,85,000	2,000	1,29,87,000
108	Electricity Schemes ..	45, Electricity Schemes ..	2,29,23,000	.....	2,29,23,000
109	Stationery and Printing.	68, Stationery and Printing.	4,59,99,000	12,000	4,60,11,000
110	Miscellaneous ..	71, Miscellaneous ..	5,97,000	15,00,000	20,97,000
		<b>Total, Industries and Labour Department.</b>	<b>11,68,13,000</b>	<b>3,80,31,000</b>	<b>15,48,44,000</b>
		<b>Rural Development Department</b>			
111	Land Revenue ..	9, Land Revenue ..	8,25,00,000	.....	8,25,00,000
112	General Administration.	19, General Administration.	42,15,000	.....	42,15,000
113	Public Health ..	30, Public Health ..	4,87,76,000	.....	4,87,76,000
114	Agriculture ..	31, Agriculture ..	23,90,000	.....	23,90,000
115	Community Development Projects, National Extension Service and Local Development Works.	37, Community Development Projects, National Extension Service and Local Development Works.	7,29,56,000	.....	7,29,56,000
116	Irrigation and Navigation.	44, Irrigation, Navigation, Embankment and Drainage Works (Non commercial).	4,02,09,000	.....	4,02,09,000
117	Public Works ..	50, Public Works ..	58,20,000	.....	58,20,000
118	Forest ..	70, Forest ..	14,14,000	.....	14,14,000
119	Miscellaneous ..	71, Miscellaneous ..	18,44,96,000	27,58,000	18,72,54,000
120	Other Miscellaneous Compensations and Assignments.	76, Other Miscellaneous Compensations and Assignments.	.....	4,30,000	4,30,000
		<b>Total, Rural Development Department.</b>	<b>44,27,76,000</b>	<b>31,88,000</b>	<b>44,59,64,000</b>

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Food and Civil Supplies Department</b>					
121	General Administration	19, General Administra- tion.	13,05,000	....	13,05,000
122	Miscellaneous Depart- ments.	26, Miscellaneous Depart- ments.	4,65,62,000	1,000	4,65,63,000
123	Pensions and Other Retirement Benefits.	65, Pensions and Other Retirement Benefits.	1,000	....	1,000
		Total—Food and Civil Supplies Department.	4,78,68,000	1,000	4,78,69,000
<b>Maharashtra Legislature Secretariat.</b>					
124	Parliament and State Legislature.	18, Parliament, State/ Union Territory Legisla- ture.	57,42,000	1,46,000	58,88,000
		Total—Maharashtra Legislature Secretariat.	57,42,000	1,46,000	58,88,000
		Total—A—Expenditure on Revenue Account.	4,40,42,16,000	1,12,61,43,000	5,53,03,59,000
<b>B—EXPENDITURE ON CAPITAL ACCOUNT</b>					
<b>General Administration Department.</b>					
125	Capital Outlay on Bom- bay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	2,66,79,000	....	2,66,79,000
126	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	20,59,000	....	20,59,000
127	Capital Outlay on Schemes of Govern- ment Trading.	124, Capital Outlay on Schemes of Government Trading.	7,71,000	....	7,71,000
		Total—General Adminis- tration Department.	2,95,09,000	....	2,95,09,000
<b>Home Department</b>					
128	Capital Outlay on Industrial and Eco- nomic Development.	96, Capital Outlay on Industrial and Economic Development.	1,27,07,000	....	1,27,07,000
		Total—Home Department	1,27,07,000	....	1,27,07,000

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
	<b>Revenue and Forests Department</b>			Rs.	Rs.
129	Compensation to Landholders.	92, Payment of Compensation to Landholders, etc. on the abolition of the Zamindari System.	1,53,00,000	....	1,53,00,000
130	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	2,91,000	....	2,91,000
131	Capital Outlay on Forests.	115 Capital Outlay on Forests.	2,83,96,000	....	2,83,96,000
	Total, Revenue and Forests Department.			4,39,87,000	....
					4,39,87,000
	<b>Agriculture and Co-operation Department</b>				
132	Capital Outlay on Agricultural Improvement and Research.	95, Capital Outlay on Schemes of Agricultural Improvement and Research.	4,91,42,000	1,30,000	4,92,72,000
133	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	8,37,95,000	....	8,37,95,000
134	Milk Schemes ..	109, Capital Outlay on Other Works.	1,15,41,000	....	1,15,41,000
135	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	60,97,36,000	3,000	60,97,39,000
	Total, Agriculture and Co-operation Department.			75,42,14,000	1,33,000
					75,43,47,000
	<b>Education, Sports and Social Welfare Department</b>				
136	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	16,000	....	16,000
	Total, Education, Sports and Social Welfare Department.			16,000	....
					16,000

No. of Grant or other Appropri- ation	Services and purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consoli- dated Fund	Total
1	2	3	4		
		Urban Development, Public Health and Housing Department	Rs.	Rs.	Rs.
137	Capital Outlay on Public Health.	94, Capital Outlay on Improvement of Public Health.	5,00,75,000	....	5,00,75,000
138	Capital Outlay on Public Works.	103, Capital Outlay on Public Works.	15,00,000	....	15,00,000
139	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	93,15,000	....	93,15,000
140	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	68,75,000	....	68,75,000
		Total, Urban Development, Public Health and Housing Department.	6,77,65,000	....	6,77,65,000
		Finance Department			
141	Payments of Commuted Value of Pensions.	120, Payments of Commuted Value of Pensions.	10,00,000	2,20,000	12,20,000
142	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	4,80,000	....	4,80,000
		Total, Finance Department.	14,80,000	2,20,000	17,00,000
		Buildings and Communications Department			
143	Capital Outlay on Public Works.	103, Capital Outlay on Public Works.	12,79,13,000	50,000	12,79,63,000
144	Capital Outlay on Bombay Development Scheme.	106, Capital Outlay on Bombay Development Scheme.	4,32,000	....	4,32,000
145	Capital Outlay on Ports.	110, Capital Outlay on Ports.	1,21,73,000	....	1,21,73,000
		Total, Buildings and Communications Department.	14,05,18,000	50,000	14,05,68,000

No. of Grant or other Appropria- tion	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fnnd	Total
1	2	3	4	Rs.	Rs.
<b>Irrigation and Power Department</b>					
146	Capital Outlay on Irrigation (Commercial).	99, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).	62,51,46,000	1,36,000	62,52,82,000
147	Capital Outlay on Irrigation (Non-commercial).	100, Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	9,55,13,000	....	9,55,13,000
148	Capital Outlay on Electricity schemes.	101, Capital Outlay on Electricity Schemes.	20,94,00,000	....	20,94,00,000
149	Capital Outlay on Other Works.	109, Capital Outlay on Other Works.	24,23,000	....	24,23,000
		Total, Irrigation and Power Department.	93,24,82,000	1,36,000	93,26,18,000
<b>Industries and Labour Department.</b>					
150	Capital Outlay on Industrial and Economic Development.	96, Capital Outlay on Industrial and Economic Development.	3,87,25,000	...	3,87,25,000
151	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	19,23,47,000	..	19,23,47,000
		Total, Industries and Labour Department.	23,10,72,000	..	23,10,72,000
<b>Food and Civil Supplies Department</b>					
152	Capital Outlay on Schemes of Government Trading.	124, Capital Outlay on Schemes of Government Trading.	1,91,31,13,000	5,000	1,91,31,18,000
		Total, Food and Civil Supplies Department.	1,91,31,13,000	5,000	1,91,31,18,000
		Total, B Expenditure on Capital Account.	4,12,68,63,000	5,44,000	4,12,74,07,000

No. of Grant or other Approp- priation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	Rs.	Rs.
<b>C—EXPENDITURE UNDER DEBT HEADS</b>					
<b>General Administration Department</b>					
153	Loans and Advances.	Q, Loans and Advances by State /Union Territory Government.	68,02,000	..	68,02,000
		Total, General Adminis-tration Department.	68,02,000	..	68,02,000
<b>Home Department.</b>					
154	Loans and Advances.	Q, Loans and Advances by State/Union Territory Government.	6,79,000	..	6,79,000
		Total, Home Department	6,79,000	..	6,79,000
<b>Revenue and Forests Department.</b>					
155	Public Debt in respect of Land Compensation Bonds, etc.	O, Public Debt I. Permanent Debt.	..	53,79,000	53,79,000
156	Loans and Advances.	Q, Loans and Advances by State / Union Territory Government.	4,37,13,000	..	4,37,13,000
157	Inter-State Settlement	R, Inter State Settlement.	..	1,000	1,000
		Total, Revenue and Forests Department.	4,37,13,000	53,80,000	4,90,93,000
<b>Agriculture and Co-operation Department</b>					
158	Public Debt—Other Loans.	O, Public Debt—IV—Other Loans	....	1,33,56,000	1,33,56,000
159	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	23,30,76,000	....	23,30,76,000
		Total, Agriculture and Co-operation Department	23,30,76,000	1,33,56,000	24,64,32,000

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Education, Sports and Social Welfare Department.</b>					
160	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	93,78,000	....	93,78,000
		Total, Education, Sports and Social Welfare Department.	93,78,000	....	93,78,000
<b>Urban Development, Public Health and Housing Department</b>					
161	Public Debt—Other Loans.	O, Public Debt—IV—Other Loans	....	30,54,000	30,54,000
162	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	3,07,11,000	....	3,07,11,000
		Total, Urban Development, Public Health and Housing Department.	3,07,11,000	30,54,000	3,37,65,000
<b>Finance Department</b>					
163	Public Debt—Permanent Debt.	O, Public Debt—I—Permanent Debt.	....	10,56,70,000	10,56,70,000
164	Public Debt—Floating Debt.	O, Public Debt—II—Floating Debt	....	1,11,00,00,000	1,11,00,00,000
165	Public Debt—Loans from the Central Government.	O, Public Debt—III—Loans from the Central Government.	....	38,41,34,000	38,41,34,000
166	Public Debt—Other Loans.	O, Public Debt—IV, Other Loans.	....	4,00,000	4,00,000
167	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	1,09,70,000	....	1,09,70,000
168	Inter-State Settlement..	R, Inter-State Settlement.	....	1,000	1,000
		Total, Finance Department.	1,09,70,000	1,60,02,05,000	1,61,11,75,000

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			Rs.	Rs.	Rs.
		<b>Buildings and Communications Department.</b>			
169	Public Debt— Other Loans.	O, Public Debt— IV, Other Loans.	....	5,33,000	5,33,000
170	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	9,40,000	....	9,40,000
		Total, Buildings and Communications Department.	9,40,000	5,33,000	14,73,000
		<b>Irrigation and Power Department.</b>			
171	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	9,83,000	....	9,83,000
		Total, Irrigation and Power Department.	9,83,000	....	9,83,000
		<b>Law and Judiciary Department</b>			
172	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	7,37,000	....	7,37,000
		Total, Law and Judiciary Department.	7,37,000	....	7,37,000
		<b>Industries and Labour Department</b>			
173	Public Debt—	O, Public Debt—			
	Floating Debt	II—Floating Debt	..	....	3,46,25,000
174	Public Debt—	O, Public Debt—			
	Other Loans	IV—Other Loans	..	....	9,000
175	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	26,76,04,000	....	26,76,04,000
		Total, Industries and Labour Department.	26,76,04,000	3,46,34,000	30,22,38,000

No. of Grant or other Approp- riation	Services and purposes	Heads of Accounts	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
<b>Rural Development Department</b>					
176	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	29,78,68,000	....	29,78,68,000
		Total, Rural Development Department.	29,78,68,000	....	29,78,68,000
<b>Food and Civil Supplies Department</b>					
177	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	4,85,000	....	4,85,000
		Total, Food and Civil Supplies Department.	4,85,000	....	4,85,000
<b>Maharashtra Legislature Secretariat</b>					
178	Loans and Advances ..	Q, Loans and Advances by State/Union Territory Government.	48,000	....	48,000
		Total, Maharashtra Legislature Secretariat.	48,000	....	48,000
		Total, C—Expenditure Under Debt Heads.	90,39,94,000	1,65,71,62,000	2,56,11,56,000
		GRAND TOTAL ..	9,43,50,73,000	2,78,38,49,000	12,21,89,22,000

## STATEMENT OF OBJECTS AND REASONS

Article 204 (1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly; and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Legislature.

The Bill accordingly specifies the gross amounts required to meet the grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the year 1971-72, inclusive of the sums specified in column 4 of the Schedule to the Maharashtra Appropriation (Vote on Account) Act, 1971. The amounts are shown below:—

	Rs.
(a) Revenue Expenditure .. .. ..	5,53,03,59,000
(b) Capital Expenditure .. .. ..	4,12,74,07,000
(c) Expenditure under Debt Heads .. .. ..	2,56,11,56,000
Total .. .. ..	<hr/> 12,21,89,22,000

Dated the 5th May 1971.

(Signed) S. K. WANKHEDE.

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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF  
THE CONSTITUTION OF INDIA

In exercise of the powers conferred upon him by clause (1) of article 207 of the Constitution of India, the Governor of Maharashtra has recommended to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Appropriation Bill, 1971.

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

B. P. DALAL,  
Secretary to the Government of Maharashtra,  
Law and Judiciary Department.

Bombay, dated the 5th May 1971.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, मे १३, १९७१/वैशाख २३, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

### भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके.

पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या  
दिनांकाना प्रसिद्ध झाली आहेत :—

३३

शुक्रवार, मे ७, १९७१/वैशाख १७, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Saryashri T. S. Karkhanis and K. S. Dhondge, M.L.As., at the meeting of the Maharashtra Legislative Assembly on the 7th May 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XXIX OF 1971

##### A BILL

to amend the Maharashtra Apartment Ownership Act, 1970

Mah. XV WHEREAS, it is expedient to amend the Maharashtra Apartment Ownership Act, 1970, for the purpose hereinafter appearing ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Apartment Ownership (Amendment) Act, 1971. Short title and commencement.
- (2) It shall come into force at once.

Addition of new proviso to section 2 existing proviso, the following Proviso shall be and shall be deemed always to have of Mah. XV been added, namely :—  
of 1970.

“ Provided further that no property, which was prior to coming into force of this Act occupied in part or in whole by tenants, shall be submitted to the provisions of this Act unless all the tenants, thereof, agree to become apartment owners. ”

*Explanation.*—For the purpose of this proviso, the expression “ tenant ” shall <sup>Bom.</sup> have the meaning assigned to it in clause (1) of section 5 of the <sup>of</sup> <sup>LVII</sup> Bombay Rents Hotel and Lodging House Rates Control Act, 1947. ”.

### STATEMENT OF OBJECTS AND REASONS

The Maharashtra Apartment Ownership Act has been enacted solely for the purpose of promoting the construction of new buildings. As a result of this Act, the residents of buildings belonging to Housing Board can secure loans from institutions like Life Insurance Corporation, so that the locked up capital of the Board is released for construction of more new buildings.

However, it is possible that unscrupulous landlords will take advantage of the provisions of this Act, and will try to sell their buildings apartmentwise, and in case the residents are not prepared to purchase their respective flats, the landlord will threaten them to sell their premises to outsiders, who will evict them under the provisions of section 13 (1) (g) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for their supposed bonafide requirements.

- It is, therefore, felt necessary to make a provision whereby properties occupied in part or in whole by tenants prior to coming into force of the Maharashtra Apartment Ownership Act, 1970 are not submitted to the provisions of the Act unless all the tenants therein agree to be apartment owners.

The Bill seeks to achieve this object.

COUNCIL HALL :  
Bombay, 30th April, 1971.

T. S. KARKHANIS,  
K. S. DHONDGE,  
Members-in-charge.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

Bombay, dated the 7th May 1971.

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शुक्रवार, मे ७, १९७१/वैशाख १७, शके १८९३

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### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Sarvashri T. S. Karkhanis, K. S. Dhondge and S. S. Sawant, M.L.As., at the meeting of the Maharashtra Legislative Assembly on the 7th May 1971 is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XXXI OF 1971

##### *A BILL*

*further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.*

Mah.  
XXV-  
II of  
1961.

WHEREAS, it is expedient further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1971.

Amendment of sub-section (2) of section 28-1AA of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, the following proviso shall be added to sub-section (2), before the Explanation, namely :—

28-1AA  
of Mah.  
XXVII  
of 1961.

“ Provided that where the yearly supply, of sugarcane from any of the estates of the corporation, to the industrial undertaking concerned, has been less than one-eighth of the total yearly sugarcane requirement of that industrial undertaking during each of the past seven consecutive years and the working of the industrial undertaking is not fully or substantially dependent upon such supply then the surplus land in any of the estates of such corporation, shall after the grant of a part thereof according to the provisions of sub-section (3), be resumed by the State Government, for the purpose of establishing one or more farms, which shall be mainly seed-farms, with a view to making more proper and efficient use of that land and also greater development of agriculture, and thereupon the State Government, shall take the responsibility of making arrangements for guaranteed and continuous supply of sugarcane at a fair price every year, which would be equal to the average yearly supply of sugarcane during the past seven consecutive years by that estate of the corporation to the industrial undertaking concerned.”

### STATEMENT OF OBJECTS AND REASONS

Certain areas under the management of the Maharashtra State Farming Corporation in its estates are extremely broken and the so called compact blocks of land are very widely separated in several villages. Besides the supply of cane to the concerned industrial undertakings from these estates is less than even ten per cent of the total sugarcane requirement per year of the respective undertakings. For illustration, some of the unique features of the land managed by the Corporation's Kolhapur Farm are as follows :—

1,176 acres surplus land taken over by the State Government from the Kolhapur Sugar Mills, Ltd., and entrusted to the Kolhapur estate of the Maharashtra State Farming Corporation for cultivation is widely spread over in 11 villages situated in a zone of about 26 miles. In any of these villages the area of the surplus land is not contiguous. The average yearly supply of sugarcane to the said sugar mills during the past seven years is found to be much less than the yearly cane requirement of the mills. After the grant of a part of this surplus land to the exlessors in accordance with the provisions of sub-section (3) of section 28-1 AA of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 the sugarcane production by the Kolhapur estate in the remaining area of that surplus land is bound to be considerably less and the sugarcane that would be produced will be approximately less than six per cent of the yearly cane requirement of the said sugar Mills. The lands falling under categories as above deserve special consideration and these lands have, therefore, to be utilised in the best interest of agriculture.

Quantity of sugarcane required to meet the yearly demands of the sugar factories can easily and constantly be secured at a fair price by Government or the factories from private sugarcane cultivators in the surrounding areas where sugarcane is available in abundance ; And after making such a permanent arrangement for maintaining assured and continuous supply of the said quantity of sugarcane to the sugar factories, the land entrusted or granted to the said estates for sugarcane cultivation should be resumed by the Government and be utilised for the establishment of farms, mainly for the production of various seeds. This would contribute much to the development of agriculture.

The Bill seeks to achieve these objects.

COUNCIL HALL,  
Bombay, dated the 5th May, 1971.

T. S. KARKHANIS,  
K. S. DHONDGE,  
S. S. SAWANT,  
Members-in-charge.

Bombay, dated the 7th May, 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, सप्टेंबर १६, १९७१/भाद्र २५, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वैगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्याच्यापुढे दर्शविलेल्या दिनांकांना प्रसिद्ध झाली आहेत :—

३५

सोमवार, सप्टेंबर ६, १९७१/भाद्र १५, शके १८९३

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 9th September 1971 :—

L. A. BILL No. XXXIII OF 1971.

### A BILL

*to provide for the carrying on for a certain time of all trade in raw cotton by the State in Maharashtra.*

WHEREAS, ginned and pressed cotton has been commanding a high level of prices at the terminal markets in recent years, nevertheless it has been brought to the notice of the Government of Maharashtra that because of too many intermediaries and also defects in the marketing system, growers of cotton in the State do not get a fair share of the price for their crop ;

AND WHEREAS, it is also necessary to supply unadulterated cotton to consumers at a reasonable price, and to guarantee the purity of cotton and honest trade practices at processing centres ;

AND WHEREAS, the Government of Maharashtra has decided that all trade in raw cotton should be carried on by the State for a certain time ; and for that purpose to take power for acquiring *kapas* from the growers and other persons having stocks of cotton, getting it ginned and pressed into bales, selling it in that form to consumers on behalf of the tenderers and paying compensation to the tenderers ; and provide for matters relating to the purposes aforesaid ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

## CHAPTER I

### *Preliminary*

**Short title, extent, commencement and duration.** 1. (1) This Act may be called the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(4) This Act shall remain in force up to and inclusive of the 30th June 1980, and shall then expire ; and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act, as if it had then been repealed by a Maharashtra Act.

**Definitions.**

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

(a) “advance price” means the price payable or paid as such to a grower of cotton or a holder of stocks of cotton at the time of tendering *kapas*, at a collection centre under section 20 or 21 ;

(b) “bale” means any pressed package of cotton of whatever size or density ;

(c) “Board” or “Advisory Board” means the Board established under section 3 ;

(d) “bonus”, in respect of any grower or other person tendering cotton at a collection centre, means, if the final price fixed for any cotton season exceeds the guaranteed price, the proportionate amount payable to him as bonus under sections 30 and 32, on the quantity of *kapas*, acquired from him ;

(e) “collection centre” means the place designated by the market committee for tendering *kapas*, by any grower or any other person holding stocks thereof ;

(f) “controlled area” means an area specified in a notification under section 3 of the Bombay Cotton Control Act, 1942 ;

(g) “cotton” means raw cotton, whether ginned or unginne<sup>XXX</sup> of 1942.

(h) “cotton ginning factory” has the meaning assigned to it in the Cotton Ginning and Pressing Factories Act, 1925 ;

(i) “cotton pressing factory” has the meaning assigned to it in the Cotton Ginning and Pressing Factories Act, 1925 ;

(j) “cotton season” means the period from the 1st day of July of any year to the 30th day of June of the next year (both days inclusive) ;

(k) “final price” means the price determined as such in the prescribed manner by the State Government, in consultation with the Board, on or after the 30th June each year, in respect of any specified variety of cotton, as payable to the cotton growers and other persons tendering *kapas*, at the collection centres under sections 20 and 21 ;

- (l) " guaranteed price " means the price determined as such under section 24, in respect of any specified variety of cotton, as payable to the cotton growers and other persons tendering *kapas*, at the collection centres ;
- (m) " *kapas* " means unginned cotton;
- (n) " market area " means an area specified in a declaration made under section 4 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963;
- (o) " market committee " means a committee constituted for a market area under section 11 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963;
- (p) " marketing society " means a taluka or block co-operative purchase and sale union, or a marketing society of agricultural produce, registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960, as an agricultural society, and includes a cotton sale society;
- (q) " member " means a member of the Advisory Board, and includes the Chairman or Vice-Chairman of the Board;
- (r) " non-official Member " means a Member who is not a Member *ex-officio*;
- (s) " prescribed " means prescribed by or under rules made under this Act;
- (t) " Registrar " means a person appointed to be the Registrar of Co-operative Societies under the Maharashtra Co-operative Societies Act, 1960, and includes any person appointed to assist him and on whom all or any of the powers of the Registrar under that Act are conferred.

## CHAPTER II

### *Establishment, Proceedings and Duties of the State Advisory Board*

3. The State Government may, by notification in the *Official Gazette*, establish for the purposes of this Act a Board by the name of " the Maharashtra State Cotton Control Advisory Board ".

Establishment of State Advisory Board.

4. (1) The Board shall consist of the following members :—

(a) the Minister of State for Co-operation, Maharashtra State, *ex-officio* Chairman;

Composition of the Board.

(b) the Secretary to the Government of Maharashtra, Agriculture and Co-operation Department (Co-operation Wing), *ex-officio* Vice-Chairman;

(c) one representative of the Ministry of Agriculture, appointed by the Central Government, *ex-officio* ;

(d) the Chairman, Maharashtra State Co-operative Marketing Federation, *ex-officio* or his representative;

(e) the Managing Director, Maharashtra State Co-operative Marketing Federation, *ex-officio* or his representative;

(f) the Managing Director, Maharashtra State Co-operative Bank, *ex-officio* or his representative;

(g) the Managing Director, Indian Cotton Corporation, *ex-officio* or his representative ;

(h) the Joint Registrar of Co-operative Societies (Marketing), *ex-officio* ;

(f) three representatives of cotton growers, appointed by the State Government ;

(j) one representative of the Government managed Textile Mills, appointed by the State Government;

(k) one representative of other Textile Mills, appointed by the State Government;

(l) one representative of the Co-operative Spinning Mills, appointed by the State Government;

(m) a Deputy Secretary to the Government of Maharashtra in the Agriculture and Co-operation Department, designated by the State Government in this behalf, who shall also be the Secretary to the Board.

(2) The names of the non-official Members appointed by the State Government shall be published in the *Official Gazette*.

Head-quarters  
of the  
Board.

5. The headquarters of the Board shall be in Greater Bombay.

Term of  
office and  
conditions  
of service  
of non-  
official  
Members.

6. (1) Every non-official Member shall hold office for a period of three years from the date of his appointment:

Provided that, the State Government may extend the said period by a further period not exceeding one year:

Provided further that, after the expiry of the period of his appointment, a person shall, unless disqualified or removed, be eligible for reappointment.

(2) Every non-official Member shall receive from the State Government such allowances for the purpose of meeting the personal expenditure incurred in attending the meeting of the Board or in performing any other functions as such Member, as may be prescribed.

Resignation  
of non-  
official  
Members.

7. Any non-official Member may at any time resign his office by writing under his hand addressed to the State Government, and upon the acceptance thereof the office of the Member shall become vacant.

Temporary  
absence of  
Members.

8. If any Member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise, not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rules or regulations made thereunder.

Disquali-  
fication  
of non-  
official  
Members.

9. A person shall be disqualified for being appointed or continuing as a non-official Member, if he—

(a) holds any office or place of profit under the State Government [except when he is appointed under clause (j) of sub-section (1) of section 4];

(b) is of unsound mind, and stands so declared by a competent Court;

(c) is an undischarged insolvent; or

(d) has been or is convicted of any offence involving moral turpitude.

Removal of  
Members.

10. If the State Government is of opinion that, any Member is guilty of misconduct in the discharge of his duties, or is incompetent to perform or has become incapable of performing his duties as a Member or should for any other good and sufficient reason be removed, the State Government may, after giving the Member an opportunity to show cause against his removal, by notification in the *Official Gazette*, remove him from office.

## 11. If a non-official Member,—

Vacation of  
member-  
ship.

- (a) becomes subject to any of the disqualifications mentioned in section 9, or
- (b) is absent without the permission of the Board from all meetings of the Board for a period of two successive months,

he shall cease to be a member.

12. (1) In the event of a vacancy in the office of any Member, the vacancy may be filled by the State Government, and the person so appointed shall hold office so long only as the Member in whose place he is appointed would have held office.

Filling of  
vacancies.

## (2) A vacancy of a Member shall be filled as early as practicable:

Provided that, during any such vacancy the continuing Members may act, as if no vacancy had occurred.

13. (1) The Board shall meet at such times, at least once in a month, and at such places as the Chairman, may determine.

Meetings of  
the Board.

(2) The Chairman, or in his absence the Vice-Chairman, shall preside at a meeting of the Board.

(3) One-third of the total number of members of the Board shall be the quorum required to constitute a meeting of the Board.

(4) Minutes shall be kept of the names of the Members present and of others who attend the meetings of the Board under the provisions of this Act, and of the proceedings of each meeting, in a minute book to be kept for the purpose. The minutes shall be signed at the next ensuing meeting after confirmation at such meeting.

(5) Subject as aforesaid, the Board may observe such rules of procedure in regard to the transaction of its business, or the business of any committee appointed by it, as may be provided by the regulations made by the Board, with the previous sanction of the State Government.

14. No act or proceeding of the Board or any of its committees shall be invalid by reason only of a vacancy therein, or any defect in the appointment of any person acting as the Chairman or Vice-Chairman or Member, if such act or proceeding is otherwise in accordance with the provisions of this Act.

Proceedings  
presumed  
to be good  
and valid.

15. (1) The Board may, with the previous sanction of the State Government, associate with itself or consult such persons whose assistance or advice it may require, for the purpose of performing any of its functions under this Act; such persons may with be paid such remuneration or fees or allowances as may be sanctioned by the State experts. Government.

Consulta-  
tion or  
association

(2) The person so assisting or advising the Board may take part in the discussions of the Board relevant to the purpose for which he is associated or consulted.

16. Subject to the control, direction and superintendence of the State Government, it shall be the duty of the Board—

Duties of  
the Board.

- (a) to advise the State Government with regard to the policy to be adopted in the matter of cultivation of cotton in the State and grading and marketing of cotton, with a view to ensure a fair price to the grower;

- (b) to recommend the places at which the collection centres may be located;

- (c) to advise the State Government in the matter of fixation of final prices of different varieties of cotton;

- (d) to recommend the number and places of godowns required for storing cotton, and the cotton ginning and pressing factories required for processing cotton and if necessary for requisitioning godowns or factories;

(e) to advise the State Government with regard to the policy to be adopted for disposal of cotton-seed and cotton-waste;

(f) to advise the State Government on any other matter connected with the administration of this Act in respect of which that Government may consider it necessary to obtain the advice of the Board;

(g) to do all other things to facilitate the proper carrying out of the functions of the Board under this Act.

### CHAPTER III

#### *Prohibitions on trading in and transport of kapas and on cotton ginning and pressing factories*

Prohibition  
on carrying  
on business  
in kapas.

17. Save as otherwise provided by or under this Act and except with the previous permission of the State Government, no person, other than the State Government or an officer or agent of such Government, authorised by it in this behalf, shall purchase, sell, or store for sale kapas, or carry on business in kapas.

Prohibition  
on cotton  
ginning and  
pressing  
factories.

18. (1) No owner or person in charge of a cotton ginning factory shall, except with the previous permission of the State Government, gin or cause to be ginned in his factory any kapas, other than kapas to be ginned on Government account.

(2) No owner or person in charge of a cotton pressing factory shall, except with the previous permission of the State Government, press or cause to be pressed ginned cotton into bales, other than such cotton to be pressed on Government account.

Prohibition  
on transport  
of kapas  
outside the  
State.

19. No person, other than the State Government or the Head of any Department authorised by the State Government in this behalf, shall, except with the previous permission of the State Government or such Head of the Department, transport kapas from any place in the State to any place outside the State. Where the State Government or the Head of the Department refuses the previous permission in any case, the reasons therefor shall be recorded in writing.

### CHAPTER IV

#### *Procurement, grading and pooling kapas*

Every  
grower of  
cotton to  
sell his  
produce to  
Government.

20. Every grower of cotton shall, after the picking operations are over, sell all kapas produced by him and which he wishes to dispose of, to the State Government, by tendering it at a collection centre:

Provided that, the grower may, where such practice prevails, in the area pay the labourers engaged by him wages in kind, i.e. in kapas, and then tender the remaining quantity to the State Government as provided in this section.

Tendering  
of kapas  
by persons  
other than  
the grower.

21. Any kapas given by the grower to labourers in lieu of wages as provided in the proviso to the last preceding section shall not be sold by the labourer to any person other than the State Government. The labourers may tender the kapas so obtained either personally or through an agent authorised by the State Government in this behalf, at a collection centre.

Grading and  
pooling of  
kapas  
tendered at  
collection  
centres.

22. All kapas tendered at the collection centres by the growers or the persons holding stocks or on their behalf by the agents for collection authorised by the State Government shall be graded and marked with the grade designation marks in accordance with the provisions of the Agricultural Produce (Grading and Marking) Act, 1937, by the officers concerned under the supervision of the market committee, 1937 and pooled according to the grades:

Provided that, kapas of any variety tendered at the collection centres by or on behalf of labourers who are paid wages in kind shall, notwithstanding anything contained in any law for the time being in force, be graded as belonging to the lowest grade of that variety.

Mah.  
XX of  
1964.

23. (1) Weighment of all *kapas* so tendered at the collection centres shall be done in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the bye-laws of the market committee made thereunder, and every tenderer shall be granted a receipt for *kapas* tendered by him.

Weighment procedure and grant of receipt to the tenderer.

(2) Such receipt shall specify the collection centre at which and the date on which *kapas* was tendered, the name of the party tendering, the quantity of *kapas* which was tendered, and the grade thereof, and other particulars as may be prescribed.

## CHAPTER V

### *Mode of fixing and payment of price for kapas tendered at collection centres*

24. At the commencement of every cotton season, the State Government shall, in consultation with the Central Government, fix the guaranteed price and shall notify such price in the *Official Gazette* and in such other manner as it deems fit.

Fixation of guaranteed price.

25. Every tenderer of *kapas* at a collection centre shall in the first instance be entitled to receive eighty per cent of the guaranteed price for the quantity of *kapas* tendered by him, which shall be the advanced price payable to a tenderer.

Advance price payable to a tenderer.

26. The advance price shall be paid to the tenderer through the market committee after making any deductions as required by the next succeeding section.

Mode of payment of advance of price.

27. The market committee may deduct from the advance price to be paid to a tenderer of *kapas* any dues of any co-operative society, which has advanced loan for raising the crop and for which loan a charge is created in its favour under section 48 of the Maharashtra Co-operative Societies Act, 1960 and pay the balance to the tenderer :

Deduction to be made from the advance price for dues of certain co-operative societies.

Provided that, the market committee may make the deductions in such instalments as it deems fit, keeping in view the quantity of *kapas* the person concerned is likely to tender from time to time in future.

28. (1) The State Government shall cause the *kapas* pooled under section 22 to be ginned and pressed into bales ; and shall, subject to the directions (if any) issued by Textile Commissioner under any law for the time being in force, cause the bales to be sold or otherwise disposed of in the prescribed manner.

Cotton pooled to be ginned and pressed into bales,

(2) Subject to sub-section (1), the bales shall be sold or disposed of—

(a) at such procurement prices as may be fixed by the Central Government or by the Textile Commissioner on the advice of the Agricultural Price Commission under any law for the time being in force, for the different varieties of cotton grown in the country ;

and bales to be sold or otherwise disposed of by Government at certain price.

(b) in any other case, at the prevailing market price.

29. Soon after the close of every cotton season, the State Government shall, in consultation with the Advisory Board, and having regard to the prices at which the final bales of cotton were sold and the stock of bales of cotton on hand and taking into consideration all the expenditure incidental to the handling of *kapas* and disposing of the same after ginning the same, and pressing it into bales, fix in the prescribed manner, the final price for different varieties or grades of *kapas* acquired during the preceding cotton season, and shall notify such price in the *Official Gazette* and in such manner as it deems fit :

Fixing of final price.

Provided that, for arriving at such price, the closing stock of bales of cotton not disposed of and on hand as on the 30th June shall be valued at the guaranteed price.

**Settlement of price.** 30. (1) After the final price is fixed and notified by the State Government, every person who or on whose behalf kapas has been tendered at the collection centre shall after final price is be paid—

(a) the difference between the guaranteed price and the advance price, where the final price is less than the guaranteed price ;

(b) where the final price is more than the guaranteed price—

(i) the difference between the advance price and the guaranteed price ;

(ii) one-third of the difference between the final price and the guaranteed price ; and

(iii) one-third of the difference between the price actually realised on the sale of the bales of cotton remaining on hand on the 30th June of the preceding cotton season and the guaranteed price, if the actual price realised is more than the guaranteed price, as bonus.

(2) The balance of two-thirds referred to in sub-clauses (ii) and (iii) of clause (b) of sub-section (1) shall be credited to the Price-Fluctuation Fund.

**Mode of payment.** 31. The payment of any amount to be made to any person under the last preceding section, shall be made in the same manner and shall be liable to the same deductions difference. (if any) as laid down in sections 26 and 27.

**Payment of bonus.** 32. If in any cotton season, the amount at the credit of the Price Fluctuation Fund is equal to or more than 30 per cent of the average total sales of cotton during the three preceding seasons, the entire amount realised in excess of the guaranteed price shall be distributed and paid as bonus to the persons concerned, in the same manner and subject to the deductions (if any) as laid down in sections 26 and 27.

## CHAPTER VI

### Price Fluctuation Fund

**Constitution of Fund.** 33. (1) For the purpose of this Act, there shall be established and maintained a Fund called the " Price Fluctuation Fund " (in this Chapter referred to as " the Fund " ).

(2) The Fund shall be made up of rupees one crore as an initial contribution to the Fund made by the State Government under appropriation duly made in this behalf and the amounts credited to the Fund from time to time in accordance with sub-section (2) of section 30.

**Accounting of difference between the guaranteed price and the final price.** 34. (1) Where for any cotton season, the final price is less than the guaranteed price, the amount of difference shall be paid from and debited to the Fund.

(2) Where for any cotton season, the final price is more than the guaranteed price of cotton, subject to the provisions of section 32, the amount of two-thirds of the difference shall be credited to the Fund as provided by sub-section (2) of section 30.

**Other matters connected with the Fund to be regulated by rules.** 35. All other matters connected with the Fund, including the manner in which the Fund shall be maintained, operated and expended, shall be regulated by rules made in this behalf.

## CHAPTER VII

### *Control of cotton ginning and pressing factories.*

36. The State Government, or any officer authorised by it in this behalf, may issue to any owner or person in charge of a cotton ginning factory or cotton pressing factory such general or special directions as it or he may think necessary or expedient, for maintaining or increasing the supply of ginned or baled cotton and the owner or such person shall be bound to follow and act upon such directions.

37. If the State Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of ginned or baled cotton, it may, by order, published in the *Official Gazette*, and in such other manner as it deems fit, authorise any person (hereinafter in this section referred to as "an authorised controller") to exercise, with respect to the whole or any part of any specified undertaking which is a cotton ginning factory or cotton pressing factory, such functions of control as may be provided therein, and so long as such order is in force with respect to such undertaking or part thereof—

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the State Government, so, however, that he shall not have any power to give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in charge of the management of the undertaking, except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

## CHAPTER VIII

### *Settlement of disputes regarding baled cotton sold by Government.*

38. (1) For the purposes of this Chapter, the State Government shall, by notification in the *Official Gazette*, constitute one or more Boards of Settlement, one or more Boards of Arbitration, the Tribunal and the Board of Appeal. If a single Board of Settlement or Board of Arbitration is constituted, it shall have jurisdiction over the whole of the State. If more than one such Board are constituted, each of them shall have jurisdiction over such local area as may be specified in the notification. The Tribunal and the Board of Appeal shall have jurisdiction over the whole of the State.

(2) Each Board of Settlement, each Board of Arbitrators, the Tribunal and the Board of Appeal shall consist of such number of members appointed by the State Government as that Government may consider necessary. The qualifications of members of each of these authorities shall be such as may be prescribed, and every member shall hold office for such period and on such terms as the State Government may fix in his case.

(3) Notwithstanding anything contained in any law for the time being in force, when ginned cotton pressed into bales is sold by or on behalf of the State Government to any person, and there is a dispute between the seller and the buyer—

(a) regarding the quality of the goods sold or regarding such quality and any other matter connected with the sale, the dispute may be referred to the Board of Settlement having jurisdiction;

(b) regarding the price, delivery or any other matter connected with the sale, other than the quality of the goods sold, the dispute may be referred to the Board of Arbitrators having jurisdiction,

by any of the parties to the dispute in the prescribed manner, within a period of thirty days from the date of sale.

(4) The Board to which a dispute has been referred under the last preceding sub-section shall, after holding such inquiry as it deems fit and after giving a reasonable opportunity to the parties to be heard, give its decision.

(5) Any party aggrieved by any decision of the Board of Settlement may appeal to the Tribunal, and any person aggrieved by any decision of the Board of Arbitrators may appeal to the Board of Appeal, within a period of thirty days from the date of the decision.

(6) The Tribunal, or the Board of Appeal, as the case may be, shall, after holding such further inquiry as it deems fit and after giving a reasonable opportunity to the parties to be heard, decide the appeal.

(7) The decision of the Tribunal or the Board of Appeal, as the case may be, under sub-section (6), and subject thereto the decision of the Board concerned under sub-section (4), shall be final.

## CHAPTER IX

### *Disposal of cotton seeds.*

#### *Disposal of cotton seeds.*

39.—The graded *kapas* pooled under section 22 shall be ginned separately, in the same lots into which the *kapas* has been graded, under the supervision of the Officer concerned under the Agricultural Produce (Grading and Marketing) Act, 1937, and I of 1937, setting aside the cotton seed required for issue to the cotton growers for cultivation in the controlled areas, the registered seed growers, the Taluka Seed Multiplication Farms and such other persons as may be prescribed, the remaining cotton seed shall be sold under arrangements made by the Advisory Board, preference being given to the local growers.

## CHAPTER X

### *Special procedure for recovery of sale-proceeds from purchasers of cotton bales and cotton seeds.*

#### *Recovery of amount due on account of purchase of cotton bales and cotton seeds from Government.*

40. (1) Notwithstanding anything contained in any law for the time being in force, when ginned cotton pressed into bales or cotton seeds are supplied or sold to any person by or on behalf of the State Government, and there is a default in payment of the amount payable for the purchase of such cotton or seeds, then on an application by an officer or person authorised by the State Government made in the prescribed manner, the Registrar may, after holding such inquiry as he deems fit, grant a certificate for the recovery of the whole or any part of the amount stated in the application to be due as arrears.

(2) A certificate by the Registrar under sub-section (1) shall be final and conclusive as to the arrears due. Without prejudice to any other mode of recovery, the arrears stated to be due in such certificate shall be recoverable according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

41. The Registrar may recover any amount due under a certificate granted by him under the last preceding section in the same manner in which he revocers any amount due under a certificate granted by him under sub-section (1) or (2) of section 101 or under sub-section (1) of section 137 of the Mahashtra Co-operative Societies Act, 1960, and for that purpose he shall have all the powers under section 156 and other provisions of that Act and the rules made thereunder, as if the amount due were dues under that Act.

## CHAPTER XI

### *Miscellaneous.*

42. (1) The State Government may, by notification in the *Official Gazette*, direct that any power or duty which by this Act is conferred or imposed upon the State Government (except the power to make rules) shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by an Officer or authority subordinate to it.

(2) (a) The State Government may, for the purpose of purchase or sale or distribution of, and trade in, cotton on its behalf, appoint agents for the whole State or any specified area, and any such agent may be appointed for more than one such area.

(b) The terms, conditions and procedure for appointment of agents shall be such as may be prescribed.

43. (1) Whoever contravenes the provisions of section 17, 18(1) or (2), 19, 21 or 47 (1) shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever contravenes the provisions of section 36 or 37 shall on conviction, be punished with fine which may extend to one hundred rupees.

44. (1) No Court shall take cognisance of any offence punishable under this Act, except with the previous sanction of the State Government or any officer authorised by it in this behalf.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898,—

(a) all offences punishable under this Act shall be cognisable and bailable;

(b) it shall be lawful for a Presidency Magistrate or Magistrate of the First Class to pass on any person convicted of an offence under sub-section (1) of section 43 a sentence of fine as provided in that sub-section, in excess of his powers under section 32 of the said Code.

45. No suit, prosecution or other legal proceedings shall lie against the State Government or any member, market committee, officer, agent or authority functioning under this Act for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

46. (1) The power to make all rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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.

**Declaration of stocks of ginned cotton not pressed into bales**

47. (1) If any person holds any stock (exceeding 10 quintals) of ginned cotton not pressed into bales on the date of commencement of this Act, whether on his own account or on behalf of any other person, he shall, within 15 days from such commencement, furnish in writing to the Collector or any other officer or person authorised by the State Government in this behalf, a full and correct statement declaring the stock held, at the time of the commencement of the total quantity of stock held, the exact location of the godown and place where the Act and stock is kept and if any quantity is held on behalf of any other person the quantity so held and the name and address of the person on whose behalf it is held.

(2) If any person, who holds any stock of ginned cotton not pressed into bales at the date of commencement of this Act, wishes to sell the stock or any quantity therefrom to the State Government, he may, after the expiry of 15 days from the date of such commencement, tender it personally or through an agent authorised by the State Government, at a collection centre. Such person shall be entitled to receive such price for the quantity sold as the officer authorised in this behalf may determine, having regard to the guaranteed price for *kapas* fixed for the current cotton season, the reasonable expenses required for ginning and storing the cotton and the quality of the cotton tendered.

**Application of other laws not expressly provided hereinbefore**

48. The provisions of this Act shall be in addition to, and shall not, save as barred, 1955 or any other law for the time being in force.

X of  
1955.

### STATEMENT OF OBJECTS AND REASONS

In pursuance of the declared policy of the State that agro-industrial co-operative societies should be organised and run to ameliorate the conditions of agriculturists, certain measures were taken by the State Government, such as establishment of ginning and pressing societies, spinning mills and other types of societies like sugar factories, rice mills, etc. These societies were given financial assistance by way of loans and guarantees.

2. The State Government constituted the Agricultural Prices Committee to examine and determine the commodities to be specified as agricultural commodities and to fix their prices for procurement and sales. This was done primarily with a view to give adequate prices for produce to the cultivator. There are a large number of intermediaries and also defects in the marketing system, as a result of which it is noticed that growers of cotton in the State do not get a fair or reasonable price. The cotton grower can get a fair and reasonable price only when there is a control over the movement and acquisition of *kapas*. The steps taken so far by the Government will be ineffective and may perhaps lead to losses, if the control over *kapas* is not extended. Therefore, it is essential to regulate the transactions in *kapas* in so far as procurement, processing and marketing is concerned. The present Bill seeks to regulate such transactions in *kapas*, so that all trade therein will be carried out by the State for a certain time.

3. The main provisions of the Bill are as under:—

*Clause 1 (4).*—This will be a temporary Act, which shall remain in force upto the 30th June 1980.

*Clauses 3 and 4.*—These clauses empower the State Government to establish the Maharashtra State Cotton Control Advisory Board, consisting of official and non-official members.

*Clause 16.*—It specifies the duties of the Advisory Board.

*Clause 17.*—This clause prohibits any person other than the State Government to carry on business in *kapas*, except with the previous permission of the State Government.

*Clause 18.*—It prohibits the owner or person in charge of a ginning factory or pressing factory to gin *kapas* or press ginned cotton into bales on other than Government account, except with the previous permission of the State Government.

*Clause 19.*—It prohibits transport of *kapas* from any place in the State to any place outside the State, except with the previous permission of the State Government or of the authorised officer.

*Clause 20.*—This clause makes it obligatory for every cotton grower to tender *kapas* which he intends to dispose of to Government at a collection centre.

Payment of wages in kind in *kapas* has been permitted, wherever local practice prevails.

*Clause 21.*—Under this clause, *kapas* given in lieu of wages to labourers may be tendered at a collection centre, either personally or through an agent authorised by the State Government.

*Clause 22.*—This clause empowers the officers to grade *kapas* tendered at the collection centres and mark and pool it in accordance with the provisions of the Agricultural Produce (Grading and Marking) Act, 1937, and authorises such officers to grade *kapas* tendered by or on behalf of labourers, who are paid wages in kind, as belonging to the lowest grade.

*Clause 23.*—It provides that *kapas* tendered at the collection centres shall be weighed in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and makes it obligatory that receipts shall be granted for the *kapas* tendered, showing the prescribed particulars.

*Clause 24.*—The State Government is empowered to fix, in consultation with the Central Government, the guaranteed price of *kapas* to be paid for different varieties of *kapas* tendered at the collection centres.

*Clause 25.*—It provides for payment of 80 per cent of the guaranteed price in the first instance as the advance price for any *kapas* tendered at a collection centre.

*Clauses 26 and 27.*—The advance price is to be paid to the tenderer through the market committee; and the market committee is empowered to make deductions from the advance price for the dues of any co-operative society, which has advanced loan for raising the crop and for which loan a charge is created in its favour under section 48 of the Maharashtra Co-operative Societies Act, 1960.

*Clause 28.*—This clause empowers the State Government to cause the *kapas* collected to be ginned and pressed into bales and the bales to be sold or otherwise disposed of at certain price.

*Clause 29.*—It empowers the State Government to fix the final price of *kapas* of different varieties and grades for the season, in consultation with the Advisory Board.

*Clause 30.*—This clause provides for payment to every tenderer of *kapas* at a collection centre of the difference between the guaranteed price and the advance price, where the final price is less than the guaranteed price. Where the final price is more than the guaranteed price, the tenderer will be entitled to the difference between the advance price and the guaranteed price and one-third of the difference between the final price and the guaranteed price, plus certain bonus if the price realised from sale of bales in hand is more than the guaranteed price.

*Clause 32.*—It provides for payment of the entire amount realised on sale of bales of cotton in excess of the guaranteed price as bonus, if in any cotton season the amount at the credit of the Price Fluctuation Fund is equal to or more than thirty per cent of the average total sales of cotton during the three preceding seasons.

*Clause 33.*—This clause requires the State Government to contribute a sum of rupees one crore only to the Price Fluctuation Fund, as the initial contribution.

*Clause 34.*—This clause authorises debiting to the Price Fluctuation Fund the difference between the final price and the guaranteed price, in case the former is less than the latter.

*Clause 36.*—It empowers the State Government or any officer authorised by it to issue necessary directions to any cotton ginning factory or pressing factory for maintaining or increasing the supply of ginned or baled cotton, and the owner or person in charge shall be bound to follow and act upon such directions.

*Clause 37.*—For maintaining or increasing the production and supply of ginned or baled cotton, the State Government is empowered to appoint an authorised controller.

*Clause 38.*—The State Government is empowered to constitute one or more Boards of Settlement and one or more Boards of Arbitration, the Tribunal and the Board of Appeal, for settlement of disputes regarding the quality of the bales of cotton sold, and regarding the price, delivery or any other matter connected with the sale.

*Clause 39.*—It empowers the State Government to dispose of the cotton seeds, after meeting the requirements of cotton growers, the registered seed growers, the Taluka Seed Multiplication Farms and other prescribed persons.

*Clauses 40 and 41.*—These clauses empower the Registrar, Co-operative Societies, to issue and execute certificates of recovery in case of default in payment of the amount payable for the purchase of baled cotton or cotton seeds, on an application made by an officer or person authorised by the State Government.

*Clause 43.*—Offences and punishments have been specified in this clause with regard to contraventions of the provisions of clauses 17, 18 (1) and (2), 19, 21, 36, 37 and 47 (1).

*Clause 47.*—By this clause, persons who hold stocks (exceeding 10 quintals) of ginned cotton not pressed into bales on the date of commencement of the Act are required to declare the same, within 15 days of such commencement, to the Collector or other person authorised by the State Government; and after the expiry of the said period of 15 days if the stocks are to be disposed of they can be tendered at any collection centre.

*Clause 48.*—This clause provides that the provisions of this Bill shall be in addition to and shall not be in derogation of the Essential Commodities Act, 1955, or any other law for the time being in force, save as expressly provided in this Bill.

Bombay, dated the 27th July 1971.

Y. J. MOHITE,  
Minister for Co-operation.

(Copy of paragraph 2 of letter, Law and Judiciary Department, dated the 27th July 1971  
from the Minister for Co-operation to the Secretary to the Maharashtra  
Legislative Assembly)

"2. I am to add that as required under the proviso to article 304(b) of the Constitution of India, the President has accorded his sanction to the introduction of the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Bill, 1971 in the State Legislature."

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207(1) AND (3)  
OF THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 27th July 1971).

In exercise of the powers conferred upon him by clauses (1) and (3) of article 207  
of the Constitution of India, the Governor of Maharashtra is pleased to recommend  
to the Maharashtra Legislative Assembly the consideration of the Maharashtra Raw  
Cotton (Procurement, Processing and Marketing) Bill, 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves proposals for the delegation of legislative powers of making or issuing certain notifications, rules, regulations, orders and directions. The scope of important proposals is explained below :—

*Clause 1(3).*—The clause empowers the State Government to appoint by notification in the *Official Gazette* the date on which the Act shall come into force.

*Clause 3.*—The clause empowers Government to establish by notification the Maharashtra State Cotton Control Advisory Board.

*Clause 6(2).*—It empowers Government to make rules to prescribe allowances which non-official members of the Board will receive.

*Clause 13(5).*—The Board is empowered to make regulations for transaction of its business and the business of its committees. The regulations are to be made with the previous sanction of the State Government.

*Clause 23(2).*—Government is empowered to make rules to prescribe other particulars to be shown in the receipts.

*Clause 24.*—Under this clause, Government is empowered to fix, in consultation with the Central Government, the guaranteed price and to notify the same.

*Clause 28.*—This clause empowers Government to make rules to prescribe the manner in which the bales shall be sold or otherwise disposed of.

*Clause 29.*—Under this clause read with clause 2(k), Government is empowered after taking into consideration the matters specified in the clause to make rules to prescribe the manner for fixing the final price.

*Clause 35.*—Maintenance, operation and expending and other matter connected with the Price Fluctuation Fund, for which no specific provision is made in the Act, are to be regulated by rules to be made by Government.

*Clause 36.*—This clause empowers Government or any officer authorised by it to issue necessary directions to the cotton ginning and pressing factories, for maintaining or increasing supplies.

*Clause 37.*—It empowers Government to appoint by order an authorised controller with respect to a cotton ginning or pressing factory, for maintaining or increasing the production and supply of ginned or baled cotton and to specify the functions which the controller shall exercise.

*Clause 38.*—This clause empowers Government to constitute by notifications the Boards of Settlement, the Boards of Arbitration, the Tribunal and the Board of Appeal to settle disputes regarding sale of baled cotton. The qualifications of members of these authorities and the manner of referring a dispute to these authorities are to be prescribed by rules to be made by Government.

*Clause 39.*—Government is empowered to prescribe the other persons by rules for whose requirements also cotton seed should be set aside, before disposal.

*Clause 40.*—It empowers Government to make rules to prescribe the manner in which an application shall be made to the Registrar to grant a recovery certificate

*Clause 42.*—It empowers Government to delegate by notification its powers and duties (except the power to make rules) to any officer or authority subordinate to it. It also authorises Government to appoint agents, and the terms, conditions and procedure for their appointment is to be prescribed by rules to be made by Government.

*Clause 46.*—This clause contains the general rule making power conferred on Government to carry out the purposes of the Act. Every rule is made subject to the condition of previous publication and after it is made it is required to be laid before each House of the State Legislature.

All the above proposals are necessary for carrying out the policy and objects of the Act and are of a normal character.

### FINANCIAL MEMORANDUM

*Sub-clause (2) of clause 6 of the Bill provides for payment by the State Government to the non-official Members of the State Advisory Board of such allowances as may be prescribed by the State Government, for meeting the personal expenditure incurred in attending the meetings of the Advisory Board or in performing other functions as such Members. Annual expenditure in this behalf will be Rs. 50,000 approximately,*

*Clause 15 provides that the State Advisory Board may, with the previous sanction of the State Government, associate with itself or consult such persons whose assistance or advice it may require, for the purpose of performing any of its functions under this Act, and for payment to such persons of remuneration or fees or allowance as may be sanctioned by the State Government. Annual expenditure in this behalf may come to Rs. 20,000 approximately.*

*Clause 25 provides for payment to the tenderers of kapas 80 per cent. of the guaranteed price for quantities of kapas tendered at the collection centre.*

*Clause 30 lays down the manner in which the payment for kapas tendered is to be made after the final price is fixed by Government in consultation with the Advisory Board. In the event the final price as determined is less than the guaranteed price, it is proposed to meet the deficit from the Price Fluctuation Fund, to which Government will contribute rupees one crore initially under clauses 33 and 34.*

*Sub-clause (2)(a) of clause 42 provides for appointment of agents to discharge some of the functions of the State Government under this Act, in the specified areas. It is intended that the Maharashtra State Co-operative Marketing Federation Ltd., should be appointed as the sole agent in this connection, and it will be necessary to contribute to the extent of Rs. 50 lakhs to the share capital of this Federation to enable it to raise the required financial resources from the Central Financing Agencies.*

*In addition to the above, a sum of Rs. 42 lakhs would be required for putting into working order the installed capacity of the ginning and pressing factories in the co-operative sector.*

S. H. BELAVADI,  
Secretary,  
Council Hall,  
Nagpur,  
dated the 6th September 1971. — Maharashtra Legislative Assembly.

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 6th September 1971 :—

#### L. A. BILL No. XXXIV OF 1971.

##### *A BILL*

*further to amend the Bombay Sales Tax Act, 1959]*

WHEREAS, it is expedient further to amend the Bombay Sales Tax Act, 1959, for the purposes hereinafter appearing ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Bombay Sales Tax (Amendment) Act, 1971.

Short title.

Amendment  
of section  
2 of Bom.  
LI of 1959.

2. In section 2 of the Bombay Sales Tax Act, 1959 (hereinafter referred to as "the Bom. principal Act"), in clause (13), for the portion beginning with the words "and all LI of standing timber" and ending with the words "contract of sale;" the following 1959, shall be, and shall be deemed always to have been, substituted, namely :—

" and all forest produce which is agreed to be severed before sale or under the contract of sale.

*Explanation.*—For the purposes of this clause, 'forest produce' means standing timber, lac, *mahua* flowers, *mahua* seeds, *apta* leaves, *temburni* (or *tendu*) leaves and resha grass, and leaves, flowers, fruits and seeds of trees, gum, grass, honey and wax" ;

Validation of levy and collection of taxes on sale of certain goods.

3. (1) Notwithstanding anything contained in any judgment, decree or order of any Court or Tribunal, no levy or collection of any tax under the provisions of the principal Act on sale or purchase of any goods shall be deemed to be invalid or or purchase ever to have been invalid merely on the ground that such goods were not included in the definition of "goods" given in clause (13) of section 2 of the principal Act before its amendment by this Act; and any such tax levied or collected or purporting to have been levied or collected shall be deemed to be and always to have been validly levied or collected; and accordingly—

(a) all acts, proceedings or things done or taken by the State Government or by any officer of the State Government or by any other authority in connection with the levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or before any Tribunal against the State Government or any Officer or authority whatsoever for the refund of any tax so paid;

(c) no Court or Tribunal shall enforce any decree or order directing the refund of any tax so paid;

(d) any such tax levied under the principal Act before the commencement of this Act but not collected before such commencement or any such tax leviable under the principal Act as amended by section 2 of this Act may be collected at any time after such commencement (after levy of the tax wherever necessary) in the manner provided in the principal Act.

(2) Nothing in section 2 or this section shall render any person liable to be convicted of any offence in respect of anything done or omitted to be done by him, before the commencement of this Act, if such act or omission was not an offence under the principal Act but for the amendment made by the said section 2; nor shall any person in respect of such act or omission be subject to a penalty greater than that which could have been inflicted on him under the law in force immediately before such commencement.

### STATEMENT OF OBJECTS AND REASONS.

By section 2 of Maharashtra Act XV of 1967, the definition of "goods" in section 2(13) of the Bombay Sales Tax Act, 1959, was amended retrospectively, so that the expression "goods" included at all relevant times standing timber agreed to be severed before sale or under the contract of sale. The sale of such timber is regarded as sale of goods and is chargeable to sales tax. (See State of Maharashtra v. Champalal Kishanlal Mohta (1971) 27 S.T.C. 116). As sales tax is being levied on some other forest produce also, which are agreed to be severed before sale or under the contract of sale, the altered definition of "goods" in the Bombay Sales Tax Act is found restrictive and might affect pending cases and involve recurring loss of revenue to Government. It is, therefore, proposed to expand the definition with retrospective effect to include certain forest produce which is agreed to be severed before sale or under the contract of sale. The Explanation to the definition indicates the forest produce which are in view. Provision is also made to validate the levy and collection of the tax in the past.

Bombay, dated the 26th July 1971.

S. K. WANKHEDÉ,  
Minister for Finance.

(Copy of paragraph 2 of letter, Law and Judiciary Department, dated the 28th July 1971 from Minister for Finance to the Secretary to the Maharashtra Legislative Assembly).

“ 2. I am to add that as required under the proviso to article 304(b) of the Constitution of India, the President has accorded his sanction to the introduction of the Bombay Sales Tax (Amendment) Bill, 1971, in the State Legislature.”.

#### GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207(1) OF THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department, dated the 27th July 1971).

In exercise of the powers conferred upon him by clause (1) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Bombay Sales Tax (Amendment) Bill, 1971.

Council Hall,  
Nagpur,  
dated the 6th September 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly  
on 6th September 1971 :—

#### L. A. BILL No. XXXV OF 1971.

##### *A BILL*

*further to amend the Bombay Housing Board Act, 1948.*

Bom. WHEREAS, it is expedient further to amend the Bombay Housing Board Act, 1948, LXIX for the purpose hereinafter appearing ; It is hereby enacted in the Twenty-second of Year of the Republic of India as follows :—

1. This Act may be called the Bombay Housing Board (Amendment) Act, 1971. Short title.

Bom. 2. In section 73BB of the Bombay Housing Board Act, 1948, in sub-section (1), Amendment LXIX for the words "not exceeding two years" the words "not exceeding three years" of section 73BB of shall be substituted. Bom. LXIX of 1948.

### STATEMENT OF OBJECTS AND REASONS

New section 73BB was inserted in the Bombay Housing Board Act, 1948, on the 15th October 1969, when all the members of the Maharashtra Housing Board, other than *ex-officio* members, had tendered their resignations and the administration of the Board had come to a standstill. In the circumstances prevailing at that time, Government considered that it was not expedient to reconstitute the Board or to fill the vacancies. Government also wanted to take stock of the working of the Board and to streamline the administration. Therefore, Government has since the 15th October 1969 appointed an Administrator to exercise all the powers and perform and discharge all the duties and functions of the Board. However, under sub-section (1) of section 73BB the aggregate period for which the Administrator can continue is two years ending on the 14th October 1971. As the work for which section 73BB has been enacted is yet to be completed, Government considers that it is necessary to continue the present arrangement for a further period of one year up to the 14th October 1972. The Bill seeks to amend section 73BB(1) for this purpose.

Bombay, dated the 26th July 1971.

N. K. TIRPUDE,  
Minister for Housing.

भाग पाच]

महाराष्ट्र शासन राज्यपत्र, सप्टेंबर १६, १९७१/भाग २५, शंके १८९३

२५२

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF THE  
CONSTITUTION OF INDIA.

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 26th July 1971).

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Bombay Housing Board (Amendment) Bill, 1971.

## FINANCIAL MEMORANDUM.

Clause 2 of the Bill provides for continuance of the appointment of the Administrator, Maharashtra Housing Board, for a period of one year from 15th October 1971. The post of the Administrator has been sanctioned in the super-time scale of I.A.S. An Advisory Council has been appointed under sub-section (5) of section 73BB of the Bombay Housing Board Act, 1948, to advise and assist the Administrator in the exercise of his powers and the performance and discharge of his duties and functions. Expenditure will be incurred on payment of travelling allowance etc. to the members of the Council.

It is estimated that the total expenditure on the Administrator and the Advisory Council will be Rs. 40,000 for one year and it will be met from the funds of the Board.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 6th September 1971. Maharashtra Legislative Assembly.

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 6th September 1971 :—

**L. A. BILL No. XXXVI. OF 1971.**

*A BILL*

*further to amend the Bombay Local Fund Audit Act, 1930.*

Bom. XXV WHEREAS, it is expedient further to amend the Bombay Local Fund Audit Act, 1930, for the purpose hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. This Act may be called the Bombay Local Fund Audit (Amendment) Act, 1971. Short title.

Amendment  
of section 10  
of Bom.  
XXV of  
1930.

Bom.  
XXV  
of  
1930.

2. In section 10 of the Bombay Local Fund Audit Act, 1930—

(1) in sub-section (4),—

(a) for the words “published in the regional language of the district in any newspaper circulating in the district selected by the local authority” the words “published in *Marathi* in such newspaper circulating within the jurisdiction of the local authority as may be selected by the local authority,” shall be substituted ;

(b) in the proviso,—

(i) in clause (i),—

(A) for the words “a local authority” the following shall be substituted, namely :—

“a local authority (not being a *Zilla Parishad, Panchayat Samiti* or a Municipal Council for ‘C’ Class Municipal area within the meaning of the Maharashtra Municipalities Act, 1965)” ;

(B) for the words “in the regional language of the district” the words “in *Marathi*” shall be substituted ;

(ii) in clause (ii),—

(A) after the words “or less,” the following shall be inserted, namely :—

“a *Zilla Parishad, Panchayat Samiti*, or a Municipal Council for such ‘C’ Class Municipal area” ;

(B) for the words “in the regional language” the words “in *Marathi*” shall be substituted ;

(2) in sub-section (5),—

(a) for the words “publish in the regional language in any newspaper circulating in the district” the words “publish in *Marathi* in any newspaper circulating within the jurisdiction of the local authority” shall be substituted ;

(b) in the proviso,—

(i) in clause (i),—

(A) for the words, letters and figures “a local authority, whose annual income is less than Rs. 1,00,000 but more than Rs. 50,000” the words, brackets and figures “a local authority referred to in clause (i) of the proviso to sub-section (4)” shall be substituted ;

(B) for the words “in the regional language” the words “in *Marathi*” shall be substituted ;

(ii) in clause (ii), for the words, letters and figures “a local authority whose annual income is Rs. 50,000 or less” the words, brackets and figures “a local authority referred to in clause (ii) of the proviso to sub-section (4)” shall be substituted,

Mah.  
XL  
of

## STATEMENT OF OBJECTS AND REASONS.

Sub-section (4) of section 10 of the Bombay Local Fund Audit Act, 1930, requires that reports of the Chief Auditor, Local Fund Accounts, pointing out defects and irregularities in respect of accounts of local authorities shall be published in newspapers by the local authorities concerned. Under that sub-section, a local authority whose income is Rs. 1,00,000 or more has to publish the whole of the report in newspapers; a local authority whose annual income is less than Rs. 1,00,000 but more than Rs. 50,000 has to publish only a summary of the report in newspapers; whereas, a local authority whose annual income is Rs. 50,000 or less may instead of publishing the report or a summary thereof in newspapers, publish the same by affixing a copy thereof at its office, and at such other conspicuous places within its limits as it may think fit. It is felt that the publication of the report or a summary thereof in newspapers puts an undue financial burden on *Zilla Parishads, Panchayat Samitis* and Municipal Councils for "C" Class Municipal areas within the meaning of the Maharashtra Municipalities Act, 1965. It is, therefore, proposed to treat those local authorities on par with local authorities having an annual income of Rs. 50,000 or less, and require them to publish the reports in Marathi only by affixing copies thereof at their offices and at such other conspicuous places within their limits as they may think fit. As a consequential measure, it is also proposed to provide that if the said local authorities fail to publish the reports in the manner aforesaid or fail to give intimation of having remedied the defects pointed out by the Chief Auditor, or to give an explanation in regard to such defects within a specified period, the Commissioner may publish in the like manner such portion of the Chief Auditor's report as may be specified by the Chief Auditor or as the Commissioner may select together with his observations.

2. The Bill seeks to give effect to the above proposals.

Bombay, dated 29th July 1971.

S. K. WANKHEDE,  
Minister for Finance.

Nagpur, dated the 6th September 1971. S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

**MAHARASHTRA LEGISLATURE SECRETARIAT**

The following Bill was introduced in the Maharashtra Legislative Assembly on 6th September 1971 :—

**L. A. BILL No. XXXVIII OF 1971**

*A BILL*

*further to amend the Bombay Irrigation Act, 1879.*

WHEREAS, for regulating the use of waters of certain rivers, and their tributaries receiving water, whether by way of percolation, regeneration, release or otherwise, from a source constructed by Government or by any person duly authorised by the State Government, notifications had from time to time been issued under section 5 of the Bombay Irrigation Act, 1879;

Bom.  
VII of  
1879.

AND WHEREAS, the High Court of Judicature at Bombay in Second Appeal No. 721 of 1962 has held one such notification relating to a certain part of the *Mula-Mutha* river to travel outside the provisions of section 5 of the said Act, and consequently *ultra vires* the Act ;

AND WHEREAS, it is necessary in the public interest to take power to the State Government to regulate the use of waters of such rivers and their tributaries ;

AND WHEREAS, it is expedient further to amend the Bombay Irrigation Act, <sup>Bom.</sup> 1879, for the purposes aforesaid and to provide for validation of all such notifications ; It is hereby enacted in the Twenty-second year of the Republic of India, <sup>VII of 1879.</sup> as follows :—

**Short title and commencement.**

1. (1) This Act may be called the Bombay Irrigation (Amendment and Validation) Act, 1971.

(2) It shall be deemed to have come into force from the 7th day of June 1971.

**Amendment of section 5 of Bom. VII of 1879.**

2. (1) In section 5 of the Bombay Irrigation Act, 1879 (hereinafter referred to as "the principal Act"),—<sup>Bom. VII of 1879.</sup>

(a) after the words "still water" the words "or water flowing in a channel where such water is substantially received from any canal constructed by the State Government, or by any person who has been duly authorised by the State Government, whether by percolation, regeneration, release or otherwise" shall be and shall be deemed always to have been inserted ;

(b) after the words "projected canal" the words "or for the regulation, supply or storage of water" shall be and shall be deemed always to have been inserted ; and

(c) to the marginal note, the words "or for regulation, supply or storage of water" shall be and shall be deemed always to have been added.

(2) And accordingly, where for regulating the use of waters of certain rivers and their tributaries receiving water whether by way of percolation, regeneration, release or otherwise from a source constructed by Government, or by a person duly authorised by the State Government, notifications have been issued before the commencement of this Act under section 5 of the principal Act, then such notifications shall be deemed to have been duly issued under that section as amended by this Act ; and all the provisions of the principal Act as amended by this Act shall apply and shall be deemed always to have been applied, and no such notifications shall be called in question in any court or before any tribunal or authority on the ground that there was at the relevant time no power to issue such notifications ; and anything done or any action taken (including any notices issued, claims for compensation determined, use of waters of any canal regulated or water rates charged therefor) under the principal Act shall be deemed to be and always to have been validly done or taken.

**Amendment of section 7 of Bom. VII of 1879.**

3. In section 7 of the principal Act, after the words "maintenance of an existing canal" the words "or with the application or use of the water of any canal for the purpose of regulation, supply or storage of water" shall be and shall be deemed always to have been inserted.

Mah. Ord.  
II of  
1971.

4. (1) The Bombay Irrigation (Amendment) Ordinance, 1971, is hereby repealed. Repeal of  
Mah. Ord.  
II of 1971  
and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS.

By several notifications issued under section 5 of the Bombay Irrigation Act, 1879, Government had notified under that section portions of different rivers and their tributaries flowing through command areas of different irrigation schemes even though waters of those portions were not applied or used by the State Government for the purpose of any existing or projected canals, as provided in section 5. The purpose of the notifications was to assume control over waters flowing from the said portions of rivers and tributaries, having regard to the fact that those portions received waters directly from occasional release of waters from escapes, canals or dams, or indirectly by percolation, regeneration, release or otherwise. One of those notifications was, however, challenged in the High Court, and the High Court held it to be *ultra vires* section 5 of the Bombay Irrigation Act, 1879, on the ground that the waters notified by that notification were not applied or actually utilised for the purpose of any existing or projected canals. Other cases also challenging similar notifications are still pending. Government therefore considered that in the interest of the public, the use of such waters should be regulated by law even though the waters of such rivers or their tributaries were not applied or used for purposes of any existing or projected canals having regard to the facts mentioned above.

As both Houses of the Legislature were not in session, and immediate action was required to be taken, the Governor of Maharashtra promulgated the Bombay Irrigation (Amendment) Ordinance, 1971, on the 3rd day of June 1971, to take power to the State Government retrospectively to notify waters of rivers or their tributaries receiving water substantially from any canal constructed by Government or any person duly authorised by it, whether by percolation, regeneration, release or otherwise for the purpose of regulation, supply or storage, and to validate all such notifications, accordingly.

This Bill is intended to convert the Ordinance into an Act of the State Legislature.

S. B. CHAVAN,

Bombay, dated the 19th August 1971.

Minister for Irrigation,

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 5 of the Bombay Irrigation Act, 1879, at present empowers the State Government to declare by a notification in the Official Gazette that the water of any river or stream flowing in a natural channel, or of any lake or any other natural collection of still water will be applied or used for the purpose of any existing or projected canal after a day to be named in the notification. Clause 2 of the Bill amends that section to take power also to declare in like manner that water flowing in a channel where such water is substantially received from any canal constructed by the State Government, or by any person who has been duly authorised by the State Government, whether by percolation, regeneration, release or otherwise shall be applied or used for the purpose of any existing or projected canal or for the regulation, supply or storage of water. The power is taken retrospectively.

The delegation of the power referred to above is essential for the effective administration of the Act and is of a normal character.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 6th September 1971. Maharashtra Legislative Assembly.

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly  
on 6th September 1971:—

## L. A. BILL No. XL OF 1971.

## A BILL

*to amend the Bombay Drugs (Control) Act, 1959.*

Bom.— WHEREAS, it is expedient to amend the Bombay Drugs (Control) Act, 1959,  
XI. for the purpose hereinafter appearing; It is hereby enacted in the Twenty-  
of 1960. second Year of the Republic of India as follows:—

1. This Act may be called the Bombay Drugs (Control) (Amendment) Act, Short title, 1971.

Amendment 2. In section 27 of the Bombay Drugs (Control) Act, 1959, for the words "in Bom.  
of section 27 of Bom. Greater Bombay of the Commissioner of Police" the following shall be substi- XI  
XI of 1960. tuted, namely :— of 1960.

"in any area for which a Commissioner of Police is appointed, of the Commissioner of Police".

### STATEMENT OF OBJECTS AND REASONS.

Under section 27 of the Bombay Drugs (Control) Act, 1959, no prosecution for any offence punishable under that Act can be instituted, except with the previous sanction in Greater Bombay, of the Commissioner of Police; and elsewhere, of the District Magistrate. Besides Greater Bombay, the Government has now appointed Commissioners of Police for the Poona and Nagpur Cities. The Bill is intended to provide that in all such areas for which a Commissioner of Police is appointed, the Commissioner of Police will be the authority to sanction the prosecutions.

V. P. NAIK,

Bombay, dated the 29th August 1971.

Chief Minister.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 6th September 1971. Maharashtra Legislative Assembly.

भाग याच]

महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भाग २५, शके १८९३

२६५

३६

मंगळवार, सप्टेंबर ७, १९७१/भाग १६, शके १८९३

#### MAHARASHTRA LEGISLATURE SECRETARIAT

The following report of the Joint Committee on the Bill, further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the Maharashtra Co-operative Societies Act, 1960 and the Bill as amended by the Joint Committee, which were presented to the Maharashtra Legislative Council on 6th September 1971 are in accordance with the provisions of sub-rule (4) of rule 125 of the Maharashtra Legislative Council Rules, published for general information:—

L. C. BILL No. III OF 1971

#### A BILL

further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the Maharashtra Co-operative Societies Act, 1960.

#### COMPOSITION OF THE JOINT COMMITTEE

1. Shri Y. J. Mohite, Minister for Co-operation (Chairman).
2. Shri P. K. Sawant, Minister for Agriculture.
3. Shri S. K. Wankhede, Minister for Law.

4. Shri S. B. Patil, Minister of State for Co-operation.
5. Shri D. S. Jagtap, Minister of State for Legislative Affairs.
6. Shri V. G. Shivdare, M.L.A.
7. Shri Balwantrao R. Pawar, M.L.A.
8. Shri Abarao Suprao Deshmukh, M.L.A.
9. Shri M. D. Magar, M.L.A.
10. Shri Uddhavrao S. Patil, M.L.A.
11. Shri V. R. Kaldate, M.L.A.
12. Shri N. B. Shah, M.L.A.
13. Shri L. B. Mankar, M.L.A.
14. Shri Uttamrao R. Patil, M.L.A.
15. Shri J. N. Korpe, M.L.C.
16. Shri Ram Meghe, M.L.C.
17. Shri B. G. Jadhav, M.L.C.
18. Shri Appasaheb R. Jadhav, M.L.C.
19. Shri Uttamrao L. Patil, M.L.C.
20. Shri V. G. Deshpande, M.L.C.
21. Shri V. G. Hande, M.L.C.

**LEGISLATURE SECRETARIAT**

Shri S. H. Belavadi, Secretary.

Shri S. R. Kharabe, Joint Secretary.

**AGRICULTURE AND CO-OPERATION DEPARTMENT**

Shri M. R. Anandrao, Under Secretary.

**LAW AND JUDICIARY DEPARTMENT**

Shri B. P. Dalal, Secretary.

Shri S. W. Dhurandhar, Joint Secretary.

## REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which L. C. Bill No. III of 1971 (A Bill further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the Maharashtra Co-operative Societies Act, 1960) was referred, having been authorised by the Committee to submit the report on their behalf, present this Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Council on the 26th April 1971. The motion for reference of the Bill to a Joint Committee of both Houses was, after obtaining the concurrence of the Legislative Assembly, adopted by the Council on the 6th May 1971.

3. All the members of the Assembly and Council were requested to send their amendments or suggestions, if any, on or before 11th June 1971. Likewise members of the public as also organisations and societies interested in the subject were requested through a Press-Note to send their suggestions or amendments, before the aforesaid date. Similarly, 36 select Agricultural Produce Market Committees in the State and the State Agricultural Produce Market Committees Co-operative Federation Ltd., Poona, were also addressed individually to send their suggestions or amendments on or before the same date.

4. The Committee held 6 sittings in all. The first sitting was held on the 6th May 1971 to settle certain preliminary matters. At the sitting held on 8th July 1971, the Committee examined a few witnesses whose evidence was likely to be of some assistance for forming correct judgement on the subject. At that sitting as also at the sitting held on the 9th July 1971, the Committee considered the provisions of the Bill together with the amendments and suggestions received by them. At the sitting held on 28th July 1971, the Committee examined the General Manager of the Maharashtra State Co-operative Bank Ltd., Bombay and the Managing Director of the Maharashtra State Agricultural Produce Market Committees Co-operative Federation Ltd., Poona, particularly with reference to the provision concerning the mode of payment to the tenderer of the produce. Amendments to be incorporated in the Bill were also considered and finalized partly at this sitting and partly at the sitting held on the 9th August 1971. At the last sitting held on 23rd August 1971, the Committee considered the draft report together with the amendments and approved and adopted the same.

5. The salient features of the changes made in the Bill by the Committee relate to—

- (a) quantum of election fund and matters incidental thereto ;
- (b) amount to be paid by way of honorarium to the Chairman and Vice-Chairman ;
- (c) streamlining the procedure for ensuring collection of notified agricultural produce and payment thereof to the parties concerned ;
- (d) payment of donation or grant for educational and welfare activities.

(i) Election fund by a levy of 5 per cent. of all the moneys by way of fees received by the Market Committees under the Act (provided by insertion of a new section 14A in the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, in clause 2 of the bill) would prove

excessive in the case of a number of Market Committees, as the expenses of election to a Market Committee, do not ordinarily exceed Rs. 4,000. Thus huge amounts would be unnecessarily locked up in this fund. The Committee, therefore, decided that an amount equal to 5 per cent. of all such moneys received during any year or 2,000 rupees per annum, whichever was less, would be adequate to build up the Election Fund.

The Committee next noticed the provision of sub-section (2) of that section, and were of the view that the power to invest the election fund should rest more appropriately with the Director; and not with the Collector as provided in this sub-section.

(ii) In considering the provisions of clause 3 of the Bill, the Committee were of the view that the total honorarium to be paid to both the Chairman and the Vice-Chairman should not in the aggregate exceed Rs. 3,600 per annum as that sum would be quite adequate in the circumstances. The discretion to determine the exact amount should be left with the Director who will fix the amount with due regard to the finances of each Market Committee.

(iii) The Committee gave very anxious consideration to the provisions of new section 30A *vide* clause 5 of the Bill which provides for marketing of notified agricultural produce through a collection centre only, with a proper receipt to the tenderer for his produce and payment to him of the price thereof. The Committee thought it fit to revise that section. Revised section 30A provides for the collection at the Collection Centre not only of agricultural produce in which Government has a monopoly in trade but also of other notified agricultural produce. It will be, however, open to the tenderer to tender such notified agricultural produce either directly or through a Commission Agent or through any other agency fixed by Government. It also provides for various details to be incorporated in the receipt given to the tenderer, such as dues of the Commission Agent, the Society, the Market Committee and the amount to be paid to the tenderer after the necessary deductions. It further provides for prompt payment by the purchaser by two cheques—one to the tenderer specifying the net amount due to him and the other to the Market Committee for deducting its own dues and payment to the Co-operative Society, the Commission Agent, if any, and the amount of advance price. In case of default, interest at a rate not exceeding the maximum rate for unsecured loans under the Bombay Money-lenders Act, 1946, will be provided under the rules. There is the further provision of recovering the amount by the Market Committee as an arrear of land revenue if the default continues over a period of 30 days.

(iv) Under new clause (j2) to be inserted in section 37 of the principal Act, it will be open to the Market Committee to give a grant or a donation, of an amount not exceeding 10 per cent. of its net surplus in the preceding year, for any educational or welfare activities in the market area.

6. The observations of the Committee in regard to the principal changes in the several clauses of the Bill are detailed in the succeeding paragraphs.

7. *Clause 2.*—(i) Sub-section (1) of proposed section 14A has been amended to provide that the Election Fund should consist of an amount equal to five per cent. of all moneys received by a Market Committee by way of fees during any year under the Act or rupees two thousand per annum, whichever is less.

(ii) Sub-section (2) of that section has been amended to provide that the manner of investment of the Election Fund should be decided by the Director of Agricultural Marketing instead of the Collector.

(iii) Sub-section (3) of that section has been amended to provide that a Market Committee should intimate the amount to the credit of its Election Fund every year by the 31st October instead of by the 30th April.

(iv) Sub-section (5) of that section has been amended to provide—

(a) that the Collector should forward the statement of expenditure regarding elections to the Market Committee within 3 months (instead of 6 months as provided in the Bill), and

(b) that the Market Committee should pay the excess amount of expenditure on elections to the Collector within one month from the date of receipt of his direction issued to the Committee (instead of eight days as provided in the Bill).

8. *Clause 3.*—Proposed section 21A has been amended to provide that the amount of an honorarium to be paid both to the Chairman and Vice-Chairman together, should not exceed Rs. 3,600 (instead of Rs. 3,000 as provided in the Bill), the actual amount being determined by the Director.

9. *Clause 4.*—Proposed clause (g1) of section 29 of the principal Act has been redrafted so as to provide for collection by a Market Committee of not only the agricultural produce in which the State Government has monopoly in trade, but also such other agricultural produce as may be notified by the State Government from time to time.

10. *Clause 5.*—For the reasons already explained in paragraph 5 (iii) above, this clause has been recast.

11. *Clause 7.*—Proposed clause (j2) of section 37 of the principal Act has been recast to provide that the grant or donation to be given by a Market Committee should be subject to the following conditions, viz.:—

(i) that it should be given to institutions which conduct educational or welfare activities in the interest of agriculturists in the market area; and

(ii) that the amount should not exceed ten per cent. of the net amount remaining after deducting the expenditure from the revenues of the year immediately preceding.

12. *Clause 11.*—Proposed sub-section (3A) of section 60 has been recast to provide for—

(I) making defaulters liable to pay interest from the date of sale to the date of payment at a rate not exceeding the maximum rate of interest fixed for unsecured loans under the Bombay Money-lenders Act, 1946, and

(2) initiating action by the Market Committee under section 57 against the purchaser for recovering the amount as an arrear of land revenue in case the payment is not made by him within 30 days from the date of sale.

13. *Clause 12.*—New section 48A proposed to be inserted in the Maharashtra Co-operative Societies Act, 1960, has been recast so as to accord with the concept of issuing two cheques introduced in new section 30A proposed to be inserted in the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (*see Cl. 5*). The Committee, however, felt that the Market Committee should pay the dues of the society within a reasonable time to be prescribed for the purpose, and if the Market Committee does not pay such dues within eight days after the realisation of the cheque, the Market Committee shall be liable to pay interest on such dues to the society at a rate prescribed in this behalf, such rate not being in excess of the maximum rate of interest fixed for unsecured loans under the Bombay Money-lenders Act, 1946. New section 48A has been amended accordingly.

14. Changes made by the Committee in other clauses of the Bill are either clarificatory or minor or of consequential or drafting nature.

Bombay :

The 23rd August 1971.

Y. J. MOHITE,

Chairman.

**Joint Minute of dissent by Sarvashri U. L. Patil, M.L.C., V. R. Kaldate, M.L.A., U. S. Patil, M.L.A., L. B. Mankar, M.L.A., U. R. Patil, M.L.A., V. G. Deshpande, M.L.C. and V. G. Hande, M.L.C.**

The Bill is intended for making provisions for—

(1) carrying out all trades in specified produce by the State Government exclusively or notified produce, and

(2) recovery of the dues of the Agricultural Primary Co-operative Credit Societies through the Market Committees.

The Bill as emerging from the Joint Committee is positively an improvement over the original Bill.

However, we are unable to agree with the majority views on the following grounds :—

Under the guise of linking of credit with marketing this Bill seeks to amend the Maharashtra Co-operative Societies Act, 1960, to recover 40 per cent. of the purchase price of the notified produce tendered at the collection centres.

The Government has never made any scientific approach to growing indebtedness of the agriculturist. The indebtedness is growing every year and the Credit Survey Reports of the Reserve Bank of India have repeatedly pointed out that the quantum of overdues is assuming alarming proportions and in large number of cases, figures of recovery are shown on papers only.

This deadlock can be resolved only by assuring remunerative prices to the agricultural produce. This remunerative price must include all cost of production including wages to the labourers based on supplying minimum necessities of life to him and assuring reasonable standard of living to the agriculturist. Over and above this expenditure, the agriculturist must be assured profits which would provide incentive for saving and capital formation for the development of agriculture. His capacity to repay depends mainly on the above conditions. Without this any attempt at compulsory recovery of the dues would not only be unjust but would be harassment to him.

The prices of the agricultural produce are not under the control of either the market committees or the producers. The real linking of credit with marketing is possible only when we assure the agriculturist remunerative prices and thereby enable him to repay the debts. Without doing this, forcibly recovering the debts would not only cause hardships to the agriculturist but would also adversely affect the agricultural production. The agriculturist does not deliberately evade the repayment of debts. In fact he has no repaying capacity. This is particularly aggravated in the case of small agriculturists who have to sell their produce under distress.

Unless the agriculturist is provided with adequate loans at cheap interest, at proper times and the recovery is linked with his repayment capacity such provisions would not solve the basic problems.

We are, therefore, opposed to the provisions of clause 12 adding new section 48A to the Maharashtra Co-operative Societies Act, 1960.

Due to this amending Bill the functions of the Market Committees which were up to this time only regulating agencies are bound to increase and they will have to increase their staff, build godowns and warehouses and their recurring expenses are bound to increase. All this expenditure would be recovered by additional cess on the producers and thus the burden on agriculturists might increase appreciably. We, therefore, propose that in no circumstances the cess on the producers should be increased. There should be a statutory provision for sharing this burden both by the State Government and the Co-operative Banks.

Dated the 28th August 1971.

(Signed) Uttamrao L. Patil, M.L.C.  
 (Signed) V. R. Kaldate, M.L.A.  
 (Signed) Uddhavrao Patil, M.L.A.  
 (Signed) L. B. Mankar, M.L.A.  
 (Signed) U. R. Patil, M.L.A.  
 (Signed) V. G. Deshpande, M.L.C.  
 (Signed) V. G. Hande, M.L.C.

[ Note.—Deletions made by the Joint Committee are shown in square brackets and additions are either underlined or sidelonged.]

L. C. BILL No. III OF 1971.

A BILL

further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the Maharashtra Co-operative Societies Act, 1960.

(As amended by the Joint Committee)

Mah.  
XX of  
1964.  
Mah.  
XXIV  
of  
1961.

WHEREAS, it is expedient further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the Maharashtra Co-operative Societies Act, 1960, for purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Agricultural Produce Market- Short title ing (Regulation) and the Maharashtra Co-operative Societies Act (Amendment) and commencement. Act, 1971.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Insertion of new section 14A (Regulation) Act, 1963** in Mah. XX of 1964.

2. After section 14 of the Maharashtra Agricultural Produce Marketing Act, 1963 (hereinafter called the principal Act), the following new section shall be inserted, namely :—

Election Fund.

**" 14A. (1)** The superintendence, direction and control of the preparation of the list of voters for, and conduct of, all elections to Market Committees shall be vested in the Collector ; and for the purpose of preparing the list of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent. of all monies [received by it by way of fees under this Act] received by it by way of fees under this Act during any year or two thousand rupees per annum, whichever is less.

(2) The Election Fund shall be invested in such manner as the [Collector] Director may direct, regard being had to the elections to be held during the year, and the necessity to have the monies available from the fund for the preparation of the list of voters or for the conduct of such elections.

(3) Every Market Committee shall inform the Collector of the amount standing to the credit of the Election Fund every year not later than the [30th day of April,] 31st day of October, and also at any other times when required by the Collector so to do.

(4) Whenever the list of voters is to be prepared or revised or any elections to the Market Committee are to be held, the Collector shall in writing inform the Market Committee of the same, and require the Market Committee to deposit with him such amount and before such date as may be specified in writing for meeting expenses for preparing or revising the list, or as the case may be, for conducting the elections.

*(5) The Collector shall, after the preparation or revision of list of voters, or after the declaration of the result of the elections, draw up a statement of expenditure incurred in preparing or revising such list, or in conducting the elections, and shall, within a period of [six months] three months from such preparation or revision or result, forward the same to the Market Committee for information. The balance remaining unspent, if any, shall be refunded to the Market Committee. If the expenditure incurred exceeds the amount of deposit, the Collector shall call upon the Market Committee to pay the excess amount as specified by him within [eight days] one month from the date of receipt of the direction from him, and the Market Committee shall comply with such direction.”.*

**Insertion of new section 21A in Mah. XX of 1964.**

3. After section 21 of the principal Act, the following new section shall be inserted, namely :—

Honorarium to Chairman and Vice-Chairman.

**" 21A.** There shall be paid to [the Chairman and Vice-Chairman an honorarium of such amount as does not exceed Rs. 3,000 per annum] the Chairman and Vice-Chairman an honorarium of such amount as the

Director may, having regard to the finances of the Market Committee specify sohowever that the total amount of honorarium to be paid to both does not exceed Rs. 3,600 per annum.”

4. In section 29 of the principal Act, in sub-section (2) after clause (g), the following shall be inserted, namely :—

Amendment  
of section  
29 of Mah.  
XX of 1964.

[“(g1) collect such of the agricultural produce in the market area, as may from time to time be notified by the State Government in the *Official Gazette* (hereinafter referred to as “notified produce”), where all trade in that produce is to be carried on exclusively by the State Government by or under any law in force for that purpose or, where for the growing of such produce a loan has been advanced by a co-operative society under the Maharashtra Co-operative Societies Act, 1960.”]

“(g1) arrange for the collection—

(i) of such agricultural produce in the market area in which all trade therein is to be carried on exclusively by the State Government by or under any law in force for that purpose, or

(ii) of such other agricultural produce in the market area, as the State Government may, from time to time, notify in the *Official Gazette* (hereinafter referred to as the “notified produce”);”

5. After section 30 of the principal Act, the following new section shall be inserted, namely :—

Insertion of  
new section  
30A in Mah.  
XX of 1964.

[“30A. (1) A Market Committee duly authorised by the State Government for the purpose may open collection centres for collecting thereat all notified produce.

Power of  
Market  
Committee  
to open  
collection  
centres.

(2) Where any person wishes to sell any notified produce, he shall tender all such produce only at the collection centres established for the purpose under sub-section (1).

(3) Where any notified produce is tendered at a collection centre, the Market Committee shall arrange to get such produce weighed forthwith, and provide for issuing a receipt therefor to the person tendering such produce.

(4) Such receipt shall specify the collection centre at which the notified produce is tendered, the name of the party tendering it, the quantity of notified produce which is tendered and such other particulars as may be prescribed in relation to such produce.

(5) The Market Committee shall arrange to pay to the person tendering the produce the price required to be tendered by or under any such law relating to trade in such notified produce or the price paid to it under any law which provides for giving loans, for growing such produce after making such deductions as are allowed by such law, and the balance paid to the tenderer.”.]

Power of the  
Market  
Committee  
to open collec-  
tion centres  
for market-  
ing of noti-  
fied produce;  
provisions  
for receipt.  
and pay-  
ment by  
purchaser.

"30 A. (1) A Market Committee duly authorised by the State Government for the purpose may by an order in writing, open collection centres for collecting thereat the notified produce specified in such order. The Market Committee shall publish such order for the information of the public in such manner as it deems fit.

(2) Where any person wishes to sell any notified produce in a market area, he shall tender all such produce only at the collection centre established for the purpose under sub-section (1):

Provided that, agricultural produce notified under sub-clause (ii) of clause (g1) of sub-section (2) of section 29 may be tendered through a commission agent.

(3) The Market Committee shall, on the sale of such produce, get it weighed, measured, or as the case may be, counted, forthwith, and arrange for issuing a receipt therefor to the person who has tendered the produce at the collection centre for sale or, as the case may be, through the commission agent or any agency fixed by the State Government where tender through an agent is allowed, and shall also arrange to give a copy of the receipt to the purchaser, the co-operative society, if any, and where a receipt is given through such agent or agency, if any, also to the Market Committee.

(4) Such receipt shall contain the following particulars, that is to say—

- (i) the name of the collection centre,
- (ii) the name of the tenderer,
- (iii) the name of the purchaser,
- (iv) the name of the commission agent, if any,
- (v) the name and quantity of notified produce, the weight, measure or number thereof and charges therefor,
- (vi) grade of the notified produce, if any, and the rate,
- (vii) the amount of dues of the Market Committee to be paid by the purchaser,

- (viii) the amount of dues to be paid by the tenderer, to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Market Committee,

- (ix) the amount of dues to be paid by the tenderer to a co-operative society, under section 48A of the Maharashtra Co-operative Societies Act, 1960,

- (x) the amount of advance price received by the tenderer, if any, in respect of agricultural produce notified under sub-clause (i) of clause (g1) of sub-section (2) of section 29,

- (xi) the amount to be actually paid to the tenderer after deducting the amounts, if any, falling under entries (vii), (viii), (ix) and (x) and

- (xii) the total amount to be paid by the purchaser in respect of the notified produce purchased by him.

(5) The dues to a Market Committee shall consist of fees to be levied and collected from a purchaser under section 31 of this Act.

(6) The purchaser shall, on receiving a copy of the receipt, pay forthwith the total amount to be paid by him as recorded in the receipt by drawing two cheques, one in favour of the Market Committee and another in favour of the tenderer. Both the cheques shall be payable on presentation. The cheque drawn in favour of the Market Committee shall be for an amount equal to the amounts referred to in clauses (vii), (viii), (ix) and (x) under sub-section (4); and the cheque drawn in favour of the tenderer shall be for an amount equal to the amount referred to in clause (xi) of sub-section (4). The Market Committee, on receipt of the cheque, shall arrange to pay to the commission agent and the co-operative society, if any, the amount of money recorded against each of them in the receipt and credit the balance due to it to the market fund.

6. In section 36 of the principal Act, in sub-section (1), after the words "under this Act", the brackets, words, figures and letter "(except the amount of such fees credited to the Election Fund under section 14A)" shall be inserted.

Amendment  
of section  
36 of Mah.  
XX of 1964.

7. In section 37 of the principal Act,—

(1) clause (f) shall be deleted;

(2) after clause (j), the following new clause shall be inserted, namely:—

"(jl) the payment of an honorarium to the Chairman and Vice-Chairman under section 21A;

Amendment  
of section  
37 of Mah.  
XX of 1964.

[(jl2) giving grants or donations to any institution or body on such conditions as may be prescribed;"]

(jl2) giving grant or donation to any institution or body conducting any educational or welfare activities for the benefit of agriculturists in the market area, subject to the condition that the amount of such grant or donation does not exceed in the aggregate ten per cent. of the net amount remaining after deducting the expenditure from the revenues of the year immediately preceding the year in which such grant or donation is made;"

8. In section 44 of the principal Act, in sub-section (1), after the words "or committee as the case may be," the words and brackets "and the Federation of Market Committees, if any (being a Federation which is duly recognised by an order in the *Official Gazette* by the State Government to be the Federal Body of Market Committees)," shall be inserted.

Amendment  
of section 44  
of Mah.  
XX of 1964.

9. In section 45 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that, no Market Committee shall be superseded without the Federation of Market Committees referred to in section 44 being previously consulted.".

Amendment  
of section  
45 of Mah.  
XX of 1964.

10. [In section 57 of the principal Act, for sub-section (5), the following shall be substituted, namely :— ]

Amendment  
of section  
57 of Mah.  
XX of 1964.

In section 57 of the principal Act,—

(I) in sub-section (2)—

(a) for the words "declared agricultural produce" the words "any agricultural produce" shall be substituted, •

(b) for the words "within the period prescribed in that behalf" the words "as provided by or under this Act" shall be substituted.

(2) for sub-section (5), the following shall be substituted, namely :—

“(5) Except as otherwise directed by the Tribunal in the circumstances of any case, the expenses of the Tribunal shall ordinarily be borne by the party against whom a decision is given.”.

Amendment  
of section  
60 of Mah.  
XX of 1964.

11. In section 60 of the principal Act,—

(1) to sub-section (2) the following clause shall be added, namely:—  
“(u) for any other matter which is to be or may be prescribed.”;

(2) after sub-section (3) the following new sub-section shall be inserted, namely:—

[“(3A) Any rules under this Act may provide that any person not making prompt payment as required by any rule shall be liable to pay interest in respect of the agricultural produce marketed in the market area.”.]

“(3A) Any rule made under this section may provide that if any purchaser fails to make the payment forthwith as required by sub-section (6) of section 30A, he shall be liable to pay interest from the date of sale to the date of payment at such rate as may be provided in such rule, such rate not being in excess of the maximum rate of interest fixed for unsecured loans under the Bombay Money-lenders Act, 1946. If no payment is made within 30 days from the date on which the agricultural produce is sold, it shall be recoverable by the Market Committee from the purchaser under section 57.”

Bom.  
XXXI  
of  
1947.

Insertion  
of new  
section 48A  
in Mah.  
XXIV of  
1961.

[Deductions  
from sale  
price of  
certain  
agricultural  
produce to  
meet  
society's  
dues.]

12.. In the Maharashtra Co-operative Societies Act, 1960, after section 48, the following new section shall be inserted, namely:—

[“48A. (1) Where any agricultural produce for the growing of which a loan has been advanced under the last preceding section is tendered for sale at a collection centre under section 30A of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, on any day, then the price agreed to be paid therefor shall be paid by the purchaser to the tenderer through the Market Committee constituted under that Act after making deductions as required by sub-section (2) of this section. On payment of such price to the Market Committee, the purchaser shall be discharged of his liability to pay the price to the tenderer.

Mah.  
XX  
of  
1964.

(2) The Market Committee may deduct from the price to be paid to such tenderer any dues of the co-operative society which has advanced such loan sohowever that the amount of such deduction in the aggregate does not exceed forty per cent. of the price paid to the Committee on that day, and pay the amount so deducted to the society and the balance to the tenderer as far as practicable on the same day, according to rules made in this behalf.”.]

“48A. (1) Where any agricultural produce, for the growing of which a loan has been advanced by any co-operative society under the last preceding section, is tendered by any person for sale at a collection centre under section 30A of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, on any day, then the price agreed to be paid therefor shall be paid by the purchaser to the tenderer after deducting the dues of the co-operative society mentioned aforesaid and to the extent hereinafter stated and the amount so

Mah.  
XX  
of  
1964.

Deductions  
from sale  
price of  
certain agri-  
cultural  
produce to  
meet  
society's  
dues.

deducted shall be paid to the Market Committee constituted under that Act as provided in that section. On making payment to the tenderer and the Market Committee in the manner provided in the aforementioned section 30A the purchaser shall be discharged of his liability to pay the price to the tenderer.

The amount of the deduction on account of the loan advanced by the co-operative society shall not in the aggregate exceed forty per cent. of the total amount to be paid by the purchaser.

(2) The Market Committee on receiving the amount from the purchaser shall arrange to pay to the society the amount of dues due from the tenderer within a reasonable time to be prescribed, for the purpose. If the Market Committee does not pay such dues within 8 days after the realisation of the cheque the Market Committee shall be liable to pay interest on such dues to the Society at a rate prescribed in this behalf, such rate not being in excess of the maximum rate of interest fixed for unsecured loans under the Bombay Money-lenders Act, 1946.”

S. H. BELAVADI,

Nagpur:

Secretary,

Dated the 7th September 1971. Maharashtra Legislative Council.

भाग पाच]

महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भाद्र २५, शके १८९३

२८०

३७

बुधवार, सप्टेंबर ८, १९७१/भाद्र १७, शके १८९३

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 8th September 1971.

L. A. BILL No. XXXII OF 1971.

A BILL

further to amend the Maharashtra Industrial Development Act, 1961.

WHEREAS, it is expedient further to amend the Maharashtra Industrial Development Act, 1961, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-second year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Industrial Development (Amendment) Act, 1971. Short title.

Amendment  
of section  
33 of Mah.  
III of 1962.

2. In section 33 of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as "the principal Act"), in sub-section (5),—

(a) for the words, brackets and figures "on which the public notice under sub-section (2) of section 32 of this Act is published in the "Official Gazette," the following shall be, and shall be deemed always to have been, substituted, namely :—

"of the service or publication of the notice under sub-section (2) of section 32 of this Act in the manner for the time being laid down under this Act,";

(b) at the end of the said sub-section (5), the following shall be, and shall be deemed always to have been, added at the end, on the 8th day of June 1967, namely :—

*Explanation.—For the purposes of this sub-section, the date of the service of a notice under sub-section (2) of section 32 of this Act shall before the 8th day of June 1967 mean the date on which the notice is served in the manner laid down in section 52 of this Act; and on and after the 8th day of June 1967 the date of the publication of a notice under the said sub-section (2) of section 32 shall be the date on which the notice is published in the "Official Gazette."*

Acquisition  
proceedings  
not invalid  
merely on  
the ground  
of non-  
publication  
in the Official  
Gazette  
of a notice  
under section  
32(2) issued  
before 8th  
June 1967, if  
served in  
accordance  
with  
section 52.

3. No acquisition of land made, or purporting to have been made, under Chapter VI of the principal Act, or by consent or agreement between the parties, before the commencement of this Act, no acquisition proceedings taken under the said Chapter and pending at any stage at the commencement of this Act; and no action taken or thing done (including any notice issued, served or published, agreement reached, compromise recorded, order made or decision given) in connection with such acquisition or acquisition proceedings, shall be deemed to be invalid or ever to have become invalid merely on the ground that the notice (if any) issued in that case under sub-section (2) of section 32 of the principal Act at any time before the 8th day of June 1967 was not published in the Official Gazette, but was served in the manner laid down in section 52 of that section 52.

## STATEMENT OF OBJECTS AND REASONS.

In connection with acquisition of lands under the Maharashtra Industrial Development Act, 1961, section 32 (2) as amended by Maharashtra Act XI of 1967 provides that the State Government shall also cause public notice to be given *inter alia* in the *Official Gazette*. Section 33 (5) as amended with retrospective effect by the said Maharashtra Act of 1967 lays down that in determining the amount of compensation, the Collector shall be guided by sections 23 and 24 of the Land Acquisition Act, 1894, subject to the modification that the references in the said sections 23 and 24 to the date of the publication of the notification under section 4, sub-section (1), were references to the date on which the public notice under section 32 (2) of this Act is published in the *Official Gazette*. As the provision for publication of a public notice under section 32 (2) in the *Official Gazette*, has been introduced for the first time by Maharashtra Act XI of 1967, which came into force from the 8th day of June 1967, difficulty is experienced in arriving at the date for determination of compensation in acquisition proceedings already completed or initiated before the 8th day of June 1967. With a view to removing this difficulty, it is proposed to amend section 33 (5) retrospectively, so that the date on which a notice is served in the manner laid down in section 52 may be regarded as the date of the service of the notice under section 32 (2) in acquisition proceedings completed or initiated before the 8th day of June 1967 and to make necessary validating provisions to cover past cases.

Bombay, dated the 8th June 1971.

R. A. PATIL,  
Minister for Industries.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF  
THE CONSTITUTION OF INDIA.

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 8th June 1971.)

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Industrial Development (Amendment) Bill, 1971.

भाग पाच]

महाराष्ट्र शासन राजपत्र, स्पेंदर १६, १९७१/भाद्र २५, शके १८९३

२८

**FINANCIAL MEMORANDUM.**

The Bill further to amend the Maharashtra Industrial Development Act, 1961, seeks to remove the technical difficulty in connection with arriving at the 'relevant date' for the purposes of determination of compensation under the said Act, in the case of the acquisition proceedings initiated or completed prior to 8th June 1967, i.e., the date on which the Maharashtra Industrial Development (Amendment) Act, 1967, came into force, and to make necessary validating provisions to cover past cases.

In such cases, the compensation will be fixed and paid with reference to the date of service of the notice. Thus, the Bill involves expenditure but it is not possible to give any estimate of the difference in expenditure due to specifying the relevant date more clearly.

S. H. BELAVADI,

Council Hall :

Secretary,

Nagpur, dated 8th September 1971.

Maharashtra Legislative Assembly.

३८

गुरुवार, सप्टेंबर ९, १९७१/भाद्र १८, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 9th September 1971:—

#### L. A. BILL No. XLII OF 1971.

##### A Bill

*further to amend the Bombay Building Repairs and Reconstruction Board Act, 1969.*

WHEREAS, it is expedient further to amend the Bombay Building Repairs and Reconstruction Board Act, 1969, for the purpose hereinafter appearing; Mah. XLVII It is hereby enacted in the Twenty-second Year of the Republic of India, as of follows:— 1969.

1. (I) This Act may be called the Bombay Building Repairs and Reconstruction Board (Amendment) Act, 1971.

Short title  
and com-  
mencement.

(2) It shall be deemed to have come into force on the 17th day of August 1971.

Amendment  
of section 38  
of Mah.  
XLVII of  
1969.

2. In section 38 of the Bombay Building Repairs and Reconstruction Board Act, 1969 (hereinafter referred to as "the principal Act" in sub-section (1), for the portion beginning with the words "the Board may require" and ending with 1969, the words "necessary for the purpose of the scheme."), the following shall be substituted, and shall be deemed always to have been substituted, namely :—

"the Board may prepare a draft scheme, together with the plans and estimates, for demolishing the building, clearing the site and constructing a new building on the same site."

Repeal of  
Mah. Ord.  
IV of 1971  
and saving.

Mah.  
Ord.  
IV of  
1971.

3. (1) The Bombay Building Repairs and Reconstruction Board (Amendment) Ordinance, 1971, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS.

Section 38 (1) of the Bombay Building Repairs and Reconstruction Board Act, 1969, provided that, in the circumstances stated therein, the Board may require and it shall be obligatory on the part of the Corporation to prepare and submit to the Board a draft scheme for demolishing a building, clearing the site and for constructing a new building on the same site. It was felt that the Board having to approach the Corporation for preparation of a draft scheme would not be compatible with the role of the Corporation when it is consulted on the same scheme (with any modifications and relaxations which Government may propose) under section 56 of the Act. Moreover, the Corporation does not have the required personnel to prepare all such schemes. To achieve expeditiously the aims and objects for which the Act was passed, it was considered necessary that section 38 (1) should be amended immediately and instead of requiring the Board to approach the Corporation to prepare the draft schemes, to speed up the work, the Board itself should be empowered to prepare them through its architects.

As the Board had already started preparing some draft schemes, it was necessary to give retrospective effect to the proposed amendment.

As both Houses of the State Legislature were not in session, and it was necessary to take immediate action to amend the Act, the Governor of Maharashtra promulgated the Bombay Building Repairs and Reconstruction Board (Amendment) Ordinance, 1971, on the 17th day of August 1971.

This Bill is intended to convert the said Ordinance into an Act of the State Legislature.

N. K. TIRPUDE,  
Minister for Housing.

Nagpur, dated 6th September 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.

Nagpur, dated 9th September 1971.

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on 9th September 1971.

### L. C. BILL No. VI OF 1971.

#### A BILL

*to prevent the institution or continuance of vexatious proceedings  
in Courts.*

WHEREAS, it is expedient to prevent the institution or continuance of vexatious proceedings in Courts; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Vexatious Litigation (Prevention) Act, 1971.  
Short title,  
extent,  
commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Leave of 2. (1) If, on an application made by the Advocate General, the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any Court or Courts, whether vexatious against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity of being heard, order that no proceedings, civil or criminal, shall be instituted by him in any Court (and that any civil or criminal proceedings instituted by him in any Court before the order shall not be continued by him),—

proceedings. (a) in Greater Bombay, without the leave of the High Court ; and

(b) elsewhere in the State, without the leave of the District and Sessions Judge.

At the hearing of any such application, the Advocate General may appear through a pleader.

(2) Such leave shall not be given unless the High Court or the Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is *prima facie* ground for the proceedings.

(3) No appeal shall lie against an order refusing leave for the institution or continuance of any proceedings by a person who is the subject of an order for the time being in force under sub-section (1). Nothing in this sub-section shall apply to any appeal which may lie to or any proceeding before the Supreme Court.

(4) If it appears to the High Court that the person against whom an application is made under sub-section (1), is unable, on account of poverty, to engage a pleader, the High Court may engage a pleader to appear for him.

Explanation.—For the purpose of this section, “ pleader ” has the same meaning as in clause (15) of section 2 of the Code of Civil Procedure, 1908.

V of  
1908.

(5) A copy of every order made under sub-section (1) requiring any person to obtain leave before instituting or continuing proceedings shall be published in the Official Gazette and may also be published in such other manner as the High Court thinks fit.

Proceedings 3. Any proceedings instituted or continued in any Court by a person against whom an order under sub-section (1) of the last preceding section has been made, or continued without obtaining the leave referred to in that section, shall be dismissed by the Court :

Provided that, this section shall not apply to any proceedings instituted for the purpose of obtaining such leave.

Saving. 4. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force for prevention of vexatious proceedings or other abuse of legal process, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any proceedings.

भाग पाच]

महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भाद्र २५, शके १८९३

२९०

#### STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that of late the number of persons misusing the judicial machinery by instituting vexatious, delaying and bogus proceedings in Court intended to browbeat persons has been on the increase. This results in harassment and heavy monetary loss to honest citizens. Existing provisions for awarding small compensation, etc., are not sufficient, and are rarely used. Special legislation for preventing the institution of vexatious proceedings is a long-felt necessity in the State. In view of an assurance given by Government, this comprehensive Bill is brought to prevent abuse of the process of the Court by vexatious litigants.

S. K. WANKHEDE,

Nagpur, dated the 2nd September 1971. Minister for Law.

२९१ महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भाग २५, शंके १८९३ [भाग पाच]

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department, dated the 2nd September 1971).

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Council the consideration<sup>p</sup> of the Maharashtra Vexatious Litigation (Prevention) Bill, 1971.

FINANCIAL MEMORANDUM.

Clause 2(4) of the Bill provides that if it appears to the High Court that the person against whom an application is made under sub-section (1), is unable, on account of poverty, to engage a pleader, the High Court may engage a pleader to appear for him. There may not be any non-recurring expenditure, but some expenditure will have to be incurred every year from the Consolidated Fund of the State, for providing help of legal practitioners to the vexatious litigants who may claim such assistance on the ground of poverty. Unless the Act is in operation for some time, it is difficult to have any idea of the number of persons who may take advantage of this facility. It is not therefore possible at this stage to give an estimate of the recurring expenditure.

Nagpur; dated 9th September 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Council.

भाग पाच] महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भाद्र २५, शके १८९३ २९२

३९

शुक्रवार, सप्टेंबर १०, १९७१/भाद्र १९, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT.

The following Bill was introduced in the Maharashtra Legislative Council on the 10th September 1971.

#### L. C. BILL No. IV OF 1971.

#### A BILL

further to amend the Bombay Municipal Corporation Act, 1888, and the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, 1888, and the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; it is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1949. 1. (1) This Act may be called the Bombay Municipal Corporation and the Bombay Provincial Municipal Corporations Act (Amendment) Act, 1971. Short title and commencement.
- (2) It shall come into force immediately.

Amendment  
of section 3  
of Bom. III  
of 1888.

2. In section 3 of the Bombay Municipal Corporation Act, 1888, after entry (nm), the following shall be inserted, namely:—  
<sup>Bom.  
III of  
1888.</sup>

“(oo) ‘prescribed’ means prescribed by rules.”.

Insertion of  
new section  
50T in Bom.  
III of 1888.

3. After section 50S of the Bombay Municipal Corporation Act, 1888, the following new section shall be inserted, namely:—

“Manner of  
holding  
elections to  
certain Com-  
mittees.”

“50T. Every election to the Committee appointed under sections 38, 38A,  
38B, 38C, 39, 40, 41, 43, 49A, 50 and 50H shall be held in the prescribed  
manner in accordance with the system of proportional representation by means  
of a single transferable vote.”.

Amendment  
of section 2  
of Bom. LIX  
of 1949.

4. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949,  
after entry 46, the following shall be inserted, namely:—  
<sup>Bom.  
LIX  
of  
1949.</sup>

“(46A) ‘prescribed’ means prescribed by rules;”.

Insertion  
of new  
section 31A  
in Bom. LIX  
of 1949.

5. After section 31 of the Bombay Provincial Municipal Corporations Act,  
1949, the following new section shall be inserted, namely:—

“Manner  
of holding  
elections to  
certain Com-  
mittees.”

“31A. Every election to the Committee appointed under sections 20, 25,  
30 and 31 shall be held in the prescribed manner in accordance with the  
system of proportional representation by means of a single transferable vote.”.

## STATEMENT OF OBJECTS AND REASONS

In the Maharashtra Municipalities Act, 1965, there are provisions for elections to Committees appointed by the local bodies in the prescribed manner in accordance with the system of proportional representation by means of a single transferable vote. However, no such provision exists in the Bombay Municipal Corporation Act, 1888, and in the Bombay Provincial Municipal Corporations Act, 1949.

With a view to have more effective and democratic functioning it is found necessary to introduce a similar system of election by voting in respect of certain Committees appointed by the Municipal Corporations.

The Bill seeks to achieve this object.

DATTA TAMHANE

Member-in-charge.

Bombay,

Dated the 21st May 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill seeks to empower Government to make rules to prescribe the manner of holding elections to certain Committees under the system of proportional representation by means of a single transferable vote by inserting new section 50T in the Bombay Municipal Corporation Act, 1888, and new section 31A in the Bombay Provincial Municipal Corporations Act, 1949.

The proposal of delegation is of a normal character.

S. H. BELAVADI,

Secretary,

Nagpur, dated 10th September 1971. Maharashtra Legislative Council.

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on the 10th September 1971.

#### L. C. BILL No. V OF 1971.

#### *A BILL*

*further to amend the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954.*

WHEREAS, it is expedient to amend the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

- Hyd.  
XX of  
1954. 1. This Act may be called the Hyderabad Houses (Rent, Eviction and Lease) Control (Amendment) Act, 1971. Short title.

**Amendment of section 2 of Hyd. XX Act, 1954.** 2. In section 2 of the Hyderabad Houses (Rent, Eviction and Lease) Control Hyd. XX of 1954. following shall be substituted, namely :—

“(a) Controller” means an officer not below the rank of a Deputy Collector appointed by Government to perform the functions under sections 3 to 8 of this Act ;

“(aa) ‘Civil Judge’ means the Court of the Civil Judge (Junior Division) having jurisdiction in the area in which the premises are situate or if there is no such Civil Judge, the Court of the Civil Judge (Senior Division) having ordinary jurisdiction ;”.

**Amendment of section 6 of Hyd. XX of 1954.** 3. In section 6 of the principal Act, in sub-section (2), for the words beginning with “and may after holding such summary enquiry” and ending with “for the house” the words “for such rent as may be specified in his order” shall be substituted.

**Amendment of section 7 of Hyd. XX of 1954.** 4. In section 7 of the principal Act, for paragraph (d), the following shall be substituted, namely :—

“(d) such rent as may be specified by the Controller in his order under section 6 ;”.

**Amendment of section 8 of Hyd. XX of 1954.** 5. In section 8 of the principal Act, in clause (a) of sub-section (1) for the words “the fair rent as fixed by the Controller” the words “such rent as may be specified by the Controller in his order” shall be substituted.

**Amendment of sections 9 to 12, 14 to 16, 18 to 20 and 22 of Hyd. XX of 1954.** 6. In sections 9 to 12, 14 to 16, 18 to 20 and 22 of the principal Act, for the word “Controller” wherever it occurs, the words “Civil Judge” shall be substituted.

**Amendment of sections 23 and 24 of Hyd. XX of 1954.** 7. In sections 23 and 24 of the principal Act, after the word “Controller” wherever it occurs, the words “or the Civil Judge” shall be inserted.

**Amendment of section 25 of Hyd. XX of 1954.** 8. In section 25 of the principal Act—

(i) in sub-section (1), after the word “Controller” wherever it occurs, the words and figures “under sections 4 and 5 of the Civil Judge” shall be inserted ;

(ii) in sub-section (2), after the word “Controller” wherever it occurs, the words “or the Civil Judge” shall be inserted ;

(iii) in sub-section (4), after the word “Controller” the words “or the Civil Judge” shall be inserted.

### STATEMENT OF OBJECTS AND REASONS.

At present under the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954, which is applicable only to the five districts of Marathwada, disputes over rent, eviction and lease are heard and tried by the Revenue officials since they are appointed as "Controllers" for the purposes of this Act.

The Revenue officials have to discharge other responsibilities also. They do not, therefore, get enough time to hear cases under this Act. This has resulted in the accumulation of cases.

It is therefore, advisable to restrict the jurisdiction of the revenue officers only to the control of the letting of premises and to confer on the Civil Courts the jurisdiction to deal with matters relating to the fixation of fair rent, eviction of tenants, etc. The revenue officer who shall perform the functions of a Controller under sections 3 to 8 shall be an officer not below the rank of a Deputy Collector.

This will be the first step to achieve uniformity in the matter of administration of Rent Control in the different regions of the State.

The bill seeks to achieve this.

Bombay, dated 11th May 1971.

S. K. VAISHAMPAYEN,

Member-in-charge.

Nagpur, dated the 10th Sept. 1971.

S. H. BELAVADI,

Secretary,

Maharashtra Legislative Council.

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 10th September 1971.

**L. A. BILL No. XLIII OF 1971..**

#### *A BILL*

*further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.*

WHEREAS, it is expedient further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, for the purpose hereinafter appearing ;  
 It is hereby enacted in the Twenty-second Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1971.

Short title  
and commen-  
cement.

(2) It shall be deemed to have come into force on the 7th day of August 1971.

Amendment 2. In section 14 of the Maharashtra Agricultural Produce Marketing of section 14 of Mah. XX (Regulation) Act, 1963 (hereinafter referred to as "the principal Act"), for Mah. XX of 1964, sub-section (4), the following shall be substituted, namely:—  
of 1964.

"(4) As soon as possible after the result of any by-election, or all the results of a general election, are available, the State Government shall publish the name or names of all the members of a Committee in the *Official Gazette*.

If at a general election [including a general election held before the commencement of the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1971], the names of any persons to be elected under sub-section (1) of section 13 cannot for any reason be notified as aforesaid, and if with the available election results, the Committee will consist of not less than twelve members, then the State Government shall publish the names of these members in the *Official Gazette*;

And as regards the remaining elections, the State Government shall subsequently publish the names of members in the *Official Gazette* as and when the results of such elections are available, or as the case may be, on failure to elect, the names of persons duly appointed under sub-section (2) of this section, if any.

After every general election, upon the publication of the names of all the members of a Committee, or as the case may be, the publication of the names of not less than twelve members as aforesaid, in the *Official Gazette*, the Market Committee shall be deemed to be duly constituted."

Repeal of 3. (1) The Maharashtra Agricultural Produce Marketing (Regulation) Amendment Ordinance, 1971, is hereby repealed.  
Mah. Ord. III of 1971  
and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

भाग पाच]

महाराष्ट्र शासन राजपत्र, सप्टेंबर १६, १९७१/भान्ड २५, शके १८९३

३०१

#### STATEMENT OF OBJECTS AND REASONS.

Section 14 (4) of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, provided that the names of all the members of a Market Committee should be published by the State Government in the *Official Gazette* and upon such publication the Market Committee should be duly constituted. The Market Committee consists of 18 members. Unless the names of all 18 members were available to Government, the Government could not publish the notification envisaged by section 14 (4), and constitute a Committee.

It came to the notice of Government that out of 198 Market Committees, Collectors had reported all the names for publication in 104 cases only and in the remaining 94 cases, they could not so report, as either elections had not then taken place, or members elected were found to be disqualified. Consequently, Market Committees could not be constituted in those 94 cases. It was, therefore, proposed that in cases where the names of at least two-thirds of the total number of members were available for publication, Government should have the power to notify their names, and thereupon, Market Committees should be deemed to be duly constituted.

As both Houses of the Legislature were not in session and the constitution of 94 Market Committees was held up, the Governor of Maharashtra promulgated the Maharashtra Agricultural Produce Marketing (Regulation) Amendment Ordinance, 1971.

This Bill is intended to convert that Ordinance into an Act of the State Legislature.

SHRI Y. J. MOHITE,

Nagpur, dated the 8th September 1971.

Minister for Co-operation.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 10th September 1971. Maharashtra Legislative Assembly.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, सप्टेंबर २३, १९७१/आश्विन १, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

पुढील विधेयके इत्यादी, असाधारण राजपत्र म्हणून त्यापुढे दर्शविलेल्या दिनांकांना  
प्रसिद्ध झाली आहेत :—

४०

सोमवार, सप्टेंबर १३, १९७१/भाद्र २२, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on  
the 13th September 1971 :—

#### L. C. BILL No. VII OF 1971.

#### A BILL

further to amend the Maharashtra Municipalities Act, 1965.

WHEREAS, it is expedient further to amend the Maharashtra Municipalities  
XL of Act, 1965, for the purposes hereinafter appearing : It is hereby enacted in the  
1965. Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Municipalities (Amendment) Act, 1971.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short  
title and  
commencement.

**Amendment of section 75 of Mah. XL of 1965.** 2. In section 75 of the Maharashtra Municipalities Act, 1965 (hereinafter referred to as "the principal Act"),—

Mah.  
XL of  
1965.

- (1) in sub-section (3), for the words "The qualifications" the words, figures and letter "Subject to the provisions of section 75A, the qualifications" shall be substituted;
- (2) in sub-section (4), for the words, brackets and figures "sub-sections (5) and (6)" the word, figures and letter "section 75A" shall be substituted;
- (3) sub-sections (5), (6) and (7) shall be deleted.

**Insertion of new section 75A in Mah. XL of 1965.** 3. After section 75 of the principal Act, the following new section shall be inserted, namely :—

**Constitution of Maharashtra Municipal Services and provisions relating thereto.**

"**75A.** (1) If the State Government considers it necessary or expedient for the purpose of bringing about a more efficient service of officers of Councils with uniform terms and conditions of service to carry out the functions and duties by or under this Act, the State Government may, notwithstanding anything contained in this Act, by notification in the *Official Gazette*,—

(a) constitute in respect of all Councils, or Councils for any class of municipal areas, a municipal service or services (to be called by such designation as may be specified in the notification) of—

(i) Chief Officers of such Councils, and

(ii) all or any of the other officers, specified in sub-section (2) of section 75 whose minimum salary (exclusive of allowances) is not less than Rs. 225 per month ;

(b) direct from time to time that each such municipal service shall consist of such classes, cadres and posts (including grades of posts) and the initial strength of officers in each such classes or cadres shall be such, as may be specified in the notification, and

(c) further direct that the officers included in any such classes or cadres shall belong to such service of the State Government as may be specified in the notification.

(2) The State Government may make rules for regulating the mode of recruitment by holding examinations or otherwise ; including provision for the absorption of persons already working under any Council in municipal services constituted under this section or otherwise and providing for terminal benefits as compensation, pension or gratuity or the like, to persons who elect not to be absorbed or cannot be absorbed or who elect to retire, and the conditions of service of persons appointed or absorbed, to such municipal services ; and in respect of persons appointed or absorbed in such municipal services constituted under this section the provisions of section 79 shall cease to apply :

Provided that, such cessor shall not, in relation to absorbed officers, affect the previous operation of section 79 in respect of anything done or omitted to be done before such absorption :

Provided further that, the terms and conditions of service applicable immediately before the appointed day to any officer shall not be varied to his disadvantage, except with the previous approval of the State Government.

(3) Except as otherwise provided in any rules made under sub-section (2), all rules, regulations or orders as amended from time to time and for the time being in force in the State and applicable to officers in the relevant class of service of the State Government shall continue to apply to officers appointed to, or absorbed in, any such service and shall be deemed to be rules, regulations or orders made under this Act, until other rules, regulations or orders, if any, are made in this behalf, or subject to such modifications, as the State Government may, from time to time by notification in the *Official Gazette* and in any other prescribed manner, make.

(4) Notwithstanding anything contained in sub-section (4) of section 75, the power of making appointments of officers to any municipal council under this section including promotions, transfers and all matters relating to any conditions of service shall vest in the State Government, or any officer not below the rank of a Deputy Secretary to Government duly authorised by the State Government for the purpose.

(5) *The officers included in any municipal service constituted under this section shall be servants of the State Government, and shall draw their salaries and allowances from the Consolidated Fund of the State, except travelling allowance (other than travelling allowance on transfer to, or for the work of, the State Government) which shall be drawn from the municipal fund.*

(6) There shall be paid every year out of the municipal fund to the State Government such cost as the State Government may determine on account of pay, pension, leave and other allowances of the officers belonging to any of municipal services constituted under this section and all the expenses incurred by the State Government for administering the municipal service or services constituted under this section. If any municipal Council fails to pay such cost and expenses within the period prescribed in this behalf, then the provisions of sub-section (3) of section 312 shall apply to the payment of such cost and expenses as they apply in relation to the payment of the expense and remuneration not paid under that section."

4. In section 76 of the principal Act, in sub-section (1), for the words "of the last preceding section" the words and figures "of section 75" shall be substituted. Amendment  
of section 76  
of Mah. XL  
of 1965.

5. In section 79 of the principal Act, in sub-section (1), after the words "any law for the time being in force" the words, figures and letter "and subject to any rules made under section 75A" shall be substituted. Amendment  
of section 79  
of Mah. XL  
of 1965.

6. In section 90 of the principal Act, in sub-section (2), clause (f) shall be deleted. Amendment  
of section 90  
of Mah. XL  
of 1965.

### STATEMENT OF OBJECTS AND REASONS.

Sub-section (5) of section 75 of the Maharashtra Municipalities Act, 1965, provides for the constitution of a common cadre or cadres of Chief Officers, and of all or any officers specified in sub-section (2) of that section whose minimum salary (exclusive of allowances) is not less than Rs. 225 per month. Sub-section (6) of section 75 empowers the State Government to make rules for regulating the method of recruitment and conditions of service of the officers of the cadre or cadres so constituted. Under the existing provisions of the Act, such cadres do not form part of the State Services. It is considered by Government that for the purpose of bringing about a more efficient service of officers of Municipal Councils with uniform terms and conditions of service to carry out the functions and duties by or under the said Act, power should be taken to constitute in respect of all Councils, or Councils for any class of municipal areas, a municipal service or services of Chief Officers and of other officers referred to above, and that the officers included in such service or services shall belong to such service or services of the State Government, as that Government may specify. All rules applicable to the relevant State Service should apply to officers included in the municipal service or services so constituted, except that power is taken for making rules for recruitment to such services by holding examinations or otherwise including provision for absorption of persons already working under the Councils and providing for terminal benefits as compensation, pension or gratuity, and the like to persons who elect not to be absorbed or who elect to retire, and provision is made for other consequential matters. Clause 3 which inserts new section 75A in the principal Act provides for securing these intentions.

Other provisions of the Bill provide for making consequential amendments in the relevant provisions of the principal Act.

Nagpur:

Dated the 6th September 1971.

P. G. KHER,  
Minister for Urban Development.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 6th September 1971.)

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Council the consideration of the Maharashtra Municipalities (Amendment) Bill, 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for the delegation of legislative powers of issuing notifications and rules.

### NOTIFICATIONS

The State Government is empowered to issue notifications for the following purposes :—

- (i) to appoint the date on which the Act shall come into force (clause 1(2)) ;
- (ii) to constitute a municipal service or services of Chief Officers and of all or any of the other officers specified in section 75(2) of the Maharashtra Municipalities Act, 1965 whose minimum salary is not less than Rs. 225 per month, in respect of all Councils or Councils for any class of municipal areas and to determine the classes, cadres and posts in such service or services, the initial strength of officers in each such class or cadre and the service of the State Government to which such officers shall belong. (Sub-section (1) of new section 75A in clause 3) ;
- (iii) to determine the modifications, if any, subject to which the rules, regulations or orders applicable to officers in the relevant class of service of the State Government shall continue to apply to officers appointed to, or absorbed in, any municipal service constituted as aforesaid, till other rules, regulations or orders, if any, are made under sub-section (2) of new section 75A (Sub-section (3) of new section 75A in clause 3).

### RULES

Sub-section (2) of new section 75A empowers the State Government to make rules for regulating the mode of recruitment to the municipal service constituted under that section and to provide for the absorption of persons already working under any Council in such service and to make provisions incidental to such absorption.

The delegation of legislative powers as provided in the Bill is of a normal character.

## FINANCIAL MEMORANDUM.

Sub-section (5) of the proposed section 75A provides that the officers included in the Municipal Services shall be servants of the State Government, and shall draw their salaries and allowances from the Consolidated Fund of the State, except travelling allowance which shall be drawn from the Municipal Fund.

2. It is not possible at this stage to give an estimate of expenditure on the constitution of the Municipal Service or Services as the pay-scales and other allowances of the officers are to be fixed by rules.

3. Sub-section (6) of the said proposed section 75A however provides for the reimbursement by the Municipal Councils of the whole expenditure that will be incurred by the State Government on such Municipal Service or Services including the administrative expenditure. There will, therefore, be no net additional burden on the Consolidated Fund of the State.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 13th September 1971.

Maharashtra Legislative Council.

भाग पाच]

महाराष्ट्र शासन राजपत्र, सप्टेंबर २३, १९७१/आश्विन १, शके १८९३

४१

शुक्रवार, सप्टेंबर १७, १९७१/भाद्र २६, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 17th September 1971:—

#### L. A. BILL No. IV OF 1971

##### A BILL

further to amend the Indian Stamp Act, 1899, and the Hyderabad Stamp Act, in their application to the State of Maharashtra.

II of WHEREAS, it is expedient further to amend the Indian Stamp Act, 1899, and the  
1899. Hyderabad Stamp Act, in their application to the State of Maharashtra for the  
Hyd. purpose hereinafter appearing; It is hereby enacted in the Twenty-second Year of  
IV of 1331- the Republic of India as follows:—

- F. 1. This Act may be called the Stamp Acts (Amendment) Act, 1971,

Short title.

Insertion of  
new section  
9A in Act  
II of 1899.

Power of  
State  
Government  
to consoli-  
date duties  
in respect of  
receipts.

Insertion of  
new section  
7A in Hyd.  
IV of 1331-  
F.

Power of  
State  
Government  
to consoli-  
date duties  
in respect of  
receipts.

2. After section 9 of the Indian Stamp Act, 1899, in its application to the State of <sup>II of</sup> Maharashtra, the following new section shall be inserted, namely:— <sup>1899</sup>

“ 9A. The State Government may, by order published in the *Official Gazette*, provide for consolidation of duties in respect of any receipts or class of receipts given by any person (including any Government), subject to such conditions as may be specified in the order.”.

3. After section 7 of the Hyderabad Stamp Act, the following new section shall be inserted, namely:—

<sup>Hyd.</sup>  
IV of  
1331-  
F.

“ 7A. The State Government may, by order published in the *Official Gazette*, provide for the consolidation of duties in respect of any receipts or class of receipts given by any person (including any Government), subject to such conditions as may be specified in the order.”.

## STATEMENT OF OBJECTS AND REASONS

According to entry 53 in Schedule I to the Indian Stamp Act, 1899 and entry 37 in the Schedule to the Hyderabad Stamp Act (Hyd. IV of 1331 F), in their application to the State of Maharashtra, every receipt for any money or other property, the amount or value of which exceeds twenty rupees, is chargeable with a stamp duty, for which a revenue stamp is required to be affixed. With a view to avoiding unnecessary effort in affixing stamps and saving of costs of printing and stationery, etc., big employers like the Bhabha Atomic Research Centre, who use Computer Installation System for obtaining pay roll of thousands of their employees, have requested Government to allow them to credit the entire stamp revenue to Government on account of disbursement of salaries to the staff by means of a *chalan* and to indicate the *chalan* number on the pay bill/acquittance itself. The existing provisions do not permit the payment of consolidated stamp revenue on account of receipts. Government has accepted the proposal. The Bill is intended to make the necessary enabling provision in the two Acts for consolidation of duties in such cases also.

Bombay, dated the 16th March 1971.

H. G. VARTAK,  
Minister for Revenue

## MEMORANDUM REGARDING DELEGATED LEGISLATION

New sections 9A and 7A proposed to be inserted in the Indian Stamp Act, 1899, and the Hyderabad Stamp Act, respectively, empower Government to provide by an order published in the *Official Gazette* for consolidation of duties in respect of receipts, subject to such conditions as may be specified in the order.

2. Similar provisions exist in section 9 of the Indian Stamp Act, 1899, in respect of certain other instruments. The present proposal for delegation of legislative power is of a normal character.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 17th September 1971. Maharashtra Legislative Assembly.

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on the 17th September 1971 :—

#### **L. C. BILL No. VIII OF 1971**

#### *A BILL*

*to provide for guaranteee of employment to those who volunteer to do manual labour, or other incidental skilled or unskilled work.*

WHEREAS, it is expedient to make provision for guaranteeing employment to all those who volunteer to do manual labour and other skilled and unskilled work incidental thereto and thus take the first step in solving the problem of unemployment; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Employment Guarantee Act, 1971.

(2) It extends to the whole of the State of Maharashtra.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint ; and different dates may be appointed for different areas.

**Definitions.**

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

- (a) "Committee" means the Employment Guarantee Committee constituted under section 5;
- (b) "Executive Officer" means the officer nominated in this behalf by the State Government under section 6;
- (c) "Scheme" means the scheme prepared and published under section 4;
- (d) "Standard wage" means a daily wage of Rs. 3 for performing such amount of work which a person can normally perform during a working day;
- (e) "Working day" means a day on which a person is required to work for a period of eight hours (which includes half-an-hour for rest).

**Guarantee  
of employ-  
ment and  
qualifications  
therefor.**

3. Every person who—

- (i) has completed his eighteenth year on the date of commencement of this Act and is unemployed;
- (ii) has expressed his willingness to do any manual labour or any skilled or unskilled work relating to such manual labour and has accordingly registered his name and address with the authority or officer specified in this behalf by an order made by the State Government;
- shall be entitled to be employed in accordance with the scheme and it shall be the duty of the State Government to so employ him.

**Scheme.**

4. (1) The State Government or any officer authorised by it in this behalf shall prepare a scheme for providing employment to the persons entitled to such employment under section 3 ; and the scheme so prepared shall provide for—

- (i) the employment of such persons, so far as is practicable, within the same Panchayat Samiti Area where he has registered his name and where it is not practicable to do so, within the district ;
- (ii) the payment of a standard wage ;
- (iii) a weekly paid holiday, provided the person has worked on the day immediately preceding and on the day immediately succeeding such holiday and for a minimum of five days in the preceding week ; and
- (iv) the standard quantity and quality of work required to be performed by every person for earning standard wage and for proportionate addition or deduction of wages according as the work actually performed was more or less than the standard quantity and quality of work required to be performed.

(2) The scheme so prepared, shall be published in the *Official Gazette* and in such local newspapers having the widest circulation in each district, as the Government may determine.

(3) *The State Government may from time to time make funds available to the Committee for the purposes of this Act on such terms and conditions as the State Government may determine.*

5. For the purpose of implementing the scheme, there shall be constituted in each district an Employment Guarantee Committee consisting of not more than 11 members who shall be nominated by the State Government from among the persons having special knowledge or practical experience in respect of such matters as the following, namely—

Social Service, Employment Opportunities, Unemployment Problem.

6. (1) The Committee shall be assisted by an Executive Officer who shall be an officer nominated in this behalf by the State Government and he shall perform all executive functions of the Committee.

(2) The Executive Officer shall obtain from the authority or officer referred to in section 3 a list containing the names of persons together with their addresses registered under that section.

(3) If, on receipt of such list the Executive Officer is satisfied that the persons mentioned therein fulfil the conditions mentioned in section 3, he shall place the list together with his recommendations about the place and nature of work to be allotted to the persons included in such list and the Committee shall, in accordance with the scheme, determine the place and the nature of work to be allotted to each such person.

(4) After the place and nature of work to be given to a person is determined by the Committee under sub-section (3) the Executive Officer shall by an order, direct any employer for employing such person at the place and for the work mentioned therein, and it shall be the duty of the said employer to so employ such person.

7. (1) The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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 under that rule.

**STATEMENT OF OBJECTS AND REASONS**

There is widespread general unemployment and the Government wedded to socialist ideals is finding ways to combat the problem. As a first step it is necessary that the rural unemployment should be tackled and Government should launch a programme whereby everyone who is prepared to do manual labour and incidental skilled and unskilled work should be guaranteed employment. This bill is intended to achieve this object.

Bombay, dated the 21st August 1971.

**TUSHAR PAWAR,**

Member-in-charge.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF THE  
CONSTITUTION OF INDIA.

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 16th September 1971.)

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Council the consideration of the Maharashtra Employment Guarantee Bill, 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for the delegation of Legislative powers to the State Government of making or issuing orders, rules and notifications:—

*Clause 1 (3).*—This clause empowers the State Government to notify the date with effect from which the Act will come into force.

*Clause 3 (ii).*—This clause empowers the State Government to specify by an order the authority or the officer with whom names and addresses of the persons seeking employment are to be registered.

*Clause 4.*—Sub-clause (2) of this clause empowers the State Government to publish the scheme prepared under sub-clause (1) of this clause "in the *Official Gazette* and also in such newspapers as may be determined by it. Sub-clause (3) empowers the State Government to determine the terms and conditions for making funds available to the Employment Guarantee Committee.

*Clause 7 (1).*—This clause empowers the State Government to make rules for the purpose of carrying into effect the provisions of this Act.

The delegation of Legislative powers as provided in the Bill is of a normal character.

S. H. BELAVADI,

Secretary,

Nagpur, dated the 17th September 1971. Maharashtra Legislative Council.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, आक्टोबर ७, १९७१/आश्विन १५, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

पुढील विधेयके, इत्यादि, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या दिनांकांना  
प्रसिद्ध झाली आहेत :—

४७

शुक्रवार, सप्टेंबर २४, १९७१/आश्विन २, शके १८९३

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 24th September 1971 :—

### L. A. BILL No. LI OF 1971.

#### A BILL

*to provide for the registration of veterinary practitioners in the State of Maharashtra.*

WHEREAS, it is expedient to provide for the registration of veterinary practitioners in the State of Maharashtra and for certain other purposes herein-after appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

#### PART I.

##### PRELIMINARY.

1. (1) This Act may be called the Maharashtra Veterinary Practitioners Act, 1971. Short title,  
extent and  
commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

- (1) "appointed day" means the date on which the Maharashtra Veterinary Council is duly constituted or deemed to be constituted under this Act;
- (2) "Council" means the Maharashtra Veterinary Council established under section 3;
- (3) "Director" means the Director of Animal Husbandry, Maharashtra State, Poona;
- (4) "member" means a member of the Council;
- (5) "prescribed" means prescribed by rules;
- (6) "President" means the President of the Council;
- (7) "register" means the register of veterinary practitioners maintained under section 15;
- (8) "registered veterinary practitioner" means a veterinary practitioner whose name is for the time being entered in the register;
- (9) "Registrar" means the Registrar appointed under section 13;
- (10) "Registration Officer" means the Registration Officer appointed under section 16;
- (11) "Schedule" means the Schedule appended to this Act.

## PART II.

### BOMBAY VETERINARY COUNCIL : ESTABLISHMENT, CONSTITUTION, MEETINGS AND PROCEEDINGS.

Establish-  
ment of  
Council.

- 3.** (1) *The State Government shall, as soon as may be after the preparation of the first register, by notification in the Official Gazette, establish a Council to be called the Maharashtra Veterinary Council.*
- (2) *The Council shall also act as an advisory body to the State Government in all policy matters in relation to the veterinary profession, veterinary education and development of animal husbandry in the State.*

Constitution  
of Council.

- 4.** (1) The Council shall consist of the following members, namely :—
  - (a) the Director, *ex-officio*;
  - (b) the principal of each veterinary college in the State, *ex-officio*;
  - (c) four members to be elected by registered veterinary practitioners from amongst themselves;
  - (d) one veterinary representative (other than the principal of a veterinary college) from each university in the State in which provision is made for instruction, teaching or training in veterinary science, to be elected by members of the Senate or the Court of the University, as the case may be, from amongst themselves;
  - (e) members not exceeding two in number, to be nominated by the State Government from amongst the registered veterinary practitioners.

(2) The Director shall be the President of the Council.

5. If any of the members is not elected under clause (c) or clause (d) of sub-section (1) of section 4, then the State Government may, notwithstanding anything contained in sub-section (1) of that section, nominate such member to represent the registered veterinary practitioners, and the member so nominated shall, for the purposes of the Act, be deemed to have been duly elected under clause (c), or as the case may be, clause (d), of sub-section (1) of section 4. Nomination  
of member  
in default  
of election.

6. The election of the veterinary practitioners under clause (c) of sub-section (1) of section 4 shall be held at such time and place and in such manner as the Council may by regulations provide in this behalf : Election of  
members.

Provided that, the first election of such members shall be held at such time and place and in such manner as the State Government may, by notification in the *Official Gazette*, determine in this behalf.

7. As soon as possible after all the members are elected and nominated, the State Government shall publish the names of all such members in the *Official Gazette*, and upon the publication of names of all the members the Council shall be deemed to be duly constituted. Publication  
of names of  
members;  
constitution  
of Council.

8. (1) The members of the Council, other than the President, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated, whichever is longer, and shall be eligible for re-election or re-nomination, as the case may be : Tenure of  
office.

Provided that, a member falling under clause (b), or elected under clause (d), of sub-section (1) of section 4 shall hold office only so long as he is the Principal of a veterinary college in the State, or is a member of the Senate or the Court of the University.

(2) Any elected or nominated member may at any time resign his office by letter addressed to the President. Such resignation shall take effect from the date on which it is received by the President.

(3) If any vacancy occurs in the office of a member of the Council through death, resignation or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in accordance with the provisions of sub-section (1) of section 4, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was elected or nominated.

(4) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

Time and  
place of  
meeting of  
Council.

9. The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided by regulations:

Provided that, until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

Procedure  
at meetings  
of Council.

10. (1) The President shall preside at every meeting of the Council. In the absence of the President, the members present shall elect one from amongst themselves to preside.

(2) Save as otherwise provided in this Act, all questions at a meeting of the Council shall be decided by votes of the majority of the members present at the meeting. Five members shall form a quorum. Where a quorum is not present within thirty minutes of the time fixed for a meeting, the presiding authority shall adjourn the meeting to such hour on some future day as it may notify on the notice board at the office of the Council; and the business which would have been brought before the original meeting had there been a quorum theretofore shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there is a quorum present or not.

(3) At every meeting of the Council, the President for the time being or any member presiding shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of votes.

(4) No act or proceeding of the Council shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Council or absence of any member on account of leave or otherwise.

Fees and  
allowances  
for meetings.

11. There shall be paid to the members such expenses and subject to such conditions as shall from time to time be prescribed by rules.

Disquali-  
fications.

12. (1) A person shall be disqualified for being elected or nominated as, and for continuing as, a member—

(a) if he is an undischarged insolvent;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if his name has been removed from the register and has not been re-entered therein; or

(d) if he is a whole-time officer or servant of the Council.

(2) If any member of the Council (other than the President and the Principal of a veterinary college) shall without the leave of the Council absent himself from three consecutive ordinary meetings of the Council, the Council may forthwith declare his seat vacant, and such declaration shall have the same effect as resignation of his seat by the member concerned.

(3) If any member becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the State Government, and the State Government, if satisfied about the disqualification, shall declare his seat vacant.

### PART III.

#### REGISTRAR AND OTHER OFFICERS AND SERVANTS.

**13.** (1) *The Council shall, with the previous sanction of the State Government, appoint a Registrar.* Appointment of Registrar of Council, his duties and functions.

(2) The Council may from time to time grant leave to the Registrar:

Provided that, if the period of leave does not exceed one month, the leave may be granted by the President.

(3) During any temporary vacancy in the office of the Registrar due to leave or any other reason, the Council, with the previous sanction of the State Government, appoint another person to act in his place, and any person so appointed shall, for the period of such appointment, be deemed to be the Registrar for the purposes of this Act:

Provided that, when the period of such vacancy does not exceed one month, the appointment may be made by the President, who shall forthwith report such appointment to the Council and the State Government.

(4) The Council may, with the previous sanction of the State Government, suspend, dismiss or remove any person appointed as the Registrar, or impose any other lesser penalty upon him.

(5) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(6) The Registrar shall be the Secretary and the executive officer of the Council. He shall attend the meetings of the Council and shall keep minutes of the names of members present and the proceedings at such meetings.

(7) The accounts of the Council shall be kept by the Registrar in the prescribed manner.

(8) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be provided in this Act, or as may be prescribed.

**14.** (1) *The Council may appoint such officers and servants, other than the Other Registrar, as it may deem necessary for performing its duties and discharging its functions by or under this Act:* employees of Council.

Provided that, the number and designations of such officers and servants and their salaries and allowances shall be determined by the Council.

(2) The other conditions of service (including provision for disciplinary matters) of the officers and servants of the Council shall be such as may be prescribed.

#### PART IV.

##### REGISTRATION AND POWERS AND DUTIES OF THE COUNCIL.

Register.

**15.** (1) The State Government shall, as soon as may be, cause to be prepared a register, of veterinary practitioners, for the State.

(2) The register shall be prepared and thereafter maintained in such form as the State Government may direct. The register shall contain the name, residence and qualification of every person registered under this Act, together with the date on which such qualification was acquired.

Preparation of first register.

**16.** (1) For the purposes of the preparation of the first register, the State Government may, by notification in the *Official Gazette*, appoint an officer as the Registration Officer.

(2) The State Government by the same or like notification shall appoint a date on or before which the application for registration shall be made to the Registration Officer.

(3) The Registration Officer shall examine every application received on or before the appointed day, and after making such enquiry in the prescribed manner, if he is satisfied that the applicant is qualified for registration under section 18, shall, subject to the provisions of sub-section (4), direct the entry of the name of the applicant in the register.

(4) The name of every veterinary practitioner who on the day immediately preceding the commencement of this Act stood entered in the register maintained under the Bombay Veterinary Practitioners Act, 1953, shall be entered in the register prepared under this Act without such practitioner being required to make an application, but may be required to pay such retention fee as may be prescribed.

Bom.  
LXVII  
of 1953.

(5) The register so prepared shall thereafter be published in such manner as the State Government may direct.

Custody and maintenance of register.

**17.** (1) Upon the constitution of the Council for the first time after the commencement of this Act, the register shall be given into its custody by the State Government and the State Government shall direct that all or a specified part of the application fee for registration in the first register shall be paid to the credit of the Council. The State Government shall notify in the *Official Gazette* the date on which the register is given in the custody of the Council.

(2) The Registrar shall keep the register correct as far as possible and may from time to time enter therein any material alteration in address or qualification of the registered practitioners. The names of registered practitioners who die or whose names are directed to be removed from the register under section 20 shall be removed from the register.

(3) The State Government may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of any such fee as may be prescribed by it in that behalf.

18. (1) Subject to the provisions of this Act, every person shall, if he holds any of the qualifications included in the Schedule, be entitled on application to be registered, on payment of such fee as may be provided by regulations and on giving evidence to the satisfaction of the Registration Officer or the Registrar, as the case may be, of his possession of a qualification entitling him for registration.

Persons  
entitled to be  
registered.

(2) The State Government may, after consulting the Registration Officer or the Council, as the case may be, permit the registration of any person who has been actually conducting veterinary practice in the State of Maharashtra on such conditions as may be provided for by regulations made for this purpose, notwithstanding the fact that he may not be possessing qualifications entitling him to have his name entered in the register.

(3) Every person for the time being registered with the Veterinary Council of any other State in India under any law for the registration of veterinary practitioners in force in such State shall, if reciprocity of registration has been arranged with such Council, be entitled to be registered under this Act, on making an application in that behalf, on payment of such fee as may be provided by regulations and on his informing the Registration Officer or the Registrar, as the case may be, of the date of registration under the said law and on giving a correct description of his qualifications with the dates on which they were granted.

(4) Any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1947, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined and any person who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect may be refused registration under this Act.

V of  
1898.  
44  
and  
45  
Vict.  
Ch.58.  
VIII  
of  
1911.  
XLVI  
of  
1950.

19. (1) Any person aggrieved by the decision of the Registration Officer or Registrar regarding the registration of his name or any entry in the register may appeal—

Appeals and  
erasure of  
incorrect  
entries.

(a) against the decision of the Registration Officer, to the State Government, and

(b) against the decision of the Registrar, to the Council.

(2) An appeal—

(a) to the State Government shall be filed within thirty days from the date of publication of the first register under sub-section (5) of section 16 and on payment of a fee of Rs. 5; and

(b) to the Council shall be filed within such period and on payment of such fee, and shall be heard and decided by the Council in such manner as may be provided by regulations.

(3) The State Government in the case of the first register, and in other cases the Council, may on its own motion or on the application of any person after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the State Government or the Council, as the case may be, such entry was fraudulently made or caused to be made.

Removal  
from  
register.

20. The Council may direct that the name of any registered veterinary practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect, shall be removed from the register and may direct that any name so removed shall be re-entered.

V of  
1898.  
44 and  
45  
Vict.  
Ch.58.  
VIII  
of  
1911.  
XLVI  
of  
1950.

Renewal fee.

21. (1) Notwithstanding anything contained in section 18 or 25, the Council may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each veterinary practitioner for the continuance of his name on the register.

(2) Where the renewal fee is not paid before the date fixed by the Council in that behalf, the Registrar shall remove the name of the defaulter from the register:

Provided that, the name so removed may be re-entered in the register on payment of the fee in such manner and subject to such conditions as the Council may, by regulations, direct.

Certificates  
by veteri-  
nary practi-  
tioners.

22. No certificate required by or under any law for the time being in force from any veterinary practitioner or veterinary officer shall be valid unless the person signing the same shall have been registered under this Act.

Unregistered  
persons not  
to hold  
certain  
appoint-  
ments.

23. No person shall, except with the sanction of the State Government, hold any appointment for the performance of veterinary duties in any veterinary dispensary, hospital or infirmary which is not supported entirely by voluntary contributions, or which belongs to a local authority or in any public establishment, body or institution, unless he is registered under this Act.

Notice of  
death.

24. Every Registrar of Deaths on receiving notice of the death of registered veterinary practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmission as an expense of his office.

Annual  
list of  
veterinary  
practitioners.

25. (1) The Registrar shall once in every five years on or before a date to be fixed by the Council, cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register and the dates when such qualifications were acquired, in alphabetical order according to the surnames of the persons registered.

(2) The Registrar shall also cause to be printed and published annually on or before a date to be decided by the Council an addendum or corrigendum to the list published under sub-section (1) showing—

(a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting list already printed and published;

(b) the names of all practitioners included in any subsisting list, whose names have since been removed on account of any reason whatsoever from, and re-entered in, the register; and

(c) any other amendments to the subsisting list.

(3) The form of the list published under sub-section (1), the particulars to be included therein, and the manner of its publication shall be such as may be prescribed.

(4) The list of names and qualifications printed and published in pursuance of sub-section (1) shall be evidence in all cases (until the contrary is proved) that the persons therein appearing are duly registered; and the absence of the name of any person from such list shall be evidence (until the contrary is proved) that such person is not registered:

Provided that, in the case of any person whose name does not appear in such list, a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under the provisions of this Act.

26. The Council shall have authority to call on the governing body or authority of any veterinary college, school or other institution and on any examining body included in or desirous of being included in the Schedule—

(a) to furnish such particulars as the Council shall require of any course of study prescribed or examination held by such body or authority or in such college, school or institution, with reference to the grant of any veterinary qualification, and

(b) to permit any member of the Council deputed by the Council in this behalf to attend and be present at any such examination.

27. All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

Council authorised to call for information and attend examination.

Disposal of fees.

## PART V.

### OFFENCES AND PENALTIES.

28. Notwithstanding anything contained in any law for the time being in force, no person other than a person registered under Part IV of this Act—

(a) shall sign or authenticate any veterinary or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, or

(b) shall be qualified to give evidence as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary science.

Veterinary practitioners not registered under this Act not to sign or authenticate veterinary certificate, etc.

Prohibition  
against  
addition  
of any  
title,  
description,  
etc., to  
name of  
any person  
unless  
authorised  
to do so.

Penalty  
for con-  
travening  
provisions  
of section  
28 or 29.

Penalty  
for false-  
ly claim-  
ing to be  
registered.

Court  
competent  
to try  
offences  
under this  
Act.

Alteration  
in list of  
qualifica-  
tions  
mentioned in  
Schedule.

**29.** No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of veterinary science unless—

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate is specified in the Schedule or is recognized by law for the time being in force in India or in any part thereof or has been conferred, granted or issued by an authority empowered or recognized as competent by the State Government to confer, grant, or issue such degree, diploma, licence or certificate.

**30.** Whoever contravenes the provisions of section 28 or 29 shall be punished, in the case of a first conviction, with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction, with fine which may extend to five hundred rupees.

**31.** Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished, on conviction, with fine which may extend to three hundred rupees.

**32.** No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

## PART VI.

### CONTROL.

**33.** If it shall appear to the State Government on the report of the Council or otherwise, that the course of study and examinations prescribed by any of the institutions specified in column 1 of the Schedule conferring the qualifications described in column 2 of that Schedule with their abbreviations specified in column 3 thereof are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the State Government, on the report of the Council or otherwise, that the course of study and examinations prescribed by any institution conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the State Government, from time to time by notification in the *Official Gazette*, to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

34. (1) The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions. If the Council fails to comply with the directions so given the State Government may direct the carrying out of such directions and the expenditure incurred in carrying them out shall be paid out of the moneys credited to the Council.

(2) If at any time it shall appear to the State Government that the Council or any other authority has not been validly constituted or appointed under this Act, the State Government may direct that the powers to be exercised or duties or functions to be performed by the Council or such authority shall, notwithstanding anything contained in this Act, be exercised or performed by such officer or authority, in such manner and for such period as it deems fit.

## PART VII.

### MISCELLANEOUS.

35. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations.

XLV  
of  
1860.

36. The Registrar and officers and servants of the Council appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

37. (1) The State Government may, after previous publication, by notification in the *Official Gazette* make rules to carry out the purposes of this Act. Such rules may include a provision for payment of fees for carrying out any such purpose.

(2) Every rule made under this section 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 comprised in one session or in two 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 the rule, or both Houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the *Official Gazette*, of such decision 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.

38. (1) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made under subsection (1) of section 37 for all or any of the following matters, namely:—

(a) the time at which and the place and manner in which election of the members of the Council shall be held under section 6;

Power of  
State  
Government  
to give  
directions  
and to  
appoint  
authorities  
in place of  
those not  
validly  
appointed  
or consti-  
tuted.

Indemnity  
to persons  
acting  
under this  
Act.

Registrar  
and other  
employees  
to be public  
servants.

Rules.

- (b) the time and place at which the Council shall hold its meeting and the manner in which such meeting shall be summoned under section 9;
- (c) the fee for registration of persons entitled to be registered under sub-section (3) of section 18;
- (d) the period within which and the manner in which appeals against the decisions of the Registrar shall be filed and heard and decided by the Council under section 19 and the fee payable with such appeals;
- (e) the manner in which and the conditions subject to which the name of a veterinary practitioner shall be re-entered in the register on payment of renewal fee under section 21.

- (2) All regulations shall be published in the *Official Gazette*.
- (3) The State Government may by notification in the *Official Gazette* cancel any regulation.

## PART VIII.

### REPEAL AND TRANSITIONAL PROVISIONS.

Repeal.

#### 39. On the appointed day,—

- (a) the Bombay Veterinary Practitioners Act, 1953, shall stand repealed;
- (b) the Bombay Veterinary Council constituted under section 3 of the Act so repealed shall be dissolved, and all the members of that Council shall vacate office.

Bom.  
LX-  
VIII  
of  
1953.

Continuance  
of rules,  
etc., vest-  
ing of  
rights,  
duties,  
etc.

#### 40. Save as otherwise provided by or under this Act, and unless the context requires otherwise—

(1) all rules, regulations, orders and notifications made or issued under the Bombay Veterinary Practitioners Act, 1953, and in force in the Bombay area of the State immediately before the appointed day shall also extend to, and be in force in, the rest of the State subject to such modifications, if any, as the State Government or the Council, as the case may be, by notification in the *Official Gazette*, make;

Bom.  
LX-  
VIII  
of  
1953.

(2) all rights of the Bombay Veterinary Council dissolved under section 39 (hereinafter in this section referred to as "the dissolved Council") shall, on the appointed day, vest in the Council constituted under this Act (hereinafter in this section referred to as "the Maharashtra Council");

(3) all the property moveable or immoveable which on the day immediately preceding the appointed day vested in the dissolved Council shall, subject to all limitations and conditions as were in force on the day immediately preceding the appointed day, vest in the Maharashtra Council;

(4) all sums due to the dissolved Council on any account, shall be recoverable by the Maharashtra Council which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Council to take or institute if this Act had not come into operation:

(5) all debts, liabilities and obligations incurred by or on behalf of the dissolved Council, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Maharashtra Council in exercise of the powers conferred on it by this Act; and shall continue in operation accordingly;

(6) all proceedings and matters pending before any authority or officer immediately before the appointed day under the Bombay Veterinary Practitioners Act, 1953, shall be deemed to be transferred to and continued before the corresponding authority under this Act, competent to entertain such proceedings and matters;

(7) all prosecutions instituted by or on behalf of or against the dissolved Council and all suits and other legal proceedings instituted by or on behalf of or against the dissolved Council or any officer of such Council on behalf of the dissolved Council, pending on the appointed day, shall be continued by or against the Maharashtra Council;

(8) all officers and servants of the dissolved Council (except the Registrar and any other officer and servant who is a Government servant) holding office immediately before the appointed day shall be deemed to be the officers and servants appointed to serve the Maharashtra Council and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits to which they were entitled to or subject to on the day immediately preceding the appointed day:

Provided that, the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Maharashtra Council:

Provided further that, nothing in this clause shall be deemed to prevent the Maharashtra Council, after the appointed day, from passing in relation to any such officer or servant any order terminating his service on payment of such reasonable amount by way of compensation as it may, with the previous approval of the State Government, determine.

**SCHEDULE.**

(See sections 18, 26 and 33)

**Recognised Veterinary Qualifications.**Part I.—*Recognised Veterinary degrees and diplomas granted by institutions in India.*

Serial No.	Institution.	Qualifications.	Abbreviation for registration.
(1)	(2)	(3)	
1.	Agra University. . .	Bachelor of Veterinary Science and Animal Husbandry.	B. V. Sc. & A. H.
2.	Andhra University. . .	Do.	Do.
3.	Bihar University. . .	Do.	Do.
4.	Bombay University. . .	(1) Bachelor of Science (Veterinary). . . (2) Bachelor of Veterinary Science. . . (3) Bachelor of Veterinary Science and Animal Husbandry.	B. Sc. (Vet.). B. V. Sc. B. V. Sc. & A. H.
5.	Calcutta University. . .	Bachelor of Veterinary Science. . .	B. V. Sc.
6.	Gauhati University. . .	Bachelor of Veterinary Science and Animal Husbandry.	B. V. Sc. & A. H.
7.	Kerala University. . .	Bachelor of Veterinary Science. . .	B. V. Sc.
8.	Madras University. . .	Bachelor of Veterinary Science. . .	B. V. Sc.
9.	Mahatma Phule Krishni Vidyapeeth, Rahuri. . .	(1) Bachelor of Veterinary Science and Animal Husbandry. (2) Bachelor of Veterinary Science.	B. V. Sc. & A. H. B. V. Sc.
10.	Osmania University. . .	Bachelor of Veterinary Science. . .	B. V. Sc.
11.	Punjab University. . .	Do.	Do.
12.	Punjabrao Krishi Vidyapeeth, Akola. . .	(1) Bachelor of Veterinary Science and Animal Husbandry. (2) Bachelor of Veterinary Science.	B. V. Sc. & A. H. B. V. Sc.
13.	Rajasthan University. . .	Bachelor of Veterinary Science and Animal Husbandry.	B. V. Sc. & A. H.
14.	Saugor University. . .	Bachelor of Veterinary Science. . .	B. V. Sc.
15.	Utkal University. . .	Bachelor of Veterinary Science and Animal Husbandry.	B. V. Sc. & A. H.
16.	Vikram University. . .	Bachelor of Veterinary Science and Animal Husbandry.	B. V. Sc. & A. H.
17.	Assam Veterinary College.	Graduate in Veterinary Science. . .	G. V. Sc.
18.	Bengal Veterinary College.	(1) Graduate of Bengal Veterinary College. (2) Graduate in Veterinary Science.	G. B. V. C. G. V. Sc.
19.	Bihar Veterinary College.	Graduate of Bihar Veterinary College.	G. B. V. C.

Serial No.	Institution.	Qualifications.	Abbreviation for registration.
(1)	(2)	(3)	
20.	Bombay Veterinary College.	(1) Graduate of Bombay Veterinary College. G. B. V. C. (2) Two-year Diploma Certificate. . . . .	
21.	Madras Veterinary College.	Graduate of Madras Veterinary College. . . G. M. V. C.	
22.	Punjab Veterinary College (Lahore).	(1) Licensed Veterinary Practitioner. . . L. V. P. (2) Graduate of Punjab Veterinary College. G. P. V. C.	
23.	Nagpur University. . .	Bachelor of Science (Veterinary). . . . . B. Sc (Vet.).	
24.	Nagpur Veterinary College.	Two-year Diploma Certificate. . . . .	

Part II—*Recognised veterinary qualifications granted by institutions outside India.*

Serial No.	Institution.	Qualifications.	Abbreviation for registration.
(1)	(2)	(3)	
1.	Institutions in United Kingdom.	Member of the Royal College of Veterinary Surgeons, London.	M. R. C. V. S.
2.	Universities in Commonwealth Countries.	Doctors of Veterinary Medicine or Bachelors of Veterinary Science.	
3.	Institutions in U. S. A.	Doctors of Veterinary Medicine.	

### STATEMENT OF OBJECTS AND REASONS

It has been represented to Government that certificates granted in the Vidarbha and Marathwada areas of the State to graduates of veterinary colleges in India are not always recognised as these graduates are not controlled by any recognised body which would be responsible for their professional conduct. The dispensing chemists refuse to dispense the prescriptions of these graduates because they are not recognised. They are also not included in the list of approved persons under the Drugs and Cosmetics Act, 1940 and accordingly these graduates cannot obtain poisonous drugs and such other drugs as are controlled by the Excise Department.

To overcome these difficulties and to provide for a statutory organisation throughout the State of Maharashtra:

- (i) to control and regulate the practice of the profession of veterinary practitioners and the conduct of its members;
- (ii) to regulate veterinary education;
- (iii) to uphold the status and dignity of the profession; and
- (iv) to serve as a liaison between Government and the veterinary practitioners,

it is proposed to enact the Maharashtra Veterinary Practitioners Act.

On the constitution of the Maharashtra Veterinary Council, the Bombay Veterinary Practitioners Act, 1953, which is in force only in the Bombay area of the State of Maharashtra, will stand repealed. This secures continuity to the Council for the Bombay area of the State.

P. K. SAWANT,

Nagpur, dated the 20th September 1971.

Minister for Agriculture.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (3) OF THE  
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department,  
dated the 21st September 1971.)

In exercise of the powers conferred upon him by clause (3) of article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly the consideration of the Maharashtra Veterinary Practitioners Bill, 1971.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves certain proposals for the delegation of legislative powers of issuing notifications and making regulations and rules. The scope of such proposals is explained below:

### NOTIFICATIONS.

*Clause 1 (3).*—This clause empowers the State Government to appoint the date on which the Act shall come into force.

*Clause 3 (1).*—This clause empowers the State Government to establish a Council to be called the Maharashtra Veterinary Council.

*Clause 6.*—By this clause the State Government is empowered to determine the time and place at which and the manner in which the first election of veterinary practitioners to the Maharashtra Veterinary Council under clause (c) of sub-section (I) of section 4 of the Act shall be held.

*Clause 16.*—This clause empowers the State Government to appoint the Registration Officer and to appoint a date on or before which the application for registration shall be made to the Registration Officer.

*Clause 17 (1).*—This clause empowers the State Government to notify the date on which the register is given in the custody of the Council.

*Clause 33.*—This clause empowers the State Government to direct, from time to time, that the possession of any qualification entered in the Schedule to the Act shall not entitle any person to registration under the Act, or to direct that the possession of any qualification not entered in the Schedule to the Act shall, subject to the provisions of the Act, entitle a person to be so registered.

*Clause 38 (3).*—This clause empowers the State Government to cancel any regulation made by the Council.

### RULES.

All rules under the Act will be made by the State Government for carrying out the purposes of the Act, subject to the condition of previous publication and after the rules are made, of laying them before each House of the State Legislature (clause 37). The State Government is empowered to provide by rules for the following matters, namely:—

- (i) the payment of fees for carrying out any purpose of the Act;
- (ii) the expenses payable to members of the Council and the conditions subject to which they shall be paid (clause 11);
- (iii) salaries and allowances and other conditions of service of the Registrar (clause 13 (5));
- (iv) the manner of keeping accounts of the Council by the Registrar (clause 13 (7));
- (v) the Registrar's duties and functions and supervisory powers over the staff (clause 13 (8));

- (vi) the other conditions of service (including provision for disciplinary matters) of officers and servants of the Council (clause 14 (2));
- (vii) the manner in which enquiry shall be made by the Registration Officer before directing the entry of the name of any applicant for registration in the register ( clause 16 (3));
- (viii) the fees for alteration in the entries in the register (clause 17);
- (ix) the form of list of the names and qualifications of all persons for the time being entered in the register, the particulars to be included therein, and the manner of its publications ( clause 25 (3));
- (x) the manner in which the amount of fees collected by the Council shall be applied for the purposes of the Act (clause 27).

#### REGULATIONS.

Clause 38 empowers the Council to make regulations, with the previous sanction of the State Government, for all or any of the following matters, namely:—

- (1) the time at which and the place and manner in which election of the members shall be held;
- (2) the time and place at which the Council shall hold its meetings and the manner in which such meeting shall be summoned;
- (3) the period within which and the manner in which appeals against the decisions of the Registrar shall be filed and heard and decided by the Council and the fees payable with such appeals;
- (4) the manner in which and the conditions subject to which the name of a veterinary practitioner shall be re-entered in the register on payment of renewal fee.

The delegation of the above legislative powers is of a normal character.

## FINANCIAL MEMORANDUM.

*Clause 11.*—Provides for payment of expenses of members attending the meetings as prescribed by Government.

*Clauses 13 and 14.*—Relate to the appointment of a Registrar and staff of the Veterinary Council. The pay and allowances of the Registrar and the staff and other contingencies are estimated to Rs. 20,000.

*Clause 16 (4).*—Provides that name of every veterinary practitioner on the register maintained under the Bombay Veterinary Practitioners Act, 1953, shall be entered in the new register on payment of retention fee prescribed by the Government.

*Clause 17 (1).*—Provides for payment to the Council all or part of the registration fee for the first register.

*Clause 17 (3).*—This clause is regarding making alterations in respect of additional qualifications in the register on payment of a fee prescribed by Government.

*Clause 18 (1) and (3).*—This clause pertains to registration of veterinary practitioners on payment of such fee as may be fixed by the Council by regulation with the approval of Government.

*Clause 19 (2) (a) and (b).*—Provides that appeal against the decision of Registration Officer or Registrar in respect of registration of veterinary practitioner on payment of such fee as may be prescribed by Government or by the Council respectively.

*Clause 21 (1).*—Provides for renewal fee as may be approved by Government to be charged to the veterinary practitioners for continuing their names on the register.

*Clause 24.*—The Registrar of Deaths on receiving notice of death of a veterinary practitioner will immediately send a certificate by post to the Registrar of the Council. The expenses will be paid to the Registrar of Deaths from the Council's funds.

*Clause 30.*—This clause provides for the imposition of fine of Rs. 250 for first offence and Rs. 500 for subsequent conviction for contravening clauses 28 and 29 which prohibit persons, not registered as veterinary practitioners under this Act, from issuing veterinary certificates, using such titles or suffixes of qualification if he is not duly qualified.

*Clause 31.*—This clause prohibits false pretence by any person that he is registered under this Act and puts down a fine up to Rs. 300 on his being convicted.

*Clause 34.*—The State Government can give direction to the Council and the Council is expected to carry out such directives. In case of failure, the Government can cause the directive to be executed and expenditure incurred by Government in carrying out the direction is to be recovered from the funds of the Council.

Council Hall

Nagpur

Dated 24th September 1971.

S. H. BELAVADI,

Secretary,

Maharashtra Legislative Assembly.

४८

मंगळवार, सप्टेंबर २८, १९७१/आश्विन ६, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 28th September 1971 :—

#### L. A. BILL No. LII OF 1971.

##### A BILL

to amend certain enactments on account of change in designations of certain officers of the Medical and Public Health Departments of the Government of Maharashtra and to provide for matters connected therewith.

WHEREAS, the post of Surgeon General with the Government of Maharashtra and the post of Director of Public Health for the Government of Maharashtra have been abolished; and the posts of Director of Medical Education and Research and Director of Health Services were created, and the designations and functions of other officers in the Medical and the Public Health Departments

४१२

have been reallocated by the State Government with effect from the 1st May 1970 to the two Directorates of Medical Education and Research and of Health Services ;

AND WHEREAS, some of these officers carried with their office membership and functions on certain corporate bodies and other authorities by virtue of such office ;

AND WHEREAS, it is necessary to provide for their continuance or variation on such bodies and authorities ;

AND WHEREAS, it is expedient to amend certain enactments and to provide for matters connected therewith ; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

**Short title and commencement.** 1. (1) This Act may be called the Surgeon General with Government etc. (Change in Designations) Act, 1971.

(2) It shall be deemed to have come into force on the 1st day of May 1970.

**Construction of references in enactments or instruments.** 2. Any reference to the Medical Department or the Public Health Department or to any officer of these Departments, in any law for the time being in force, or in any instrument or other documents, shall be construed as and shall be deemed to be a reference to the Directorate of Medical Education and Research or the Directorate of Health Services of the Government of Maharashtra, or to the officer of corresponding rank in any such Directorate according to the functions allotted to the relevant Directorate or the officer, as the case may be, under Government Resolution in the Urban Development, Public Health and Housing Department, No. MME-3869/5975/(a)/B, dated the 20th April 1970.

**Amendments of certain enactments.** 3. The enactments specified in column (1) of the Schedule are hereby amended in the manner, and to the extent, shown in column (2) thereof.

**Saving.** 4. All officers of the Directorate of Medical Education and Research, and Health Services, functioning on any corporate body or other authority by virtue of their office at the commencement of this Act, shall be deemed to have been properly appointed thereto ; and anything done or any action taken by such officers shall be deemed to be duly done or taken and the body and authority shall be deemed to be properly constituted, and such thing done or action taken shall not be called in question on the ground only that the body or authority was not properly constituted, or the officer was not properly appointed thereto.

***SCHEDEULE.***

(See section 3).

<i>Enactments</i> (1)	<i>Amendments</i> (2)
The Poona University Act, 1948 (Bom. XX of 1948).	In section 16, in sub-section (1), under the heading “ <i>Class I—Ex-officio members</i> ”, in paragraph (B), in clause (iv),— (a) for the words “Four members” the words “Five members” shall be substituted; (b) for sub-clause (a), the following sub-clauses shall be substituted, namely :— “(a) Health Services, (aa) Medical Education and Research,”.
The Shreemati Nathibai Damodar Thackersey Women’s University Act, 1949 (Bom. LI of 1949).	In section 15, in sub-section (1), under the heading “ <i>Class I—Ex-officio members</i> ”, in paragraph (B), in clause (iii),— (a) for the words “Four members” the words “Five members” shall be substituted; (b) for sub-clause (b), the following sub-clauses shall be substituted, namely :— “(b) Health Services, (bb) Medical Education and Research,”.
The Bombay University Act, 1953 (Bom. XXXI of 1953).	In section 16, in sub-section (1), under the heading “ <i>I—Ex-officio Fellows</i> ”, in paragraph (B), for clause (vii), the following clauses shall be substituted, namely :— “(vii) The Director of Health Services, (vii-a) The Director of Medical Education and Research,”.
The Marathwada University Act, 1958 (Bom. XXXIX of 1958).	In section 16, in sub-section (1), under the heading “ <i>Class I—Ex-officio members</i> ”, in paragraph (B), in clause (vi),— (a) for the words “Four members” the words “Five members” shall be substituted; (b) for sub-clause (a), the following sub-clauses shall be substituted, namely :— “(a) Health Services, (aa) Medical Education and Research,”.

<i>Enactments</i> (1)	<i>Amendments</i> (2)
The Shivaji University Act, 1962 (Mah. XXVIII of 1962).	In section 17, in sub-section (1), under the heading “ <i>Class I—Ex-officio members</i> ”, in paragraph (B), in clause ( <i>vii</i> ),— (a) for the words “Four members” the words “Five members.” shall be substituted ; (b) for sub-clause (a), the following sub-clauses shall be substituted, namely :— “(a) Health Services, (aa) Medical Education and Research,”
The Nagpur University Act, 1963 (Mah. XXII of 1964).	In section 16, in sub-section (1), under the heading “ <i>Class I—Ex-officio members</i> ”, in paragraph (B), in clause ( <i>ix</i> ),— (a) for the words “Three members” the words “Four members” shall be substituted ; (b) for sub-clause (a), for following sub-clauses shall be substituted, namely :— “(a) Health Services, (aa) Medical Education and Research,”
The Maharashtra Medical Council Act, 1965 . (Mah. XLVI of 1965).	(1) In section 3, in sub-section (3), for clause (ai), the following clauses shall be substituted, namely :— “(ai) The Director of Health Services, <i>ex-officio</i> ; (aii) The Director of Medical Education and Research, <i>ex-officio</i> ; ”. (2) In section 11, in sub-section (1), for the words “and Surgeon General with the Government of Maharashtra, <i>ex-officio</i> , ” the following shall be substituted, namely :— “the Director of Health Services, <i>ex-officio</i> and the Director of Medical Education and Research, <i>ex-officio</i> , ”.
The Maharashtra Nurses Act, 1966 . (Mah. XL of 1966).	(1) In section 3, in sub-section (3), in clause (a), for sub-clauses (i) and (ii), the following shall be substituted, namely :— “(i) The Director of Health Services ; (ii) The Director of Medical Education and Research; ”. (2) In section 19, in sub-section (4), for the words “Deputy Director of Medical Services or of Public Health ” the words “ Deputy Director of Health Services or of Medical Education and Research ” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

As a step towards integration of Medical and Public Health Services in the State, Government has, with effect from the 1st May 1970, abolished the post of Surgeon General with the Government of Maharashtra, who dealt with the curative medical services as well as medical education, and the post of Director of Public Health, who dealt with preventive health services and family planning. Instead, Government has created the post of Director of Health Services to control both the medical and Public Health Services and the post of Director of Medical Education and Research to look after Medical Education and Research. The designations and functions of the subordinate officers have also been changed suitably. The Surgeon General, the Director of Public Health and some of the subordinate officers carried with their office membership and functions on certain corporate bodies and other authorities by virtue of such office. After the 1st May 1970, some of these officers have continued to function on those bodies and authorities. With a view to regularise their continuance on these bodies and authorities after changes of designations and functions and to make certain variations in their appointments thereon in view of reallocation of functions, it is necessary to amend the relevant enactments with retrospective effect. The Bill seeks to make the required provisions.

Dr. RAFIQ ZAKERIA,

Nagpur, dated 22nd September 1971.

Minister for Public Health and Waqf.

S. H. BELAVADI,

Secretary,

Maharashtra Legislative Council.

Nagpur, dated 28th September 1971.

भाग पाच]

महाराष्ट्र शासन राजपत्र, ऑक्टोबर ७, १९७१/आश्विन १५, शके १८९३ ४१७

शनिवार, ऑक्टोबर २, १९७१ आश्विन १०, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri V. R. Kaldate, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 1st October, 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules:—

#### L. A. BILL No. XLVI OF 1971

#### A BILL

*further to amend the Bombay Municipal Corporation Act, 1888.*

WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, 1888, for the purpose hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Bombay Municipal Corporation (Amendment) Short title. Act, 1971.

Insertion of  
an Explan-  
ation in Sec-  
tion 154 of  
Bom. LXIX  
of 1948.

Bom.  
III of  
1888.

2 In section 154 of the Bombay Municipal Corporation Act, 1888, the existing Explanation shall be renumbered as Explanation 1; and after the Explanation so renumbered, the following Explanation shall be inserted, namely:—

*“Explanation 2.—For the purposes of this section the taxes or rates or cess or fees levied on the buildings and land in question shall not be included in rent for determining the rateable value.”*

### STATEMENT OF OBJECTS AND REASONS

Certain taxes, rates and cess under the provisions of Bombay Municipal Corporation Act and the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, are recoverable by landlord from tenants. The Corporation, however, has very recently started including these amounts in rent for the purposes of fixing rateable value. It means Corporation is levying tax upon tax. In one of its judgement the Supreme Court has also upheld this practice.

As this practice of levying tax upon tax is unfair and not contemplated, it is felt, necessary to amend the Bombay Municipal Corporation Act to stop this practice.

The Bill seeks to achieve this object.

Nagpur,  
Dated 14th September 1971,

V. R. KALDATE,  
Member-in-charge.

Nagpur, dated 1st October, 1971.

S. H. BELAVADI,  
Secretary,  
Maharashtra Legislative Assembly.



# महाराष्ट्र शासन राजपत्र

## प्राधिकृत प्रकाशन

गुरुवार, ऑक्टोबर १४, १९७१/आश्विन २२, शके १८९३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या दिनांकांना प्रसिद्ध झाली आहेत :—

५०

शुक्रवार, ऑक्टोबर ८, १९७१ / आश्विन १६, शके १८९३

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill for the introduction of which leave was granted to Shri M. B. Sangvikar, M.L.A., at the meeting of the Maharashtra Legislative Assembly on the 8th October, 1971, is published under rule 115 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. LIII OF 1971

#### A BILL

*to restrict the size of families.*

WHEREAS, it is expedient in the interest of well being of the society to restrict the size of every family to a certain number; It is hereby enacted in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Restriction of size of Family Act, 1971. Short title, extent and commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

(i) "Sterilisation" includes such medical or surgical treatment as would effectively prevent any person, male or female, from giving birth to a child.

(ii) "prescribed" means prescribed by rules.

**Prohibition of procreation.** 3. Every male person shall restrict the size of his family to, not more than three living children if he has less than three children or if he has more than three living children, to the number existing at the time of commencement of this Act.

Mah.  
of  
1971.

**Sterilization of person.** 4. Every male person who has more than three children in his family on the date of commencement of this Act shall get himself or his wife sterilized in the prescribed manner.

**Penalty for procreation of human beings in contravention of the provisions of this Act.** 5. Any male person who acts in violation of the provisions of section 3, or refuses to act in accordance with section 4,—

(a) shall be liable to be punished with imprisonment for a period not exceeding six months or with fine which may extend to five hundred rupees or with both.

(b) shall if he is a Government servant be liable to be discharged from service.

**Protection of action taken under this Act.** 6. No suit or prosecution or other legal action shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act, or the Rules made thereunder.

**Power to make rules.** 7. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section 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 comprised in one session or in two 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 the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification 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.

STATEMENT OF OBJECTS AND REASONS:

In our country the idea of sterilization has taken root and is being implemented for controlling growth in population. The measure is resorted to on an entirely voluntary basis. In the larger interests of the Society it is felt that time is now ripe to restrict the size of families beyond certain number by law.

The Bill seeks to achieve this object.

Nagpur,  
dated the 5th October, 1971.

M. B. SANGVIKAR,  
Member-in-charge.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The clause 7 (I) empowers the State Government to make rules to carry out the purposes and objects of this enactments. This proposals for delegation of Legislative power is of normal character.

S. H. BELAVADI,

Council Hall :

Secretary,

Nagpur, Dated 8th October 1971. Maharashtra Legislative Assembly.

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Council on the 8th October 1971.

L. C. BILL No. XI OF 1971

*A BILL*

*further to amend the Maharashtra Municipalities Act, 1965.*

Mah. WHEREAS, it is expedient further to amend the Maharashtra Municipalities XL<sup>of</sup> Act, 1965, for the purposes hereinafter appearing; It is hereby enacted in the 1965. Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Municipalities (Amendment) Short title. Act, 1971.

**Amendment of section 16 of Mah. XL of 1865.** 2. In section 16 of the Maharashtra Municipalities Act, 1965, (hereinafter referred to as "the principal Act"), in sub-section (1),—

(i) after the words "whether by election, co-option or nomination, who—" the following sub-clause (ai) shall be inserted, namely:—

"(ai) has at any time after the commencement of section 2 of the Maharashtra Municipalities Act, 1965, been convicted of an offence punishable under section 153A or sub-section (2) or (3) of section 505 of Indian Penal Code:

Provided that such disqualification shall be for a period of six years from the date of such conviction ; or ";

(ii) in sub-clause (a), after the words "of any offence" the words "other than those in clause (ai)" shall be inserted.

**Amendment of section 40 of Mah. XL of 1965.** 3. In section 40 of the principal Act, in sub-section (1), the words beginning with "which may be" and ending with "in such notification" shall be deleted.

**Amendment of section 58 of Mah. XL of 1965.** 4. In section 58 of the principal Act, in sub-clause (b) of sub-section (1), for the word "watch" the words "exercise overall supervision" shall be substituted.

**Amendment of section 62 of Mah. XL of 1965.** 5. In section 62 of the principal Act, after item (V) new item "(VI) Municipal Resources" shall be added.

**Amendment of section 63 of Mah. XL of 1965.** 6. In section 63 of the principal Act, in sub-section (2), for the word "seven" the word "fourteen" shall be substituted.

**Amendment of section 74 of Mah. XL of 1965.** 7. In section 74 of the principal Act, in sub-section (1), for the word "may" the word "shall" shall be substituted.

**Amendment of section 76 of Mah. XL of 1965.** 8. In section 76 of the principal Act,—

(i) in sub-section (1), after the word "servants" the words and figure "other than class IV servants and" shall be inserted;

(ii) in sub-section (2), after the word "servants" the words and figure "including class IV servants" shall be inserted.

**Amendment of section 77 of Mah. XL of 1965.** 9. In section 77 of the principal Act, in clause (e) of sub-section (1), after the words "submit them" the words "to the President for presenting the same" shall be inserted.

**Amendment of section 81 of Mah. XL of 1965.** 10. In section 81 of the principal Act, in sub-section (7), in clause (b) (ii), after the words "may take such steps" the words "or may take such aid (including the police aid)" shall be inserted.

**Amendment of section 101 of Mah. XL of 1965.** 11. In section 101 of the principal Act,—

(i) in sub-section (1), for the words "Standing Committee" the word "President" shall be substituted;

(ii) in sub-section (3), for the words beginning with "The Standing Committee shall" and ending with "to the Council" the following shall be substituted, namely:—

"The President shall consider the estimates and the proposals of the Chief Officer and present them to the Standing Committee with such alterations or modifications in the estimates as he deems fit to make. The Standing Committee shall consider the estimates and the proposals of the President and submit them to the Council".

(iii) in sub-section (4), for the words "prepared by the Chief Officer" the words "presented by the President" shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS.

Unification of Municipal laws into the Maharashtra Municipalities Act, 1965, has been certainly a big step, but as the institutions grow, every such legislation needs a review and improvement.

There has been a general deterioration in the atmosphere of communal amity in the country and there are signs of its spread in smaller towns also. It is desirable, therefore, to check this by making participation in communal activities a disqualification as has been done in the case of the municipal corporations in the State by a recent Legislation, viz., the Maharashtra Municipal Corporations (Amendment) Act, 1971.

Municipal Councils are important limbs in the democratic set up of our country. The process of democratic decentralisation must become more real and so the Chief authority, viz., the President must have an overall control over the affairs of the Council without affecting the executive independence of the Chief Officer.

The Bill is designed to achieve these objectives.

Nagpur:

Dated the 21st September 1971.

S. K. VAISHAMPAYEN,

Member-in-charge.

S. H. BELAVADI,

Nagpur :  
Dated the 8th October 1971.

Secretary,  
Maharashtra Legislative Council.

# महाराष्ट्र शासन राजापत्र

## भाग पाच

सूची

जानेवारी ते मार्च १९७१

विधेयके (शासकीय व अशासकीय)

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# महाराष्ट्र शासन राजाधानी

## भाग पाच

सूची

एप्रिल ते जून १९७१

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भाग पाच

सूची

जुलै ते डिसेंबर, १९७१

विधेयके (शासकीय व अकासकीय)

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