

**MAHARASHTRA STATE
LAW COMMISSION**

SEVENTH REPORT

ON

THE MAHARASHTRA CODE VOLUME NO. VII

OCTOBER 2002

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MAHARASHTRA LAW COMMISSION

(Constituted under Government Resolution No. LAC-1093 / 566 / (122) – 19 dated 30.09.1996 and Resolution No . MLC -1400/P.K.39/DESK-19, dated 21.12.2001)

Shri B.G. More	...	Chairman
Shri K.M. Dhakephalkar	...	Member
Shri Shrihari Aney	...	Member
Shri V.B. Bedre	...	Member
Shri Vijay Savant	...	Member
Shri J.D. Jaybhawe	...	Member
Shri V.G. Munshi	...	Principal Secretary & R.L.A. Law & Judiciary Dept. (Ex-officio Member)
Smt. P.M. Umarji	...	Principal Secretary (Legislation) Law & Judiciary Dept. (Ex-officio Member)
Kum. I.H. Patel	...	Member Secretary

MAHARASHTRA LAW COMMISSION

Until this date, the Commission has submitted in all six Reports on the first six Volumes of the Maharashtra Code. This is the 7th Report on Volume No.VII of the Maharashtra Code.

There are in all 42 enactments in Volume No. VII. Out of them, 5 have already been repealed. Out of the remaining Acts, the Commission has recommended the repeal of 8 enactments and the retention of remaining 29 enactments.

As usual, these enactments were carefully examined by the Office of the Commission and thereafter by the Hon'ble Members of the Commission in its various meetings held in the month of September 2002. The decisions are unanimous.

In this Report, we have attached four Annexures. Annexure - I contains the number of enactments found in Volume No. VII and examined by the Commission. Annexure - II contains the laws found already repealed, Annexure - III contains the laws advised to be repealed and Annexure - IV contains the laws advised to be retained. Each Annexure contains brief reasons as to why the Act is required to be retained or repealed. There are in all nine Volumes of the Maharashtra Code. On the remaining two Volumes, the Commission expects to send its two Reports in next two months and the last Report on Watan and Inam Abolition Acts in the month of December itself.

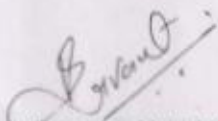
K.M. Dhakephalkar

K.M. DHAKEPHALKAR
Member

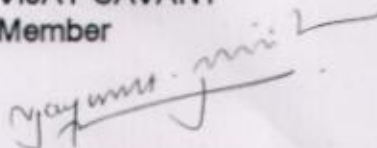
B.G. More
(B.G.MORE)
CHAIRMAN

Shrihari Aney
SHRIHARI ANEY
Member

9/10/45



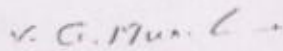
VIJAY SAVANT
Member



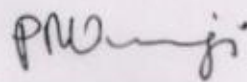
J.D. JAYBHAVE
Member



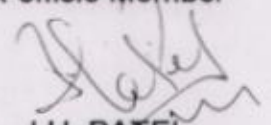
V.B. BEDRE
Member



V.G. MUNSHI
Ex-officio Member



P.M. UMARJI
Ex-officio Member



I.H. PATEL
Member Secretary

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MAHARASHTRA LAW COMMISSION

ANNEXURE - I

NAMES OF THE ACTS CONTAINED IN VOLUME- VII OF THE
MAHARASHTRA CODE CONSIDERED BY THE COMMISSION FOR REPEAL

<u>SR.NO.</u>	<u>NAME OF THE ACTS</u>
1	THE BOMBAY SALES TAX (AMENDMENT AND VALIDATING PROVISIONS) ACT, 1970 (MAHARASHTRA ACT NO. I OF 1971)
2	THE HYDERABAD CINEMA SHOWS TAX (MAHARASHTRA REPEAL) ACT, 1970 (MAHARASHTRA ACT NO. IX OF 1971)
3	THE MAHARASHTRA MUNICIPAL COPORATIONS (AMENDMENT) ACT, 1970 (MAHARASHTRA ACT NO. XIII OF 1971)
4	THE MAHARASHTRA APARTMENT OWNERSHIP ACT, 1970 (MAHARASHTRA ACT NO. XV OF 1971)
5	THE BOMBAY PUBLIC TRUSTS (AMENDMENT) ACT, 1970 (MAHARASHTRA ACT NO. XX OF 1971)
6	THE MAHARASHTRA NATIONAL AND STATE PARKS ACT, 1970 (MAHARASHTRA ACT NO. XXIII OF 1971)
7	THE MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE AND RE-DEVELOPMENT) ACT, 1971 (MAHARASHTRA ACT NO. XXVIII OF 1971)
8	THE BOMBAY BUILDING (CONTROL ON ERECTION, RE-ERECTION AND CONVERSION) (REPEAL) ACT, 1971 (MAHARASHTRA ACT NO. XLI OF 1971)
9	THE MAHARASHTRA VETERINARY PRACTITIONERS ACT, 1971 (MAHARASHTRA ACT NO. XLIV OF 1971)
10	THE MAHARASHTRA LOKAYUKATA AND UPA-LOKAYUKTAS ACT, 1971 (MAHARASHTRA ACT NO. XLVI OF 1971)
11	THE MAHARASHTRA RAW COTTON (PROCUREMENT, PROCESSING AND MARKETING) ACT, 1971 (MAHARASHTRA ACT NO. XLVII OF 1971)
12	THE MAHARASHTRA VEXATIOUS LITIGATION (PREVENTION) ACT, 1971 (MAHARASHTRA ACT NO. XLVIII OF 1971)
13	THE MAHARASHTRA EDUCATIONAL INSTITUTIONS (TRANSFER OF MANAGEMENT) ACT, 1971 (MAHARASHTRA ACT NO. XLIX OF 1971)
14	THE STAMP ACTS (AMENDMENT) ACT, 1971 (MAHARASHTRA ACT NO. L OF 1971)
15	THE MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971 (MAHARASHTRA ACT NO. I OF 1972)
16	THE MAHARASHTRA TEMPORARY INCREASE IN ENTERTAINMENTS DUTY AND EDUCATION CESS ACT, 1972 (MAHARASHTRA ACT NO. VII OF 1972)
17	THE MOTOR VEHICLES (MAHARASHTRA AMENDMENT) ACT, 1972 (MAHARASHTRA ACT NO. X OF 1972)
18	THE MAHARASHTRA TEMPORARY INCREASE IN TAXES ON MOTOR VEHICLES AND PASSENGERS ACT, 1972 (MAHARASHTRA ACT NO. XI OF 1972)
19	THE MAHARASHTRA LAND REVENUE (REVIVAL OF CERTAIN RULES RELATING TO NON-AGRICULATURAL ASSESSMENT) ACT, 1972 (MAHARASHTRA ACT NO. XXV OF 1972)

- 20 THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) ACT, 1972
(MAHARASHTRA ACT NO. XXXIX OF 1972)
- 21 THE SURGEON GENERAL WITH GOVERNMENT, ETC. (CHANGE IN
DESIGNATIONS) ACT, 1972 (MAHARASHTRA ACT NO. III OF 1973)
- 22 THE MOTOR VEHICLES (MAHARASHTRA SECOND AMENDMENT)
ACT, 1972 (MAHARASHTRA ACT NO. VI OF 1973)
- 23 THE LAND ACQUISITION (MAHARASHTRA) (TEMPORARY AMENDMENT)
ACT, 1972 (MAHARASHTRA ACT NO. VII OF 1973)
- 24 THE BOMBAY LANDING AND WHARFAGE FEES AND INDIAN PORTS
(AMENDMENT) ACT, 1972 (MAHARASHTRA ACT NO. VIII OF 1973)
- 25 THE MAHARASHTRA INDUSTRIAL RELATIONS (VALIDATION OF CERTAIN
PROCEEDINGS) ACT, 1972 (MAHARASHTRA ACT NO. X OF 1973)
- 26 THE INDIAN PARTNERSHIP (MAHARASHTRA AMENDMENT) ACT, 1973
(MAHARASHTRA ACT NO. XXV OF 1973)
- 27 THE MAHARASHTRA COLLEGE TEACHERS (TEMPORARY
POSTPONEMENT OF CONFIRMATION) ACT, 1973
(MAHARASHTRA ACT NO. XXXIII OF 1973)
- 28 THE BOMBAY HOUSING BOARD AND MADHYA PRADESH HOUSING
BOARD (AMENDMENT) ACT, 1973
(MAHARASHTRA ACT NO. XXXV OF 1973)
- 29 THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) AND
MAHARASHTRA REGIONAL AND TOWN PLANNING (AMENDMENT)
ACT, 1972 (MAHARASHTRA ACT NO. XLII OF 1973)
- 30 THE MAHARASHTRA DIRECTOR OF PROHIBITION AND EXCISE (CHANGE
IN DESIGNATION) ACT, 1973 (MAHARASHTRA ACT NO. LII OF 1973)
- 31 THE COTTON GINNING AND PRESSING FACTORIES (MAHARASHTRA
AMENDMENT) ACT, 1973 (MAHARASHTRA ACT NO. II OF 1974)
- 32 THE PANDHARPUR TEMPLES ACT, 1973
(MAHARASHTRA ACT NO. IX OF 1974)
- 33 THE MAHARASHTRA INCREASE OF LAND REVENUE AND SPECIAL
ASSESSMENT ACT, 1974 (MAHARASHTRA ACT NO. XX OF 1974)
- 34 THE MAHARASHTRA BARONETCIES (AMENDMENT) ACT, 1973
(MAHARASHTRA ACT NO. XXVIII OF 1974)
- 35 THE REGISTRATION (MAHARASHTRA AMENDMENT) ACT, 1974
(MAHARASHTRA ACT NO. XXIX OF 1974)
- 36 THE MAHARASHTRA SPECIAL PROVISION FOR PAYMENT OF STAMP
DUTY ACT, 1974 (MAHARASHTRA ACT NO. XXXIII OF 1974)
- 37 THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT
AND VALIDATING PROVISIONS) AND OTHER MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1974 (MAHARASHTRA ACT NO. XXXVII OF 1974)
- 38 THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S
UNIVERSITY (VALIDATING PROVISIONS) ACT, 1974
(MAHARASHTRA ACT NO. XLV OF 1974)
- 39 THE MAHARASHTRA SPECIAL PROVISION FOR PAYMENT OF STAMP
DUTY (NO.2) ACT, 1974 (MAHARASHTRA ACT NO. LII OF 1974)

- 40 THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (MAHARASHTRA AMENDMENT) ACT, 1974 (MAHARASHTRA ACT NO. LIV OF 1974)
- 41 THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT) ACT, 1974 (MAHARASHTRA ACT NO. LVI OF 1974)
- 42 THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT AND VALIDATION) ACT, 1974 (MAHARASHTRA ACT NO. LXII OF 1974)

MAHARASHTRA LAW COMMISSIONANNEXURE - II

NAMES OF THE ACTS FROM VOLUME NO. VII OF THE MAHARASHTRA CODE WHICH ARE ALREADY REPEALED AND THEREFORE REQUIRED TO BE REMOVED FROM THE STATUTE BOOK.

SR.NO.1 THE MOTOR VEHICLES (MAHARASHTRA AMENDMENT)
 ACT, 1972
 (MAHARASHTRA ACT NO. X OF 1972)

This Act has been enacted to amend the Motor Vehicles Act, 1939 (Act No. 4 of 1939), in its application to the State of Maharashtra. However, this Act of 1939 has been repealed by Section 217 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988). Therefore, this amending Act may be removed from the statute book.

SR.NO.2 THE MOTOR VEHICLES (MAHARASHTRA SECOND
 AMENDMENT) ACT, 1972
 (MAHARASHTRA ACT NO. VI OF 1973)

This Act has been enacted to amend the Motor Vehicles Act, 1939 (Act No. 4 of 1939), in its application to the State of Maharashtra. Since, whole of the Motor Vehicles Act, 1939 has been repealed by Section 217 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988), it is not necessary to retain this Act. Therefore, this amending Act may be removed from the statute book.

SR.NO.3 THE LAND ACQUISITION (MAHARASHTRA) (TEMPORARY
 AMENDMENT) ACT, 1972
 (MAHARASHTRA ACT NO. VII OF 1973)

This Act has been enacted to amend the Land Acquisition Act, 1894 (Act No. I of 1894), in its application to the State of Maharashtra, for the purpose of meeting the emergent conditions in the State consequent on the failure of successive monsoons. Sub-section (2) of Section 1 of this Act says that it shall come into force on such date as the State Government may, by notification in the Official Gazette appoint and shall remain in force for a period of one year and shall then expire. This Act was brought in force by notification dated 26th day of February 1973 and therefore, the Act has expired exactly one year thereafter. Therefore, this Act has spent itself and hence, it may be removed from the statute book.

SR.NO.4 THE BOMBAY HOUSING BOARD AND MADHYA
 PRADESH HOUSING BOARD (AMENDMENT) ACT, 1973
 (MAHARASHTRA ACT NO. XXXV OF 1973)

This Act has been enacted to amend the Bombay Housing Board Act, 1948 (Bom. Act No. LXIX of 1948), and the Madhya Pradesh Housing Board Act, 1950 (M.P. Act No. XLIII of 1950). However, Section 188 of the Maharashtra Housing and Area Development Act, 1976 (Mah. Act No. XXVIII of 1977) repeals these two Acts and therefore, there is no necessity to keep this amending Act on statute book, which amends the repealed Act. Therefore, this Act may be removed from the statute book.

SR.NO.5 THE COTTON GINNING AND PRESSING FACTORIES
(MAHARASHTRA AMENDMENT) ACT, 1973
(MAHARASHTRA ACT NO. II OF 1974)

This Act has been enacted to amend the Cotton Ginning and Pressing Factories Act, 1925 (Act No. XII of 1925), in its application to the State of Maharashtra. However, this Act is repealed by the Cotton Ginning and Pressing Factories Act, 1998 (Act No.2 of 1999) and therefore, this amending Act may be removed from the statute book.

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SR.NO.1 THE BOMBAY SALES TAX (AMENDMENT AND VALIDATING
PROVISIONS) ACT, 1970
(MAHARASHTRA ACT NO. I OF 1971)

This Act has been enacted to amend the Bombay Sales Tax Act, 1959 (Bom. Act No. LI of 1959). Sections 2 to 5 of this Act, which make amendments to the Principal Act, have been incorporated in the Principal Act and therefore, these Sections are not printed in the Act. Sections 6 and 7 are in the form of validating sections. Section 6 validates levy or collection of purchase tax under section 14 of the Principal Act on purchase price of the goods. It says that the collection of any purchase tax shall not be deemed to be invalid or ever since to have been invalid, merely on the ground that no rate of tax was prescribed in that section before it is amended by Section 2 of the amending Act. This is in spite of anything contained in any judgement, decree or order of any Court or Tribunal in that respect. It further says that no suit or other proceeding shall be maintained or continued in any Court or before any Tribunal against the State Government or any officer or servant or authority whatsoever for the refund of any tax so paid. It again says that no Court or Tribunal shall enforce any decree or order directing the refund of any such tax. Thus, it will be seen that what was suspected to be invalid under the principal Act is now made valid by the amending Act. These are past actions made valid. So also Section 7 validates jurisdiction conferred on certain officers and the proceedings commenced, continued or completed by them. Thus, all these past acts are validated and therefore, having once validated them the purpose of this Act is over. Thus, this Act has exhausted itself and therefore, it may be repealed.

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SR.NO.2 THE HYDERABAD CINEMA SHOWS TAX (MAHARASHTRA
REPEAL) ACT, 1970
(MAHARASHTRA ACT NO. IX OF 1971)

This Act has been enacted to repeal the Hyderabad Cinema Shows Tax Act, 1952 (Hyd. Act No. XXVI of 1952). This is a repealing Act and therefore, having repealed the original Act, the purpose of this Act is over and hence, the repealing Act itself may be repealed.

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SR.NO.3 THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1970
(MAHARASHTRA ACT NO. XIII OF 1971)

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. and Berar Act No. II of 1950). The amendments to these respective Acts have been incorporated in them and therefore, this Act may be repealed.

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SR.NO.4 THE BOMBAY BUILDING (CONTROL ON ERECTION, RE-
ERECTION AND CONVERSION) (REPEAL) ACT, 1971
(MAHARASHTRA ACT NO. XLI OF 1971)

This Act has been enacted to repeal the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948 (Bom. Act No. XXXI of 1948). This being a repealing Act, having repealed the original Act, the purpose of this Act is over. Therefore, this Act may also be repealed.

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SR.NO.5 THE MAHARASHTRA INDUSTRIAL RELATIONS
(VALIDATION OF CERTAIN PROCEEDINGS) ACT, 1972
(MAHARASHTRA ACT NO. X OF 1973)

This Act has been enacted to validate certain proceedings between the two dates, namely, 12th day of April 1967, on which date the High Court gave the decision and on 9th day of March 1972, on which date the Supreme Court set aside the decision of the Bombay High Court. Thus, this is a provision for a particular period and it having exhausted itself, the Act may be repealed.

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SR.NO.6 THE INDIAN PARTNERSHIP (MAHARASHTRA
AMENDMENT) ACT, 1973
(MAHARASHTRA ACT NO. XXV OF 1973)

This Act has been enacted to amend the Indian Partnership Act, 1932 (Act No. IX of 1932), in its application to the State of Maharashtra.

By the Maharashtra Act No. XXV of 1973, Schedule I of the Indian Partnership Act, 1932 was amended with a view to revise the fees payable under the said Principal Act. However, later the whole of Schedule was substituted by Maharashtra Act No. XXIX of 1984 (Section 18). In view of the amendment made in 1984 it is not necessary to retain the Maharashtra Act No. XXV of 1973. This Act may therefore, be repealed.

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SR.NO.7 THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS
(AMENDMENT AND VALIDATING PROVISIONS) AND
OTHER MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1974
(MAHARASHTRA ACT NO. XXXVII OF 1974)

This Act has been enacted to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888) and the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). Sections 2 and 4 of this Act are not printed because they have been incorporated in the Bombay Municipal Corporation Act, 1888. Section 5 of this Act is still not incorporated in the City of Nagpur Corporation Act, 1948. This amendment should be carried out in that Act and then this Act should be repealed.

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SR.NO.8 THE SHREEMATI NATHIBAI DAMODAR THACKERSEY
WOMEN'S UNIVERSITY (VALIDATING PROVISIONS)
ACT, 1974
(MAHARASHTRA ACT NO. XLV OF 1974)

This Act has been enacted to validate the continuance in office and acts of Vice-Chancellor of the Shreemati Nathibai Damodar Thackersey Women's University. However, since this Act is a validating Act the purpose of the same is over and therefore, it will have to be repealed.

MAHARASHTRA LAW COMMISSIONANNEXURE - IVNAMES OF THE ACTS FROM VOLUME NO. VII OF THE MAHARASHTRA
CODE WHICH ARE REQUIRED TO BE RETAINEDSR.NO.1 THE MAHARASHTRA APARTMENT OWNERSHIP ACT, 1970
(MAHARASHTRA ACT NO. XV OF 1971)

This Act has been enacted to provide for the ownership of an individual apartment in a building and to make such apartment heritable and transferable property. This Act is useful and necessary and therefore, the same may be retained.

SR.NO.2 THE BOMBAY PUBLIC TRUSTS (AMENDMENT)
ACT, 1970
(MAHARASHTRA ACT NO. XX OF 1971)

This Act has been enacted to amend the Bombay Public Trusts Act, 1950 (Bom. Act No. XXIX of 1950) and further to make the consequential amendments to the Indian Registration Act, 1908 (Act No. XVI of 1908). The Bombay Public Trusts Act, 1950 is the State Act and therefore, Sections 2 to 57, which have made amendments to this Act, have been incorporated in the Principal Act and therefore, they are not printed in this Act now. However, Section 58 makes amendment to the Indian Registration Act, 1908. This Act being the Central Act this amendment will have to be retained as it will not get automatically incorporated in the Principal Act. Therefore, this portion of the amending Act will have to be retained.

SR.NO.3 THE MAHARASHTRA NATIONAL AND STATE PARKS
ACT, 1970
(MAHARASHTRA ACT NO. XXIII OF 1971)

This Act has been enacted to make provisions for National Parks and State Parks in the State of Maharashtra. This Act is useful and necessary and therefore, the same may be retained.

SR.NO.4 THE MAHARASHTRA SLUM AREAS (IMPROVEMENT,
CLEARANCE AND RE-DEVELOPMENT) ACT, 1971
(MAHARASHTRA ACT NO. XXVIII OF 1971)

This Act has been enacted to make better provision for the improvement and clearance of slum areas in the State and their redevelopment and for the protection of occupiers from eviction and distress warrants. This Act is useful and necessary and therefore, the same may be retained.

SR.NO.5 THE MAHARASHTRA VETERINARY PRACTITIONERS
ACT, 1971
(MAHARASHTRA ACT NO. XLIV OF 1971)

This Act has been enacted to provide for the registration of veterinary practitioners in the State of Maharashtra. This Act *inter alia* provides for constitution of "Council", registration of veterinary practice and matters relating to recognised veterinary qualification etc.

However, it may be noted that the Parliament has passed the Indian Veterinary Council Act, 1984 (Act No. 52 of 1984), in pursuance of Clause (1) of Article 252 of the Constitution, when the resolutions have been passed by all the Houses of the Legislatures of the States of Haryana, Bihar, Orissa, Himachal Pradesh and Rajasthan to the effect that the matters aforesaid shall be regulated in those States by the Parliament by law. This Act has been made applicable to the State of Maharashtra with effect from 01.08.1997 by notification in Government Gazette Part II dated 23.07.1997. However, Section 67 of the Central Act, which speaks about repealing and saving, specifically states that "as from the commencement of this Act in any State, every other Act relating to any matter contained in this Act and in force in that State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed". However, there appears some provisions in our State Act which are neither corresponding nor repugnant to the Central Act and therefore, our State Act will have to be retained.

SR.NO.6 THE MAHARASHTRA LOKAYUKATA AND UPA-LOKAYUKTAS
ACT, 1971
(MAHARASHTRA ACT NO. XLVI OF 1971)

This Act has been enacted 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. The provisions of this Act are absolutely essential even today and may be in future and therefore, this Act will have to be retained. *Ret*

SR.NO.7 THE MAHARASHTRA RAW COTTON (PROCUREMENT,
PROCESSING AND MARKETING) ACT, 1971
(MAHARASHTRA ACT NO. XLVII OF 1971)

This Act has been enacted to provide for the carrying on for a certain time of trade in raw cotton in the State of Maharashtra. However, the provisions of this Act have been extended from time to time till 2001 by Maharashtra Act No. VII of 2001 and it is likely that they may be extended in future also. They appear to be useful in the prevailing circumstances and therefore, this Act will have to be retained till the Government decides not to extend the provisions. *cease to be in force.*

SR.NO.8 THE MAHARASHTRA VEXATIOUS LITIGATION (PREVENTION)
ACT, 1971
(MAHARASHTRA ACT NO. XLVIII OF 1971)

This Act has been enacted to prevent the institution or continuance of vexatious proceedings in Courts. The provisions of this Act are useful and necessary and therefore, this Act will have to be retained. *Ret.*

SR.NO.9 THE MAHARASHTRA EDUCATIONAL INSTITUTIONS
(TRANSFER OF MANAGEMENT) ACT, 1971
(MAHARASHTRA ACT NO. XLIX OF 1971)

This Act has been enacted to provide for the transfer of management of the undertaking of certain educational institutions, which are being managed in a manner detrimental to the public interest and to provide for matters connected with the purpose aforesaid. The provisions of this Act are necessary as they are useful and therefore, the same may be retained. *Ret.*

SR.NO.10 THE STAMP ACTS (AMENDMENT) ACT, 1971
(MAHARASHTRA ACT NO. L OF 1971)

This Act has been enacted to amend the Indian Stamp Act, 1899 (Act No. II of 1899), and the Hyderabad Stamp Act, 1331 (Hyd. IV of 1331F.), in their application to the State of Maharashtra. Since, this Act amends the Central Act, namely, the Indian Stamp Act, 1899, the amendments made to that Act will have to be retained. This Act further amends the Hyderabad Stamp Act, 1331F. This Hyderabad Stamp Act, 1331F is partially repealed by Section 76 of the Bombay Stamp Act, 1958 (Bom. Act No. LX of 1958) and therefore, the provisions of the amending Act to the Hyderabad Stamp Act, 1331F will have to be retained. Thus, the whole Act will have to be retained.

SR.NO.11 THE MAHARASHTRA RECOGNITION OF TRADE UNIONS AND
PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971
(MAHARASHTRA ACT NO. I OF 1972)

This Act has been enacted to provide for the recognition of trade unions for declaring certain strikes and lock-outs as illegal strikes and lock-outs; to define and provide for the prevention of certain unfair labour practices; to constitute courts (as independent machinery) for carrying out the purposes of according recognition to trade unions and for enforcing the provisions relating to unfair practices; and to provide for matters connected therewith. The provisions of this Act are useful and necessary and therefore, the same may be retained.

SR.NO.12 THE MAHARASHTRA TEMPORARY INCREASE IN
ENTERTAINMENTS DUTY AND EDUCATION CESS
ACT, 1972
(MAHARASHTRA ACT NO. VII OF 1972)

This Act has been enacted to provide for a temporary increase in entertainments duty on certain entertainments, and in the education cess. Though the title of the Act states that it is a temporary increase, Sub-section (4) of Section 1 says that this Act shall cease to have effect on such date as the State Government may, by notification in the Official Gazette, appoint. It seems that such notification is not yet issued by the Government. It appears that the Government feels that the provisions of this Act are still necessary.

SR.NO.13 THE MAHARASHTRA TEMPORARY INCREASE IN TAXES ON
MOTOR VEHICLES AND PASSENGERS ACT, 1972
(MAHARASHTRA ACT NO. XI OF 1972)

This Act has been enacted to provide for a temporary increase in taxes on motor vehicles and in taxes on passengers carried by road in stage carriages. Sub-section (4) of Section 1 of this Act provides that the Act shall cease to have effect on such date as the State Government may by notification in the Official Gazette, appoint. It appears that the State Government has not issued such notification and therefore, the Act shall continue.

SR.NO.14 THE MAHARASHTRA LAND REVENUE (REVIVAL OF CERTAIN
RULES RELATING TO NON-AGRICULTURAL ASSESSMENT)
ACT, 1972
(MAHARASHTRA ACT NO. XXV OF 1972)

This Act has been passed to revive the rules and orders superseded by Section 336 of the Maharashtra Land Revenue Code, 1966 (Mah. Act No. XLI of 1966) which relate to the determination or levy of non-agricultural assessment on land in the State, and in particular, any rules and orders which determine the standard rates. This was required because Section 336 of the Maharashtra Land

Revenue Code, 1966 repealed the laws stated therein, but at the same time saved the operation of anything done or any action taken (under the laws so repealed), including in any rules, assessments and various other matters in the third proviso to that section enumerated and by that section it is provided that they shall continue to be in force unless and until superseded by anything done or action taken under the Code. Under the Maharashtra Land Revenue (Conversion of Use of Land and Non-Agricultural Assessment) Rules, 1969, made and brought into force on 25th day of July 1969 it is purported to supersede all previous rules made under the laws repealed by Section 336 aforesaid and which were continued in force by virtue of the aforementioned third proviso to that section. What happened is by such supersession of all previous rules, no standard rates now survive in certain areas in the State and standard rates are not yet fixed in all areas in pursuance of the new rules now made and in operation.

Thus, this revival of the old rules is essential till further consolidation action is taken to pass comprehensive rules.

SR.NO.15 THE LAND ACQUISITION (MAHARASHTRA AMENDMENT)
ACT, 1972
(MAHARASHTRA ACT NO. XXXIX OF 1972) 2

This Act has been enacted to amend the Land Acquisition Act, 1894 (Act No. II of 1894), in its application to the State of Maharashtra. The Principal Act, namely, the Land Acquisition Act, 1894 being a Central Act, the amendment made by the State do not get automatically incorporated in the Principal Act and therefore, the amendment will have to be retained, so that the same can be read alongwith the Principal Act. This Act may, therefore, be retained.

SR.NO.16 THE SURGEON GENERAL WITH GOVERNMENT, ETC.
(CHANGE IN DESIGNATIONS) ACT, 1972
(MAHARASHTRA ACT NO. III OF 1973)

This Act has been enacted to amend certain enactments on account of change in designations of certain officers of the Medical and Public Health Department of the Government of Maharashtra and to provide for matters connected therewith. Section 2 makes provision for construction of references in enactments or instruments. Section 3 makes amendments of certain enactments mentioned in the Schedule and Section 4 provides for Saving. Therefore, even though certain enactments mentioned in the Schedule have been repealed, the provisions of Sections 2 and 4 shall have to be retained because they make reference to any law for the time being in force or any instruments or other documents. Thus, for the purpose of reference in respect of other laws or instruments and documents this Act will have to be retained. 9

SR.NO. 17 THE BOMBAY LANDING AND WHARFAGE FEES AND INDIAN
PORTS (AMENDMENT) ACT, 1972
(MAHARASHTRA ACT NO. VIII OF 1973)

This Act has been enacted to amend the Bombay Landing and Wharfage Fees Act, 1882 (Bom. Act No. VII of 1882), and the Indian Ports Act, 1882 (Act No. 15 of 1908), in its application to the State of Maharashtra. The amendments to the Bombay Landing and Wharfage Fees Act, 1882 have been incorporated in the Principal Act by Section 3 of this amending Act. However, the amendments made to the Indian Ports Act, 1882 do not get automatically incorporated in the said Central Act. Therefore, Section 3 of this amending Act will have to be retained.

**SR.NO.18 THE MAHARASHTRA COLLEGE TEACHERS (TEMPORARY
POSTPONEMENT OF CONFIRMATION) ACT, 1973
(MAHARASHTRA ACT NO. XXXIII OF 1973)**

This Act has been enacted to provide for postponement of confirmation in service of teachers in affiliated and constituent colleges of certain Universities in view of proposed revision of the pattern of education. The main Section of this Act is Section 3 which relates to the temporary postponement of confirmation of teachers in colleges. It inter alia states that notwithstanding anything contained in the relevant Act (and in the Statutes, Ordinances, Regulations and Rules made thereunder), or in any other law for the time being in force, or in any contract, a teacher of a college, who is a temporary employee or on probation and not confirmed immediately before the commencement of the Maharashtra College Teachers (Temporary Postponement of Confirmation) Ordinance, 1973, shall not be confirmed until such date as the State Government may by notification in the Official Gazette appoint.

Second proviso of this section further says that as soon as may be after the date aforesaid is appointed by the State Government by notification in the Official Gazette, the teacher of the college who is a temporary employee or on probation and not confirmed immediately before the commencement of the said Ordinance and whose services are continued upto that date, shall be confirmed by the management of the college from the date on which he would have otherwise been confirmed, but for the provisions of this Act. Thus, it will be seen that merely the order of confirmation was postponed by the Government by this Act till the date appointed by the State Government by notification in Official Gazette. It is not known whether the State Government has appointed such date and whether thereafter the confirmation orders have been issued. Therefore, to be on the safer side, this Act may be retained.

**SR.NO.19 THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) AND
MAHARASHTRA REGIONAL AND TOWN PLANNING
(AMENDMENT) ACT, 1972
(MAHARASHTRA ACT NO. XLII OF 1973)**

This Act has been enacted to amend the Land Acquisition Act, 1894 (Act No. I of 1894), in its application to the State of Maharashtra and to amend section 129 of the Maharashtra Regional and Town Planning Act, 1966 (Act No. XXXVII of 1966). The first Act, namely, the Land Acquisition Act, 1894 is a Central Act and the amendments made by the State Government to the Central Act do not automatically get incorporated in the Central Act. Therefore, the amendments made to the Central Act by the State Government will have to be retained, so that they can be read alongwith the principal Act. In view of this, this Act will have to be retained.

**SR.NO.20 THE MAHARASHTRA DIRECTOR OF PROHIBITION AND
EXCISE (CHANGE IN DESIGNATION) ACT, 1973
(MAHARASHTRA ACT NO. LII OF 1973)**

This Act has been enacted to amend certain enactments due to change in designation of the Director of Prohibition and Excise. Eventhough the necessary amendments have been carried out in the principal Act, the amendment applies to any other law for the time being in force, or any instrument or any document and therefore, the provision of this Act shall have to be retained.

SR.NO.21 THE PANDHARPUR TEMPLES ACT, 1973
(MAHARASHTRA ACT NO. IX OF 1974)

This Act was enacted to provide for the abolition of all the hereditary rights, privileges of ministrants and priestly classes functioning in the Temples of Vitthal and Rukmini at Pandharpur; for the acquisition of such rights and privileges and for the vesting thereof in a Committee established for the purposes; for payment of amounts for such acquisitions for providing for better administration and governance of these Temples, their endowments and the amalgamation of the trusts and for matters connected with the purposes aforesaid.

The provisions of this Act are essential and necessary and therefore, the Act may be retained.

SR.NO.22 THE MAHARASHTRA INCREASE OF LAND REVENUE AND
SPECIAL ASSESSMENT ACT, 1974
(MAHARASHTRA ACT NO. XX OF 1974)

This Act has been enacted to provide for an increase of land revenue on certain holdings in the State; and also an increase of land revenue to be levied on the amount of special assessment levied on agricultural lands under the Maharashtra Education (Cess) Act, 1962 (Mah. Act No. XXVII of 1962). The main Sections are 3 and 4 and as per the Section the increased land revenue is being collected. Therefore, as long as it is necessary to collect such revenue, this Act will have to continue. Therefore, it may be retained.

SR.NO.23 THE MAHARASHTRA BARONETCIES (AMENDMENT)
ACT, 1973
(MAHARASHTRA ACT NO. XXVIII OF 1974)

This Act has been enacted to amend the Petit Baronetcy Act, 1893 (Act No. VI of 1893) and Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915 (Act No. X of 1915). While considering the Report of Jain Commission we advised the State Government to retain these Acts. Thus, these Acts will continue on the statute book. These Acts have been passed by the Centre on the State subjects. Therefore, this amendment by the State Government will not get automatically incorporated in those Acts. In view of this, this amending Act will have to continue so that it can be read alongwith the principal Acts.

SR.NO.24 THE REGISTRATION (MAHARASHTRA AMENDMENT)
ACT, 1974
(MAHARASHTRA ACT NO. XXIX OF 1974)

This Act has been enacted to amend the Registration Act, 1908 (Act No. XVI of 1908), in its application to the State of Maharashtra. The Principal Act being the Central Act, the amendments made by the State do not get automatically incorporated in the Principal Act. Therefore, this Act will have to be retained so that it can be read alongwith the Principal Act.

**SR.NO.25 THE MAHARASHTRA SPECIAL PROVISION FOR PAYMENT OF
STAMP DUTY ACT, 1974
(MAHARASHTRA ACT NO. XXXIII OF 1974)**

This Act has been enacted to make temporary provision for the collection of the stamp duty charged or chargeable under Bombay Stamp Act, 1958 (Bom. Act No. LX of 1958), otherwise than by stamps. Eventhough Sub-section (3) of Section 1 states that the Act will cease to have effect on such date as the State Government may by notification in the Official Gazette appoint, such date does not appear to have been appointed by the State Government because this Act itself has been amended in 1988 by Maharashtra Act No. XVIII and by Maharashtra Act No. XIX of 1989. Therefore, the provisions of this Act appear to be necessary and therefore, the same will have to be retained.

**SR.NO.26 THE MAHARASHTRA SPECIAL PROVISION FOR PAYMENT OF
STAMP DUTY (NO.2) ACT, 1974
(MAHARASHTRA ACT NO. LII OF 1974)**

This Act has been enacted to make temporary provision for the collection of the stamp duty charged or chargeable under the Indian Stamp Act, 1899 (Act No. II of 1899) and the Hyderabad Stamp Act, 1331F (Hyd. Act No. IV of 1331F), otherwise than by stamp. The Indian Stamp Act being the Central Act, the amendment made to it by the State Government will not get automatically incorporated in the Principal Act. Therefore, this Act will have to be retained.

**SR.NO.27 THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(MAHARASHTRA AMENDMENT) ACT, 1974
(MAHARASHTRA ACT NO. LIV OF 1974)**

This Act has been enacted to amend the Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946), in its application to the State of Maharashtra. This Act amends the said Central Act and the amendments made by the State Government do not get automatically incorporated in the Principal Act. Therefore, the amendments will have to be retained so that they can be read alongwith the Principal Act. Hence, this Act will have to be retained.

**SR.NO.28 THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT)
ACT, 1974
(MAHARASHTRA ACT NO. LVI OF 1974)**

This Act has been enacted to amend the Industrial Disputes Act, 1947 (Act No. XIV of 1947), in its application to the State of Maharashtra. Since this Act amends the Central Act, the amendments made to it do not get automatically incorporated in the Principal Act. Therefore, the amendments will have to be retained so that they can be read alongwith the Principal Act. Hence, this Act will have to be retained.

**SR.NO.29 THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT
AND VALIDATION) ACT, 1974
(MAHARASHTRA ACT NO. LXIII OF 1974)**

This Act has been enacted to amend the Indian Electricity Act, 1910 (Act No. IX of 1910), in its application to the State of Maharashtra and to validate certain action. Since, this Act amends the Central Act, the amendments made to it do not get automatically incorporated in the Principal Act. Therefore, the amendments will have to be retained so that they can be read alongwith the Principal Act. Hence, this Act will have to be retained.