

MANUAL FOR HANDLING LEGISLATION AND SUBORDINATE LEGISLATIONS



SATISH WAGHOLE
SECRETARY (LEGISLATION)
LAW AND JUDICIARY DEPARTMENT,
MANTRALAYA, MUMBAI.

2025.

PREFACE

Law is a set of rules that are made by the State to govern the people covering various aspects of human life. In today's modern world the laws are in the form of Statutes passed by the Legislatures. Legislations are drafted within the framework of constitutional provisions.

Drafting of legislation is a skillful task that requires precision, clarity and a deep understanding of legal intricacies. In the State of Maharashtra, the responsibility of drafting of laws is assigned to the Legislation Branch of the Law and Judiciary Department, where the experienced draftsman do to this crucial endeavour.

2. Having served in the Legislation Branch of the Law and Judiciary Department since 1994, I have witnessed the complexities and challenges inherent in legislative drafting. Over the past 30 years, I have drafted enormous legislations on complex subjects and faced many difficult situations. Through these experiences, I have realized that drafting of legislation requires precision, foresight and an acute understanding of legal principles, which can be achieved only by actual experience in legislative drafting. Many States in India refer Maharashtra State Legislations while drafting their Legislations because of its quality and accuracy in drafting.

3. Realising the absence of a standardized procedure in legislative drafting, I embarked on a journey to compile the knowledge and insights accumulated over the years. This endeavour has led to the creation of the Legislative Drafting Manual, a comprehensive resource guide to junior officers and as a ready reference for the officers involved in the process of drafting legislations and subordinate legislations.

4. The primary objective of this Manual is to provide a structured framework and essential guidance to officers engaged in legislative drafting work in the Law and Judiciary Department and various Departments of the Government of Maharashtra. By offering fundamental principles and basic concepts, this manual will be helpful to enhance the efficiency, quality and accuracy in the legislative drafting. This Manual will be an invaluable source of training, guidance and reference to the officers. The Manual will be useful to officers to bring clarity in drafting, precision and to make laws effective.

5. I was working on this project since 10 years. This Manual is prepared on the basis of actual procedure followed in the Legislation Branch of the Law and Judiciary Department, Government of Maharashtra. It contains important information which will be useful for drafting of legislation and subordinate legislation more effectively and clearly. This Manual will serve as a repository of vital information essential for drafting legislation and subordinate legislation.

6. I hope this Manual will serve its best in guiding the officials of Government for initiating legislative proposals and the officers in the Law and Judiciary Department for drafting legislations and subordinate legislations with precision and the best interest of the Government of Maharashtra and to the society. It will also help officials in decision making and strengthening the Government process.

7. The Legislation Branch is established in the year 1974. Year 2024-25 is celebrating as a Golden Jubilee Year of the Legislation Branch of the Law and Judiciary Department. This is a golden opportunity for me to publish this Manual on this occasion. This Manual is the first Manual in India in the Legislative drafting field.

8. I extend my heartfelt gratitude to all the officers of my Department whose contributions have been instrumental to complete this project.



Mumbai,
Dated 1st May 2025.

Satish Waghole
Secretary (Legislation)
Law and Judiciary Department,
Government of Maharashtra.

DECLARATION

I hereby declare that, this Manual is not intended for reproduction or reference in any book, media, or in any other form. Unauthorized printing, sale, or publication of its contents is strictly prohibited.

The Manual is designed to make available various aspects required, for legislative drafting, including drafting style, structure of drafts, legal phrases used in drafting, guidelines for legislative drafting and subordinate legislation, guidelines for draftsman, stages of legislation procedure, Bill passing procedure, standard format, important constitutional provisions, legal principles developed by courts, etc., for officers involved in the process of legislative and subordinate legislative drafting in the Government of Maharashtra.

It is hereby declared that the Manual does not claim to provide an authoritative interpretation of the procedural rules governing the conduct of Business in the Maharashtra Legislative Assembly and the Maharashtra Legislative Council. Therefore, the users of this Manual are advised that in all cases of doubt, the publications to which references have been made at appropriate places in this Manual as well as the other instructions on the subject should be referred.

The Legislative Drafting poem printed in this Manual revealed the qualities and skill required for legislative drafting. The author of the poem is unknown.

Certain contents of this Manual are derived from the following books *viz.*, Legislative Drafting by B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium by T.K. Viswanathan, Principles of Legislation and Legislative Drafting by N.K. Chakrabarti, Interpretation of Statutes by J.P. Singh, Legislative Drafting by G.C. Thornton and Principles of Administrative Law by M.P. Jain and S.N. Jain. These sources have been instrumental in guiding the Legislations.

Mumbai,

Dated 1st May 2025.



Satish Waghole
Secretary (Legislation)
Law and Judiciary Department,
Government of Maharashtra.

Devendra Fadnavis
Chief Minister
Maharashtra



Mantralaya
Mumbai-400 032

Date: 11th March, 2025

MESSAGE

It is my pleasure to note that the Legislation Branch of the Law and Judiciary Department is releasing the first edition of the Manual for Handling Legislations and Subordinate Legislations.

The Government of Maharashtra has established a separate and dedicated Legislation Branch in the Law and Judiciary Department in 1974, for drafting of legislations and subordinate legislations, similar to the Legislative Department of the Government of India.

Shri. Satish Waghole, Secretary (Legislation), Law and Judiciary Department, has experience of more than 30 years in Legislative drafting and expertise in the field. He has written the Manual for Handling Legislations and Subordinate Legislations for officers who deal with legislative proposals. The Manual covers various aspects such as, standard formats for drafting, guidelines for drafting, guidelines for draftsmen, legal phrases used in drafting, legislation procedure, stages of legislation procedure, Bill passing procedure, important constitutional provisions, legal principles developed by courts, which are useful for legislative drafting.

This Manual reveals his hard work and dedication towards legislative drafting. The Manual will serve as a tool of reference and guidance not only to the officers of the Law and Judiciary Department but also to the officers of the various departments of State of Maharashtra and to the officers of other States.

(Devendra Fadnavis)

Tel. : 022-2202 5151/2202 5222, E-mail : cm@maharashtra.gov.in,
Website : www.maharashtra.gov.in



Sujata Saunik
Chief Secretary



Message

The business of the Government of Maharashtra is conducted in accordance with the Maharashtra Government Rules of Business. Each Administrative Department implements various laws based on the subjects allocated to them under these rules. The Legislation Branch of the Law and Judiciary Department plays a pivotal role in drafting legislations and subordinate legislations such as Rules, Orders, and Notifications.

Law-making is a complex and demanding task, requiring both expertise and experience. It is with great pleasure that I acknowledge the commendable effort of Shri. Satish Waghole, Secretary (Legislation), who brings over 30 years of invaluable experience in this domain. Shri. Waghole has authored the **"Legislative Drafting Manual"** to support and train officers involved in the legislative process.

I am happy to share this pioneering manual with all officers who are new to the intricacies of law-making. It will serve as an indispensable resource, providing guidance and clarity on the technicalities of legislative drafting. Notably, this is the first such manual developed at the state level in India, setting a benchmark for others to follow.

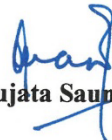
Key Features of the Manual:

- Detailed procedures for handling legislative work (Bills/Ordinances) and subordinate legislation.
- Standard formats for drafting amendments and principal legislations.
- Precedents of notifications, rules, and orders.
- Fundamental legal principles.
- Comprehensive checklists and guidelines for legislative and subordinate drafting.

As we embark on this journey of refining legislative processes, I am reminded of the following lines:

*"Laws are the compass, guiding the way,
Built with wisdom, to keep chaos at bay.
In careful drafting, justice finds its voice,
With each penned rule, we make a choice."*

I am confident that this manual will become an essential tool for officers engaged in legislative drafting, serving as a reference for their work and an effective training resource.


(Sujata Saunik)

MANUAL FOR HANDLING LEGISLATION AND SUBORDINATE LEGISLATION WORK

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INTRODUCTION

The Government Departments implement various Acts related to the subjects allotted to them under the Maharashtra Government Rules of Business. Every Department refers legislative proposals to the Law and Judiciary Department for examining its legal and constitutional feasibility and for drafting of Bills and Ordinances; and Subordinate Legislations for vetting and legal scrutiny. All the Legislative and Subordinate Legislative proposals are examined by the Legislation Branch of the Law and Judiciary Department.

2. Every legislative proposal undergoes various stages. The officers of the Legislation Branch requires to follow certain procedure before introduction of a Bill in the House and after passing of the Bill by both Houses of the Maharashtra State Legislature. The Administrative Department officers also have important role in processing the Legislative proposals and Subordinate Legislative proposals.

3. Many times, the proposals forwarded by the Administrative Departments to the Legislation Branch are drafted hastily and are vague. Many legislative proposals are received few days prior to the beginning of the Session of the State Legislature or during Session. In such scenarios, the officers of the Legislation Branch not get sufficient time to examine the proposals thoroughly. If a legislative proposal is properly prepared or if the due procedure is followed, it will save the valuable time of both the Legislation Branch officers and the Mantralaya Department officials.

Legislations formulated hastily may result in errors, potentially thwarting the intended objectives and leading to litigation. Once the law is enacted it interpret by various stakeholders, including implementing authorities, legal professionals, courts and citizens. Therefore, the legislative proposals must be thoroughly scrutinized and meticulously drafted to ensure clarity in the provisions.

4. It is, therefore, considered necessary to prepare a Manual outlining detailed procedure and providing crucial information for handling legislation and subordinate legislation work.

5. The aim of this Manual is to explain the procedure to be followed in legislation and subordinate legislation process and to provide relevant information required for legislative drafting. The Manual covers various aspects of legislative drafting, including style of drafting, structure of drafts, legal phrases used in drafting, guidelines for legislative drafting and subordinate legislation, guidelines for draftsman, stages of legislation procedure, procedure for passing of Bills, contents of statutes, important constitutional provisions, legal principles developed by courts role of the Administrative Departments and other information related thereto. The Annexures of the Manual contains the basic required information for drafting and dealing legislation and subordinate legislation work. This Manual is the first Manual in the Legislative drafting field covered important aspects required for

legislative drafting. The contents of the Annexure will be helpful for drafting of legislations and subordinate legislations.

6. This Manual will serve as a valuable resource for the officers of the Legislation Branch in the Law and Judiciary Department, as well as officials from the Mantralaya Department, Government of Maharashtra. It will provide essential guidance for drafting Bills, Ordinances, rules, formulating legislative policy, and understanding the procedure and stages of legislation. Additionally, it will clarify their roles, duties, and responsibilities in the legislation and subordinate legislation processes. The comprehensive framework of this Manual will facilitate the timely and effective implementation of Government policies.

7. The Law and Judiciary Department has framed the Maharashtra Legislation and Subordinate Legislation Procedure Rules, 2023, by Government Resolution, No. LEG-2023/B-594, dated 6th November 2023. On the basis of the said rules, the Manual is prepared with detail procedure and additional information required for drafting of Bills, Ordinances and subordinate legislations.

Mumbai,
Dated 1st May 2025.



Satish Waghole
Secretary (Legislation)
Law and Judiciary Department,
Government of Maharashtra.

LEGISLATIVE DRAFTING

Legislative drafting is an art,
to say, in short,
what we ought to do,
and what we ought not.

Law is an ocean vast,
Its expanse, not static, is a growing mass.
Its three-headed growth leaves reefs and rocks,
strewn and spread on its path.

Law is made-
to dredge and drive past,
to meet new situations and task,
to reflect the nation's moods and thoughts.

A counsel faces many handicaps.
Time given is generally too short.
Instructions often leave room for talk.
Those to guide have not much to say beyond,
what is contained in some pages short,
what may be technically termed-
as the Department's scheme of draft.

When a broken field,
it may be easy to draft.
When the land is virgin,
it may not be an easy task
to break the land and plough it fast.

Page after page without a flaw or fault
may bring no praise or credit to his lot.
A mistake at the end, or anywhere in the draft,
may wreck his task, leave an indelible blot.

A man or two to draft,
and world of legislators,
Lawyers,
Litigants,
Judges,
Jurists,
what an army !
to look and find fault.

When the very critics take to draft,
they falter and flop and end:
"It is not my task.
This, after all, is a legislative draft."

CHAPTER I DEFINITIONS

1. **Definitions.**—In this Manual, unless the context otherwise requires,—
- (1) “Act” means an Act of the State Legislature or Parliament, as the case may be;
 - (2) “Administrative Department” and “Originating Department” means the Department who administer the Act or who initiate the proposal to enact a new law or to make amendments in the Act;
 - (3) “Article” means an Article of the Constitution of India;
 - (4) “Assembly” means the Maharashtra Legislative Assembly;
 - (5) “Assembly Rules” or “MLA Rules” means the Maharashtra Legislative Assembly Rules;
 - (6) “Bill” means a Bill introduced in the State Legislature or Parliament;
 - (7) “Bye-laws” means the bye-laws made by any statutory authority under the Act;
 - (8) “Circular” means an instrument by which the administrative instructions or directions are issued by the Government or Administrative Department or the Authority;
 - (9) “Council” means the Maharashtra Legislative Council;
 - (10) “Council Rules” or “MLC Rules” means the Maharashtra Legislative Council Rules;
 - (11) “earlier law” means any Law, Ordinance, Order, bye-law, rule or regulation passed or made after the commencement of the Constitution by any Legislature, authority or person having power to make such Law, Ordinance, Order, bye-law, rule or regulation;
 - (12) “existing law” means any Law, Ordinance, Order, bye-law, rule or regulation passed or made before the commencement of the Constitution by any Legislature, authority or person having power to make such Law, Ordinance, Order, bye-law, rule or regulation (Article 366(10) of the Constitution);
 - (13) “expediency” means any legislative proposal forwarded by the Originating Department to the Law and Judiciary Department for examining the legal and constitutional feasibility of the proposal;
 - (14) “Financial Memorandum” means the Financial Memorandum appended to the Bill containing the estimate of recurring and non-recurring expenditure, which would involve after the enactment of the law, from the Consolidated Fund of the State;

- (15) “General Clauses Act” means the Maharashtra General Clauses Act (I of 1904) and the General Clauses Act, 1897 (10 of 1897) (see *Annexure XXI*);
- (16) “Instructions” means the Instructions of the President under the proviso to clause (3) of Article 213 of the Constitution for promulgation of an Ordinance by the Governor;
- (17) “Legislation” means the legislative proposal of the Administrative Department;
- (18) “Legislation Branch” means the Legislation Branch of the Law and Judiciary Department, which undertakes the scrutiny of the legislative proposals and subordinate legislative proposals forwarded by the Administrative Department/ Originating Department;
- (19) “L.&J.D.” means the Law and Judiciary Department;
- (20) “Legislative Policy” means the policy framed by the Administrative Department/ Originating Department in respect of the legislative proposal or subordinate legislation proposal;
- (21) “Legislative Proposal” means the proposal of the Administrative Department/ Originating Department to enact a law or to make amendments in the Act either by introducing a Bill in the Maharashtra State Legislature or to promulgate an Ordinance by the Governor;
- (22) “Memorandum Regarding Delegated Legislation” means the Memorandum appended to the Bill providing the details of powers delegated by the State Legislature to the Government or to the authorities subordinate to the Government, to make rules, issue notifications, orders, etc;
- (23) “Money Bill” means a Bill containing only provisions dealing with all or any of the matters specified in clauses (a) to (g) of clause (1) of Article 199 of the Constitution of India and certified as such by the Speaker;
- (24) “Notification” means the notification issued in exercise of the powers conferred under any Act, Ordinance or Rules and which is published in the *Official Gazette*;
- (25) “*Official Gazette*” means the Maharashtra Government Gazette specified in Annexure XVII;
- (26) “Ordinance” means the Ordinance promulgated by the Governor under Article 213 or by President under Article 123 of the Constitution of India;
- (27) “prescribed” means prescribed to make rules, bye-laws or regulations;

- (28) “publication” means publication of Bill, Act or Ordinance, Notification, Order, rules, bye-laws or regulations, etc., in the *Official Gazette*;
- (29) “Regulations” means the Regulations made under any Act, Ordinance or Rules by the Subordinate authority or body Subordinate to the Administrative Department;
- (30) “Repugnancy” means the inconsistency between the laws made by Parliament and laws made by the Legislature of State as provided in Article 254 of the Constitution of India;
- (31) “Rules of Business” means the Maharashtra Government Rules of Business made by the Governor under Article 166 of the Constitution for the affairs of the State;
- (32) “Rules” means the rules made in exercise of the powers conferred under any Act or Ordinance;
- (33) “Section” means a section of the Act or Ordinance;
- (34) “Statement” means the Statement appended to an Ordinance;
- (35) “Statement of Objects and Reasons” means the Statement of Objects and Reasons appended to the Bill;
- (36) “Subordinate Authority” means the authority under the administrative control of the Originating Department;
- (37) “Subordinate Legislation” means an act of making statutory instruments (it includes rules, notifications, orders, bye-laws, regulations or any instrument) by the Administrative Department/ Originating Department or by a body subordinate to it, by exercising the powers conferred on it by the Act or Rules.

Note.— The purpose of the definitions given in the Manual is to understand the meaning of the terms used in this Manual.

CHAPTER II

WORK DONE IN LEGISLATION BRANCH

2. **Work done in Legislation Branch.-** In the Law and Judiciary Department, in the Legislation Branch, the following work is done.-

(I) Legislation Work:-

- (a) Examine the legislative proposals (Expediency) forwarded by the Administrative Department of Mantralaya to make amendments in the State Acts and to enact new Acts (of which subject matter falling in List II and List III of the Seventh Schedule to the Constitution of India) and to make amendment in Central Acts (of which subject matter falling in List III of the Seventh Schedule to the Constitution) and give legal feasibility/views/opinion thereon.
- (b) Examine the Expediency of Non-Official Bills forwarded by the Parliamentary Affairs Department to amend State Acts and Central Acts and give legal feasibility/views/opinion thereon.
- (c) Drafting and processing of Government Bills forwarded by the Administrative Departments.
- (d) Drafting and processing of Ordinances forwarded by the Administrative Departments of Mantralaya.
- (e) Proof/Final reading of draft Bill/Ordinance (English and Marathi).
- (f) Processing work related to Government Bills and Ordinances.
- (g) Reading of all Bills introduced in the State Legislature (English and Marathi).
- (h) Publication of English Bills in the *Official Gazette* under article 348 (3) of Constitution of India, after introduction in House of the State Legislature.
- (i) Forwarding Authentic copies of Bills received from the Maharashtra Legislature Secretariat, passed by both Houses of the Maharashtra State Legislature to Governor/President, for assent.
- (j) Publication of Acts/Ordinances in the *Official Gazette*.
- (k) Reading of all Gazette copies of Acts and Ordinances published in the *Official Gazette* (English and Marathi).
- (l) Issue Corrigenda/Errata to Acts and Ordinances, if required.

(II) Subordinate Legislation Work:-

- (a) Scrutiny/vetting of Rules, Notifications, Orders, etc., to be issued by Administrative Departments of Mantralaya under Central and State Acts or Ordinances.
- (b) To give opinion on proposed Rules, Notifications, Orders, to be issued by Administrative Departments of Mantralaya under Central and State Acts or Ordinances.

(III) Work relating to updation of State Acts:-

- (a) Preparation and updation of Reprints of State Acts.
- (b) Proof reading of all Reprints of State Acts and Maharashtra Code, forwarded by the Government Press.
- (c) Uploading of updated copies of State Acts on website of the Law and Judiciary Department (*lj.maharashtra.gov.in*) and on the India Code Portal (*indiacode.nic.in* - Government of India website).

(IV) Republication of Central Acts and Ordinances:-

Work related to republication of Central Acts and Ordinances forwarded by the Government of India in the *Maharashtra Government Gazette* for general information.

(V) Miscellaneous Work:-

- (a) Supply of List of State Acts and Ordinances to other States every year.
- (b) Applications under the Right to Information Act, 2005.
- (c) Applications on Public Grievances Portal (PG Portal), Aple Sarkar, E-Samiksha Portal.
- (d) Correspondence from/with Government of India, other State Governments, Private individuals, etc.

CHAPTER III

TIME FRAME FOR FORWARDING PROPOSALS TO LEGISLATION BRANCH

3.1. Every Ordinance/Bill from drafting stage to publication of Act of the State Legislature undergoes more than 20 stages (see stages in Chapters IV and V). Sufficient time requires for Legislation Branch officers to finalise the draft and to follow the procedure upto introduction of Bill in the House of the State Legislature. There are more than 30 Departments in Mantralaya, each Department initiate legislative proposals either by way of promulgation of an Ordinance or introduction of Bill in the State Legislature. The Legislation Branch also deals other work other than legislation such as, examine the expediency to amend the State Acts and Central Acts, examine expediency of Non-Official Bills, scrutiny/vetting of Rules, Notifications, Orders, etc., to be issued under Central and State Acts (subordinate legislation) of all Mantralaya Departments, updating Reprints of the Acts, etc.

3.2 The Administrative Department/Originating Department shall follow the minimum time frame given below, for forwarding the Legislative Proposals to the Law and Judiciary Department, so that the officers of Legislation Branch will get sufficient time for examining legal and constitutional feasibility of the proposal, drafting and processing the proposal and work related thereto.

TIME FRAME

Category of Bill/Ordinance	Number of Clauses	Time frame to forward Legislative Proposals to Law and Judiciary Department
(1)	(2)	(3)
Small Bill	(a) Less than 10 clauses	7 days before the commencement of the Session of the State Legislature.
	(b) More than 10 clauses but less than 25 clauses.	15 days before the commencement of the Session of the State Legislature.
Small Ordinance	Less than 25 clauses	7 days before bringing proposal for Cabinet approval.
Medium Bill	More than 25 clauses and less than 50 clauses	21 days before the commencement of the Session of the State Legislature.
Medium Ordinance	More than 25 clauses and less than 50 clauses	15 days before bringing proposal for Cabinet approval.

Comprehensive Bill	More than 50 clauses	30 days before the commencement of the Session of the State Legislature.
Comprehensive Ordinance	More than 50 clauses	21 days before bringing proposal for Cabinet approval.

Note.— Until the process of pending proposals received before Session is completed, the Legislative Proposals received during the Session will not be considered on priority by the Law and Judiciary Department, for introduction in the same Session.

CHAPTER IV

BILL PROCESSING STAGES

Articles 196 to 212 of the Constitution of India provide the Legislative Procedure.

4. (A) *Procedure of making reference of Bill to Legislation Branch and Bill processing stages.*- When any legislative proposal of a Bill is initiated by any Administrative Department of Mantralaya, the following procedure is generally followed :—

Initiation of proposal.	4.1. Every proposal of Legislation will be initiated in the Administrative Department to which the subject matter of the Legislation relates.
Formulation of Policy/preparation of proposal by Administrative Department.	4.1.1. Every Originating Department will formulate the policy before preparing any Legislative Proposal, it includes the purpose of the Legislation, scope of the Legislation, achievements by making Legislation, administrative approval of relevant Departments, financial aspects, etc.
Concurrence of other Departments.	4.1.2. When the policy is prepared by the Originating Department, and if that policy affects the policy of other Departments or on administrative grounds, it requires the approval of other Departments, the Originating Department shall take concurrence of those Departments. The Originating Department shall also obtain the opinion/ views of the concerned authorities as it deems necessary, on administrative issues involved in the Legislative Proposal.
Approval of Finance Department.	4.1.3. If any financial implications are involved or the expenditure would require from the Consolidated Fund of the State after enactment of law, then the consultation/ approval of the Finance Department is required. In such cases, the Originating Department shall take the approval of the Finance Department before forwarding the proposal to the Law and Judiciary Department.
Refer file to L. and J.D.	4.1.4. Every Legislative Proposal before submitting to the Cabinet shall be referred to the Law and Judiciary Department, for examining the legal and constitutional feasibility of the proposal.

(a) **New Legislation.-** If the Legislative Proposal is to make a new law, the Originating Department shall prepare self-contained Note/detailed background note of the proposal and a tentative draft Bill with Statement of Objects and Reasons in English and shall obtain the remarks of the related Authorities/Departments.

(b) **Amending Legislation/Amendments in Act.-** If the proposal is to amend the existing Act, the Originating Department shall prepare amendments in tabular format and in draft Bill format. The Originating Department shall prepare self-contained Note/detailed background note with reasons/justifications of the proposal/proposed amendments and if necessary obtain the remarks of the related Authorities/Departments.

Thereafter the proposal shall be referred to the Law and Judiciary Department, for examining the legal and constitutional feasibility.

Time frame. 4.1.5. The time frame mentioned in Chapter III shall be followed by the Administrative Department while making reference of Legislative Proposals to the Law and Judiciary Department.

Examining Expediency and Cabinet Note. 4.2. While examining an expediency of any Legislative Proposal in the Law and Judiciary Department, the following aspects will be examined :—

- (a) Understand the concepts of Legislative Proposal received from the Originating Department.
- (b) Examine whether it is necessary to amend the law or enact new law; or the purpose can be achieved by making Subordinate Legislation.
- (c) Examine whether the Legislative Proposal is within the framework of the constitutional provisions which includes,-
 - (i) whether the State Legislature is competent to enact a law on the subject or competent to amend the Act;
 - (ii) to examine under which entry/entries of the Seventh Schedule to the Constitution of India as well as other provisions of the Constitution, the subject matter of the proposed Legislation falls;

- (iii) whether the provisions of the proposed Legislation are repugnant to any Central Act and necessary to reserve the Bill for the President's assent under Article 254(2) or any other articles of the Constitution;
 - (iv) in case of promulgation of an Ordinance, whether the Instructions from the President are required under the proviso to Article 213 of the Constitution of India;
 - (v) whether the Bill requires the previous sanction of the President under the proviso to Article 304(b) of the Constitution before introduction of the Bill in the State Legislature;
 - (vi) whether the Bill involves any financial implications which would require the recommendation of the Governor under Article 207 of the Constitution;
 - (vii) whether the Bill is a Money Bill or not (Article 199 of Constitution);
 - (viii) whether the Bill requires to reserve for President's assent under Article 31A of the Constitution;
 - (ix) whether the proposed law is for giving effect to the Directive Principles of State Policy (Chapter IV of Constitution) and requires to reserve for President's assent under Article 31C of the Constitution;
 - (x) whether the provisions of the Bill are applicable to the Scheduled Areas and the Scheduled Tribes (Fifth Schedule) and are in consonance with the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act) (40 of 1996).
- (d) (i) In case of Principal Legislation, whether the Department has prepared detail Note about the provisions thereof and its policy and a tentative draft with the approval of the Government.
- (ii) In case of Amending Legislation, whether the Department has prepared detail Note of the amendments with justification therefor and a tentative draft of amendments with the approval of the Government.
- (e) In case of amending Legislation, whether it is necessary to make consequential amendments in the same Act or other Acts.

- (f) Whether the proposed amendments/provisions are contrary to any existing Acts (State Acts or Central Acts) or overlapping to each other.
- (g) Whether it is necessary to give overriding effect to the amending provisions over the other provisions of the Principal Act or provisions of other Acts.
- (h) Whether it would be necessary to incorporate, saving clause or validation clause or repeal clause or removal of difficulty clause in the draft.
- (i) Whether the proposed provision would require to give retrospective effect.
- (j) Whether the Administrative Department has consulted with other Departments if the Legislative Proposal affects the provisions of Act of other Departments or affects the policy of other Departments.
- (k) Whether the Administrative Department has taken approval of the Finance Department in cases where the proposal involves financial implications on the Consolidated Fund of the State.

**Submission of
Note.**

- 4.2.1.** (1) (a) The proposal of the Department will be examined considering the legal and constitutional aspects specified in para 4.2. At this stage, the Law and Judiciary Department will also advise on the necessity or desirability of such Legislation in the light of the existing laws and also constitutional feasibility thereof. After scrutiny of the Legislative Proposal, a detail Note will be prepared and submitted for approval,-
- (i) to return the file with preliminary observations or with observations for modifications in the proposal; or
 - (ii) return the file with constitutional and legal feasibility, subject to observations to modify the proposal; or
 - (iii) return the file with constitutional and legal feasibility for Cabinet approval; or
 - (iv) return the file with observations regarding lack of legislative competency of the State Legislature.

(b) If the tentative draft is forwarded along with the file, the Law and Judiciary Department may,-

- (i) give approval to the proposal with constitutional and legal feasibility for Cabinet approval; or
- (ii) make necessary observations in respect of provisions of the draft Bill and may suggest to modify the amendments or provisions of the Bill; or
- (iii) if consultation of other Department has not taken, it may advise the Originating Department for consultation with other Departments or concerned authorities, etc.

Subject matter of proposal.

4.2.2. (2) The Legislation Branch will examine the proposal and if, the proposal is legally feasible, communicate its views to the concerned Department (with or without observations). The Note will provide,-

- (a) subject matter of the Bill (entries of List II/III of the VII Schedule to the Constitution);
- (b) repugnancy to any Central Acts arises or not;
- (c) Previous Sanction of the President under clause (b) of Article 304 of the Constitution is required or not;
- (d) Governor's Recommendation under Article 207 of the Constitution is required or not;
- (e) if the proposal is legally and constitutionally feasible, may suggest, to move proposal for Cabinet approval.

Preparation of draft Bill by Originating Department.

4.2.3. (a) The Originating Department shall comply with the observations/objections raised by the Law and Judiciary Department and shall modify the Legislative Proposal accordingly.

(b) (i) Statement of Objects and Reasons shall be appended to every draft Bill. The Originating Department shall prepare the Statement of Objects and Reasons, it will contain in brief the background of existing provisions, reasons of amendments/enactment of new law and objects of the amendments or salient features of the Bill. If it is a Principal Legislation, it will contain in brief the reasons for enactment of law and salient features thereof.

(ii) If the Bill would involve financial implications, the Bill shall be accompanied by a Financial Memorandum providing recurring/non-recurring expenditure with the approval of the Finance Department.

- Cabinet Note.** 4.3. (3) If it is decided by the Department to proceed with the Legislative Proposal, the Originating Department shall prepare Cabinet Note and route the Cabinet Note through the Law and Judiciary Department. The Cabinet Note shall-
- (i) state broad features of the Legislative Proposal bringing out clearly the need, scope and object of the proposed Legislation;
 - (ii) incorporate the opinion of the Law and Judiciary Department as regards expediency of undertaking Legislation;
 - (iii) incorporate the views of the Finance Department; if any;
 - (iv) incorporate the views of other concerned Department, if obtained;
 - (v) set out all the implications of the proposed Legislation;
 - (vi) append a tentative draft Bill to Cabinet Note which shall be referred to the Law and Judiciary Department for drafting, if the Cabinet approves the proposal;
 - (vii) permission to make necessary changes in the draft proposal by the Law and Judiciary Department on drafting and legal point of view;
 - (viii) mention the points for the Cabinet decision.
- Changes suggested by Cabinet.** 4.4. If the Cabinet directs any changes to be made in the draft Bill or Statement of Objects and Reasons or Memorandum which is submitted for its approval, then such changes shall be carried out by the Originating Department in the draft Bill and thereafter, the proposal shall be sent to the Law and Judiciary Department.
- Sub-Committee of Cabinet.** 4.5. If the Cabinet refers the draft Bill to the Sub-Committee of Cabinet, the Originating Department shall place the proposal before the Sub-Committee of Cabinet and after approval of proposal by the Sub-Committee of Cabinet/Cabinet, the Department shall forward the file to the Law and Judiciary Department for scrutiny of draft.
- Forward draft Bill to Law and Judiciary Department for scrutiny.** 4.6. (1) After Cabinet approval, the Originating Department shall prepare the draft Bill in English with Statement of Objects and Reasons, in duplicate as per the Cabinet decision and shall forward the file to the Law and Judiciary Department, for scrutiny of the draft Bill along with the Cabinet decision.

		(2) The Originating Department shall forward two copies of the draft Bill typed on half margin with double spacing along with the file to facilitate the scrutiny thereof by the Law and Judiciary Department. (3) The Originating Department shall also forward soft copy of the draft Bill to the Law and Judiciary Department. (4) The Originating Department shall depute the officer who is conversant with the proposal for discussion while drafting and finalizing the draft Bill in the Law and Judiciary Department.
Scrutiny of Bill.	4.7.	The Law and Judiciary Department will undertake the scrutiny of the draft Bill and will finalized English draft with Statement of Objects and Reasons and, if required, the Memorandum Regarding Delegated Legislation and Financial Memorandum. The draft Bill will be finalized in consultation with the officers of Originating Department. After finalization of draft, the file with draft will be submitted for approval.
Memorandum Regarding Delegated Legislation.	4.7.1.	The Memorandum Regarding Delegated Legislation will be prepared, if the draft Bill contains the provisions of delegation of powers to the Government or other authorities of the Government. Memorandum Regarding Delegated Legislation will explain the scope of proposal and state whether they are of a normal or exceptional character. It will be appended to the draft Bill after Statement of Objects and Reasons.
Financial Memorandum.	4.7.2.	If the draft Bill contains the provisions which would involve expenditure from the Consolidated Fund of the State after its enactment, the Financial Memorandum shall be appended to the Bill. The Financial Memorandum shall be prepared by the Originating Department in consultation with the Finance Department. The Financial Memorandum will provide the estimates of the recurring and non-recurring expenditure. The draft of the Financial Memorandum will be finalized at the time of finalizing the draft Bill and will be appended to the Bill at the end.
Forward draft Bill to Originating Department.	4.7.3.	After finalizing the English draft Bill in the Law and Judiciary Department, the file alongwith final draft Bill in English will be returned to the Originating Department for concurrence and to verify whether the draft Bill meets the requirements of the Department and is as per the Cabinet decision.

Originating Department to communicate to Law and Judiciary Department.	4.7.4.	If the draft Bill meets the requirements of the Originating Department, the Department shall communicate the same to the Law and Judiciary Department. If any changes/corrections are suggested by the Originating Department in the draft Bill, the Originating Department shall show the corrections in ink and the corrected copy shall be sent to the Law and Judiciary Department.
Proof of Bill.	4.8.	After finalization of draft, the Law and Judiciary Department will send the English draft Bill to the Government Printing Press for obtaining proof thereof.
Marathi and Hindi translation of draft from Directorate of Languages.	4.8.1.	The Law and Judiciary Department will send two English copies of the draft Bill to the Directorate of Languages for Marathi and Hindi translation, respectively.
Proof of Bill in Marathi and Hindi.	4.8.2.	The Directorate of Languages will translate the English draft Bill into Marathi and Hindi and will send it to the Government Press for proof.
Checking of Marathi and Hindi copies.	4.8.3.	The Directorate of Languages will check the Marathi and Hindi copies of the draft Bill and will send it to the Law and Judiciary Department.
Proof checking of English and Marathi copies by Law and Judiciary Department.	4.8.4.	The Law and Judiciary Department will check the English and Marathi proofs of the draft Bill. The Marathi copy of the draft Bill will be finalized in consultation with officers of the Directorate of Languages and concerned officers of the Administrative Department.
Call printed final copies from Government Press.	4.8.5.	After approval of English and Marathi proofs, the Law and Judiciary Department will send it to the Government Printing Press for final printing.
Final Bill copies checking.	4.8.6.	The Law and Judiciary Department will check the English and Marathi final copies of the draft Bill received from the Government Printing Press.
Forward final Marathi and English copies to Originating Department.	4.8.7.	The Law and Judiciary Department will forward the English and Marathi final copies of the draft Bill to the Originating Department for checking and approval.

Concurrence from Originating Department.	4.8.8. (a) The Originating Department will check the Marathi and English copies of the draft Bill, compare Marathi copy with the English copy and will communicate to the Law and Judiciary Department, for further necessary action in respect of the Bill. (b) If any changes are made or suggested by the Originating Department in the draft Bill, the Department shall show the same in ink in the draft Bill.
Previous sanction of President.	4.9. (a) If the provisions of the Bill contain restrictions on trade, commerce and intercourse among the States, the Originating Department shall obtain the previous sanction of the President under the proviso to Article 304(b) of the Constitution. (b) The necessary letter to be forwarded to the Ministry of Home Affairs, Government of India, will be prepared by the Law and Judiciary Department.
Governor's Recommendation.	4.10. (a) If the Bill contains the provisions for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 of the Constitution, imposition, abolition, remission, alteration or regulation of tax, borrowing of money, guarantee by State, appropriation of moneys out of Consolidated Fund, etc; or if the Bill enacts as an Act and brought into operation, it would involve the expenditure from the Consolidated Fund of the State, the recommendation of the Governor under Article 207 of the Constitution is necessary for introduction /consideration of the Bill in the House. (b) The necessary Note will be prepared by the Law and Judiciary Department to obtain the recommendation of the Governor for introduction / consideration of the Bill in the House. (c) The Note will be sent to the concerned Department, for the signature of the Secretary of the Department, Minister in charge of the Bill and Chief Minister. The Note will be sent to the Secretary to the Governor, for approval of the Governor for introduction/consideration of the Bill.
Submission of Notice to Minister for signature.	4.11. (a) The Law and Judiciary Department will submit Notice (<i>Annexure VI</i>) (the motion for leave to introduce Bill in House and Marathi copy of the Bill) for the signature of the concerned Minister through the Secretary of the Originating Department. (b) The Originating Department will obtain the signature of the Secretary of the Department and concerned Minister on the

Notice and on the Statement of Objects and Reasons of the Marathi Bill and will return the papers to the concerned officer of the Law and Judiciary Department.

Notice of Bill to State Legislature for introduction of Bill.

4.12. (1) The Law and Judiciary Department will give Notice of the Bill to the Secretary, Maharashtra Legislative Assembly/Council, for introduction of the Bill in the House with the following documents,-

- (a) Motion for leave to introduce Bill in House which is signed by the concerned Minister.
- (b) Marathi copy of the Bill which is signed by the concerned Minister.
- (c) Letter containing the subject matter of the Bill (Entries of Lists of Seventh Schedule to the Constitution) and whether the Bill is Money Bill or not.
- (d) Recommendation of Governor under Article 207 (1) or (3) of the Constitution, if required, the copy of Order of the recommendation.
- (e) 5 copies of Bill, Marathi, English and Hindi, each.
- (f) Previous sanction of the President under clause (b) of article 304 of the Constitution, if any, required.

(2) The Notice of Bill will be given either to the Legislative Assembly or Legislative Council, as the case may be.

(3) The copy of the Notice of the Bill will be sent to the Parliamentary Affairs Department, for information.

Intimation to Originating Department.

4.13. After giving Notice of the Bill to the Secretary, Maharashtra Legislature Secretariat, the Law and Judiciary Department will inform the same to the concerned Department.

Citation of Bill.

4.14. The concerned officer of the Originating Department will collect the Citation Form from the Maharashtra Legislative Assembly/Council and will give the same to the concerned Minister for introduction and passing of the Bill. (*See Citation Forms in Annexure XIX and XX*).

Briefing to Minister.

4.15. The officers of the Originating Department will brief to the concerned Minister in respect of the provisions of the Bill and will remain present in the Gallery of the concerned House of the State Legislature while discussion on the Bill.

Introduction of Bill in Maharashtra Legislative Assembly/Council. Publication of Bill.	4.16. The Bill will be introduced (in Marathi) in the House of the State Legislature (Assembly/Council) to whom the Notice of motion has been given.
	4.17. After introduction of the Bill in the Assembly/Council, the Maharashtra Legislature Secretariat will publish the Bill in the <i>Official Gazette</i>. The Marathi Bill will be published in <i>Extraordinary Gazette</i>, Part V, English Bill will be published in Part VA and Hindi in Part VII. (<i>See Gazette parts in Annexure XVII</i>).
Authoritative text of Bill publication by Law and Judiciary Department. Bill passing by both Houses.	4.18. After introduction of a Bill in the House, the authoritative text of the Bill in English will be published by the Law and Judiciary Department in the <i>Official Gazette</i>, in Part VIII, as required by Article 348(3) of the Constitution. 4.19. (1) If the House agrees, the Bill will be passed by the House in which it was introduced and will be transmitted to another House. (2) If the other House agrees, the transmitted Bill will be passed in that House. After passing of Bill by both Houses, it is considered that the Bill is passed by both Houses. Note.-The detail procedure of Bill passing is given in Chapter VI of this Manual.
Authentic copies of Bill.	4.20. When the Bill is passed by both Houses of the Maharashtra State Legislature, the Secretary, Maharashtra Legislature Secretariat will forward the authentic copies of the Bill signed by Speaker of the Maharashtra Legislative Assembly, when the Bill is introduced in the Assembly, or by Chairman of the Maharashtra Legislative Council, when the Bill is introduced in the Council, to the Law and Judiciary Department.
Forwarding Authentic copies of Bill to Governor/President for assent.	4.21. The Law and Judiciary Department will forward the authentic copies received from the Maharashtra Legislature Secretariat, to the Governor / President, as the case may be, for the assent under Article 200 of the Constitution, along with the copies of all stages of the Bill.

Publication of Act.	4.22. (1) When the authentic copies of the Bill are sign by the Governor / President, as the case may be, the Law and Judiciary Department will publish the Bill as an Act of the State Legislature in the <i>Official Gazette</i>. The English and Marathi Act will be published by the Law and Judiciary Department and Hindi Act will be published by the Directorate of Languages. (2) The Marathi Act will be published in Part IV, English Act will be published in Part VIII and Hindi Act will be published in Part VII in the <i>Official Gazette</i>. The Hindi Act will be published by Directorate of Languages after publication of Marathi and English Act. (See <i>Gazette parts in Annexure XVII</i>). (3) The Government Printing Press will upload all Gazette copies on egazette.mahaonline.gov.in, for information of general public.
Checking Gazette copy of Act.	4.23. (1) The Government Printing Press will send the Gazette copies of the Act to the Originating Department and to the Law and Judiciary Department and to the concerned offices as mentioned in the Government Resolution of the Law and Judiciary Department. (2) The Gazette copies shall be checked and if any printing error is noticed, the errata will be issued by the Law and Judiciary Department.
Forwarding authentic copies of Bill.	4.24. The authentic copies of the Bill which has been signed by the Governor or President, as the case may be, one authentic copy thereof will be retained in the Law and Judiciary Department and another copy will be returned to the Secretary, Maharashtra Legislature Secretariat.
Bringing into force provisions of Act.	4.25. (1) If the Bill provides the commencement clause for bringing into force the provisions of the Act, the Originating Department will publish the notification in the <i>Official Gazette</i>, specifying the date from which the Act will come into force. (2) The Originating Department will decide the date of commencement of the Act with the approval of the concerned Minister. (3) The Originating Department will refer the notification to the Law and Judiciary Department for vetting/scrutiny. After approval of notification by the Law and Judiciary Department, the Originating Department will publish it in the <i>Official Gazette</i>.

Making of Rules.	4.26. (1) If the Act provides to make rules, the Originating Department shall make rules within six months by following due procedure and shall publish it in the <i>Official Gazette</i>. (2) If it is necessary to issue any Notification under the Act for implementation of the Act, the Originating Department will issue required Notification by following due procedure.
Procedure of Appropriation Bill.	4.27. (B) PROCEDURE OF APPROPRIATION BILL/ SUPPLEMENTARY APPROPRIATION BILL. (1) The draft of Appropriation Bill will be prepared by the Finance Department. The file will be forwarded to the Law and Judiciary Department, for scrutiny of the draft Bill. (2) The Law and Judiciary Department will check the Preamble of the Bill, the figures of the amounts specified in the Bill and in the Schedule of the Bill. If any corrections are found, it will show in ink and the file will be returned to the Finance Department. (3) The Finance Department will send the draft Bill to Directorate of Languages for Marathi and Hindi translation. (4) The English and Marathi copies of the Bill will be checked by the Finance Department. (5) The Finance Department will take the approval of the Cabinet for presenting the demands before the State Legislature. (6) No demand for a grant will be made except on the recommendation of the Governor. The Parliamentary Affairs Department will submit the file to the Governor to allot a date to lay the demands for grant before the House. (7) The Finance Department will provide printed English and Marathi copies of the Bill to the Law and Judiciary Department. The Law and Judiciary Department will get the Bill number from the office of the Maharashtra Legislative Assembly. The Marathi and English Bill will be published in the <i>Official Gazette</i> by the Law and Judiciary Department after approval of the Finance Minister. The Bill will be published after the voting on demands by the House. The Marathi Bill will be published in Extraordinary Gazette, Part V, English Bill will be published in Part VA.
Cabinet approval.	
M.L.A.R. 260(1)	
Bill publication.	

- (8) The Government Resolution will be send to the Directorate of Languages for publication of Hindi Bill in the *Official Gazette*. Hindi Bill will be published by the Directorate of Languages in Part VII.
- (9) The Finance Department will obtain Governor's recommendation for introduction of Appropriation Bill in the House. The Finance Department will communicate the Governor's recommendation to the Law and Judiciary Department.
- (10) The Notice of Appropriation Bill will be given only to the Maharashtra Legislative Assembly. The Law and Judiciary Department will follow the same procedure of other Bills to give notice of Appropriation Bill, to the Maharashtra Legislature Secretariat.
- (11) After voting of the demands, an Appropriation Bill will be introduced in the Assembly seeking to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services and purposes during the financial year.
- (12) After introduction of Appropriation Bill, it is not necessary to publish the Bill in *Official Gazette*, by the Maharashtra Legislature Secretariat.
- (13) After introduction of a Bill in the Legislative Assembly, the authoritative text of the Bill in English will be published by the Law and Judiciary Department in the *Official Gazette*, in Part VIII, as required by Article 348(3) of the Constitution.
- (14) After the Bill is passed by the Legislative Assembly, it will be transmitted to the Secretary of the Legislative Council for recommendations of the Council and it will return by Council as any other Money Bill.
- (15) The regular procedure will be followed for sending authentic copies of Bill for the assent of the Governor and publishing of an Act of the State Legislature as provided in paras 4.21 and 4.22.

4.28. (1) Generally, a full Budget for the year including provisions for new Items is presented to the State Legislature and is passed after discussion and voting before the 31st March.

On any day subsequent to the presentation of the Budget but before 31st March a motion may be made for any grant in advance in respect of the estimated expenditure for a part of any financial year.

(2) Such motion state the total sum required and the various amounts needed for each department or item of expenditure which composed that sum shall be stated in a Schedule appended to the motion.

(3) When owing to the General elections intervening or any other reason, it is not possible to present a full Budget or Appropriation Act or can't be passed before 31st March, a Budget for standing charges and continuing schemes is presented and a 'Vote on Account' for the expenditure for some months is obtained, on a motion moved to that effect in the Legislative Assembly.

(4) The Vote on Account Bill will be passed and assented by the Governor before 31st March. The Vote on Account Act will be repealed in Appropriation Act.

(5) The procedure provided in Paragraph 4.27 above is applicable for processing and passing of Vote on Account Bill.

4.29. The Vote on Account Act will be published in the *Official Gazette* on or before the 31st March.

4.30. (1) If, in the course of a financial year, it is found that the appropriations sanctioned by the Legislature under the Appropriation Act are not sufficient for the purpose of meeting the expenditure, in the Schedule to the Act, or when need arises during the course of the financial year to incur expenditure on some New Services not contemplated in the annual financial statement, it becomes necessary for the Government to approach the Legislature for its sanction to incur such expenditure. Supplementary Demands are presented to the Legislature in the course of a financial year under Article 205 of the Constitution in respect of the following types of cases :-

(i) for recoupment of advances sanctioned by Government from the Contingency Fund;

(ii) for increasing the appropriations included in the Appropriation Act, if the sanctioned appropriations are found to be insufficient for the purpose of meeting the expenditure on the particular service up to the end of the financial year;

(iii) for the purpose of obtaining the approval of the Legislature to an increase in the estimated cost of a substantial magnitude;

(iv) for New Items of expenditure involving recurring expenditure.

(2) The procedure provided in Paragraph 4.27 above is applicable for processing and passing of Supplementary (Appropriation) Bill.

Excess
demand.
Excess
Expenditure
Bill. M.L.A.R.
259

4.31. (1) In spite of all the care taken to make as accurate an estimation as possible of the anticipated expenditure, some unforeseen expenditure does sometimes get debited to Government account during the last few months of the financial year, which results in excesses over the sanctioned grants and appropriations. The excess expenditure which thus occurs under different heads is detected by the Accountant General after the close of the financial year and is exhibited in the Audit Report, which is submitted to the Legislature. The circumstances, under which the excess has occurred, are examined in detail by the Public Accounts Committee and if that body is satisfied, it recommends regularization of the excess expenditure. Thereafter, a statement of excess expenditure is prepared by the Government in the same manner as in the case of supplementary statement of expenditure and presented to the Legislature under Article 205(1) (b) of the Constitution. It is then dealt with in the same manner as the Supplementary demands for discussion and voting in the Assembly followed by the passing of the Appropriation Act.

(2) The procedure provided in Paragraph 4.27 above is applicable for processing and passing of Excess Expenditure Bill.

(C) PROCEDURE WHEN BILLS ARE RESERVED FOR PRESIDENTS ASSENT.

Reservation of
Bill for
Presidents
assent.

4.32. If any provision of a Bill passed by the State Legislature, with respect to one of the matters enumerated in the Concurrent List (List III) of the Seventh Schedule to the Constitution of India, is repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then such Bill will be required to reserve for the assent of the President under Article 254 (2) of the Constitution.

(1) The Law and Judiciary Department will forward the authentic copies received from the Maharashtra Legislature Secretariat to the Secretary to the Governor under Article 200 of the Constitution, along with letter and ten copies of Bill of all stages, for the assent of the President.

(2) The copy of the assent letter will be forwarded to the Special Commissioner to the Government of Maharashtra, Maharashtra Sadan, Copernicus Road, New Delhi 110001, along with two copies of the Bill of all stages, for information and taking follow up.

(3) The copy of the said letter will be sent to the concerned Administrative Department of the Bill, for information.

(4) The Secretary to the Governor will send the authentic copies of the said Bill to the Ministry of Home Affairs, Government of India, for the assent of the President. The copy of the said letter will be forwarded to,-

(a) the Secretary (Legislation), Law and Judiciary Department, Mantralaya,

(b) the Secretary to the Originating Department of the Bill, and

(c) the Special Commissioner to the Government of Maharashtra, Maharashtra Sadan, Copernicus Road, New Delhi 110001, for information and taking follow up.

Queries/refer
ence from
Central
Government
on Bill.

4.33. (1) If any query raised by any Ministry of the Government of India or references received in respect of the Bill, the letter received from the Ministry of Home Affairs (through Office of Governor) will be transferred to the Originating Department of the Bill, for taking necessary action.

(2) The Originating Department will prepare the justification to the queries raised by the Ministry of the Government of India and will submit the file along with letter to be forwarded to the Ministry of Home Affairs to the Law and Judiciary Department, for approval.

(3) After approval of letter/reply by the Law and Judiciary Department, the Secretary of the Originating Department will send the reply to the Ministry of Home Affairs. The copy of the letter will be sent to the Secretary, Law and Judiciary Department and to the Special Commissioner to the Government of Maharashtra, Maharashtra Sadan, Copernicus Road, New Delhi 110001.

(4) As per the instructions of the Ministry of Home Affairs, the Originating Department will send the above reply to the Ministry of Home Affairs within thirty days from the receipt of the said reference.

(D) WITHHOLD ASSENT TO BILL / WITHDRAWAL OF BILL

**Withhold
assent to Bill.**

4.34.

(1) If the Governor withholds the assent to the Bill under Article 200 of the Constitution or the President withholds the assent to the Bill under Article 201 of the Constitution, any communication received to the Law and Judiciary Department, will be forwarded to the concerned Originating Department of the Bill.

(2) The Originating Department shall inform/bring to the notice of the same to the Cabinet.

(3) The Law and Judiciary Department will return the authentic copies of the Bill received from Governor office/Ministry of Home Affairs, to the Secretary, Maharashtra Legislature Secretariat and one copy will be retained in the Law and Judiciary Department.

**Withdrawal
of Bill from
the House.**

4.35.

(a) When the Originating Department decides to withdraw a Bill from any House of State Legislature, it will take the approval of the Cabinet for such withdrawal.

(b) The Originating Department will prepare the motion in consultation with the Law and Judiciary Department and will send such motion to the Secretary, Maharashtra Legislature Secretariat under the signature of the concerned Minister, for withdrawal of the Bill.

Withdrawal of authentic copy of Bill pending for assent.	4.36.	(a) If the Originating Department decides to withdraw a Bill, for any reason, of which authentic copy is pending before the Governor or President, as the case may be, for the assent, the Originating Department shall take the approval of the Cabinet for such withdrawal. Before submitting the proposal to Cabinet, it shall consult the Law and Judiciary Department. (b) After approval of the Cabinet, the Originating Department will prepare a draft letter to be forwarded for withdrawal of authentic copies of the Bill in consultation with the Law and Judiciary Department. The Department will send the letter to the Ministry of Home Affairs, Government of India.
Communication with Central Government.	4.37.	The communication of any reference of the Bill pending for President's assent shall be made to the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
Forwarding of withdrawn authentic copies of Bill to Legislature Secretariat.	4.38.	The authentic copies of the Bill which has withdrawn from the Governor or President, as the case may be, will be returned to the Secretary, Maharashtra Legislature Secretariat by the Law and Judiciary Department and one copy will be retained in the Law and Judiciary Department.

Note.— The above procedure is generally followed in the Law and Judiciary Department for handling of Legislation work (Bills /Ordinances and Sub-ordinate Legislation work). In exceptional circumstances and urgency of work some steps are waived.

CHAPTER V

ORDINANCE PROCESSING STAGES

Procedure of making reference of Ordinance to Law and Judiciary Department.	5.1.	When the Originating Department proposes to promulgate an Ordinance to enact a new law or to make amendments in the Act, the following procedure is followed:-
Promulgation of an Ordinance.	5.1.1	The Ordinance can be promulgated when both Houses of the State Legislature are not in Session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, the Governor may promulgate an Ordinance under Article 213 of the Constitution of India.
Formulation of Policy/Preparation of proposal by Originating Department.	5.1.2	The Originating Department will before preparing any Legislative Proposal of an Ordinance, formulate the policy; it includes purpose of the Legislation, scope of Legislation, achievements by making amendments, administrative approval of the concerned Department, financial aspects, etc.
Urgency to promulgate Ordinance.	5.1.3	When the Originating Department decides to promulgate an Ordinance by the Governor, the Department shall justify the need/urgency for promulgation of an Ordinance in the file.
Preparation of draft Ordinance with Statement.	5.1.4	The Originating Department shall prepare the draft of the Ordinance with Statement.
Ordinance processing procedure.	5.1.5	The procedure provided in Chapter IV, in paragraph 4.1 to 4.8 (with respect to Bill), will be applicable for preparation and finalization of draft Ordinance.
Forward printed copies to Department.	5.2.	After following the procedure provided in Chapter IV, in paragraph 4.1 to 4.8 (with respect to Bill), the printed copies of the draft Ordinance (English and Marathi) will be forwarded by the Law and Judiciary Department to the Originating Department, for checking and approval.
Submission of draft Ordinance to Governor.	5.3.	If the draft Ordinance meets the requirements of the Department, the Originating Department will submit the draft Ordinance to the Governor for signature on Marathi copy (Green copy) supplied by the Law and Judiciary Department.

Presidents Instructions.	5.4. (1) If the provisions of the proposed Ordinance are repugnant to the provisions of any law made by Parliament or an existing law with respect to the matters enumerated in Concurrent List (List III) of the Seventh Schedule to the Constitution, it shall be necessary to obtain the Instructions of the President, for promulgation of an Ordinance. (2) The Originating Department shall obtain the Instructions from the President for promulgation of an Ordinance. The necessary Letter to be forwarded to the Ministry of Home Affairs, Government of India will be finalised by the Law and Judiciary Department and will be sent to the Originating Department. (3) After receiving the President's Instructions to the Ordinance proposal, the Originating Department shall submit the draft Ordinance through the Chief Minister to Governor for his signature in consultation with the Law and Judiciary Department.
Publication of an Ordinance.	5.5. (1) After Governor's signature on the Ordinance copy, the Secretary of the Originating Department shall sign below the Governor's signature and shall immediately forward the file to the Law and Judiciary Department with necessary Note, for publication of the Ordinance in the <i>Official Gazette</i>. (2) The Law and Judiciary Department will publish the Marathi and English Ordinance in the <i>Official Gazette</i>. The Hindi Ordinance will be published by the Directorate of Languages. (3) The Marathi Ordinance will be published in Part IV, English in Part VIII and Hindi in part VII, in the <i>Official Gazette</i>.
Checking of Gazette Copies of Ordinance.	5.6. The Government Printing Press will send the <i>Gazette</i> copies of the Ordinance to the Originating Department and to the Law and Judiciary Department and to the concerned offices as mentioned in the Government Resolution of the Law and Judiciary Department. The <i>Gazette</i> copies will be checked and if any printing error is noticed, the errata will be issued by the Law and Judiciary Department.
Post-promulgation action.	5.7. As soon as, the Ordinance is published in the <i>Official Gazette</i>, the following action shall be taken,- (a) After the publication of an Ordinance in the <i>Official Gazette</i>, the Law and Judiciary Department will forward the copy of the Ordinance to the Office of the Governor;

- (b) One copy of the Ordinance to the Secretary, Maharashtra Legislative Assembly and one copy to the Secretary, Maharashtra Legislative Council, for being laid before both Houses of the Legislature as required under clause (2) of article 213 of the Constitution; and copy of the letter along with Ordinance will be send to the Parliamentary Affairs Department;
- (c) The Originating Department shall send a letter of motion signed by concerned Minister to the Maharashtra Legislature Secretariat to lay the Ordinance before both Houses of the Maharashtra State Legislature. The Law and Judiciary Department will give the format (*Annexure V*) of motion to lay Ordinance before both Houses of the Maharashtra State Legislature to the Originating Department.

Laying of Ordinances before both Houses.	5.8.	The concerned Minister of the Department will lay the Ordinance before the Maharashtra Legislative Assembly and the Maharashtra Legislative Council when it is in Session.
Ordinance conversion Bill.	5.9.	(1) The Law and Judiciary Department will take necessary steps to convert the Ordinance into Bill. (2) The final English draft Bill will be prepared by the Law and Judiciary Department and will send to the Directorate of Languages for preparing Marathi and Hindi draft of the Bill. (3) The procedure provided in Chapter IV in paragraphs 4.3 to 4.26 relating to Bill will be applicable for preparation of draft Bill of conversion of Ordinance to publication of Act of the State Legislature in the <i>Official Gazette</i>.
Lapse of Ordinance.	5.10.	The Ordinance will remain force upto six weeks from the reassembly of the State Legislature, after expiration of six weeks, it will cease to operate (See Article 213 of the Constitution).
Disapproval of Ordinance by House.	5.11.	Before the expiration of six weeks, the Ordinance may be disapproved by House resolution passed by the Maharashtra Legislative Assembly and agreed by the Maharashtra Legislative Council.
Withdrawal of Ordinance.	5.12.	(1) The Ordinance may be withdrawn by the Governor at any time before its expiration. (2) The Originating Department will take Cabinet approval for such withdrawal.

(3) The Draft Order will be prepared by the Law and Judiciary Department and will be supplied to the Originating Department. The Originating Department will submit the same to Governor.

(4) After Governor's signature on the Order, the Secretary of the Originating Department shall sign below the Governor's signature and shall immediately forward the file to the Law and Judiciary Department with necessary note, for publication of the Order in the *Official Gazette*. The Law and Judiciary Department will publish the Order in the *Official Gazette* (See Annexure XXII).

**Re-promulgation
of Ordinance.**

5.13. (1) If the Ordinance is promulgated and the Ordinance conversion Bill is introduced in the House but could not be passed by both Houses of the State Legislature, if the Government decides to re-promulgate Ordinance, it can be re-promulgated by following the same procedure as it was followed for first Ordinance.

(2) The Originating Department will take Cabinet approval for re-promulgation of Ordinance.

**Contingency
Fund
Ordinance.**

5.14. (1) The Legislature of the State is not expected to be in Session throughout the year and occasions arise during the course of the year when the State Government is required to spend on the unforeseen items of expenditure. For this purpose, under Article 267 (2) of the Constitution, the State Legislature has established a "Contingency Fund" with a corpus of rupees 150 crore.

(2) If funds are not available to meet the expenditure of unforeseen items, such expenditure can be met by withdrawal of advance from the Contingency Fund. If sufficient amount is not available in Contingency Fund, the corpus can be increased by promulgating an Ordinance.

(3) All expenditure incurred by withdrawal of advance from the Contingency Fund, is required to be recouped later on by presenting Supplementary Demands or Excess Demands, as the case may be, to the Legislature.

(4) The Contingency Ordinance is promulgated for temporary purposes; therefore, it is not necessary to convert the Ordinance into Bill.

BILL PASSING PROCEDURE

- Notice of Bill
to
Maharashtra
Legislature
Secretariat.**

		(3) The copy of the Notice of the Bill will be sent to the Parliamentary Affairs Department, for information.
Intimation to Originating Department.	6.2.	After giving Notice of the Bill to the Secretary, Maharashtra Legislature Secretariat, the Law and Judiciary Department will inform the same to the concerned Department.
Notice period.	6.3.	(1) The period of Notice of a motion, for leave to introduce a Bill under rule 111(3)/107(2) of Assembly Rules/Council Rules is fifteen days expiring on the day previous to the day on which the motion is made. (2) The period of Notice may be curtailed/dispensed with by the Speaker/Chairman under rule 55/54 of Assembly Rules/Council Rules. (3) To waive the period of Notice, the concerned Minister will make request to the Speaker/Chairman of the House. A letter shall be sent to the Speaker/Chairman of the House to curtail/dispense the Notice period (see <i>Annexure VI (3)</i>) .
Priority of Bill.	6.4.	The Law and Judiciary Department and Parliamentary Affairs Department will communicate the priority of Bills to the Maharashtra Legislature Secretariat, for consideration and passing of Bills in the House.
Bill Number.	6.5.	The Maharashtra Legislature Secretariat will give number to the Bill. If Notice is given to the Maharashtra Legislative Assembly, the Bill number will be given by the office of the Maharashtra Legislative Assembly and if Notice is given to the Maharashtra Legislative Council, the Bill number will be given by the office of the Maharashtra Legislative Council. Accordingly the Bill will be called as L.A. Bill/ L.C. Bill. The copies of the Bill will be printed by the Government Printing Press on behalf of the Maharashtra Legislature Secretariat.
Annexure to Bill.	6.6.	If the Bill is to make amendments in the Act, the Annexure is appended to the Bill. The Annexure contains the existing provisions of the amended sections. The Annexure is prepared by the concerned office of the Maharashtra Legislative Assembly/Council to whom the Notice of Bill has been given. The Annexure is printed alongwith the Bill. <i>Note.</i>—The Annexure is useful for the Members to see the existing provisions of the Act.

Governor's recommendation.	6.7.	If the Bill requires the recommendation of the Governor under Article 207 of the Constitution for introduction/consideration of Bill by the House, after receiving such recommendation from the Governor, the Notice of the Bill will be given along with the recommendation Order, to the Maharashtra Legislature Secretariat. The said Order will be printed along with the Bill at the end of Bill.
Citation of Bill.	6.8.	The concerned officer of the Originating Department will collect the Citation Form (see <i>Annexures XIX and XX</i>) from the Maharashtra Legislative Assembly/Council and will give the same to the concerned Minister for introduction and passing of Bill.
Briefing to Minister.	6.9.	The officers of the Originating Department will brief to the concerned Minister in respect of the provisions of the Bill and will remain present in the Gallery of the concerned House while discussion on the Bill.
Introduction of Bill.	6.10.	(1) The Bill will be introduced (in Marathi) in the House of the State Legislature (Assembly/Council) to whom the Notice of Bill has been given. <i>Note.</i>— A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 shall be introduced in the Maharashtra Legislative Assembly and shall not be introduced in the Maharashtra Legislative Council. (2) The Bill will be shown in the Order of Day of the House. (3) If the Bill requires the recommendation of the Governor under Article 207(1) of the Constitution, the Bill can't be introduced in the House unless Governor's recommendation is received. (4) If the Bill requires the recommendation of the Governor under Article 207(3) of the Constitution, a Bill can be introduced in any House. However, it can't be considered by the House until the Governor's recommendation is received. (5) The Maharashtra Appropriation Bill, the Maharashtra (Supplementary) Appropriation Bill, the Maharashtra Appropriation (Vote on Account) Bill, the Maharashtra Appropriation (Excess Expenditure) Bill, levying or reducing tax rates, are the money Bills, therefore, introduced in the Maharashtra Legislative Assembly only.

(6) If leave to introduce a Bill is granted by the House, the concerned Minister of the Bill will read the Motion for introduction of the Bill and the Bill will be introduced in the House.

**Publication
of Bill by
MLS.**

6.11. After introduction of the Bill in the Maharashtra Legislative Assembly/Council, the Maharashtra Legislature Secretariat will publish the Bill in the *Official Gazette*. The Marathi Bill will be published in *Extraordinary Gazette*, Part V, English Bill will be published in Part VA and Hindi in Part VII.

Note.—The Maharashtra Appropriation Bill, the Maharashtra (Supplementary) Appropriation Bill, the Maharashtra Appropriation (Vote on Account) Bill, the Maharashtra Appropriation (Excess Expenditure) Bill, are published in the *Official Gazette* by the Law and Judiciary Department as per the provisions of rules 116(1) and 117 of the Maharashtra Legislative Assembly, before its introduction in the House, therefore these Bills are not published by the Maharashtra Legislature Secretariat, after its introduction in the Maharashtra Legislative Assembly.

**Authoritative
text of Bill
publication
by
Legislation
Branch.**

6.12. After introduction of the Bill in House, the authoritative text in English of the Bill will be published in the *Official Gazette*, by Legislation Branch of the Law and Judiciary Department under Article 348(3) of the Constitution, in Part VIII.

**Passing of
Bill by
Assembly.**

6.13. (1) After introduction of a Bill in the Legislative Assembly (called the Assembly Bill), the “First stage” consists of discussion on the Bill and generally on any one of the following motion,-

- (a) that the Bill be taken into consideration; or
- (b) that Bill be referred to a Select Committee composed of such number of members of the Assembly and with instructions to report before such date, as may be specified in the motion; or
- (c) that the Bill be referred to a Joint Committee of both Houses, composed of such number of members and with instructions to report before such date, as may be specified in the motion ; or
- (d) that the Bill be circulated for the purpose of eliciting opinion thereon, within such period as may be specified in the motion.

(2) The “Second stage” consists of clause-by-clause consideration of the Bill as introduced.

If the Bill is referred to the Select Committee or to the Joint Committee, the report will be submitted by the Select Committee /Joint Committee to the House. The said report will be laid on table of the House and the Bill will be considered clause-by-clause.

(3) The “Third stage” consists of discussion on the motion that the Bill be passed. If the motion is passed, the Bill will be considered as passed by the Legislative Assembly.

(4) After Bill has been passed by the Legislative Assembly, the Speaker will sign a certificate at the foot of the Bill in the following form:-

“This Bill was passed by the Legislative Assembly of the State of Maharashtra on the day of 20...

Speaker.”.

(5) The certified Bill will be transmitted to the Secretary of the Legislative Council for the consideration of the Council.

**Passing of
Bill by
Council.**

6.14.

(1) The copies of the Bill passed by the Legislative Assembly will be laid on the table of the Legislative Council.

(2) After a Bill has been laid on the table of the Assembly, it is not necessary to make a motion for leave to introduce the same in the Council.

(3) In Legislative Council, the “First stage” consists of discussion on the Bill and on any one of the motion specified in para 6.13 (1).

(4) The “Second Stage” consists of the Bill will be considered clause-by-clause by the Legislative Council.

(5) The “Third stage” consists of discussion on the motion that the Bill be passed. If the motion is passed, the Bill will be considered as passed by the Legislative Council.

(6) After passing of the Bill by Council (originating in Assembly), it is considered, the Bill has been passed by both Houses.

(7) After Bill has been passed by the Legislative Assembly and Legislative Council, if the Bill is the Legislative Assembly Bill, the Speaker will sign at the foot of the Bill; and if the Bill is the Legislative Council Bill, the Chairman will sign at the foot of the Bill.

**Procedure in
case of Bill
originating in
Council (Rule
149 of MLA
Rules).**

- 6.15** (1) Where the Bill is introduced in the Council, the copy of the Bill passed by the Council will be transmitted to the Assembly and will be laid on the table of the Assembly.
- (2) After a Bill has been laid on the table of the Assembly, it is not necessary to make a motion for leave to introduce the same in the Assembly.
- (3) At any time after copies of a Bill have been laid on the Table, the Minister in charge of Bill will give notice of his intention to move the Bill and thereupon the provisions of rules 119 to 157 of Assembly Rules will be applicable for passing of Bill.
- (4) After passing of the Bill by Assembly (originating in Council), it is considered, the Bill has been passed by both Houses.
- (5) While each Bill has to undergo the three readings or stages mentioned above, some categories of Bills such as Government Bills, Money Bill and Financial Bills and private members' Bills, (Non-official Bill) have special procedural aspects and are, therefore, treated separately.

**Amendments
in Bill
134/130.**

- 6.16** (1) Any member may at the time of consideration of Bill move an amendment to the Bill.
- (2) The Speaker have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendments to give such explanation of the object of the amendments as may enable him to form a judgment upon it.
- (3) Amendments are considered in the order of the clauses to which they relate.
- (4) If the amendment is accepted, it becomes part of the Bill.
- (5) The detail procedure of passing of Bill with or without amendments is provided in rules 136 to 151 of Assembly Rules and in rules 132 to 146 in the Council Rules.

**Withdrawal
of
amendments
Rule 135/131.**

- 6.17.** An amendment moved to the Bill may be withdrawn, by leave of the House, on the request of the member moving it.

6.18. Article 197 of the Constitution provides the procedure of deemed passing Bill by Houses of the State Legislature.

“197. Restriction on powers of Legislative Council as to Bills other than Money Bills.- (1) If after a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council—

(a) the Bill is rejected by the Council; or

(b) more than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it; or

(c) the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree,

the Legislative Assembly may, subject to the rules regulating its procedure, pass the Bill again in the same or in any subsequent session with or without such amendments, if any, as have been made, suggested or agreed to by the Legislative Council and then transmit the Bill as so passed to the Legislative Council.

(2) If after a Bill has been so passed for the second time by the Legislative Assembly and transmitted to the Legislative Council—

(a) the Bill is rejected by the Council; or

(b) more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it; or

(c) the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree,

the Bill shall be deemed to have been passed by the Houses of the Legislature of the State in the form in which it was passed by the Legislative Assembly for the second time with such amendments, if any, as have been made or suggested by the Legislative Council and agreed to by the Legislative Assembly.

(3) Nothing in this article shall apply to a Money Bill.”.

6.18.1. The detail procedure of deemed passing of Bill, consideration of amendments, rejection of Bill by House is provided in rules 141 to 147 of the Assembly Rules.

6.18.2. The detail procedure of consideration of amendments, return of Bill by Assembly, procedure in case Bill passed for second time by Assembly, is provided in rules 137 to 142 of the Council Rules.

Procedure in
case of
Money Bill,
Article 198 of
Constitution.

6.19. Article 198 of the Constitution provides the procedure of passing of Money Bill.

“198. Special procedure in respect of Money Bills. (1) A Money Bill shall not be introduced in a Legislative Council.

(2) After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative Council.

(3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Legislative Council and accepted by the Legislative Assembly.

(4) If the Legislative Assembly does not accept any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the Legislative Assembly without any of the amendments recommended by the Legislative Council.

(5) If a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly.”.

Procedure in
case of
Money Bill.
Rule 148 of
Assembly
Rules.

6.20. The detail procedure of passing of Money Bill is provided in rule 148 of the Maharashtra Assembly Rules.

“148.Procedure in case of Money Bills. (1) After a Money Bill has been passed by the Assembly, the Speaker shall sign a certificate at the foot of the Bill in the following form :—

“This Bill was by the Legislative Assembly of the State of Maharashtra on the..... day 20 .

I certify that this is a Money Bill.

Speaker.”

(2) The Bill so certified shall be transmitted to the Secretary of the Council for the recommendations of the Council.

(3) If any recommendations are made by the Council in the Bill and the Bill is returned to the Assembly with a message asking for the acceptance of the recommendations by the Assembly, copies of the message so received shall be sent to all members and copies of the Bill with the recommendations shall be laid on the Assembly table.

(4) The member-in-charge may then, after giving three days' notice, move that the recommendations made by the Council be taken into consideration. If the motion is carried, the Speaker shall put to the Assembly, the recommendations as amendments to the Bill in such manner as he thinks most convenient for their consideration. If the motion is lost or if the Assembly does not accept any of the recommendations, the Bill shall be deemed to have been passed by the Assembly and the Council in the form in which it was originally passed by the Assembly.

(5) If the Assembly accepts any amendment or amendments as recommended by the Council, the Bill shall be deemed to have been passed by both the Houses with the amendment or amendments recommended by the Council and accepted by the Assembly.

(6) After a Money Bill is deemed to have been passed by the Assembly and the Council, the Speaker shall sign a certificate at the foot of the Bill that it is a Money Bill and the Secretary shall then send a copy of the Bill signed by the Speaker for submission to the Governor through the Secretary to the Government of Maharashtra, Law and Judiciary Department.”.

**Procedure
in the case
of Money
Bills passed
by
Assembly,
rule 143 of
Council.**

6.21. “143. Procedure in the case of Money Bills passed by the Assembly.- (1) Copies of every Money Bill passed by the Assembly and transmitted to the Council shall be laid on the table of the Council. The date of the receipt of the Money Bill by the Council shall be reported to the Secretary of the Assembly.

(2) At any time after the Money Bill is laid on the table of the Council under sub-rule (1) of this rule, any Minister may, after giving three days' notice, move that the Money Bill as passed by the Assembly be taken into consideration. On such motion the general principles of the Bill may be discussed, but the detailed provisions shall not be discussed.

(3) If the motion is carried, the Chairman shall submit the Bill to the Council clause-by-clause. At this stage amendments to be recommended to the Assembly may be moved to the Bill. The amendments shall be considered in the order of the clauses to which they relate :

Provided that with the permission of the Chairman amendments may be taken in any other order.

(4) If the motion is lost, the Bill shall be deemed to have been returned to the Assembly without any recommendations.

(5) If the Council has no recommendations to make, the Bill shall be returned to the Assembly with a message to that effect.

(6) If the Council has recommendations to make, the Bill shall be returned to the Assembly with a message asking for the acceptance by the Assembly of the recommendations made by the Council.

(7) On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that a Bill is a Money Bill within the meaning of Article 199 of the Constitution and should not be proceeded with in the Council, the Chairman shall if he holds the objection valid, direct that further proceedings in connection with the Bill be terminated.”.

**Withdrawal
of Bill from
House Rule
154/149
MLA/ MLC
Rules.**

6.22. (1) A Bill can be withdrawn at any stage with the leave of the House.

(2) When the Originating Department decides to withdraw a Bill from either of the House of State Legislature, it will take the approval of the Cabinet for such withdrawal.

(3) The Originating Department will prepare the motion in consultation with the Law and Judiciary Department and will send such motion to the Secretary, Maharashtra Legislature Secretariat under the signature of the concerned Minister, for withdrawal of such Bill.

**Procedure
when Bill
referred to
Select
Committee.
Rule 126 of
MLA
Rules/122ML
C Rules.**

6.23 (1) In case of Assembly Bill, the provisions of sub-rules (2) and (3) of rule 194 and of rules 195 and 196 will apply when any Bill is referred to a Select Committee. The Minister-in-charge of the Bill is *ex-officio* member of the Select Committee. The Committee consists of not more than fifteen members including *ex-officio* member.

(2) In case of Council Bill, the provisions of sub-rules (2) and (3) of rule 189 and of rules 190 and 191 will apply when any Bill is referred to a Select Committee. The Minister-in-charge of the Bill is *ex-officio* member of the Select Committee. The Committee consists of not more than ten members including *ex-officio* member.

6.23.1 The Committee may hear expert evidence and representatives of special interest concerned with the matter of Bill referred to it.

6.23.2 A Select Committee have power to make such amendments in the Bill referred to it as are relevant to the subject-matter and within the scope of the Bill.

6.23.3 The Minister-in-charge of the Bill presents the report of Select Committee in the House. The Minister-in-charge may make brief explanatory remarks about the changes made in the Bill by the Select Committee. The Minister-in-charge moves the report for consideration of the House.

6.23.4 The Select Committee report of the Bill shall be published in the *Official Gazette*, by the Maharashtra Legislature Secretariat.

**Procedure
when Bill
referred to
Joint
Committee.**

6.24. The Bill introduced in either of the House may be referred to the Joint Committee of both Houses, if a motion is passed in the House.

6.24.1 The motion to refer the Bill to the Joint Committee is moved by the Minister-in-charge of the Bill. The strength of the Joint Committee is decided by the Member-in-charge.

6.24.2 The Minister-in-charge of the Department concerned is the *ex-officio* member of the Committee. After the Committee is constituted its Chairman is nominated by the Speaker/Chairman. He is usually the Minister-in-charge of the Bill. These details have to be incorporated in the body of the motion in the forms at *Annexures XIX (6)*.

- 6.24.3** The motion is passed by one House, a concurrence motion in the form at *Annexure XX* (6), has to be moved by the Minister-in-charge in the other House. On the passing of the concurrence motion as above, another motion is moved by the Minister-in-charge mentioning the names of the members of that House, who will serve on the Joint Committee.
- 6.24.4** The number of members of the Assembly nominated on such Committee shall be not less than two-thirds of the total number of members of such Committee excluding the Minister-in-charge and members of the Council nominated on such Committee shall be not less than one-third of the total number of members of such Committee. The detail provisions are made in the Rules 198 and 199 of the Assembly Rules and Rules 193 and 194 of the Council Rules, respectively.
- 6.24.5** A final motion is then made in the original House for constituting the Joint Committee mentioning the names of members of the House who will serve on the Committee (*vide Annexure XX* (6)).
- 6.24.6** The Administrative Department may take the help of the officers of the Maharashtra Legislature Secretariat and the Parliamentary Affairs Department, for finalizing the procedure.
- 6.24.7** The Joint Committee have power to make such amendments in the Bill referred to it as are relevant to the subject-matter and within the scope of the Bill.
- 6.24.8** All matters connected with the working of the Joint Committee are looked after by the Maharashtra Legislature Secretariat.
- 6.24.9** In case of Assembly Bill, rules 129 to 133 of the Assembly Rules will be applicable and in case of Council Bill, rules 127 to 129 of the Councils Rules will be applicable, for consideration of Bill by the Joint Committee and presentation of Report to the House.

- 6.25** (1) The Joint Committee decides the procedure to consider the Bill. As per the practice followed, the Committee decides,-
- (a) to publish the Bill for eliciting opinion,
 - (b) to call suggestions from general public, MLA, MLC, MP of the State on Bill,
 - (c) to take views of the experts on the subject of Bill/other persons as committee decides in the meeting,
 - (d) to visit institutions, offices, other States, etc., to consider their views on Bill.
- (2) The Committee may hear expert evidence and representatives of special interest concerned with the matter referred to it.
- (3) The Bill (Marathi copy) will be read clause-by-clause in meeting of the Committee. The members of the Committee may suggest amendments to clauses of Bill. If the Committee accepts the suggestions, the amendments are incorporated in the Bill. The detail minutes of the meeting are prepared by the Maharashtra Legislature Secretariat.
- (4) The Secretary, Maharashtra Legislature Secretariat will send minutes of every meeting to the Law and Judiciary Department and to the concerned Administrative Department of the Bill.
- (5) The Law and Judiciary Department will prepare the List of draft amendments (see *Annexure VIII*), as per the minutes received from the Secretary, Maharashtra Legislature Secretariat and forwards the same to the concerned Administrative Department of the Bill for approval. The Administrative Department will send it to the Secretary, Maharashtra Legislature Secretariat, for the approval of the Committee.
- (6) After approval of amendments by the Committee, the amendments will be incorporated in the Bill (English and Marathi Bills) by concerned officers of the Maharashtra Legislature Secretariat.
- (7) The officers of the Maharashtra Legislature Secretariat will prepare the Report of the Joint Committee (in English and Marathi).

Presentation of Report of Joint Committee.	6.26 (1) The Report of the Joint Committee on a Bill will be presented to the House (in which motion for Joint Committee was passed) by the Minister-in-charge of the Bill. In presenting the Report, the Minister-in-charge may make brief explanatory remarks about the changes made in the Bill by the Joint Committee. (2) The Minister-in-charge of the Bill will moves the motion for consideration of the Bill for the House. (3) After a motion has been agreed to by the House, a Bill will be taken into consideration clause-by-clause. (4) The Bill will be passed as per the regular procedure of passing of Bill by House (See procedure in 6.13 to 6.15). (5) The Joint Committee Report of the Bill will be published in the <i>Official Gazette</i>, by the Maharashtra Legislature Secretariat.
Lapse / continuance of Bill 156/151 MLA/MLC Rules.	6.27 (1) Before a Bill has been passed, if no motion in regard to it is made during the period of one year, the Bill will be lapsed. (2) The concerned House may, on a motion by the concerned Minister, in the next following Session, make a special order for the continuance of the Bill. Seven clear days' notice shall be necessary for such motion. (3) A Bill in regard to which the House has made a special order shall be continued from the stage at which it was when lapsed.
Procedure when Bill is circulated for eliciting opinion 125/121, MLA/MLC Rules.	6.28 (1) Where a motion that a Bill be circulated for the purpose of eliciting opinion is carried and the Bill is circulated in accordance with that direction and opinions have been received thereon within the period specified, the Minister-in-charge if he wishes to proceed with the Bill thereafter shall move that the Bill be referred to a Select Committee unless the Speaker/Chairman, in exercise of his power to suspend this provision, allows him to make a motion that the Bill be taken into consideration. (2) On a motion made under this rule, the general provisions of the Bill may be discussed in the light of the opinions received on the Bill. (3) When the Bill is to be circulated for eliciting opinion, necessary action is taken by the Maharashtra Legislature Secretariat and the Bill is processed as per the provisions of rule 125 of Assembly Rules/ rule 121 of Council Rules.

Power to correct patent errors.	6.29	When a Bill is passed by the House, the Speaker under rule 138 of Assembly Rules, and the Chairman under rule 134 of the Council Rules, have power to correct patent errors and make such other changes in the Bill as are consequential on the amendment accepted by the House.
Authentic copies of Bill 152/147, MLA/MLC Rules.	6.30	When the Bill is passed by Both Houses or deemed to have been passed by Assembly and Council, the Authentic copies of the Bill will be signed by the Speaker/Chairman, as the case may be, in which House the Bill was introduced. The Maharashtra Legislature Secretariat will send Authentic copies of the Bill to the Secretary (Legislation) Law and Judiciary Department, for forwarding the same to the Governor for assent.
Governor's assent to Bill.	6.31	(1) The Secretary (Legislation) Law and Judiciary Department will send two Authentic copies of the Bill to the Governor along with letter addressed to the Secretary to the Governor for the assent to the Bill under Article 200 of the Constitution and one copy will be retained for the record in the file. (2) A copy of the forwarding letter will be send to the concerned Originating Department for information. (3) Along with the letter and Authentic copies, the following copies (Marathi and English) will be sent to the Governor,- (a) One copy of Bill as introduced in the Maharashtra Legislative Assembly with Statement of Objects and Reasons. (b) One copy of Bill as passed by the Maharashtra Legislative Assembly. (c) Two copies of the Bill as passed by the Maharashtra Legislative Council. (d) If the Bill was referred to the Select Committee /Joint Committee, the copy of the Report of Select Committee /the Joint Committee.
President's assent to Bill.	6.32	(1) If the Bill requires to be reserved for the assent of the President under Article 254(2) of the Constitution, the Secretary (Legislation) Law and Judiciary Department will send three Authentic copies of the Bill to the President through Secretary to the Governor.

(2) Along with the letter and Authentic copies, the following copies (Marathi and English) will be sent to the Governor,—

(a) Ten copies of the Bill as introduced in the Maharashtra Legislative Assembly with Statement of Objects and Reasons.

(b) Ten copies of the Bill as passed by the Maharashtra Legislative Assembly.

(c) Ten copies of the Bill as passed by the Maharashtra Legislative Council.

(d) If the Bill was referred to the Select Committee /Joint Committee, the copy of the Report of Select Committee /the Joint Committee.

Note.—Additional two copies of each stages of the Bill shall be sent along with the letter to Secretary to the Governor for office record and to take following.

(3) A copy of the forwarding letter will be sent to the concerned Originating Department for information and to the Special Commissioner to the Government of Maharashtra, Maharashtra Sadan, Copernicus Road, New Delhi, with two copies of the Bill, with a request to move the Government of India to obtain the assent of the President to the Bill and to convey the same to the Law and Judiciary Department.

6.33 The Office of the Governor will send the Authentic copies of the Bill to the President for assent with forwarding letter. A copy of the forwarding letter will be sent to the Secretary (Legislation) Law and Judiciary Department and concerned Originating Department, for information.

CHAPTER VII

DUTIES AND RESPONSIBILITIES OF ORIGINATING DEPARTMENT IN LEGISLATION AND SUBORDINATE LEGISLATION WORK

- (A) Duties and responsibilities of officers of Administrative Department in case of Bill.-** The Originating Department shall have the following duties in the process of Legislative proposals,–

Intimate to Law and Judiciary Department.	(1) Intimate in advance to the Law and Judiciary Department about the proposed legislative proposals.
Formulation of Policy.	(2) Before preparing any legislative proposal formulate the policy first, containing purpose of the legislation, scope of the legislation, achievements, administrative approvals, financial aspects, etc.
Follow the time table.	(3) Follow the time frame specified in Chapter III while forwarding the legislative proposals to the Law and Judiciary Department.
Consultation with other Department or Authorities.	(4) Take the concurrence of other Departments on administrative grounds, if necessary, before forwardings the file to the Law and Judiciary Department.
Approval of Finance Department.	(5) If any financial implications are involved in the proposal, take approval of the Finance Department.
Examine legal and constitutional feasibility of proposal.	(6) Before bringing any legislative proposal to the Cabinet, always refer the file to the Law and Judiciary Department, for examining the legal and constitutional feasibility of the proposal.
Preparation of draft Bill with SOR.	(7) While forwarding the file to the Law and Judiciary Department always send along with file draft amendments with Statement of Objects and Reasons.
Cabinet Note.	(8) The Cabinet Note of every legislative proposal shall be forwarded to the Law and Judiciary Department (Legislation Branch).
Forward draft to Law and Judiciary Department for scrutiny.	(9) (a) After Cabinet approval, prepare the draft Bill in English with Statement of Objects and Reasons, in duplicate, as per the Cabinet decision and forward the file to the Law and Judiciary Department (Legislation Branch) for scrutiny of the draft Bill along with the Cabinet decision.

	(b) Forward the hard and soft copy of the draft (in duplicate) along with the file.
	(c) Remain present for discussion while finalizing the draft in the Law and Judiciary Department (Legislation Branch).
Verification of draft.	(10) When the draft received from the Law and Judiciary Department, check draft carefully.
Communicate to Legislation Branch.	(11) If the draft Bill meets the requirements of the Department, communicate the same to the Law and Judiciary Department. If any changes/corrections are made in the draft, show it by ink.
Checking of copies.	(12) Check Marathi and English copies of the drafts forwarded by the Law and Judiciary Department.
Signature of Minister on Notice of Bill.	(13) Obtain the signature of the Secretary of the Department and concerned Minister on the Notice papers of the Bill and Governors recommendation.
Briefing to Minister.	(14) Brief to the concerned Minister in respect of the provisions of the Bill.
Citation of Bill.	(15) Collect the Citation Form from the Maharashtra Legislature Secretariat and give to the Minister at the time of introduction and passing of Bill in the House.
Attending House while passing Bill.	(16) Remain present in the concerned House at the time of introduction consideration/passing of Bill.
Checking of Gazette copies.	(17) Check Gazette copies of the Act after publication in the <i>Official Gazette</i> .
Bringing into force provisions of Act.	(18) If the Government has taken power in the Act to bring into force the provisions of the Act in future date, take necessary steps to issue notification, to bring into force the provisions of the Act with the approval of the concerned Minister.
Prepare Rules.	(19) If the Act provides to make rules, prepare draft rules within six months.

7.2 (B) Duties and responsibilities of officers of Administrative Department in case of Ordinance.

Formulation of Policy.	(1) Before preparing any legislative proposal to promulgate an Ordinance, formulate the policy first, it includes purpose of the legislation, scope of the legislation, achievements, administrative approvals, financial aspects, etc.

Provide urgency.	(2) Provide the urgency to promulgate an Ordinance in the file.
Prepare draft.	(3) Prepare the draft Ordinance with Statement.
Same duties provided for Bill.	(4) The same duties provided for Bill, above will be applicable for preparation and finalization of draft Ordinance.
President's Instructions.	(5) If the provisions of Ordinance are repugnant to the Central Acts, obtain the Instructions of the President before promulgation of an Ordinance.
Submission of draft Ordinance to Governor.	(6) Submit draft Ordinance file to Governor, for signature.
Publication of Ordinance.	(7) After Governor Signature on the Ordinance, immediately handover the file to the Law and Judiciary Department for publication of an Ordinance alongwith Note.
Checking of Gazette Copies of Ordinance.	(8) Check Gazette copies of the Ordinance published in the <i>Official Gazette</i> .
Post-promulgation action.	(9) As soon as the Ordinance is promulgated, the following action shall be taken,- (i) Shall take signature of the concerned Minister on the Motion supplied by the Law and Judiciary Department, to lay the Ordinance before both Houses of the State Legislature. (iii) Shall send the said motion to the Maharashtra Legislature Secretariat.
Conversion of Ordinance into Bill.	(10) In case, the Department has decided not to convert the Ordinance into Bill, communicate the same to the Law and Judiciary Department and the Parliamentary Affairs Department.

7.3 (C) Duties and responsibilities of Administrative Department in case of Subordinate Legislation.

Initiation of proposal.	(1) Initiate the proposal to issue notifications/rules/orders, etc., require under the Act.
Use earlier similar precedents.	(2) While preparing the draft of notifications/rules/orders, etc., use/refer earlier similar precedents.
Scrutiny/vetting of rules,	(3) Refer the files of notifications/rules/orders, etc., to the Law and Judiciary Department for its scrutiny/vetting.

notifications.

**Discussion
with L&JD.**

(4) To avoid delay in work, before sending file to the Law and Judiciary Department, if necessary, discuss the proposal with the concerned officer of the Legislation Branch.

(5) Remain present for discussion in the Law and Judiciary Department.

(6) Send two copies of draft alongwith file for scrutiny.

**Laying of
rules.**

(7) Send the Gazette copies of the rules, notifications, etc., which are required to lay before both Houses of the State Legislature/Subordinate Legislation Committee to the Secretary, Maharashtra Legislature Secretariat.

(8) In case of recruitment rules, follow the procedure prescribed by the General Administration Department.

CHAPTER VIII

SALIENT FEATURES OF ACT

(A) Main parts of Act :—

The Principal Act generally contains the following parts. The officer who drafts the legislation shall know the parts of the Act and where to use the same.

Long title. 8.1. Long title is an important part of the Act. Every Act has a long title, which indicates the subject matter of the Act and gives an important clue as to what the law is all about. The long title may be referred for the purpose of ascertaining its general scope and falling light on its construction. A comprehensive long title serves a valuable purpose to communicate the intended spirit and scope of the Act.

The policy and purpose behind an enactment may be deduced from its long title. Long title gives an idea of what the Act proposes to deal with in a nutshell. It can be shorter or long depending upon the matters which should be briefly referred to explain the main purpose of the Act. It should be explanatory and give the background of the enactment.

When a Bill is enacted long title becomes part of the Act. The long title can be used for the purpose of interpreting the provisions of the Act as a whole and ascertaining the meaning in the same manner as preamble is used. Since the long title is an indicator of the subject-matter of the Act, therefore care should be taken in drafting the long title.

Preamble. 8.2. Preamble contains a detail background of the Act. The Preamble expresses the scope, object and purpose of the Act. It provides the ground cause of making law. The object of Preamble can be served equally well by the long title in almost all cases. The policy and purpose of an Act can be ascertained from the Preamble of the Act. It contains the ideas and aspiration of the legislation.

Preamble can be used to interpret the provisions of the Act. Preamble is the part of the Act and can be read alongwith other provisions of the Act in case of interpretation of the provisions of the Act.

- Enacting formula.** 8.3. Enacting formula comes after long title and Preamble; it is always a very small portion of it. The pattern of enacting formula in State Act and Central Acts is different.
- In the State Acts, enacting formula is “it is hereby enacted in the Seventy –sixth Year of the Republic of India as follows:-
- In Central Acts, enacting formula is “BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—”.
- Short title.** 8.4. Short title is the name of the Act. As a rule, every Act of the Legislature must have a short title, is usually ending with the year in which the Bill is introduced in the House. The purpose of the short title is to facilitate the reference and identification of the Act. It indicates the subject of the Act in very brief.
- Every Act is also indicated by the number assigned to it in the year in which it is published in the *Official Gazette*.
- Section 29 of the Maharashtra General Clauses Act, provides that in any Bombay Act or Maharashtra Act, and in any rule, by law, instrument or document made under, or with reference to, any Bombay Act or Maharashtra Act any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof.
- The drafting practice is to include the short title, the extent clause and the commencement clause, if any, in a single section divided into three sub-sections.
- Commencement clause.** 8.5. Commencement clause contains the provisions about the date of enforcement of the Act. In most of the cases, the date of the commencement of the Act is provided in the Act itself.
- In some cases, it is necessary to give retrospective effect to the provisions of the Act. In such cases, the retrospective date is provided in commencement clause of the Act.
- Section 5 of the Maharashtra General Clauses Act (I of 1904) contains provisions, when the provisions of the State Acts shall come into force.
- (1) **Act.-** In certain cases, it may not be possible to bring into force all the provisions of the Act immediately. It is necessary to bring it into force on some convenient date in future. In such cases, the Government takes the power to appoint the date, by notification in the *Official Gazette*, when the Act shall come into force.
- Where the rules will have to be made; necessary functionaries will have to be appointed, provisions of Act shall have to bring into force step by step, sometimes the Act brings into force in different

parts on different dates, and various other factors to be considered by the Government, in such cases, the Government takes power to issue notification in the *Official Gazette*, for bringing into force the provisions of the Act in future date.

Different wordings are adopted in the commencement clause depending on the needs and circumstances of each case.

(2) **Ordinance.**—An Ordinance is promulgated as a emergency measure therefore, it has to come into force immediately. It is a customary practice to provide commencement clause in Ordinance as “It shall come into force at once”. It means the date on which the Ordinance is published in the *Official Gazette*, the provisions of the Ordinance shall come into force on that date.

Extent. 8.6. Extent clause provides, where the Act shall be made applicable. It provides the jurisdiction of the Act. It indicates the area to which the Act shall be applicable. Maharashtra Acts, provides, “It extends to the whole of the State of Maharashtra”.

Sometimes, the Act is made applicable for certain area of the State or excludes the certain area from application of Act.

Amending Acts do not require extent clause as they would naturally have the same extent as the principal Acts which they amend.

It is not necessary always to make the extent provision in Act.

Duration. 8.7. Certain laws are enacted for certain duration or for short stipulated period. The duration of such Act is specified in this clause. Such laws cease to be effective after the expiry of the period stipulated therein.

In exceptional cases this proviosn is made in Act.

Application. 8.8. Application clause provides to whom the Act will be applicable. It provides the categories of persons, institutions, authorities, legal entities to whom the Act will be applicable.

This provision is made as per necessity.

Definitions. 8.9. Definitions clause usually comes after short title. Definitions are an important tool in legislative drafting. The purpose of the definition is to define the meaning of the words or expressions used in the Acts in order to avoid their repetitions or to confine specific meaning to such words or expressions or to exclude something from them.

Definitions are intended to avoid ambiguities and by means of abbreviation, tedious repetitions. General definitions are defined in the General Clauses Act. (Maharashtra General Clauses Act See

Annexure XXIII) If the definitions are defined in the General Clauses Act, it need not be defined again in the Act, if they have same meaning. If special meaning is needed of the term than the word defined in the General Clauses Act, then such terms are defined in the Act. The word defined in the definition clause will have the same meaning throughout the Act.

The definition may be inclusive or exclusive. The meaning given to the word or phrase is applied wherever it occurs or appears in the Act, unless the contrary intention is clearly indicated in the context.

More words should not be used than are necessary to make the meaning clear. Every superfluous word may raise a doubt and dispute in court. Different words should not be used to express the same thing. The same word should not be used with different meanings.

**Chapters/
Parts and
Heading.**

8.10. When any Act is bulky and different subjects are covered in the Act, conveniently the provisions of the Act are divided into Chapters for sake of clarity.

Sometimes headings are given to group of sections as per their contents in the Chapter.

**Marginal
notes.**

8.11. Marginal note is the first guide for the user of the Act. Marginal notes are captions attached to every section. Marginal notes are convenient for the purposes of the reference. The object of the Marginal notes is to give clear indication of the contents of that section; it gets a fair idea of the contents of sections. It is a test to determine whether given subject should be dealt with one or more sections.

Marginal note should be in short or brief and distinctive. It should not attempt to summarize the contents of the clause to which it relates. Marginal note should be brief, precise, distinctive, accurate and to the point.

Section, sub-section, clause, etc. **8.12.**

(a) **Section**—Section is the part of Act. Section is a substantive and an important part of an Act. Sections are drafted keeping in view the continuity of the subject dealt within an Act. While drafting a section, care must be taken that it should not be too long and if it is, then it is necessary to divide it further into sub-sections and clauses to bring clarity to the matter that is dealt with in the section.

Section normally deals with a complete aspect of the subject such as the establishment of authority or constitution of statutory corporation or Board, its composition, its members and their powers and duties, qualifications, removal, etc.

For the purpose of easy flow, understanding and clarity, the section is divided into sub-sections and sub-sections into clauses and sub-clauses and further into items as per requirement. However, the sub-division of section into parts and their nomenclature depends upon the choice of draftsman and there are no fixed rules in this respect.

(a) **Sub-section**.—Section is divided into sub-sections.

(b) **Clause**.—Sub-section is divided into clauses. Some time, section has no sub-sections but section is divided into clauses.

(c) **Sub-clause**.—Clause is divided into sub-clauses.

(d) **Paragraph**.—Sub-clause is divided into paragraph.

(e) **Sub- paragraph**.—Paragraph is divided into sub-paragraph.

Article. **8.13.**

Articles are contained in the Constitution of India. Article is sub-divided in clauses and sub-clauses.

Sometimes the Schedules are appended to the Acts; the entries in the Schedules are also called as Articles. e.g Schedule appended to Stamp Act, Entries in the Schedule are called Articles.

Proviso. **8.14.**

A proviso is an exception to section or sub-section or clause. The purpose of the proviso is to qualify or make exception certain provisions of the main Act or section or sub-section or clause. A proviso is used to express that something which is not part of the section or sub-section or clause. Proviso is used to remove special cases from general provisions and to provide for them specially.

The proviso should only be used to create an exception and not to create a condition. Proviso is used to qualify or make exception to certain provisions from the operation of main section or sub-section or clause.

The proviso is used to limit the application of the enacted provision so as to except something which would have otherwise

been within it or in some measure to modify the enacting clause or section. Sometimes a proviso may be imbedded in the main provision and becomes the integral part of it so as to amount to a substantive provision itself. The proviso should not travel beyond the provision to which it is made.

Explanation. 8.15. An Explanation is appended to section/sub-section/clause, to explain the meaning and intention of the main provision or words contained in the section/sub-section/clause. An Explanation is used where there is obscurity or vagueness in the main provision or to provide an additional support to the main provision and to make it meaningful and purposeful or to clarify the same as to make it consistent with the dominant object which it seems to subserve.

An Explanation may be added to include something within or to exclude something from the ambit of the main provision or the connotation of some words occurring in it. It explains the meaning and intendment of the main provision.

The purpose of an Explanation is to explain certain words, phrases or some aspect or concept of the main provision.

Illustrations. 8.16. Illustration to the section is part of the section and help to elucidate the principle of the section. It cannot have effect of modifying the language of section and they cannot either curtail or expand the ambit of section which alone forms the Act.

Illustration also serves the same purpose as that of the Explanation. An illustration to a statutory provision merely illustrates a principle and cannot be exhaustive in terms of application of the provision. It illustrates the true scope and ambit of the section and has to be read subject to the relevant provision itself.

Now a days Illustrations are used rarely in drafting of legislation.

Schedules. 8.17. The Schedules are appended at the end of the Act. The purpose of the Schedule is to avoid encumbering the sections in the Act with matters of excessive details.

The Schedule is convenient device for including matters in detail which can't be made in the main part of the Act. Schedules are attached to the Act to avoid unnecessary bulkiness. Schedules contain details and forms for working out policy underlying the sections of the Act.

Occasionally the Schedules contain such rules and forms which can be suitably amended according to local or changing by process simpler than normal one required for amending other parts of the Act.

A Schedule should be given a description heading and should bear a reference to the sections or regulations which refer to it.

Matters of principal Act should not be included in the Schedule. The forms to be prescribed, the rates at which tax/duties may be levied, the form in which oaths may be administered, the principles for determined compensation, amendments to be made in other Act where large number of amendments are involved, etc., are provided in the Schedules. The Schedule is normally read together with the provisions of the Act.

Power to alter or modify or amend the Schedule is conferred in the Act subject to conditions.

The Expression is used as “First Schedule” “Second Schedule” “Third Schedule” and not as “Schedule I”, “Schedule II”, “Schedule III”.

Forms. 8.18. Forms are merely examples/pro forma. The forms provides the format for return to be submitted, applications under Act to be made, notice to be issued, etc. The format of Forms are appended to the Act at the end.

Annexure. 8.19. The Annexures are sometimes appended to the principal Act. It provides supplementary provisions read with the provisions of the Act.

(B) Other contents of Act

Duration of 8.18 Duration clause provides the period for which the Act will
Act. remain in force. After that period the Act will expire.

The general rule regarding duration of Act is that it continues in force until it is repealed. But where the Act is intended to be temporary, it will generally specify a date when it will expire or it may empower some authority to fix the date or it may provide for its expiry upon the occurrence of a contingency.

Declaration. 8.19 Certain Act contains a declaratory clause, which declares the need or requirement for which the Act is enacted.

Establishment of Authority /Board.	8.20.	The Act provides for establishment of Authorities or constitution of Boards. In such cases, it is necessary to make provision of “composition of Authority/Board,” qualification of appointment, disqualification of members, term of office in case of non-official members, powers and duties, allowances to be paid, staff of Authority/Board, service conditions of employees, etc.
Constitution/ establishment of legal entity.	8.21.	When any Corporation, Body or Authority is constituted in permanent nature or with perpetual succession is to be set up with power to hold and dispose of property, it is convenient to create legal entity of such Corporation, Body or Authority under the Act. In such cases, the following provision is made:- “the ... Corporation/University/Authority shall be a body corporate having perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both moveable and immovable, and to contract and to do all things necessary for the purposes of this Act.”.
Power to levy (fee, tax, etc.)	8.22.	(a) Tax—Article 265 of the Constitution of India provides that no tax shall be levied or collected except by authority of law. Every taxing statute has a charging section and procedure for collection of tax. There are three components of taxing statutes viz. subject of tax, person to pay the tax and the rate of tax is levied. In case of exemption, specific provision of exemption of tax should be made in Act. While drafting tax laws the provisions of Articles 246A, 285, 286, 287, 288 and 289 of the Constitution shall be considered. When any Act empowers the Government to levy tax, the rate of tax should be provided in section it-self or where there are slabs of tax, they may be provided in the Schedule of the Act. e.g. the Maharashtra Electricity Duty Act (Mah. XL of 1968), the Maharashtra Stamp Act (LX of 1958), tax is provided in Schedule. In case of exemption from payment of tax, specific provision should be made in the Act to give exemption from payment of tax. (b) Fee.—When under any Act, fee is to be levied, specific power to levy of fee should be made in the Act. Entry 96 in List I, entry 66 in List II and entry 47 of List III of the Constitution empowers to levy fee. Fee may be levied for services rendered. There should be correlation for levy of fee and services rendered. General fee can be collected for making an application, filing of an appeal, etc.

Exemption from Act. **8.23.** The provision is made in the Act, to exempt/exclude certain establishments/persons or category of persons from the purview of the Act or from certain provisions of the Act.

Sometimes it is necessary and desirable to vest the powers to the Government, to exempt from the operation of the Act any person, class of persons, property, institutions, goods, things, etc, as the application of the Act, for public purpose. However, it shall ensure that, it shall not violate Article 14 of the Constitution.

Penal provisions. **8.24.** When regulatory laws are enacted, the provisions of offences for violation of the provisions of the Act are made by way of imposition of fine or penalty or punishment.

Penalty is imposed, on violation of the provisions of the Act or rules, by the authorities to whom the power is conferred by the Act. It is applied both civil and criminal laws. Penalty refers as disciplinary measure for violation of provisions of Act.

The penal provisions may be criminal or civil nature. When the provision of fine or imprisonment is made, the offences are tried by the courts.

Sometime the provisions are made to impose penalty by the administrative authority or quasi-Judicial Authority for violation of the provisions of Act and rules which are civil in nature. In such cases, the provision of bar of jurisdiction by civil court is required to be made in the Act and the concerned authorities are empowered to impose penalty.

e.g. Under the Real Estate (Regulation and Development) Act, 2016, the Real Estate Regulatory Authority is empowered to impose penalty for violation of the provisions of the Act.

Offences by Company. **8.25.** A company is a legal entity. When in any Act, penalty is provided for violation of the provisions of the Act, in such cases, it is not necessary to distinguish between individual and a company. But when the punishment is provided as imprisonment, in such cases, to fix the responsibilities for the offences committed, a provision of offences by company is made.

A person is being “in-charge of” and “responsible to” the company for the conduct of the business of the company is liable for the offence.

- Compounding of offences.** **8.26.** Where penalty/fine is provided for violation of the provisions of the Act; the cases are filed in the court. If the intention of the Government is not to spent time in litigation, a provision of compounding of offences is made in the Act.
- The compounding of offences is not a matter of right. The offences are compoundable with or without the permission of the court, as provided in the Act.
- The offences which are not serious in nature, offences which are of technical nature caused by an act of omission, private nature offences, taxation related offences, revenue related offences, the intention of the legislature is not to keep the offender behind the bar, such offences are generally made compoundable.
- Power to issue directions.** **8.27.** When the Government intends to give directions to the subordinate authorities for implement of the provisions of the Act, the provision of power to issue directions are made in the Act. This provision shall be made as per the necessity of the Government.
- Appeal.** **8.28.** An appeal is the process in which cases are decided by lower authority and are reviewed by a higher authority or by higher Court. An appeal is made from the decision of lower court to the higher Court or from subordinate authority/ officer, to the higher authority/officer.
- Unless enabling provision of appeal is made in the Act, no appeal can be filed from the orders of subordinate authority/ officer, to the higher authority/officer. The provisions of conditions for filing of an appeal, time limit for filing appeal, condolence of delay, etc, can be made in appeal section.
- Delegation of power/Sub-delegation.** **8.29.** Acts are enacted by State Legislature/Parliament. The State Legislature/Parliament delegates its powers to the Government or to the authorities subordinate to the Government. Delegation includes power to make rules, issue notifications, make bye-laws, issue orders, frame schemes, etc.
- The power conferred by the Act can't be sub-delegated unless it is expressly provided in the Act.

Cognizance of offence.	8.30. Cognizance of offence means taking notice, or becoming aware of the alleged commission of an offence. The court will have to take cognizance of the offence before it could proceed with the conduct of the trial. When the provision of an offence is made in any Act, for violation of the provisions of the Act, unless the Act specifically provides, such offences are tried as cognizable/non-cognizable, bailable/non-bailable, as per the provisions of First Schedule, II Classification of offences against other laws of the Bhartiya Nagrik Surkha Sanhita, 2023. The specific provision of offence, such as cognizable/non-cognizable, bailable/non-bailable, can be made in the Act, as per the nature of the offence. The provision can be made in the Act, when the court can take the cognizance of the offence, like, “no Court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by a person authorised in this behalf by the Government”.
Bar of jurisdiction.	8.31. In cases where, Tribunals/Authorities are established or constituted to file complaint, appeals, imposition of penalty or fine which are civil in nature, the provisions of bar of jurisdiction of civil court is made in the Act. Where the Act gives finality to the orders of the tribunal or Authority, the civil court's jurisdiction are excluded from the Act by making provision of bar of jurisdiction.
Overriding effect.	8.32. When it is necessary to make different provision than the provisions of an existing Act, or when there would be inconsistency between the provisions of existing Act and the provisions of proposed law, in such cases, it is necessary to make provision in new law to give overriding effect over the provisions of existing Act. In cases, where it is not possible to examine all relevant provisions of Acts to decide which provision should be overruled and to what extent, the convenient drafting device is adopted whereby the particular Act is given overriding effect.
Power to amend Schedule/Forms.	8.33. Sometime Schedules are appended to the Act. The Government intends to have flexibility to make changes in the Schedule or frequently changes are required to be made in Schedule, which are procedural in nature, in such cases, instead of going before Legislature for making such changes, the provision to amend Schedule is made in the Act. When the Schedule provides entries or forms or rate of tax, the power is taken with the State Government to amend the Schedule by notification published in the <i>Official Gazette</i>, it includes, to add any entry, to amend any entry or to delete any entry of the Schedule. The provision may also be made to lay down such notification before the Legislature.

Protection of action taken in good.	8.34. Where Government servants or public servants honestly intends to act within his statutory powers, whether reasonably or not, believing in the existence of such facts, state of things as would, if really existing, have justified his conduct, special protection is provided in the Act. The provision of protection of action taken in good faith is made in the Act, so as to give protection from taking legal actions against them presuming that, the actions taken by them are in good faith or they are acting in accordance with the provisions of the law.
Power to make rules/regulations/By-laws.	8.35. Power to make rules, regulations, bye-laws is a delegation of powers by the State Legislature to the Government, Government Authorities, bodies, etc. The substantive/enabling provisions are made in the Act and the procedural part is made in the Rules, regulations, bye-laws. Such Rules, regulations, bye-laws are made by the Government, Authorities, bodies, etc. The provision is also made to lay down such rules before each House of the State Legislature.
Repealed.	8.36. Repealing clause is a provision made in Act to repeal earlier law/statute. The spent Acts or outdated Acts are repealed by separate Act. Repealed may be express repeal, implied repeal or partial repeal. If the State Legislature is competent to enact the Act, it is competent to repeal the Act.
Power to remove difficulties/Removal of doubt.	8.37. The power to remove difficulty section is a power delegated by the State Legislature to the Government to issue an Order in the <i>Official Gazette</i>, in cases where any difficulty arises while implementing the provisions of any new Act. The purpose of incorporating the said provision in the Act is, when any new law is enacted by the State Legislature, or when any law dealing with large schemes of social, industrial or other economic reforms, it may be difficult to foresee at the time of drafting all possible contingencies which may arise as a result of the new legislation, or the Legislature is not sure which difficulties the Government may face while implementing such law. If any difficulty arises while implementing the provisions of such law, the Government is empowered to issue an order by exercising the power under said section, so that the Act can be implemented smoothly. The Government can thereafter make appropriate amendments in the relevant sections by following the procedure, in due course. The Legislature has allowed the Government to exercise such power for limited period of time, generally two or three years from the commencement of the Act. It is permitted to clarify the doubts which may arise while implementing the provisions of the Act. By exercising the said power, the Government can slightly tinker with the Act to round off angularities, and smoothen the joints or remove minor obscurities to make the law workable, but it cannot change, disfigure the basic structure and primary features of the Act. In no

case, under the guise of removing a difficulty, change the scheme and essential provisions of the Act.

Every order issued under this section is required to lay before the House.

Removal of doubts. 8.38.

This provision is made for excessive caution. While amendments are made in any Act, to remove the doubts which may arise while implementing the amended provisions of the Act, such provision is made in the Act. The object of making such provision is to meet unfounded objections and idle doubts.

Transitional provisions. 8.39.

Where an Act contains substantive, amending or repealing Acts, it commonly also includes provisions which regulates the coming into operation of those enactments and modify their effect during the period of transition. A transitional provision modifies the operation of a new Act or other new legislation (or an amendment or repeal of an existing Act or other existing legislation) for a limited time.

Transitional provisions deal with situations that exist before the new Act comes into force, sometimes by keeping the old rules in effect and sometimes by making new rules apply retroactively or immediately.

The function of a transitional provision is to make special provision for the application of legislation to circumstances which exist at the time when the legislation comes into force. Basically, transitional provisions contain rules to ensure a proper and smooth transition from prior law to new law. The objective of such a provision is to bridge the gap between commencement of the Act and its operation prior to it.

Transitional provision is incorporated in the Act when Act is enacted to provide how the Act will operate on facts and circumstances existing on the date it comes into operation or force. The operation of transitional provision is temporary; it becomes spent when all past circumstances with which it is designed to deal have been dealt.

Savings. 8.40.

Saving means to save all rights, the persons already have, not that gives him any new rights. Saving clause is made when any Act is repealed and certain rights, remedies or privileges already existing are saved.

Saving provisions are a type of transitional provision, and they are generally used to retain an existing right or authority that might otherwise be affected by the new law. The saving provisions preserve the right or the authority despite the new law's amendment or repeal of that former law. Saving clause is used to preserve from destruction of certain rights, remedies or privileges already existing.

Validation. 8.41.

The validation clause is incorporated in the Act in situation where actions are carried out without lawful authority and in situation where they may be doubtful about lawfulness of their actions. By this clause, the actions taken by the authorities are validated.

A competent Legislature can always validate a law which has been declared by Courts to be invalid, provided the infirmities and vitiating factors noticed in the declaratory Judgment are removed or cured. Such validating law can also be made with retrospective effect.

Principles to be followed while making validating provisions:-

(1) A validating provision or Act may even make judgments and orders of courts ineffective provided it by retrospective effect removes the cause of invalidity or the basis which had led to those judgments.

(2) While drafting validating legislation, first step is to identify the nature and extent of actions or omissions, or both, which have produced the illegality that is to be cured.

(3) The second step is to identify the extent of the illegality caused by those actions or omissions.

(4) The validating legislation should do no more than remedy the defect or irregularity which is sought to be remedied.

(5) Validating legislation must be by its nature necessarily have retrospective effect.

(6) While drafting legislations having retrospective effect, regard must be had to actions and omissions which have taken place before and circumstances existing at the time when the legislation comes into force.

(7) Care must be taken to the need for indemnity provisions which should be included where it is desired to free from liability any person who has exposed himself to civil or criminal proceeding.

Ordinance repealed clause. 8.42.

Due to temporary nature of Ordinance, it needs to be converted into Act by introducing an Ordinance conversion Bill for permanent effect.

In Ordinance conversion Bill, it is necessary to repeal the Ordinance which is in force. The Ordinance repealing clause is added with saving provisions as the last clause in the Bill. In saving provision, the actions taken or things done under the Ordinance are saved.

Note:- Some contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K.Chakrabarti, Interpretation of Statutes- J. P. Singh, Legislative Drafting- G.C.Thornton.

CHAPTER IX

LEGAL PHRASES, GRAMMATICAL WORDS USED IN DRAFTING

The following legal phrases and terms are frequently used in Acts. The purpose and meaning of the legal phrases and terms are explained below. While drafting of any legislation, it shall be considered by the draftsman.

- Mutatis mutandis* (Referential legislation).** 9.1. Special Acts are enacted for specific purposes. Like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) is enacted for land acquisition and payment of compensation. The detail procedure of land acquisition is provided in the said Act. Certain provisions of the Maharashtra Land Revenue Code, 1966 provides for recovery of land revenues.

Certain State Acts provide the provisions for land acquisition or recovery of revenues or taxes of Government. In such cases, instead of repeating the same provisions of the LAAR Act or the Land Revenue Code it can be provided that, the provisions of the LAAR Act shall be applicable *mutatis mutandis* for land acquisition or the provisions of the Land Revenue Code shall be applicable *mutatis mutandis* for recovery of taxes or Government dues.

- As he deems fit; thinks necessary, consider necessary.** 9.2. “As he/it deems fit” phrase is very often used. Such phrase denotes that the concerned person or authority has discretionary power in deciding a particular case or giving its or his decision in the matter.

The words ‘as it deems fit’, ‘think necessary’ and ‘consider necessary’ have been, time and again used to confer discretion on the concerned authority.

- Having regard to.** 9.3. The phrase “having regard to” is used while giving some discretionary power to an executive authority or the court instead of specifying the conditions which are to be taken into consideration by the executive authority before using the power conferred on or the decision to be given by the court. The words ‘having regard to’ when occurring in the Act should be construed in relation to the context and the subject matter.

- Subject to a contrary context.** 9.4. The normal practice is a drafting to provide for unless there is anything repugnant while defining any other terms used in the Bill. When a word has been defined in the definition clause *prima facie*, that definition governs whenever that word is used in the body of the statute.

When a particular term in the Act is to define (whether by enlarging or by restricting the ordinary meaning of a word or expression) then that term must, in the absence of clear

indication to the contrary be given the meaning intended. A defined word when used in the body of the Act may have to be given a meaning different from that contained in the definition clause, in order to cover such eventuality, a qualification is added to the definition clause that the word defined therein will have the meaning as per the definition unless there is anything repugnant in the subject or context, or unless the context otherwise requires.

As soon as possible.	9.5.	The phrase “as soon as possible” refers to the time frame. To do a thing “as soon as possible” means to do it within a reasonable time, with an undertaking to do it in the shortest practicable time. It is always advisable to use “within reasonable time” instead of “as soon as possible”.
Except where otherwise expressly enacted.	9.6.	The phrase “Except where otherwise expressly enacted” is used to give an effect to the express provision found anywhere in the Act or in any other law. It is an attempt that the provisions of the Act will be subjected to any specific provision in other laws.
Without prejudice to the generality of the preceding.	9.7.	A provision enacted, ‘without prejudice to another’ has not the effect of affecting the operation of the other provision and any action taken under it must not be inconsistent with such other provision. The effect of such a clause is not to cut down the preceding general power.
Save as otherwise expressly provided.	9.8.	The phrase “save as otherwise expressly provided” is often used in Acts to indicate that a certain provision applies, unless there is another provision that specifically overrides or modifies it. It essentially means that the provision in question is the default, unless there is something else that says otherwise.
“any”, “all”, “each” and “every”.	9.9.	“Any”, “all”, “each” and “every” words are frequently used unnecessarily, for example, do not use “any” where “a” or “an” would serve as well. “Any” may properly be used where it is desired to emphasize that provision is of universal application or without qualification.
“and”, “or”	9.10.	As a general rule “and” or “or” should only appear after the penultimate of a series of paragraphs. “and” means all of a list of items. “or” means any one or more of a list of items. Do not use “and/or”; instead use “or”
“before”, “after”, “from”	9.11.	The terms “before” and “after” are construed so as to exclude the day specified.

The term “after” is to be preferred instead of “from” because “from” is equivocal.

The term ‘from’ is used to refer to the place where someone or something starts or originates or show distance or separation in space.

- “deem”** 9.12. The term **“deem”** may be used to create a legal fiction by deeming something to be that which it is not or deeming something not to be that which it is, but should not be used as an alternative to “judge”, “conclude”, “consider”, “believe” or “count” or in a definition to take the place of “include”;

The term **“deem”** create artificiality. Instead of “deem” use “thinks” or “consider” or “construed”.

- “except” and “unless”** 9.13. The words **“except”** and **“unless”** are used if provision is made which is effective unless something happens or except in specific circumstances, it must consider whether it is necessary to provide what is to happen if that something does happen or those circumstances do occur.

- “existing”, “before” and “after”** 9.14. The terms **“existing”**, **“before”** and **“after”** should be related to a particular time or the happening of a particular event.

The term **“existing”** should be used to particular point of time.

- “if”** 9.15. The term **“if”** is very generally used to introduce a condition in ordinary everyday use.

- “immediately”** 9.16. The term **“Immediately”** means with all reasonable speed considering the circumstances of the case.

- “less than”** 9.17. Instead of **“less than”** use **“not exceeding”** or **“exceeding”**.

- “means” and “includes”** 9.18. **Means.-** The term “Means” is exclusive. The word “Means” is appropriate where the stipulated meaning is expressed in a complete form and no part of the intended meaning is omitted.

When a word is defined to ‘mean’ such, the definition is *prima facie* restrictive and extensive. The use of the word ‘means’ shows that no other meaning can be assigned to the expression than is put in the definition.

The draftsman must use the word ‘means’ where he wants to exhaust the significance of the term defined.

Include.–‘Include’ is used in order to enlarge the meaning of the words or phrases occurring in the body of the Act. When it is so used these words or phrases must be construed as comprehending, not only such things as they signify according to their nature and import, but also those things, which the definition clause declares that they should include.

When the word ‘include’ is used in definition clause, the term defined retain its ordinary meaning and its scope is widen by specific enumeration of certain matters which its ordinary meaning may or may not comprise so as to make the definition enumerative but not exhaustive.

Term defined with “**include**” will retain its ordinary meaning but its scope would be extended to bring within it matters, which in its ordinary meaning may or may not comprise.

In definition clause the terms “means” and “includes” combined should not be used.

“notwithstanding”, 9.19. The term “**notwithstanding**”, is used where one provision is to prevail over another or while giving overriding effect to the provisions over other provisions. It is also called the non obstante clause.

The object of term “notwithstanding” is to give it overriding effect over other provisions of the Act which is equivalent to saying inspite of those provisions the particular clause would have a full operation.

The expression “notwithstanding anything contained in the Act” is contradiction to the phrase “Subject to the provisions of this Act”.

“subject to” 9.20. The term “**subject to**” is used when the sub servant provision is used. These expressions should be used to indicate which of the provisions is to prevail.

“Subject to” conveys that the provision would yield to another provision.

“without prejudice to” 9.21. The phrase “**without prejudice to**” is used when no priority needs to be given over another provision.

“on or after” 9.22. The terms “**on**” or “**after**” should be used when it is desired to include the specified.

“on or before”

The terms “**on or before**” used to fix a certain period at one end.

“oral” “verbal” 9.23. The term “**oral**” is used in relation to mouth and “**verbal**” is used in relation to word.

“practical” 9.24. “**practical**” means capable of being accomplished.

“practicable”

“**practicable**” means capable of being accomplished under given circumstances. The words shall be used accordingly.

“same” 9.25. The term “**same**” or “the same” should never be used as substantiate for the pronouns “it” or “them”.

“such” 9.26. The term “**such**” is used adjectively to refer back to a noun already used.

Do not use “such” if “the” “a” or “that” will do.

Do not use “such” to refer to a noun used in another sentence.

Do not use “such” as substitute for “the” or “that”.

- “shall” and “may”** 9.27. The term **“shall”** to be used for mandatory provisions. The word “shall” should be used only when obligation is to be imposed on a person. A duty, mandate, obligation, requirement or condition precedent is expressed “shall”.

Use **“shall”** if the verb it qualifies is in the active voice.

Use **“shall not”** to express a prohibition.

The term **“may”** be used for permissive provisions. The term “may” should be used when a permission, benefit, right, or privilege is given.

The term “may” is used to confer a power, privilege, or right.

- “that”** 9.28. The term **“that”** is used to introduce a restrictive clause modifying the nears antecedent.

- “which”** 9.29. The term **“which”** is used to introduce a non restrictive clause.

- “when”** 9.30. The term **“when”** is used when a single or rare occurrence of the event is contemplated.

- “where”** 9.31. The term **“where”** is commonly used to introduce the cases or circumstances in which law is to apply. It is used in cases where frequent occurrences of the event are contemplated.

- “while”** 9.32. The term **“while”** is used substitute “although” or “and”.

- “within”** 9.33. The term **“within”** may be followed by “of” “after” or “from”.

Words not to use

9.34.

Do not use

Use

Absolutely null and void and of no effect

Void

Accorded

Given

Adequate number of

Enough

Adjudged, ordered, and decreed

Adjudged

Admit of

Allow

Among and between

Among (if more than two involved); between (if two or more but treated individually)

Approximately

About

At the place where

Where

By means of

By

Cause it to be done	Have it done
Constitute and appoint	Appoint
Do and perform	Do
Does not operate to	Does not
During such time as	While
During the course of	During
Endeavor (as a verb)	Try
enter into a contract with	contract with
evidence, documentary and otherwise	evidence
evinced	Show
Except that	But
For the reason that	Because
Forthwith	Immediately
Frequently	Often
Full and adequate (or, full and complete)	Full
Herein	In this Act (or section or item)

Words to be avoided

Words to be avoided

The following legal words should be avoided in drafting -

- (a) “aforesaid”, “said”, “abovementioned” and “aforementioned”;
- (b) “herein”, “hereinafter”, “hereinbefore” and “hereby”; and
- (c) “where to fore”, “where so ever”, “howsoever”, “whosoever”, “whoever” and “whatsoever”.
- (d) Do not use qualifiers, such as “will”, “should” “must” and “ought”.
- (e) Avoid “the provisions of” Instead of the words “in accordance with the provisions of this section,” say “under this section.”.

Note.-The some contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K.Chakrabarti and from websites.

CHAPTER X

NUMBER, DATES AND PUNCTUATION

The basic rule of drafting is that a statute is always speaking. Use the present tense in drafting.

Sentence. 10.1. The sentence should be placed in the following order-

(i) case (ii) condition (iii) legal subject (iv) legal action.

Spelling. 10.2. Spelling should be standardized as far as possible British English should be used. In other cases of permissible alternative spelling, use the first version adopted in the Shorter Oxford Dictionary.

Latin and other foreign languages should be avoided but, if absolutely necessary, should be in *italics*.

Capitals. 10.3. The use of capital in long title, headings and marginal notes.

(1) The words “Bill”, “Act” “Law”, “Part”, “Proclamation”, “Order”, “Schedule” and “Table” always begin with capitals.

(2) The words “Regulations”, “Rules”, “Bye-laws”, beginning with capitals when referring to a collection of provisions, but not when referring to particular provision.

Numbers. 10.4. (1) Use numeral rather than words for numbers in the text of Bills, Rules, Regulations, Notices, Orders, etc. This includes dates, times, amounts, percentages and citations to the chapter and section numbers of statutes.

(2) References to specific dates should always be in the following form:-

“1st January 2021”.

For example :-“This Act shall come into force on the 1st July 2022.”

(3) Use numerals even for numbers from 1 to 10 (this is for consistency and is the practice followed). The only exceptions, (like “Seventy-first Year” and “Seventy-second Year”).

Brackets () 10.5. Sub-sections, clauses, sub-clauses should be written in brackets. In Amendment Act, Amendment number shall be written in brackets.

Apostrophe ‘s’ 10.6. Apostrophe is placed before the ‘s’, to show possession; example Governor’s Office.

- Full stops (.) 10.7.** (1) Full stops (.) This ends the sentence. It also used at the end of abbreviated word, example “Dr.” “per cent.” “i.e.”
- (2) At the end of the marginal notes full stop should be given.
- (3) Headings, including headings of Parts, should not be followed by a full stop.
- Coma (,) 10.8.** (1) The coma (,) must serve a clearly identifiable and necessary purpose.
- (2) Commas is use to separate one group of words from another. The proper use of coma gives the sentence clarity.
- (3) The use of commas is particularly important since this form of punctuation can often be used to remove an ambiguity; commas serve two distinct purposes, namely, to separate and to enclose.
- (4) Ordinarily, do not use a comma before “and” or “or” to separate the last of a conjunctive series of three or more words, phrases or clauses in a sentence. *Example* “men, women and children.”.
- Semi-column (;) 10.9.** (1) Semi-column (;) is used to separate related sentences, it is inserted instead of using a conjunctive word like “and”.
- (2) Semicolons can also replace commas when listing items that already use commas, such as listing cities and states.
- (3) Semicolons can be used to divide the items of a list if the items are long or contain internal punctuation. The semicolon helps readers keep track of the divisions between the items.
- (4) Use a semicolon between closely related independent clauses which are not joined by a coordinating conjunction.
- Dash (-) 10.10.** Use a dash (-) (not colon) to introduce a list of items. Dash should be the shorter not hyphen (-), not the longer version.
- It is also important to distinguish between dashes and hyphens. Hyphens are shorter lines (-); they are most often used to show connections between words that are working as a unit (for example, you might see adjectives like “well-intentioned”) or to spell certain words (like “e-mail”).
- Quotation (“”) 10.11.** Use quotation marks when defining a word or phrase.
- Column (:) 10.12.** Column (:) is used to introduce a list.

**Division of
Section,
Rule,
Regulation,
Notification.**

10.13.

Division of Section, Rule, Regulation, Notification.-

The contents of the Act, Schedule, Rules, Regulations and Notification or Orders are divided in the following manner :-

No.	Acts	Schedule	Rules	Regulations	Notification, Orders and other Instruments
1	Section	Entry	Rule	Regulation	Paragraph
2	Sub-section	Sub-entry	Sub-rule	Sub-regulation	Sub-paragraph
3	Clause	Clause	Clause	Clause	Clause
4	Sub-clause	Sub-clause	Sub-clause	Sub-clause	Sub-clause
5	Paragraph	Paragraph	Paragraph	Paragraph	Item
6	Sub-paragraph	Sub-paragraph	Sub-paragraph	Sub-paragraph	Sub-item
7	Item	Item	Item	Item	
8	Sub-item	Sub-item	Sub-item	Sub-item	

CHAPTER XI

GUIDELINES FOR DRAFTING OF LEGISLATION

Drafting. 11.1 The drafting of legislation requires not only in-depth study of the subject-matter of the legislation but also fairly good idea about the laws in existence. The law to be understood by the common man therefore it must be precise and concise and must use simple language. There are number of rules which the draftsman should remember while drafting legislation to safeguard against committing drafting errors. The draftsman shall consider the following rules while drafting of any legislation.

- Preparation before drafting. 11.2** (A) **Preparation before drafting:-** The Draftsman shall,-
- (1) Get a clear concept of the legislative proposal.
 - (2) Identify and study the factual issues on the subject-matter of the legislative proposal.
 - (3) Study legal limitations that may apply to enact State laws.
 - (4) Prepare conceptual outline including all major ideas and objectives of the legislation and outline the remedies sought to be achieved by proposed legislation.
 - (5) Identify the person to whom the law will be applicable.
 - (6) Check current laws of other States on the subject matter of legislation.
 - (7) Discuss issues of legislation with the concerned officers of Administrative Department, subordinate authorities or implementing authorities.
 - (8) Check current Acts which would be affected by the proposed legislation.
 - (9) Examine all aspects of expediency specified in para 4.2 of Chapter IV of this Manual.
 - (10) Note down all the relevant points.

- Drafting of legislation. 11.3** (B) **Drafting of legislation:-** At the time of drafting,-
- (1) Examine whether similar provisions have been made in the existing State Acts or Central Acts.

- (2) If amendments to be made in the Principal Act, before preparing the draft amendments, study the provisions of Act/relevant provisions, understand the scheme of the Act.
- (3) In case of amending legislation decide the placement of amendments.
- (4) In case of Principal Legislation, prepare the framework of law; arrange sections/clauses as per subject matter (Prepare Index of sections).
- (5) Refer the settled interpretation words and expressions used in existing laws and follow them to minimise the litigation and improve the quality of drafting.
- (6) Take into consideration the legal principles, judicial decisions of the High Courts and Supreme Court on the subject matter of the amendments or proposed legislation, so that ambiguities can be removed while drafting.
- (7) Discuss the provisions of draft with the officers of Administrative Department and subordinate officers who would implement the law.
- (8) Examine whether the proposed provisions are consistent with the existing law, and whether any provision of proposed law are repugnant to the existing laws or earlier laws made by the Parliament, etc.
- (9) Take into consideration what will be the consequences or effect of amendments or impact of law.
- (10) Identify the terms that would require to be defined.
- (11) Check the terms already defined in other Acts or in case of amendments in the same Act.
- (12) Draft the text of the proposal in clear language after preparing conceptual outline.
- (13) Divide amendments into sections/sub-sections/clauses/sub-clauses /paras/ sub-paras and items as per requirement.
- (14) Provide Marginal Notes to each section.
- (15) Provide citation, where reference of other Act is made in draft. For State Act provide citation in Roman Numerals and for Central Acts in Arabic numerals. (e.g. Mah. XXI of 2025, 21 of 2025).

- (16) When amendments are giving retrospective effect, then to verify the amendments should not give effect earlier than the date of commencement of the Principal Act or the date on which the relevant section (in which amendment is proposed) came into force.
- (17) Use style and language compatible to existing legislation, avoid archaic expressions.
- (18) Divide the subject into parts to achieve clarity.
- (19) In case of amending legislation, verify whether the consequential amendments are required to be made in the Principal Act or in any other Acts.
- (20) After finalisation of draft, give draft to the colleague/ third person/independent person, who knows the drafting, for examination.
- (21) It shall also verify,—
 - (a) Whether it is necessary to incorporate commencement clause in Bill.
 - (b) Whether it is necessary to provide definitions of the terms used in the draft.
 - (c) Whether to make provision of removal of doubt clause.
 - (d) Whether to make provision of power to remove difficulties.
 - (e) Whether it is necessary to make provision of saving clause.
 - (f) In case of repeal of any Act, whether repealing clause is incorporated and whether saving clause is required.
 - (g) Whether transitional provisions are required to be made.
 - (h) Whether to incorporate rule making power.

**General rules
for legislative
drafting.**

11.4 (C) General rules for legislative drafting:- The work of a draftsman is akin to that of an architect. To achieve simplicity in language, it shall follow the following rules to make the legislation simple, concise and meaningful :-

- (1) Before actually drafting a Bill, it is always advisable to prepare a rough “scheme” of the Bill. If the Bill is to be divided into Chapters, the heading of each Chapter and the subject matter of each of the clauses which is to be included into each Chapter should be noted. At this stage, it is not necessary to draft the

clauses. It is necessary to note down the subject-matter of each clause. Care should be taken that the clauses are in a logical sequence, and follow the usual pattern of Bill.

- (2) The Bill should be drafted in clear, simple and precise language. It must use correct language/expressions. Clarity determines ease of understanding and removes ambiguity.
- (3) Drafting must have accuracy and precision.
- (4) The sentence should be simple. Each section should preferably contain a single provision. Long sentences should be avoided. The sentence may be split into sub-division that follow the progression of the reasoning, since a compact block of text is hard for the eye to follow and the mind to absorb.
- (5) Make the structure of the sentence in such a way that the meaning is not made dependent on internal punctuation. Punctuation is generally a source of ambiguity.
- (6) The terminology used in particular law should be consistent internally and with other laws, especially in the same field.
- (7) Identical concept should be expressed in the same terms as far as possible without departing from the meaning in the ordinary, legal or technical languages. Formal consistence requires the same term to be used for the same concept. Substantial consistence requires that the Act does not contain inherent contradiction between its provisions.
- (8) Complex words or terms should not be used, where one or more simple words convey the same meaning.
- (9) The words used in the legislation should be unambiguous, clear and explicit to avoid taking help of rules of interpretation. The provision of a section should be such worded that its meaning is immediately understood by the person affected, the Courts and the implementing authorities.
- (10) Section is a basic part of the Act. It communicates a simple or even a complex idea/ circumstance/ situation to the readers in a few sentences. The language of the section must be brief.
- (11) Each section should contain one idea only. If an idea is complicated, it should be expressed in a series of sub-sections. A sub-section should not normally contain more than one sentence.

- (12) Each sentence should be short and as simple as possible. Language of section should be precise but not too technical.
- (13) Sections and sub-sections must be as short as the clarity and quality of the statements will allow them.
- (14) Sections may be arranged under a heading to the extent that they deal with the same subject-matter which makes the Act easier to understand.
- (15) The sections of the Act should be arranged with precise clarity which will resolve the possible conflicts between various provisions of the Act. Provisions which diatonically oppose each other must never be used.
- (16) The marginal note of a section should be in short and descriptive of its contents. It must be precise and accurate. It does not summarize the section but merely indicated the key words. The marginal note of a section normally should not contain any verb.
- (17) The sections should be numbered consecutively in Arabic numerals.
- (18) A long and complex section should be cut into sub-sections. The sections are to be divided into sub-sections and paragraphs. Sub-sections are numbered with Arabic numerals in brackets preceded by the number of the section of which they are part.
- (19) Paragraphs are indicated by Roman letters placed in brackets.
- (20) Use express provisions in the Statute carefully and only when it is necessary and conducive to the object of the Act, because an express provision in the Act which includes the operation of certain provisions cannot be made nugatory by referring to general law.
- (21) The Act should be concise and contents provisions should be as uniform as possible. The language of the Act should be consistent.
- (22) A basic law should not contain detail provision. The detail provisions should be made by subordinate legislation i.e. by rules, regulation or by-laws. The decision to include detail provisions in an Act should be decided in the particular context.
- (23) The Act should be consistent with other legislations and should not overlap or conflict with other laws which are applicable.

- (24) Defined terms must be used in a uniform manner. Definitions only apply to the particular Act. The definitions used in the Act should not be out of the context.
- (25) The provisions of Act should be in gender-neutral language. A law speaks of both women and men. The law should avoid any identification of a subject with any gender unless it is required in the peculiar circumstances described therein. If the substance of legislative sentence applies only to one gender; then the words that identify that gender should be used. Clearly, some provisions will apply to only men while some only to women.
- (26) The punctuation should be sober and not excessive. Punctuation is an element of the sentence. It must not include expressive signs such as exclamation marks. An Act is neutral and its punctuation should be simple, justified and uniform. If the meaning of a provision can be changed simply by changing the punctuation, the provision must be re-written.
- (27) Parentheses or brackets shall not be used as punctuation marks because they interrupt the flow of the sentence. Parentheses are normally used to add non-essential items or information.
- (28) It is preferable for an Act to speak in the active voice. Moreover, this is essential when a duty is imposed or a power is conferred. However, use of passive voice should not automatically be rejected. It is perfectly justified in case of general prohibitions or where the context clearly designates the person responsible for applying the rule.
- (29) An Act speaks in the present tense in drafting laws. Use preset tense. Present tens are often clearest and most certain in vesting powers and imposing obligations. The future and the past tense are used only to express the temporal relationship between two events.
- (30) An Act does not express desires, wishes or justification. It orders, authorizes, prohibits, governs or imposes penalties.
- (31) Words take on the character of those on whose company they are to be found. Therefore, words should be used very carefully. Different words should not be used to express the same idea. The same word should not be used to express different ideas.

- (32) Only acronyms that are commonly used and familiar may be used in the Act. The inclusion of acronyms in the Act often looks cosmetic, but reduces the capacity to convey the intention of the legislature clearly.
- (33) References should be avoided whenever possible and as a rule no references should be made to the 'preceding' or the 'following' section, unless absolutely necessary.
- (34) References to a provision are made by giving a complete description of it without adding 'of this Act' or 'of this section', unless such an expression is necessary to ensure that no confusion arises from a reference to another Act.
- (35) Courts, generally give natural meaning or ordinary meaning to the words of the Act. The courts generally do not like to add or treat any word as obtuse. Therefore, care should be taken that the words of the Act carry plain and natural meaning.
- (36) The stages of a procedure must be presented in their chronological order.
- (37) The movement should be from the general to the particular, it must also be seen that the movement should be from the law to the procedure, from the rule to the exception, from the permanent to the temporary, from the abstract to the concrete, from the normal to the exceptional. In each case, the movement should be flexible and orderly without any vacuum or gap.
- (38) The Act will first state the rule and then indicate the authority responsible for applying it and the procedure to be observed in applying it followed by the penalty for non-compliance.
- (39) Transitional provisions deal with situations that exist before the new Act comes into force, sometimes by keeping the old rules in effect and sometimes by making the new rules apply retroactively or immediately.
- (40) A Bill should not be divided into parts unless the subjects of the parts are so different that they might appropriately be embodied in separate Act. A division of an Act into parts may affect its construction by indicating the scheme of arrangement.

- (41) Codes and major Acts are divided into Chapters. Division of Act into Chapters helps in understanding the provisions of the Act. When any Act is bulky and different subjects are covered, conveniently the provisions of the Act may be divided into Chapters for sake of clarity.
- (42) Each part should be separated from the preceding one by a space between the lines. It should be noted that it is important to choose an arrangement and that be uniform and systematically applied.
- (43) Use non-obstante clause very carefully, it may cause difficulties as to which enacting paragraph is to be given overriding effect.
- (44) Avoid legislation by reference. The object of drafting is not to save trouble but to make meaning clear. Difficulties may arise where provisions of one enactment are incorporated in another by referential method and incorporated enactment undergoes amendment subsequently.
- (45) The long title should be provided to each Bill. The long title is an indicator of the subject matter of the legislation; it gives clue as to what the statute is all about, therefore, great care should be taken in drafting of long title.
- (46) The Preamble should be provided to Bill. The Preamble expresses the scope, object and purpose of the Act. It provides the ground and cause of making law; therefore, care should be taken while drafting Preamble.
- (47) Short title should be provided to each Bill. Short title is a name of the Act. The short title of the Act is to facilitate the reference and identification of the Act. Every Act of Legislature has a short title ending with the year in which it is enacted.
- (48) The commencement clause should be drafted according to the need of application of the provisions of the Act. If Act is required to be brought into force immediately i.e. on the date of publication of the Act in the *Official Gazette*, then it is not necessary to provide commencement clause in the draft. If the intention is to bring the provisions of Act on future date then, the commencement clause should be provided. In that case, the power should be taken to issue notification in the *Official Gazette*, to specify the date.

- (49) An Ordinance is promulgated as an emergency measure therefore; it has to come into force immediately. In Ordinance, commencement clause provides, it shall come into force at once.
- (50) The proviso should only use to create an exception and not to create a condition. Proviso is used to confine or taking special cases out of general provision. Proviso is used to qualify or make exception to certain provisions from the operation of main section or sub-section. The proviso should not travel beyond the provision to which it is made. It uses to qualify or except certain provisions from the operation of the main section.
- (51) An *Explanation* should be appended to section to explain the meaning and intention of the main provision or words contained in the section. When there is obscurity or vagueness in the main part or to provide an additional support to the main provision and to make it meaningful and purposeful, *Explanation* may be added. *Explanation* may be added to include something within or to exclude something from the ambit of the main provision or the connotation of some words occurring in it.
- (52) Schedules contain lists of items that are not included in the body of the Act. Schedules are numbered consecutively in Roman numerals and the heading of the Schedule is followed by an indication in italics of the provision of the Act to which they refer. The Schedules are appended at the end of the Act. The Schedule can be amended by issuing a notification in the *Official Gazette*, if such power is confirmed in section of the Act.
- (53) The Statement of Objects and Reasons is appended to each Bill. Statement of Objects and Reasons briefly explains the purpose of the proposed legislation in short. The Statement is explanatory of the contents and objectives of a Bill and helps in understanding the necessity and scope of the Bill. It gives an idea or background of the provisions of the Bill or amendments. It is, therefore, required to be drafted in a non-technical language.

- (54) The Memorandum Regarding Delegated Legislation shall be appended to the Bill, providing the details of the powers delegated by the Legislature to the Government or to the subordinate Authorities.
- (55) The Financial Memorandum shall be appended to the Bill, where financial implications are involved. It provides the recurring or non-recurring expenditure which would involve after enactment of Bill.
- (56) The general guidelines for drafting are as follows,-
- (a) Use ordinary/simple language; avoid technical language, i.e. every word may be used wherever possible.
 - (b) Don't use more words than necessary to make the meaning clear. Ever superfluous word may raise discretion /interpretation in courts.
 - (c) Nouns may be used in preference to pronouns.
 - (d) Don't use same word with different meanings.
 - (e) Use singular words.
 - (f) Use common words.
 - (g) Avoid complicated words.
 - (h) Use "shall" to impose duty. Confine to use word "shall" to be imperative.
 - (i) Use "may" to grant discretion, authority to act.
 - (j) Use positive rather than negative.
 - (k) Avoid compound construction.
 - (l) Use short sentences and simple words to the extent possible.
 - (m) Use proviso sparingly. Provisos are great source of doubt and create ambiguity. Proviso upon proviso would make confusion.
 - (n) Choose terms absolute and not relative so as to leave the minimum opportunity for difference of opinions.
 - (o) Don't give detail reasons for law, these opens the doors to controversy or interpretation.
 - (p) The standard formats of amendments are given in Annexure I, shall be followed while making amendments in any Act.

**Guidelines for
drafting of
Amending
Legislation.**

- 11.5 (D) Guidelines for drafting of Amending Legislation :-**While making amendments in any Act, the following rules shall be followed :-

Long title of Bill.	11.5.1 The long title of the Bill depends on the subject matter of the Bill and contents of the Bill, etc. Detail information about long title is explained in para 8.1 of Chapter VIII. (1) When the amendments are being made in the Act for the first time, the long title of the Bill shall be as under :— e.g. “<u>to amend</u> the Maharashtra University Act, 2016.” (2) When the amendments have already been made to the Act and subsequent amendments are being made to the said Act, the long title of the Bill shall be as under:- e.g. “<u>further to amend</u> the Maharashtra University Act, 2016.”. (3) In Consolidated Bill (where amendments are being made to more than one Acts), the long title of the Bill shall be as under:- e.g. (i) “<u>further to amend</u> the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002.”. (ii) “<u>to amend certain tax laws in operation in the State of Maharashtra.</u>” (4) When the amendments are being made to the Central Acts by the State Legislature, the long title shall be as under:— (a) for first time amendment in Central Act :- “<u>to amend</u> the Bhartiya Nagrik Suraksha Sanhita, 2023, in its application to the State of Maharashtra.”. (b) Subsequent amendments in Central Act:- “ <u>further to amend</u> the Bhartiya Nagrik Suraksha Sanhita, 2023, in its application to the State of Maharashtra.”.
Short title of Bill.	11.5.2 (1) The short title of the Bill depends on the subject matter of the Bill, contents of the Bill and duration of legislation, etc. (2) Number to the Amendment to the Bill shall be given on the basis of the short title of the Bill and the year in which the amendments are being made in the Act. (3) When the first amendment is being made to the Act in the year, in the short title of the Bill, it shall be mentioned as “(Amendment) Act, 2025” and not as “(First Amendment) Act, 2025” e.g.- “1. This Act may be called the Maharashtra University (Amendment) Act, 2025.”.

(4) When the second time or thereafter (Consecutive) amendment is being made in the Act in the same year, in the short title of the Bill, the amendment number shall be mentioned, as follows :-

e.g.- (i) “1. This Act may be called the Maharashtra University (Second Amendment) Act, 2024.”.

(ii) “1. This Act may be called the Maharashtra University (Third Amendment) Act, 2024.”.

(5) When the amendments are being made for levy of tax and its validation or for levy of tax with retrospective effect, then the short title shall be as follows :-

e.g. The Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2025.

(6) When the amendments are being made to the Central Acts by the State Legislature, the short title shall be,- as follows :—

e.g. “The Bhartiya Nagrik Suraksha Sanhita (Maharashtra Amendment) Act, 2025.”.

(7) In case of retrospective Amendments in Rules and Notification and its validation Bill, the short title shall be as follows :--

e.g. “The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023.”.

(8) Temporary period amendments and validation Bill, the short title shall be as follows:-

e.g. (i) 1. The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats , Zilla Parishads and Panchayat Samitis) Act, 2023.”

(ii) 1. The Bombay Motor Vehicles (Taxation of Passengers) (Amendment and Validation) Act, 1981.

(iii) 1. The Maharashtra Tenancy Law and Maharashtra Land Revenue Code (Amendment and Validation of Appointments of Certain Officers and Proceedings) Act, 1981.

(9) The above principles shall also be applicable for making amendments in Act by way of Ordinance.

(10) In the Ordinance conversion Bill, irrespective of amendment number of Ordinance, the amendment number to the Bill shall be given on the basis of amendments made to the Act, in the year.

Example:- The short title of the Ordinance is – “The Maharashtra University (Amendment) Ordinance, 2024.”, the short title of the Ordinance conversion Bill should be same, however, where the Bill to make amendments in the University Act is pending in the House or the Act of such amendments has been published in the *Official Gazette*, in the same year, in such cases, the short title of the Ordinance conversion Bill will be – “The Maharashtra University (Second Amendment) Act, 2024.”

(11) (a) In Consolidated Bill (where amendments are being made to more than one Acts), in such cases, in the short title, the name of the relevant Acts shall be mentioned.

e.g. “The Mumbai Municipal Corporation, Maharashtra Education and Employment Guarantee (Cess) and Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2022”.

(b) If the amendments are being made in similar nature of Acts, the short title to the Bill can be given as follows:-

e.g. The Tax Laws (Amendment) Act, 2024.

The Labour Laws (Amendment) Act, 2024.

The Criminal Laws (Amendment) Act, 2024.

(12) Where the amendments have been made in any Act or are being made in a Consolidated Bill/Act and in separate Bill, any amendments are being made in any Act mentioned in Consolidated Bill/Act, by way of new Bill, in such cases, the amendment made by new Bill shall be considered as different amendment Bill and the number of amendment shall be given accordingly.

e.g. The short title of the Consolidated Bill/Act shall be- “The Mumbai Municipal Corporation, Maharashtra Education and Employment Guarantee (Cess) and Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2022”

and the other amendments are being made in one Act i.e. in the Mumbai Municipal Corporation Act, by another Bill in the same year, then the short title of the said New Bill shall be,— The Mumbai Municipal Corporation (Amendment) Act, 2022.

(13) While making amendments in any Act, the standard formats of Amendments given in Annexure I shall be followed.

(14) When the amendments are being made in Rules with retrospective effect and the Act do not empower to make amendments with retrospective effect, in such cases, the amendments should be made only by making legislation. The same principles shall be applicable for making amendments in Notification (*see* Annexure I).

(15) While making retrospective amendments, it shall be considered whether the validity provisions should be made or not.

Arrangement of provisions. 11.6

The provisions of draft of Principal Legislation shall be arranged in the following manner :—

- (i) the material should be arranged in logical order;
- (ii) general provisions should be followed by specific provisions and exceptions;
- (iii) provisions that relate to the same subject should be grouped together;
- (iv) provisions should be arranged in temporal sequence;
- (v) provisions that are significant should precede provisions of lesser importance;
- (vi) sections should be limited in the number or sub-sections they contain and as a general rule section should not have more than six sub-sections;
- (vii) Act should be divided into group of sections under heading; and
- (viii) Sections should be numbered.

Sequence of provisions. 11.7

While drafting the Principal Legislation, the provisions of the Bill shall be arranged in the following sequence:-

(1) The provisions of an Act must be arranged in a logical order.

(2) The parts of an Act are normally arranged in the following order :-

- (a) Long title;
- (b) Preamble;
- (c) Short title, extent and commencement;
- (d) Provisions regarding application of Act;
- (e) Definitions;

- (f) Provisions of the Act beginning with the general principles followed by the exceptions;
- (g) Implementing authorities and powers;
- (h) Penalty provisions;
- (i) Transitional provisions;
- (j) Power to make Rules/Regulations/By-laws, if necessary;
- (k) Consequential amendments, including repeals;
- (l) Schedules;
- (m) Forms.

(3) The choice of names for the parts of the structure is a matter of convention.

Check List. 11.8

When the draft is prepared, the draftsman should check the following :—

- (1) Does the long title covers all important subjects of the legislation for which the law is proposed to be enacted ;
- (2) Check the short title ending with the year in which Bill is to be introduced ;
- (3) Check the amendment number ;
- (4) Check the enacting formula of the Bill ;
- (5) Check for essential parts of the Bill, such as the long title, short title, extent and commencement, definitions, etc ;
- (6) Check whether terms used in the text are defined in the definition clause ;
- (7) The statutory references used in the Bill are correct and accurate ;
- (8) Does the citation of the Acts referred in the Act are accurate in the margin against the names of Act ;
- (9) Does the cross references of sections are accurate ;
- (10) Does the contents of the Bill follow in logical sequence ;
- (11) Check for omissions, spelling errors and typographical errors ;
- (12) Check section numbers, sub-sections and clauses are properly numbered ;
- (13) Check Chapters and sections are properly arranged ;

- (14) Check the Statement of Objects and Reasons are appended to the Bill ;
- (15) Does the Memorandum Regarding Delegated Legislation required to the Bill ;
- (16) Does the Financial Memorandum is required to the Bill.

Note.—Some of the contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K. Chakrabarti.

CHAPTER XII

GENERAL GUIDELINES FOR DRAFTSMAN

- Knowledge to Draftsman.** **12.1 (A) Knowledge to Draftsman:-** The quality of a legislation depends upon the knowledge and competence of draftsman, therefore draftsman should,—
- (1) have full and intricate knowledge of Indian Laws and of Constitution of India, particularly fundamental rights, distribution of legislative powers between Central and State, constitutional procedures, etc.;
 - (2) be familiar with the legal principles developed or expounded by courts;
 - (3) familiar with the rules of construction adopted by courts;
 - (4) have knowledge about general principles of interpretation;
 - (5) have knowledge about English grammar;
 - (6) have knowledge of legislative procedure;
 - (7) have knowledge of Administration, Court working and life of community;
 - (8) familiar with the General Clauses Act, (Central and State Acts);
 - (9) have knowledge of allocation of executive function of State machinery, public authorities, their powers and functions;
 - (10) have knowledge about administrative machinery/system;
 - (11) familiar with legislative precedents;
 - (12) know the policy of subject of legislation and also the practical application and social impact of the subject;
 - (13) know the audience (to whom law is to be made applicable);
 - (14) prepare plan how to draft the legislation.
- Qualities with draftsman.** **12.2 (B) Qualities with draftsman:-**The draftsman should have the following qualities :—
- (1) Possess a systematic mind, orderliness in the formulation of thoughts, ability to pay meticulous attention to detail and to work accurately under pressure.

- (2) Familiar with language and methods, the technique employed in body of legislation of which his own work is destined to form of part.
- (3) Have critical and imaginative mind.
- (4) Able to work with colleagues and those skilled in other discipline and to give and take constructive criticism and advice.
- (5) Be endowed with common sense of social awareness.
- (6) Have sense of use of language, precise conception of the objects desired and knowledge of technical interpretation which are placed by law on certain forms of languages.
- (7) Have aim of clarity, conciseness and comprehensive coverage rather than aesthetic beauty.
- (8) Able to reduce doubts, ambiguities and foreseeable difficulties.
- (9) Have ability to understand, think, classify, arrange, patch or build above all on paper scheme.
- (10) Must have good basic knowledge, technique to use proper English word, command on English language.
- (11) Must have critical ability, lots of imagination and plenty of practice of drafting legislations.
- (12) Must familiar with language and methods the technique employed in body of legislation of which his own work is destined to form of part.
- (13) Must have constructive imagination, the power to visualize things in concrete and to foresee whether and how a scheme of the Act will work out in practice.
- (14) Should well conversant with law.
- (15) Should possess mastery of the requisite technique of drafting of legislations.
- (16) Must have knowledge of judicial pronouncements, judicial precedents and legal principles as well as important statutory provisions for they have to understand and weigh the implications of every word used in a Bill.
- (17) He should have enough time to digest their own drafts and consider the implications of what they have drafted.

(18) Know that, perfect Bill has never been drafted and never will be, his draft is final because nobody is over him to check the draft.

(19) Able to handle time pressure to complete the work.

(20) Have ability to accept the criticism and to improve in future.

(21) Able to reduce doubt, ambiguity and unreasonable problems which would arise, his success will depend upon the extent to which he achieves the end.

(C) General guidelines for draftsman.

General guidelines for draftsman. 12.3

(1) Words are the skin of the language. Language opens up the way of the makers mind. The draftsman should employ appropriate phraseology to attain the object of legislative policy which it seeks to achieve.

(2) A draftsman must have a clear idea of what he is required to draft. If his ideas are confused his language cannot be clear. In order to clarify his ideas and sometimes of the policy makers, a draftsman should discuss the legislative proposal with officers of the Administrative Department/Ministry and clear up any points which are obscure.

(3) The arts of draftsman consists of sense of use of language, precise conception of objects, and desired knowledge of technical interpretation. Therefore, the draft should be clear, precise and in simple language.

(4) The Draftsman shall strictly follow the precedents. The precedents can be discovered in the existing Acts where similar provisions have been made.

(5) The draftsman should see that the provision if required to be interpreted, do not result in the inadvertent consequence of someone getting benefit from his own wrong.

(6) In an attempt to give in depth meaning to the provisions, the draftsman very often uses language which makes the legislation incomplete. Draftsman should be careful in such matters. When two interpretations are possible one that subserves the object of the Statute will be accepted by the Court. Therefore, the draftsman should choose appropriate phrase.

(7) The draftsman must remember that where he provides that a particular thing should be done in a particular manner

then, it has to be done in that manner and in no other manner. Very often this requirement is lost sight of by the draftsman leading to confusion and misinterpretation.

- (8) The draftsman should see that provisions/sections of the Act are separate and unless essential are not inconsistent with each other. They should be easily separable so that if one of it is read down by the Court other provisions can stand separately on their own. Where the provision cannot be separated and delinked then the whole set of provisions will be read down as being *ultra vires* the object of the Act.
- (9) The draftsman should always take care that the provisions of the Act are not drafted in isolation of one another. If the provisions are drafted in isolation then, the Courts are bound to interpret the provisions in isolation and the result will be reading down of the provisions or they being interpreted differently totally against or opposite the legislative intent.
- (10) The draftsman should be careful while drafting express provision in the Act. Because the express provision of the Act will be interpreted in the light of express intention and will not be given restrictive or enlarge meaning.
- (11) The draftsman should always be aware that grammatical construction leads to absurdity or injustice should be avoided because no literary meaning can be construed in such circumstances.
- (12) The draftsman should be particular about to avoid using construction capable of causing mischievous consequences. Because it is a settled proposition that if the language of the legislation is capable of more than one interpretation, the one which is capable of causing mischievous consequences should be averted.
- (13) The draftsman should see that the legislative intent or object of the legislation is spelt clearly and unambiguously leaving no doubt in the minds of the reader, the lawyer as well as the judiciary.
- (14) The draftsman should be careful in drafting amendments or subsequent provisions in relation to the existing Act, because subsequent provisions based on erroneous assumption about pre-existing law which will be disregarded by the courts while ascertaining legislative intent.

(15) A draftsman should provide for all contingencies which are likely to arise. He should have what is called “divine prescience”. Failure on the part of a draftsman to foresee certain contingencies has sometimes led the courts to adopt strange interpretations.

(16) The draftsman shall prepare first draft and shall revise it until he is satisfied.

(17) Generally, several drafts are prepared. The draftsman shall preserve all drafts. They indicate the working of the mind of the draftsman and are useful when any question arises why a particular provision has been put in a particular form in the final draft.

(18) The Draftsman shall show the draft to his colleague or third person, who know the drafting and may accept the required suggestions. The more meticulous scrutiny of draft and more exacting the criticism, the better makes the legislation.

**Equipment's
Tools of
Draftsman.**

12.4

(D) Equipment's/Tools of Draftsman.-The draftsman should have knowledge of,—

- (1) Constitution of India.
- (2) Maharashtra General Clauses Act.
- (3) General Clauses Act (Central Act).
- (4) Judgments of High Courts and Supreme Court.
- (5) Jurisprudence.
- (6) Administrative Law.
- (7) Interpretation of Statutes.
- (8) Law Dictionary.
- (9) Legal Maxims.
- (10) Information of Central Acts.
- (11) Information of State Acts.
- (12) Drafting experience, experience of legislature work.

Note:- Some of the contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K.Chakrabarti.

CHAPTER XIII

CLASSIFICATION OF BILLS /ACTS

(A) Classification of Bills

Classification of Bills.

Bills may be classified as Government Bills and Private Members' Bills.

13.1 On the basis of the contents, the Bills may be classified into:-

(a) **Original Bill.**- The Bill embodying new proposals, ideas, or new policies is called Original Bill.

(b) **Amending Bill.**- The Bill which seeks to modify, amend or revise existing Acts is called Amending Bill.

(c) **Consolidating Bills.**- The Bill which seeks to consolidate the existing laws on a particular subject is called Consolidating Bill.

(d) **Expiring laws Bill.**- The Bill to continue an expiring Act called the Expiring Laws Bill.

(e) **Repealing Bill.**-The Bill to repeal of existing Acts is called Repealing Bill.

(f) **Ordinance conversion Bill.**-The Bill which convert the Ordinance into Act (the Bill contains the same provisions of Ordinance, except technical changes are made) is called Ordinance conversion Bill.

(g) **Money Bill.**-The Bill which contains matters specified in article 199 of the Constitution, for imposition, abolition, remission, alteration or regulation of any tax, appropriation of moneys out of the Consolidated Fund of the State, etc. is called Money Bill.

(h) **Financial Bill.**-Financial Bill is divided in two categories, in first category, the Bill provides for any matters specified for measure of Money Bill but do not consist solely of those matters, other matters are also included in that Bill; and in second category, if law enacted and brought into force, it would involve expenditure from Consolidated Fund of State.

Money Bill.

13.2 Money Bill.- (1) As per provisions of Article 199(1) of the Constitution of India, a Bill containing the following matters is the Money Bill,—

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State;

(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of the State;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money; or

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) Money Bill can be introduced only in the Legislative Assembly and requires the recommendation of the Governor under Article 207(1) of the Constitution, for its introduction.

Financial Bills. 13.3

Financial Bills.—The Financial Bills are divided into two categories,—

(a) **Financial Bill of Category ‘A’.**—The Bill which make provision for any of the matters specified in Money Bill but do not consist solely of those matters. This Bill shall be introduced only in the Legislative Assembly and requires the recommendation of the Governor under Article 207(1) of the Constitution, for its introduction.

(b) **Financial Bill of Category ‘B’.**—The Bill if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State. This Bill can be introduced in either House and it does not require recommendation of Governor for its introduction. However, a recommendation of the Governor under

Article 207(3) of the Constitution is require for its consideration.

Publication of Bill. **13.4** The legislation is introduced before the State Legislature/Parliament in the form of Bill, after it is passed by the State Legislature/Parliament and assented by the Governor/President, it is published as an Act of the State Legislature /Parliament in the *Official Gazette*.

Salient features of Bill. **13.5** Generally the following are the salient features of the Bill.

- (1) Long title.
- (2) Preamble.
- (3) Enacting formula.
- (4) Short title.
- (5) Extent clause.
- (6) Commencement clause.
- (7) Duration clause.
- (8) Definition clause.
- (9) Declaratory clause.
- (10) Rule making clause.
- (11) Repeal and saving clause.
- (12) Schedules.
- (13) Statement of Objects and Reasons.
- (14) Memorandum Regarding Delegated Legislation.
- (15) Financial Memorandum.
- (16) Annexures.

Note 1.- The details of certain clauses are explained below and others clauses are explained in Chapter VIII.

Note 2.- Clause.- In Bill, the “section” is called as “clause” and “sub-section” is called as “sub-clause”.

Note 3.- When the Bill is published as an Act of the State Legislature, the “clause” of the Bill is called as “section” and “sub-clause” is called as “sub-section. ”

The following are required to be printed along with the Bill.

Statement of Objects and Reasons.	13.6	(1) Statement of Objects and Reasons. -The Statement of Objects and Reasons is appended to each Bill introduced in the House. The Statement of Objects and Reasons briefly explains the purpose of the proposed legislation in short. The Statement is explanatory of the contents and objectives of a Bill and helps in understanding the necessity and scope of the Bill. It gives an idea or background of the provisions of the Bill or Amendments. It is, therefore, necessary that the Statement of Objects and Reasons to be drafted in a non-technical language.
Memorandum Regarding Delegated Legislation.	13.7	(2) Memorandum Regarding Delegated Legislation. -The Memorandum Regarding Delegated Legislation is appended to the Bill, providing the details of the powers delegated by the Legislature to the Government or to the Government Authorities. The Memorandum Regarding Delegated Legislation draws attention to the scope of the proposal and also states whether delegation is of a normal or exceptional character.
Financial Memorandum.	13.8	(3) Financial Memorandum. -The Financial Memorandum is appended to the Bill, where financial implications are involved. It provides the recurring or non-recurring expenditure which would involve after enactment of law.
Annexure.	13.9	(4) Annexure. - When certain sections of the parent Act are sought to be amended, the text thereof is generally appended to every Bill in the form of Annexure. The Annexure facilitates better understanding of provision of amendments. It shows effect of the amendments embodied in the Bill.

(B) Classification of Acts

Classification of Acts.	13.10	(1) The Acts are enacted by the Parliament and State Legislatures on the subject matter allotted in the Lists provided in the Seventh Schedule to the Constitution of India. (2) The Acts are enacted by the State Legislature on the subjects provided in Lists II and III and under articles where power to enact laws is conferred on the State Legislature.

Principal Act.	13.11	The Principal Act embodying new proposals, ideas, or new policies of the Government. The Principal Act contains all the provisions of the subjects for which purpose the Act is enacted. The Principal Act is an Act that contains substantive provisions that regulate or prohibit conduct or other activities. It may in some cases also contain amendments or repeals of other legislations.
Amending Act.	13.12	When Amendments are made in the existing Act is called the Amending Act. The Amending Act contains the amendments made in one Act or more than one Acts. It includes addition, substitution, insertion or deletion of provisions by way of amendments in the Principal Act, by introducing a Bill before the State Legislature or Parliament.
Perpetual Act.	13.13	The Perpetual Act is a Principal Act. The Act is perpetual when no time is provided for its duration and such Act remains in force until its repeal by express or implied. A perpetual Act is not perpetual in the sense that it cannot be repealed; it is perpetual in the sense that it is not abrogated by efflux of time.
Temporary Act.	13.14	When the Act is enacted for temporary period or its duration is only for a specified time, is called a temporary Act. Such Act applies only for the period for which it is enacted. After the expiry of the duration or efflux of time, it becomes inoperative or it exhaust.
Repealing Act.	13.15	The purpose of repealing of Act is to remove the outdated, obsolete, exhausted or temporary Acts from the statutes book. The Acts are repealed by enacting new law by the Legislature. After repeal of Act, the Act ceases to exist.
Re-enactment Act.	13.16	The Act which is repealed is again re-enacted with or without modification is called Re-enacted Act. Sometimes when the Act is struck down by the Court, the Legislature enacts a new law on the same subject by removing the defect of the earlier law, comes in this category.
Validating Act/Legislation.	13.17	Validating legislation removes the causes of ineffectiveness or invalidity of action or proceedings.

The Legislature has power to enact laws having retrospective operation. The object of validating legislation is to enact a valid piece of legislation that removes the defect or vice in the earlier legislation.

The purpose of validating legislation is to declare valid, what has been held invalid by courts and once the Legislature declare such action valid, all steps taken in connection therewith are validated to the extent of validation.

The actions of the Government or Government authorities are validated in this category of Act.

CHAPTER XIV

NON-OFFICIAL BILLS

The Bill which is other than the Government Bill, introduced by any Member of the House in the Maharashtra State Legislature is called the Non-official Bill.

Procedure of Non-Official Bill

Non-Official Bill. R.111/107, MLA/MLC Rules.	14	Any Member of the House (other than a Minister or Advocate General) may give Notice of his intention to introduce Bill in the House. A Member of the House gives Notice alongwith copy of Bill with Statement of Objects and Reasons.
Copy of Bill to P.A.D.	14.1	The Maharashtra Legislature Secretariat forwards the copy of the Bill to the Parliamentary Affairs Department for examining the legal and constitutional feasibility of the Bill.
	14.2	The Parliamentary Affairs Department shall send the copy of the Non-official Bill received from the Maharashtra Legislature Secretariat, to the Law and Judiciary Department for examining the legal and constitutional feasibility of the Bill and also shall forward the copy of the Bill to the concerned Administrative Department to which the Bill pertains, for information.
Opinion of L.& J.D.	14.3	The Law and Judiciary Department will examine the legal and constitutional feasibility of the Non-official Bill and shall forward the opinion to the Parliamentary Affairs Department.
	14.4	Parliamentary Affairs Department shall forward the opinion of the Law and Judiciary Department to the Maharashtra Legislature Secretariat and copy to the concerned Administrative Department, for information.
	14.5	A detailed note giving the relevant information in respect of Bill, the subject matter of Bill should be put up by the Administrative Department to the Secretary and the Minister-in-Charge.
	14.6	The Administrative Department officials shall send the relevant papers to the Private Secretary to the Minister-in-Charge for submitting them to the Minister at the appropriate time.
	14.7	The concerned Administrative Department shall prepare the Cabinet Note and place the proposal of Bill for Cabinet

approval when the Bill is selected in the Ballet for consideration.

- 14.8** The final decision on Bill is taken by the Council of Ministers.
- 14.9** If the Bill requires the recommendation of the Governor under Article 207 of the Constitution, the Parliamentary Affairs Department shall obtain the recommendation of the Governor and shall communicate to the Maharashtra State Legislature.
- 14.10** The Bill will be introduced by the Member who has given the Notice of Bill to the House.
- 14.11** If the Bill is selected in the Ballet, the Bill will be shown for consideration in the House on the Non-Official business day in the session.
- 14.12** The discussion is held on the Bill in the House. Generally the Non-Official Bills are not passed by the House.

CHAPTER XV

SUBORDINATE LEGISLATION (RULES, NOTIFICATION, ETC.)

(I) Subordinate Legislations

Subordinate Legislation. 15. The Constitution of India, as well as, laws made by Parliament and State Legislature usually vests the powers to Government to make rules, regulations, bye-laws, notifications, orders, etc., and notify it in the *Official Gazette*, to subserve the objectives of the main legislation. The rules, regulations, bye-laws, notifications, etc., are statutory in character, they come within the scope of what is termed as “subordinate legislation”.

Normally, administrative or procedural matters are delegated to the executive authorities, Government or municipal or local authorities to whom the rule making power is confirmed by the Legislature.

The procedure for making subordinate legislation will depend upon the provisions, if any, of the enabling Act under which it is made.

Forms of subordinate legislation.

Forms of subordinate legislation.- The subordinate legislations are generally made in the following forms:-

Rules. 15.1 **Rules.-** The expression “rule” is defined in clause (39) of section 3 of the Maharashtra General Clauses Act, as a “rule” shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment”.

Rules are made under the Act to make the Act more effective. Rules provide the details which have not been provided in the Act. Rules deal with the procedural matters providing for the administrative machinery.

When the rules are published in the *Official Gazette*, it is published in the form of notification.

Regulations. 15.2 **Regulations.-** Regulations are somewhat inferior to rules because they are generally made by authority subordinate to Government, like a Board or other statutory body or authority functioning under a statute. Regulations are made generally by authorities subordinate to the Administrative Department. Sometimes the power to make rules as well as regulations is vested in the same authority.

Regulations provide set of procedure in respect of several matters. In such a case, the apparent distinction between the two powers is that while the rules deal with major problems arising under the Act, the regulations are to provide for minor and subsidiary matters. Regulations made in exercise of a statutory power, amounts to a “rule” within the meaning of section 24 of the General Clauses Act, 1897.

Notification. 15.3 **Notification.-** Notification is a statutory instrument issued in exercise of the powers conferred under the Act. Generally it is published in the *Official Gazette*, so that the public may know it. The notification is issued for appointment of authorities, constitution of committees, appointment of members on the authorities and committees constituted under the Act.

Notifications are issued by the authority to which the power to issue notification is conferred by the Act.

Order. 15.4 **Order.-** An Order, broadly speaking, is specific and may be limited in its application. The form of an order is used for notifying an action taken by the Government in accordance with the directions or powers conferred by an Act.

The Order may be administrative or legislative in nature. Whether the order of the Government falls within the legislative or administrative depends on the type and quantum of administrative discretion vested in the administrative authority and also on its contents.

Generally appointments are made by order; certain declarations are made by order. All orders are not always published in the *Official Gazette*, unless the Act specifically provides for.

Bye-laws. 15.5 **Bye-laws.-** Bye-laws are also types of subordinate legislation and termed so, when they are framed by the Municipal bodies, Corporations or other local self-governments. Even though they are not different from rules or regulations, they are termed so to easily identify them from the rules and regulations when they are framed by the local self-governments under the powers conferred on them by an Act.

Generally local authorities, corporations, local-self government bodies, etc., provide their procedural matters, under the power conferred on them by the Act or under the rules.

Scheme.	15.6	Scheme.- Scheme is a form of Subordinate Legislation containing a body of rules binding on person with whom the rules are concerned and in such a case, if made by an authority having the necessary power to do so, and enforceable in courts of law. When any scheme is to be provided under any Act, the power is delegated to the Government or authorities to frame the scheme for specific purpose. (II) Procedure of making reference of Subordinate Legislation to Law and Judiciary Department.
Statutory Notification, Rules, Orders, etc., refer to Law and Judiciary Department.	15.7	Whenever it is proposed in any Administrative Department:- (a) to issue statutory rules, notifications or orders by Administrative Departments under Act; or (b) to submit to the Central Government any draft statutory rules, notification or order for issue by them under Central Acts, (c) amendments to any rules, notifications or orders, the draft of the same shall be referred to the Law and Judiciary Department for opinion or vetting or revision.
Circulars, Administrative Orders/Letters to be issued by Originating Department.	15.8	The Circulars, Administrative Orders/Letters to be issued by Administrative Department shall not be referred to the Law and Judiciary Department for scrutiny, unless specific legal point is raised for the advice of the Law and Judiciary Department. The wordings of such Circulars, Administrative Orders/Letters shall be finalized by the Department itself. The Law and Judiciary Department does not make scrutiny of such Circulars, Administrative Orders/Letters to be issued by Administrative Department.
Regulations and Bye-laws to be issued by Subordinate Authorities.	15.9	The Regulations and By-laws to be issued by the Subordinate Authorities of the Administrative Department of Mantralaya, shall not be referred to the Law and Judiciary Department for scrutiny, unless specific legal point is raised for the consideration/scrutiny of the Law and Judiciary Department. The wordings of such Regulations and Bye-laws shall be finalized by the Authorities or Department itself.

Procedure of making reference relating to scrutiny of statutory Notification, Rules, Orders, etc.	15.10	(1) The Administrative Department shall ensure before forwarding any statutory Notification, Rules, Orders, etc., to the Law and Judiciary Department for vetting or scrutiny,- (a) obtain the approval of Secretary of the Department and, if deemed by the Secretary of the Department, from the concerned Minister-in-charge; (b) if the proposal affects the policy of other Department or on administrative grounds, it requires the approval of other Departments; the Originating Department shall consult all other concerned Administrative Departments; (c) follow the model of existing rules, notifications or orders on the same or similar subjects to prepare the draft rules, notifications or orders, as the case may be; (d) forward two copies of draft in English typed on half margin with double spacing along with the file for vetting/scrutiny; (e) forward up-to-date copy of the rules, notifications or orders proposed to be amended along with the file; (f) state the point or points, if any, in connection of the draft which requires special examination by the Law and Judiciary Department.
Requirement of consultation/ approval.	15.11	(2) If the file is not complied as above, the file may be returned to the Department for necessary compliance. (1) When previous consultation/approval /sanction/ permission of the authorities/ bodies is required, by the Act before making any rules, the concerned Department shall consult/ take approval/ sanction/permission of the concerned authorities/ bodies, before making such rules. (2) Such files shall not be referred to the Law and Judiciary Department until the said requirement is complied by the Department.
Making of rules under Act.	15.12	(1) If the Act provides the power of the Government to make rules, the Administrative Department shall prepare the draft rules as required by the Act and shall refer the file alongwith draft to the Law and Judiciary Department, for scrutiny/vetting.

- (2) The Law and Judiciary Department will make scrutiny of the rules in consultation with the Administrative Department officers.
- (3) As soon as, the rules are received from the Law and Judiciary Department, the Administrative Department shall, after approval of the Government, publish it in the *Official Gazette*.
- (4) Administrative Department shall send the Gazette copies of the rules to the Secretary, Maharashtra Legislature Secretariat, to lay before both Houses of the State Legislature/Committee on Subordinate Legislation.
- (5) The Administrative Department shall follow the procedure for laying down of rules/notifications before both Houses of the State Legislature as provided in the Maharashtra Legislative Assembly Rules/ Maharashtra Legislative Council Rules and Circulars issued by the Parliamentary Affairs Department.

**Pre-
publication
of rules.**

15.13 Where an Act provides the rules shall be made after previous publication, the draft rules shall be published in the *Official Gazette*, for information of persons likely to be affected thereby. The provisions of section 24 of the Maharashtra General Clauses Act (I of 1904) shall apply for making such rules.

15.14 (1) The Originating Department shall,-

- (a) prepare draft rules and shall refer it to the Law and Judiciary Department for scrutiny/vetting;
- (b) as soon as, the rules received from the Law and Judiciary Department, it shall be published in *Official Gazette*, for inviting objections and suggestions within specified period. As per recommendations of Committee on Subordinate Legislation of Parliament, a period of not less than thirty clear days should invariably be given to the public to send their comments/suggestions on draft rules;
- (c) Forward Gazette copies of rules to the Secretary, Maharashtra Legislature Secretariat, to lay before the both Houses of the State Legislature/Committee on Subordinate Legislation;
- (d) on expiry of the specified period, consider the objections and suggestions, if any, received (including Committee on Subordinate Legislation);

(e) finalize the rules and shall refer it again to the Law and Judiciary Department for scrutiny;

(f) after approval from the Law and Judiciary Department publish final rules in the *Official Gazette*;

(g) send final Gazette copies of the rules to the Secretary, Maharashtra Legislature Secretariat, to lay before both Houses of the State Legislature/the Committee on Subordinate Legislation.

(2) The above procedure shall be followed while making amendments in rules.

**Time frame
for framing
rules.**

15.15

(1) If the Act specifically provides to make rules, regulations and bye-laws, within specified period, the Administrative Department shall prepare rules, regulations and bye-laws, within that period. If the time limit is not provided in the Act, it shall be made within a period of six months from the date of relevant Act comes into force. In cases where, for any reason, this is not possible; it shall be brought to the notice of the concerned Secretary and the Minister at the earliest.

(2) After rules, regulations and bye-laws are finalized in consultation with the Law and Judiciary Department, the concerned Department shall take steps to publish it in the *Official Gazette*.

(III) Procedure of making recruitment Rules.

**Procedure
of making
recruitment
Rules.**

15.16

Recruitment Rules and conditions of service of persons appointed to public services and posts in connection with the affairs of the State are made by the Act of the State Legislature; or if the Act is not made then, such rules shall be made under the proviso to article 309 of the Constitution.

The Governor or the person authorised by the Governor is empowered to make such rules for recruitment.

**Recruitment
Rules under
article 309 of
Constitution.**

15.17

(1) If the recruitment rules to be made under the proviso to article 309 of the Constitution of India, the Administrative Department shall prepare the draft recruitment rules which shall be approved, by the Secretary of the Department and, if deemed appropriate by the Secretary of the Department, from the concerned Minister-in-charge.

(2) The Administrative Department while preparing new recruitment rules or making amendments in the existing recruitment rules, shall refer the file to the General Administration Department first for approval/advice.

(3) The Administrative Department shall, in case of posts which are within the preview of the Maharashtra Public Service Commission, while preparing new recruitment rules or amendments in the existing recruitment rules, the draft rules which has approved by the General Administration Department, shall be referred to the Maharashtra Public Service Commission, for its concurrence/advice:

Provided that the posts which are exempted from the purview of the Maharashtra Public Service Commission (Exemption from Consultation) Regulation, 1965, the recruitment rules of such posts shall not be referred to the Maharashtra Public Service Commission.

(4) The draft recruitment rules approved by the General Administration Department and by the Maharashtra Public Service Commission shall be referred to the Law and Judiciary Department for scrutiny/vetting.

(5) The draft recruitment rules approved by the Law and Judiciary Department shall be submitted to the Governor, for approval.

(6) After Governor's approval, Administrative Department shall publish the recruitment rules in the *Official Gazette*.

(7) The Administrative Department shall follow the Circulars, Orders, etc., issued by the General Administration Department, from time to time, with respect to recruitment rules and conditions of service.

**Recruitment
Rules under
Act.** **15.18**

(1) If the Act provides the recruitment rules and conditions of service of persons appointed to public services and posts in connection with the affairs of the State shall be made under the provisions of the Act, the Administrative Department shall prepare the draft recruitment rules which shall be approved by the Secretary of the Department and, if deemed appropriate by the Secretary of the Department, from the concerned Minister-in-charge.

(2) The Administrative Department shall, while preparing new recruitment rules, refer the file to the General Administration Department first for approval/advice.

(3) The Administrative Department shall, where the posts which are within the preview of the Maharashtra Public Service Commission, while preparing new recruitment rules or amendments in the recruitment rules/ conditions of service, the draft rules which has been approved by the General Administration Department, refer to the Maharashtra Public Service Commission, for its concurrence/advice:

Provided that, the posts which are exempted from the purview of the Maharashtra Public Service Commission (Exemption from Consultation) Regulation, 1965, the recruitment rules of such posts shall not be referred to the Maharashtra Public Service Commission.

(4) The draft recruitment rules approved by the General Administration Department and by the Maharashtra Public Service Commission shall be referred to the Law and Judiciary Department, for scrutiny/vetting.

(5) The draft recruitment rules approved by the Law and Judiciary Department shall be submitted to the concerned Minister of the Department, for approval.

(6) After approval from the concerned Minister, the Administrative Department shall publish the recruitment rules in the *Official Gazette* as provided in the Act.

(7) The Administrative Department shall follow the Circulars, Orders, etc., issued by the General Administration Department, from time to time, with respect to recruitment rules and conditions of service.

**Laying of
rules,
notification,
etc., before
Committee
on
Subordinate
Legislation.
M.L.A.R
220**

15.19

(1) The rules, regulations, bye-laws, notifications, etc., made by the Administrative Department or any authority subordinate thereto, in exercise of the powers conferred by the Constitution, or under any Central Act or under Act of the State Legislature; and which are required to be laid before the House of the State Legislature, the Administrative Department shall lay such rules, regulations, bye-laws, notifications, etc., before the State Legislature, as soon as possible, after they are made.

(2) The Parliamentary Affairs Department has issued Orders and Circulars from, time to time, providing procedure for laying down of rules, regulations, bye-laws, notifications, etc., before Houses of the State Legislature and Committee on Subordinate Legislation. Each Administrative Department shall follow the same.

CHAPTER XVI

CHECK LIST FOR SUBORDINATE LEGISLATION

Checklist for Recruitment Rules:-

Recruitment
Rules under
Article 309 of
Constitution.

16.1 (A) Recruitment Rules under proviso to Article 309 of Constitution of India.-The following aspects shall be checked while scrutinizing the draft recruitment rules to be made under the proviso to Article 309 of the Constitution of India,-

- (i) whether the recruitment rules are approved by the General Administration Department;
- (ii) whether the recruitment rules are approved by the Maharashtra Public Service Commission, unless the posts are exempted from the purview of the Maharashtra Public Service Commission under the Maharashtra Public Service Commission (Exemption from Consultation) Regulation, 1965;
- (iii) if the proposal is for amending the existing recruitment rules, whether the Gazette copy (including amendments made thereto) or updated copy of existing recruitment rules, is forwarded alongwith file;
- (iv) the mode of recruitment (by nomination/ promotion/ deputation, transfer, etc); and the ratio for the same and provision of relaxation of rules, if necessary;
- (v) whether the recruitment rules are for whole cadre or for certain posts of the cadre; if the rules are for certain posts of the cadre, check the recruitment rules of lower posts and higher posts of the said cadre;
- (vi) the hierarchy of all posts in the cadre;
- (vii) whether the posts are Gazetted or Non-Gazetted;
- (viii) Group of posts (Group A, Group B, Group C or Group D posts);
- (ix) in case the appointment is by nomination, then,-
 - (a) to check the minimum and maximum age limit, educational qualifications and experience for the post and relaxation of age provision;

- (b) probation period for the post;
- (x) the definition clause, whether terms used in rules are defined;
- (xi) Computer Operations Certificate rule;
- (xii) Marathi and Hindi Examinations rule;
- (xiii) Small Family Declaration rule;
- (xiv) Departmental Examination rule, if required;
- (xv) provision for transfer of the candidates as per the requirement of rules;
- (xvi) whether the provisions are arbitrary/violative of article 14 of the Constitution.

Recruitment rules under Central or State Act.

16.2. (B) Recruitment rules under Central or State Act.- If the posts are created under the Act and the Act provides to make rules for appointment and service conditions of such posts, the following aspects shall be checked:-

- (i) whether the power is conferred upon the Government under the Act to make recruitment rules for the post;
- (ii) whether the recruitment rules are as per the provisions of the Act;
- (iii) whether the recruitment rules are approved by the General Administration Department;
- (iv) whether the recruitment rules are approved by the Maharashtra Public Service Commission, unless the posts are exempted from the purview of the Maharashtra Public Service Commission under the Maharashtra Public Service Commission (Exemption from Consultation) Regulation, 1965;
- (v) whether existing rules needs to be superseded ;
- (vi) other relevant provisions as specified in check list above in paragraph 16.1.for the rules to be made under the proviso to Article 309 of the Constitution.

Rules under Central or State Act.

16.3. Rules under Central or State Act.-The following shall be checked while scrutinizing the draft rules to be made under the provisions of State or Central Act,-

(i) whether the power is conferred upon the State Government under the Act to make rules;

(ii) whether the previous publication of rules is required;

(iii) whether the rules proposed to make with the power to dispense with the condition of previous publication; and whether the power to dispense with is provided in the Act;

(iv) whether existing rules, if any, needs to be superseded;

(v) whether the consequential amendments are required to be made in other rules;

(vi) whether the proposed rules are in consonance with the provisions of the Parent Act;

(vii) whether the consultation with any authority is required as per the provisions of the Act;

(viii) whether any further delegation is proposed in the rules;

(ix) if the rules are proposed to be made with retrospective effect, whether power to make rules with retrospective effect is conferred under the Act;

(x) in case of final publication of rules, whether any substantial changes has made by the Department which were not in the preliminary draft published for suggestions and objections.

CHAPTER XVII

GUIDELINES FOR DRAFTING OF SUBORDINATE LEGISLATION

17. The following are the general guidelines for drafting/preparing of Subordinate Legislation (Notifications, Rules, Regulations, By-laws or any instrument).
- Enabling power.** 17.1 It shall be made only if there is enabling power in the Act.
- Power conferred.** 17.2 It shall be issued under the sections under which the power is conferred.
- Preamble.** 17.3 Precise statutory authority should be cited to enable one to know whether the subordinate legislation has been framed under due legal authority and within the limits laid down in the Parent Act.
- Subject of subordinate legislation.** 17.4 It shall be made for the subject matter to which the power is conferred by the Act.
- Power to whom conferred.** 17.5 It shall be made by the Government or Government authority to which the power is conferred by the Act.
- Citation of enactments.** 17.6 Section number /sub-section/clause under which the power is conferred and the name of the Act (short title) and number with year of Act, shall be cited in the preamble of such rules or bye-laws, notification, instrument or document.
- By order and in name of the Governor.** 17.7 (1) Any instrument made or issued on behalf of the State Government, shall be expressed to be made in the name of the Governor as provided in Article 166(1) of the Constitution.
- (2) At the end of the instrument and above the name of the officer who will sign the instrument, the following expression shall be printed:-
- “By order and in the name of the Governor of Maharashtra”.
- Name.** 17.8 The name of the officer who will sign the instrument shall be mentioned at the end of such instrument.
- Not contrary to Act.** 17.9 It shall not override the provisions of the Parent Act or shall not inconsistent with the provisions of the Act.
- Conformity with Constitution.** 17.10 It shall not violate the provisions of the Constitution. The rule-making power is subject to the Constitutional provisions which limit the powers of the State Legislature.

Similar manner and conditions.	17.11	Where a power to issue rules is conferred, then that power includes a power, “exercisable in the like manner and subject to the like sanctions and conditions, if any, to add, to amend, vary or rescind any rule so issued (see section 21 of the General Clauses Act, 1897 and the Maharashtra General Clauses Act (I of 1904). Therefore, subordinate legislation should be amended in the like manner in which it was made.
Sub delegation.	17.12	It shall be made by the authority or body to whom the power is conferred by the Act. The authority to whom the power is conferred cannot further delegate such power to the authority/officer subordinate to it, unless, it is authorized by the Act.
Definitions.	17.13	While framing rules under the Act, the definitions used in the Act need not to define again in rules. New definitions may be incorporated in rules as per requirements, but subject to provisions of Parent Act.
No repeat provisions of Act.	17.14	The provisions which have been made in the Act, the same provision should not be repeated in the subordinate legislation.
Use same words.	17.15	Words/terms used in Act, the same words/terms should be used in the subordinate legislation.
For same purpose.	17.16	It shall be framed for the purposes for which the power is delegated in the Act.
Consultation.	17.17	If the Act provides that the rules, regulations or by-laws shall be made in consultation or approval or sanction or permission of the authorities or bodies; such rules, regulations or by-laws shall be made in consultation or approval or sanction or permission of that authority or bodies.
Previous publication.	17.18	If the Act provides the rules shall be made after previous publication, the rules shall be published in the <i>Official Gazette</i> , for inviting suggestions and objections. The sufficient time limit for submitting suggestions and objections shall be provided in draft rules. As per the recommendations of Committee on Subordinate Legislation of Parliament, a period of not less than thirty clear days should invariably be given to the public to send their comments/suggestions on draft rules.

After considering such suggestions and objections, the final rules shall be published in the *Official Gazette*, after approval from the Law and Judiciary Department.

Publication in Gazette.	17.19	(1) Publication is essential for the validity of subordinate legislation. Rules or regulations are binding on the people only after their publication in the <i>Official Gazette</i>. (Harla Vs. State of Rajasthan, AIR 1951 SC 467). (2) If the Act provides the Notification / Order shall be published in the <i>Official Gazette</i>, the Notification /Order shall be published in the <i>Official Gazette</i>. If the Act is silent on publication, in such case, it is not necessary to publish the notification/order in the <i>Official Gazette</i>. However, it can be published in the <i>Official Gazette</i>, for the information of the general public. If it is published in the <i>Official Gazette</i>, it will get the authenticity.
Publication of the amending notifications, orders, etc.	17. 20	The amending notifications/orders/rules/regulations/bye-laws, etc. should be published in the same part of the Gazette in which the principal notification/order/rules/regulations/bye-laws had been published.
Year of publication.	17.21	The year of publication and the year in short title should be the same.
Number of amendments.	17.22	If more than one amendment is carried out in a particular year then, the amendment number should be given in reference to that year only.
Commencement.	17.23	(1) The notification and rules will come into force on the date of their publication in the <i>Official Gazette</i>, unless different date is provided in the notification and rules. (2) If the Department intends to bring into force the rules or notification on particular day it shall provide the date in such rules or notification. (3) The notification and rules can't give retrospective effect unless specifically empowered by the Act.
Laying.	17.24	If the Act provides the rules or notifications shall be laid before each House of the State Legislature, the same shall be laid before each House of the State Legislature. The amending rules shall also to be laid before each House of the State Legislature.

Retrospective provisions.	17.25	Unless the Parent or enabling Act specifically gives power to make Rules or notification with retrospective effect, no retrospective effect shall be given to such rules or notification.
Repeal or superseded or rescind.	17.26	If the Notifications, Rules, Regulations or By-laws to be amended or repealed or superseded or rescinded, it shall be amended or repealed or superseded or rescinded, in exercises of the same power under which they have been issued or made.
Subsequent amendments.	17.27	If amendments to be made in any provisions of rules/notifications which has been subsequently added by amendments in such cases, the amendments shall be made in principal/originals notification rules and not in the amending notification/rules.
Rules under Central Act.	17.28	If Notification/ Rules to be issued under Central Act, in the preamble of Notification/Rules, after the name of Act, the words “in its application to the State of Maharashtra” shall be mentioned.
Reference of General Clauses Act.	17.29	While rescinding the notification / order, it shall be issued by exercising the same powers under which the notification / order was issued; the reference of “section 21 of the Maharashtra General Clauses Act (I of 1904)” shall also to be made in preamble of the notification/order.
Amendment number.	17.30	If the Rules, Regulations, By-laws are amended for the first time in the year, it shall be mentioned as “Amendment” and if it is amended for second or more time, in that year, it shall be mentioned as “Second Amendment” “Third Amendment”, etc.
Earlier reference.	17.31	If the existing Notifications, Rules, Regulations or By-laws are to be repealed and new Notifications, Rules, Regulations or By-laws are to be made ; in such cases, in new draft, the reference of supersession of earlier Notifications, Rules, Regulations or By-laws shall be made.
Not override provisions of the principal Act.	17.32	The Subordinate Legislation should not override the provisions of the principal Act under which the Subordinate Legislation is made.
Amendments.	17.33	If the amendments to be made in the principal Rules or in notification or order, then it shall be made by exercising the same power under which the principal Rules or notification or order have been made or issued.

Plain language.	17.34	As far as possible, the plain English should be used as a language in drafting the subordinate legislation.
Rule making power.	17.35	(1) The rules are framed by the State Government and the regulations and bye-laws are framed by the authorities or institutions subordinate to the Government, to whom the power is confirmed by the Act. (2) When rule making power is conferred by the Act in general terms “for the purposes of carrying out the provisions of the Act”, the purposes of the Act must be determined with reference to all the provisions of the Act read together. (3) Where a specific power is conferred without prejudice to the generality of the general power already specified, the particular power is only illustrative and does not, in any way, restrict the general powers. (4) The rules shall be made for the purposes for which the power is conferred by the Act.

Note:- The some contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K.Chakrabarti.

CHAPTER XVIII

GUIDELINES FOR DELEGATED LEGISLATION

**Guidelines
for
Delegated
Legislation.**

18 The Rules, Regulations and Bye-laws are made and the notifications and orders are issued under the Act, for which the power is delegated to the Government and subordinate authorities thereto. In Delhi Laws case, reported in A.I.R. 38, 1951 S.C. at pages 332 to 344, the Supreme Court has laid down certain legal principles for delegated legislation.

18.1 The essential legislative functions shall not be delegated.

18.2 The following are the matters which should be embodied in the Act itself constituting as they are the essential legislative functions:-

(1) Declaring what the laws shall be in relation to any particular territory or locality.

(2) Extending the duration or operation of an Act.

(3) Repealing or amending the law.

(4) Modifying any existing or future law in any essential feature so as to involve a change of policy.

(5) Power to levy tax.

(6) Power to levy fees.

(7) Power to prescribe punishment. The making of a particular act into an offence and prescribing punishment for it is an essential legislative function and cannot be delegated by the legislature to the executive.

Note.-It is permissible to prescribe penalties by rules provided the Parent Act contains a specific provision to this effect and further the maximum amount of penalty is also laid down in the Act.

If the legislature lays down the standards or principles to be followed by the executive in defining an offence and provides the limits of penalties, such delegation is permissible.

There are two important safeguards, if provided, there may not be any objection to prescribe the punishments through the delegated legislation. They are :-

(i) the legislature must determine the maximum punishment which the rule-making authority may prescribe; and

(ii) if such power is delegated to any authority other than the State, the exercise of the power must be subject to the previous sanction.

(8) Power to allow exemptions.

Note.- After laying down the policy of the law and the standards to be applied in its administration, the Legislature may authorize the Executive to make rules or regulations prescribing classes of cases in which relief may be granted.

(9) Expenditure from Consolidated Fund, as for instance, appointment of employees or staff, payment of fees and travelling allowances to them.

Note:- Rules may govern these matters provided the Act contains the necessary enabling provision and adequate indication is given in the Act that expenditure from the public revenues is likely to be incurred on these matters.

(10) Matters affecting the jurisdiction of the Courts.

(11) Right of appeal.

Note.- When the entire machinery for taking original decisions is created under rules authorised by the enabling provisions of the Act, there may be no objection to provide also by rules, machinery and procedure for appeals against such decisions; but if the original decisions are taken under the specific provisions of the Act and there is no provisions of appeal made in the Act, it will not be right to fill the lacuna by making provisions regarding appeals under the rules on grounds of natural justice.

(12) Provisions affecting interest or rights in properties and providing for compensation.

(13) Trespassing upon individual rights and liberties.

Note.- (For clauses (12) and (13)).- Rules may be made affecting interests or rights in properties and providing for compensation therefor or for the matter of that, trespassing upon individual rights and liberties, provided there are

specific enabling provisions in the Act and sufficient guidelines are indicated therein regarding the manner in which and the extent to which those rights, interests and liberties are going to be affected.

(14) **Removal of difficulties:** (a) The enabling provision should be included in Act. When the legislature passes an Act, it cannot foresee all the difficulties which may arise in implementing it. The executive is, therefore, empowered to make necessary changes to remove such difficulties. This provision has been nicknamed as Henri VIII clause.

(b) The power to remove difficulties may also be delegated subject to a time-limit of two years for its operation from the passing of the Act.

18.3 Matters may be permitted in Rules.-The following matters may be permitted to be governed by the Rules:-

(1) All matters of subsidiary or ancillary nature or those which relate to procedure or matters of detail.

(2) Fees can be prescribed if there is enabling provision in the Act.

(3) As regards taxation, it seems permissible to delegate the power to carry out a certain taxation policy if the principles of taxation are clearly embodied in the Act; examples of these may be mentioned below:-

(a) Powers to determine the time when or the manner in which tax should be paid, that is, power to determine matters of computation, appraisal, adjustment and such other like powers involving more certainty of details.

(b) Power to authorise administrative authority to mathematically reduce the rate from facts and events referred to in the taxing measure.

(c) Power to revise rates according to the changing circumstances, provided definite standards are laid down to guide the exercise of such powers.

(d) Rate-making function provided adequate standards are provided to guide the administrative body in rate-making process.

(e) In matter of sales tax, power to prescribe by rules at what single point in the series of sales by successive dealers the goods shall be liable to tax.

(f) Discretion as regards the procedure to be followed in the matter of collection or assessment of taxes, provided sufficient guide or standard for the exercise of such discretion is provided in the law.

(g) Power to determine whether a particular article or merchandise is suitable, after the Legislature had laid down the principles and the rate according to which a duty is to be levied.

(4) Penalties can be prescribe by rules provided that the Parent Act contains a specific provision to this effect and further the maximum amount of penalty is also laid down in the Act.

(5) Exemptions can be prescribed by rules if after laying down the policy of the law and the standards to be applied in its administration, the Legislature may authorize the Executive to make rules or regulations prescribing classes of cases in which exemption can be granted.

18.4 Retrospective effect to rules.- The following principles shall be followed while giving retrospective effect to the rules:-

(1) power to give retrospective effect must flow from the Act itself either by express words or by necessary intendment, which must be gathered from the provisions of the Act itself;

(2) retrospective effect should be given only to confer benefits on the subjects and not to impose any new obligations or restrictions affecting the existing rights, and that too in circumstances which are compelling and the power should be used sparingly;

(3) normally, the date of retrospective operation should not be earlier than the date when the Act comes into force unless the Act specifically provides otherwise.

Reference.- Subordinate Legislation Committee Report.

CHAPTER XIX

GOVERNMENT RESOLUTION

- Government Resolution.** **19.** Rule 110 of the Maharashtra Legislative Assembly Rules provides the procedure for passing Government Resolution in the Maharashtra Legislative Assembly.
- 110. Government Resolutions.** (1) The provisions of rule 106 shall not apply to resolutions of which notice is given by a Minister or the Advocate General.
- (2) Seven days' notice shall be necessary in respect of such resolutions.

RATIFICATION OF AMENDMENT TO CONSTITUTION

- Constitution provisions.** **19.1.** Constitutional provisions for making amendments in the Constitution.

“368. Power of Parliament to amend the Constitution and procedure therefor.

(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.

(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

- (a) article 54, article 55, article 73, article 162, article 241 or article 279A or
- (b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or
- (c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this article,

the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.”.

**Maharashtra
Legislative
Assembly
Rules
provisions.**

19.2. The following procedure is adopted in State Legislature for ratification of amendment to the Constitution of India. Rules 160 to 162 of the Assembly Rules and rules 155 to 157 of Council Rules provides the procedure for ratification of amendment to the Constitution.

**Ratification
of
amendment
to the
Constitution.**

“160. (1) As soon as a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message together with the Bill, shall be laid by the Secretary on the Table of the House.

(2) The Secretary shall forward a copy of the message together with the Bill to the State Government at the first convenient opportunity.

**Discussion
on the
amendment
to the
Constitution.**

161. (1) After the message has been laid on the Table under Rule 160, any member may, after giving three days’ notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified.

(2) The Speaker shall, in consultation with the Leader of the House, fix a date for discussion on the resolution.

(3) No amendment shall be proposed to such a resolution.

(4) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

**Message to
Parliament.**

162. (1) If the resolution is passed by the House, a message shall be send to the House of Parliament from which the message referred to in rule 160 was received, that the Assembly ratifies the amendment.

(2) If the resolution is rejected by the House, a message shall be send as aforesaid that the Assembly does not ratify the amendment.

(3) If no resolution is moved during the Session in which the message of the House of Parliament is laid on the Table, the Secretary shall send information to that effect to the House of parliament from which the message was received.”.

19.3 Procedure of Government Resolution.

(1) The concerned Administrative Department shall prepare the draft resolution (English, Marathi) and shall send to the Law and Judiciary Department for scrutiny.

(2) The Law and Judiciary Department will make scrutiny of draft Resolution and will send to the concerned Department.

(3) The concerned Administrative Department shall take the Cabinet approval for the Government Resolution.

(4) The concerned Minister of the Department will give Notice of Resolution to the Maharashtra State Legislature alongwith the Resolution.

(5) If the Resolution is relating to ratification of Constitution Amendment, after passing of such Resolution, it will be sent by the Mahaarashtra State Legislature to the House of Parliament from which the message was received.

(6) If the resolution is passed by the House, a message will be send to the House of Parliament from which the message was received, that the Assembly and Council has ratified the amendment.

ANNEXURE-I

STANDARD FORMATS OF DRAFTING (AMENDMENTS)

The amendments are made for different purposes and by different ways. The amendments are made to delete, to add, to substitute the words, portion, section, sub-section, clause, paragraph, entry, etc., of the Act. The amendments may be made with retrospective effect or prospective effect, it depends on the contingencies arises.

The purpose of the amending Act is to plant the necessary amendments in the Principal Act/Parent Act/Main Act, and once such amendment has been effected, the Amending Act has served its purpose, the amendments take root in the Main Act.

The following are the drafting formula/style may be adopted while drafting.

(A) AMENDMENTS IN STATE ACTS

(1) Amendment in Long title.

Amendment of long title of Bom. III of 1909.	1. In the long title of the Prince of Wales Museum Act, 1909 (hereinafter referred to as “the principal Act”), for the words “the Prince of Wales Museum of Western India” the words Chhatrpati Shivaji Maharaj Vastu Sangrahalaya” shall be substituted.	Mah. XXV of 2001.

(2) Amendment in Preamble.

Amendment of preamble of Mah. XLVIII of 1976.	3. In the preamble of the principal Act, for the words “Water Supply and Sewerage Board” the words “Jeevan Authority” shall be substituted.	Mah. XXV of 1997.
Amendment of preamble of Mah. XXXVIII of 1997.	3. In the preamble of the principal Act, after the words “State of Maharashtra” the words “and matters relating to affiliation of Polytechnic or Institutions and courses of study therein with the said Board” shall be inserted.	Mah. XXII of 2023.

(3) Amendment in Short title.

Amendment of section 1 of Mah. XL of 1965.	In section 1 of the Maharashtra Municipalities Act, 1965 (hereinafter referred to as the “principal Act”) in sub-section (I), for the word “Municipalities” the words “Municipal Councils” shall be substituted.	Mah. XVIII of 1993.

(4) Amendment in sections.

Amendment of section 37 of Bom.LI of 1959.	8. In section 37 of the Bombay Sales Tax Act, in sub-section (1), in clause (b), in sub-clause (i), for the portion beginning with words "not exceeding two thousand" and ending with the words "whichever is less", the following shall be substituted, namely :-	Mah. XIX of 1996.
Amendment of section 24 of Bom. LI of 1959.	20. In section 24 of the Bombay Sales Tax Act, for the words "sixty thousand rupees", wherever they occur for the first time, the words "one lakh rupees" shall be substituted.	Mah. IX of 1988.

(5) Insertion of new clause.

Amendment of section 2 of Mah. XVII of 1998.	2. In section 2 of the Maharashtra Animal and Fishery Sciences University Act, 1998 (hereinafter referred to as "principal Act"),— (a) before clause (1), the following clause shall be inserted, namely :— “(a-1) “affiliated college” means a college which has been granted affiliation by the University;”;	Mah. XL of 2023.

(6) Amendment in Marginal Note.

Amendment of section 21 of Mah. III of 2007.	14. In section 21 of the principal Act,— (2) in the marginal note, for the words “fire services” the words “Fire and Emergency Services” shall be substituted.	Mah.XXIV of 2023.

(7) Insertion of New Section.

Insertion of new sections 5A, 5B in Mah.V of 1965.	4. After section 5 of the principal Act, the following sections shall be inserted, namely:- “5A.-----	Mah.XIV of 2021.
Insertion of new section 35A in Mah. XVII of 1998.	9. In CHAPTER VI, before section 36 of the principal Act, under the heading “AFFILIATION AND RECOGNITION” as so substituted, the following section shall be inserted, namely :— “ 35A. (1) Subject to the fulfilment of necessary conditions as	Mah. XL of 2023.

Amendment of section 3 of Mah. XLIV of 1975.	3. In section 3 of the principal Act,- (1) before sub-section (1), the following sub-section shall be inserted, namely:- “(A-1) (8) Portion beginning with and ending with.	
Amendment of section 7 of XI of 1953.	5. In section 7 of the Maharashtra Cinemas (Regulations) Act (hereinafter, in this Chapter, referred to as “ the Cinemas Act ”), in sub-section (1), for the portion beginning with the words “shall be punished with imprisonment” and ending with the words “ for the first such offence ”, the following shall be substituted, namely :— (9) Amendments in throughout Act.	Mah. XI of 2023.
Substitution of the word “Authority” for the word “Board” in Mah. XLVIII of 1976.	5. Throughout the principal Act, including the heading and the marginal notes, for the words “Board”, “a Board” and “the Board”, wherever they occur, the words “Authority”, “an Authority” and “the Authority” respectively, shall be substituted.	Mah. XXV of 1997.
Substitution of references to certain expressions by other expression.	3. Throughout the principal Act, unless otherwise expressly provided for, the expressions “the Central Government or a State Government” and “the State Government”, wherever they occur, the expression “appropriate Government” shall be substituted and such other consequential amendments as the rules of grammar may require shall also be made.	41 of 2005.
Amendment of Act XIV of 1869.	2. Throughout the Bombay Civil Courts Act, 1869 (including the marginal note),- (a) for the words “Assistant Judge”, wherever they occur, the words “Additional District Judge” shall be substituted; (b) for the words “Joint Judge”, wherever they occur, the words “Joint District Judge” shall be substituted; and (c) such amendments consequential to the amendments made by clauses (a) and (b), as the rules of grammar may require, shall be made. 34. Throughout section 32 of the principal Act, for the word “Court”, wherever it occurs, the word “Council” shall be substituted. Note.- The above format should be used rarely or in exception cases. The amendments should be made sub-section-wise /section-wise.	Mah. XXVII of 1984.

**(10) Amendments in both places of section/sub-section/
wherever it occurs.**

Amendment of section 148A of Mah. XXIV of 1961	62. In section 148A of the principal Act, in sub-section (3), for the words and figures “Code of Criminal Procedure, 1898”, in both the places where they occur, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.	Mah. XX of 1986.
Amendment of section 3C of Mah. XXVIII of 1971.	3. In section 3C of the principal Act, in sub-section (2), for the words, “Grievance Redressal Committee”, at both the places where they occur, the words “Apex Grievance Redressal Committee” shall be substituted and shall be deemed to have been substituted with effect from the 8th March 2017.	Mah. XXXIII of 2023.
Amendment of section 15A of Bom. XII of 1960.	18. In section 15A of the principal Act, including in the marginal note, for the word “Board”, wherever it occurs, the word “Council” shall be substituted.	Mah. XVI of 1988
	3. In section 5 of the principal Act, in sub-section (1), under the heading “Class-C Nominated”,- (a) in each of the paragraphs (i), (iv) and (v), for the words “four members” the words “seven members” shall be substituted;	Mah. IX of 1983.

(11) Amendments in sub-section and proviso.

Amendment of section 5 of Mah. XLVI of 1971.	2. In section 5 of the Maharashtra Lokayukta and Up-lokayuktas Act, 1971, in sub-section (5) including in the provisos, the words “and pension”, wherever they occur, shall be deleted.	Mah. XXIX of 1988.

(12) Insertion of proviso

Amendment of section 27 of Bom. XXII of 1951.	7. To section 27 of the principal Act, the following proviso shall be added, namely:- “Provided that, a punishment shall not be enhanced or more severe punishment shall not be awarded in appeal, unless notice to show cause against such enhancement or, as the case may be, more severe punishment, has been given, and any cause shown thereon has been considered.”.	Mah. XL of 2000.
Amendment of section 152A of Bom. LIX of 1949.	In section 152A of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “ the principal Act”), to sub-section (1), the following provisos shall be added, namely:- “Provided that, the Corporation may, subject to the previous sanction of the State Government, by notification in the <i>Official Gazette</i> , add, alter or delete any of the entries in the Schedule A or vary the rates including the maximum rates specified therein :	Mah. I of 2001.

(13) Deemed Amendments.

Amendment of section 6 of Bom. XXII of 1951.	5. In section 6 of the principal Act, in sub-section (1), for the words “for the direction and supervision” the words and figures “subject to -- “ shall be substituted, and shall be deemed always to have been substituted.	Mah. XXXII of 1987 .
Amendment of section 96 of Mah. IX of 2005.	2. In section 96 of the Value Added Tax Act, in sub-section (1), for clause (a-1), the following clauses shall be substituted and shall be deemed to have been substituted with effect from the 1st April 2005, namely:-	
Amendment of Schedule I to Bom. LX of 1958.	3. (2) The amendments made to Article 25 of Schedule I to the principal Act by substitution of sub-clause (1) of clause (d) and the Explanation II, by sub-clauses (i) and (ii), respectively, of clause (b) of section 3 of this Act shall be deemed to have been made in the principal Act on the 17th March 1988.	Mah. IX of 1990.

(14) *Mutatis mutandis* application of provisions.

Amendment of section 11 of Mah. XVI of 1975.	5. For section 11 of the Profession Tax Act, the following section shall be substituted, namely:-	Mah. XVI of 1975.
Recovery of tax.	“11. The provisions under the Maharashtra Goods and Services Tax Act, regarding recovery of tax shall, <i>mutatis mutandis</i> apply for the recovery of dues under this Act.”.	
Term of office of Chairman and Deputy Chairman of Panchayat Samitis.	65. Save as otherwise provided in this Act, the provisions of section 43 shall <i>mutatis mutandis</i> apply in relation to the term of office of the Chairman and Deputy Chairman of a Panchayat Samiti.	Mah. V of 1962.

(15) Amendment in Heading/Chapter.

Amendment of heading of Chapter VI of Mah. XVII of 1998.	8. In CHAPTER VI of the principal Act, for the heading “RECOGNITION” the heading “AFFILIATION AND RECOGNITION” shall be substituted.	Mah. XL of 2023.

(16) Amendment in Schedule.

Amendment of Schedule I of Bom. LX of 1958	14. In Schedule I to the Stamp Act,- (3) in article 6,- (a) in clause (2), in sub-clause (a), in column 2, for the words, brackets and figures “same duty as per Bond (Article 13)” the following shall be substituted, namely:-	Mah. IX of 1997.

Amendment of SCHEDULE I of LX of 1958.	2. In SCHEDULE I appended to the Maharashtra Stamp Act, in article 5, in clause (g-a), in sub-clause (ii), in the proviso, in column (1), for the words “ within a period of one year ” the words “within a period of three years ” shall be substituted. (17) Re-numbering of Sections, Sub-sections and Clauses.	Mah. XXXII of 2022.
Amendment of section 2 of Mah. XLIV of 1975.	2. In section 2 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975,— (1) clause (1a) shall be re-numbered as clause (1aa); (2) before clause (1aa) so as re-numbered, the following clause shall be inserted, namely :— “(1a)”	Mah. IX of 2021.
Amendment of section 79 of Mah. XXIV of 1961.	13. In section 79 of the principal Act,— (1) the existing sub-section (1) shall be renumbered as sub-section (1-1A) thereof; and before sub-section (1-1A) as so renumbered, the following sub-section shall be inserted, namely:— “(1) ”	Mah. XXVIII of 2022.
Amendment of section 71A of Mah. XXIV of 1961.	26. Section 71A of the principal Act shall be re-numbered as sub-section (1) thereof; and after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely:-	Mah. XX of 1986.
Amendment of section 73BB of Mah. XXIV of 1961.	31. Section 73BB of the principal Act shall be re-numbered as sub-section (1) thereof; and- (a) in sub-section (1) as so re-numbered, for the portion beginning with the words “recognized union or unions,” and ending with the words “nominated as” the following shall be substituted, namely:- (b) after sub-section (1) as so re-numbered, the following sub-sections shall be substituted, namely:- 4. Clauses (i), (ia) and (ib) shall be re-numbered as clauses (ia), (ib) and (ic), respectively, and before clauses (ia) as so re-numbered, the following clause shall be inserted, namely :—	Mah. XX of 1986.
Amendment of section 2 of Bom. LI of 1959.	2. In section 2 of the Bombay Sales Tax Act, 1959 (hereinafter, in this Chapter, referred to as "the Bombay Sales Tax Act"), in clause (5A), in the existing <i>Explanation</i>, the portion beginning with the words "the activities" and ending with the words "to be business" shall be numbered as clause (i) thereof; and after the	Mah. XIX of 1996.

said clause (i), the following clause shall be added and shall be deemed to have been added, with effect from the 15th January 1975, namely :—

Re-numbering of section 27 as section 25A of Act IX of 1887.

2. Section 27 of the Provincial Small Causes Courts Act, 1887, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”) shall be re-numbered as section 25A of the said Act.

Mah. XXIV of 1984.

3. After section 25A of the principal Act as so re-numbered, the following Chapter and sections shall be inserted, namely :-

Amendment of section 33 of Bom. LI of 1959.

3. In section 33 of the principal Act, in sub-section (4A), the *Explanation* shall be re-numbered as *Explanation* I and after *Explanation* I as so re-numbered but before the first proviso, the following *Explanation* shall be inserted, namely:-

Mah. XXIV of 1985.

Amendment of section 21 of Bom. I of 1923.

12. (1) Section 21 of the principal Act shall be re-numbered as sub-section (1) thereof; and in sub-section (1) as so re-numbered,-

(a) in clause (a),-

(b) in clause (b),-

Mah. VII of 1987.

(2) After sub-section (1) as so re-numbered, the following sub-section shall be added and shall be deemed always to have been added, namely :-

(18) Numbering of clauses.

Amendment of section 11 of Mah. XXXV of 2022.

4. In section 11 of the Maharashtra COEP Technological University Act, 2022,—

Mah. XVI of 2023.

(1) in sub-section (3),—

(a)

(d) in clause (f),—

(i) before sub-clause (i), the following sub-clause shall be inserted, namely :—

“(i-1) be a person possessing highest level of competence, integrity, morals and institutional commitment ;”;

(ii) in sub-clause (iv),—

(I) for the words “ educational qualifications” the words “ additional educational qualifications ” shall be substituted ;

(II) in the proviso, for the words “educational qualifications” the words “additional educational qualifications” shall be substituted.

Amendment to Schedule A of Mah. IX of 2005.	19. (2) the existing entry 55 shall be renumbered as sub-entry (a) thereof; and after sub-entry (a) so as renumbered, the following sub-entries shall be added, namely :—	Mah. XII of 2010.

(19) Retrospective amendments/deemed amendments.

Amendment of Schedule to Bom. LX of 1958.	8. In the Schedule to the Stamp Act,- (1) (c) In the existing <i>Explanation I</i> , in the form as it existed on the 17th August 1994 shall and shall be deemed to have come into force with effect from the 10th December 1985.	Mah. 30 of 1997.

Amendment of section 2 of Mah. XVI of 1975.	2. In section 2 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (hereinafter, in this Chapter, referred to as “the Profession Tax Act”), for clause (j), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st April 2005, namely :—	Mah. XXXII of 2006.

Insertion of section 7A in Mah. XXVII of 1962.	3. After section 7 of the Maharashtra Education and Employment Guarantee (Cess) Act, 1962, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st January 2022, namely :—	Mah. XXV of 2022.

(20) Retrospective Deletion.

Amendment of section 2 of Mah. XLI of 1987.	11. In section 2 of the Maharashtra Tax on Luxury Act, 1987,— (h) in clause (q), in sub-clause (ii), the words “the registered textile trader or, as the case may be, registered tobacconist”; and “the textile trader or tobacconist”, shall be deleted and shall be deemed to have been deleted with effect from the 20 th January 2005.	Mah. XXXII of 2006.

Amendment of section 57 of Bom. XXII of 1951.	3. In section 57 of the principal Act, in sub-section (1), the word “specially” shall be deleted, and shall be deemed always to have been deleted.	Mah. II of 1994.

(21) Retrospective Insertion.

Amendment of section 41B of Bom. LI of 1959.	9. In section 41B of the Bombay Sales Tax Act, after the words and figures "under entry 136" the words, letter and figure "or, as the case may be, under entry E-3" shall be inserted, and shall be deemed to have been inserted, with effect from the 1 st October 1995.	Mah. XIX of 1996.

(22) Retrospective Substitution.

Amendment of section 41C of Bom.LI of 1959.	10. In section 41C of the Bombay Sales Tax Act,- (1) in sub-section (1), in clause (a), in sub-clause (1), in entry (A), for the words, brackets and figures "excess, on or after the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 1995 " the words, figures and letters "as calculated from the 1st October 1995, exceeds" shall be substituted, and shall be deemed to have been substituted, with effect from the 1st October 1995.	Mah. XIX of 1996.

(23) Re-enactment of provisions.

Re-enactment of section 13AA of Bom. LI of 1959	24. Section 13AA of the Bombay Sales Tax Act, shall during the period commencing on the 1st July 1982 and ending on the 30th September 1995, shall be deemed to have been duly and validly re-enacted, in the same form as it from time to time, then existed with the following modification, namely:—	Mah. XXX of 1997.
Revival and re-enactment of Schedule to Mah.IV of 2003 as it existed on 31st March 2005.	5. During the period commencing from the 1st October 2002 and ending on the 31st March 2005, Schedule to the Maharashtra Tax on Entry of Goods into Local Areas Act, 2002, as it existed before the 1st April 2005, shall be deemed to have been revived and re-enacted in the same form as it then existed, with certain modifications as follows, namely:— "in the Schedule so revived, for entry 13, the following entry shall be substituted, namely:-	Mah. XXV of 2007.
Re-enactment of section 13 of Bom. LI of 1959.	5. During the period commencing on the 15th January 1975 and ending on the 31st March 1989, section 13 of the Bombay Sales Tax Act as amended from time to time, shall be deemed to have been duly and validly re-enacted, in the same form as it then existed, with the following modifications, namely :- (a) for the words "Registered dealer" the words "dealer, or a dealer who is not registered dealer" shall be deemed to have been substituted.	Mah. XIX of 1996.

(24) Amendments in Schedule with retrospective effect.

Amendment of Schedule A of Bom.LI of 1959.	12. In Schedule A appended to the Bombay Sales Tax Act,- (1) for entry 1, the following entry shall be substituted, and shall be deemed to have been substituted, with effect from the 1 st October 1995, namely :—	Mah. XIX of 1996.

(2) During the period commencing on the 1st July 1981 and ending on the 30th September 1995, entry 6 as it existed on the 1st July 1981, shall be deemed to have been duly and validly re-enacted in the same form as it then existed, with the modification that in column (2), after the word "cattle" the brackets and words "(excluding horses)," shall be deemed to have been inserted;

(4) in entry 7, in sub-entry (1), in column (2), after the word "cattle" the brackets and words "(excluding horses)," shall be inserted, and shall be deemed to have been inserted, with effect from the 1st October 1995.

(25) Revival, amendments and repeal.

Amendment to Schedule D of Mah. IX of 2005.	77. Schedule D appended to the Value Added Tax Act shall be renamed as Schedule B thereof and in Schedule B as so renamed,—	Mah. XLII of 2017.

(a) entry 4 shall be deleted ;

Revival and repeal of Mah. XLI of 1976.	2. (1) Notwithstanding the repeal of the Maharashtra Resettlement of Project Displacement Persons Act, 1976 by the Maharashtra Project Affected persons Rehabilitation Act, 1986, on the 1 st January 1990, for the purpose of this Act, that Act shall be deemed to have been revived, re-enacted and to have full force.	Mah. LIV of 1994.

(2) The Act so revived and re-enacted shall, with effect from the 24th September 1986, apply to the Projects notified under section 11 thereof with the following modifications, that is to say:-

(a) in section 2 of the said Act,-

(i)

(3) The said Act so revived, re-enacted and amended as aforesaid shall be and shall be deemed to have been repealed on the 1st January 1990.

Revival and re-enactment of sub-section (3) of section 7 of Bom. LI of 1959.	11. It is hereby declared that, in section 7 of the Bombay Sales Tax Act, sub-section (3), as it stood during the period from the 1st January 1960 to the 30th June 1981 (both days inclusive), shall be deemed to be revived and re-enacted, with certain modifications, during the said period as follows, namely :—	Mah. IX of 1988.

Revival and repeal of Bom.LI of 1949, and continuance in office of Vice Chancellor, and validating provisions.	2. (1) Notwithstanding the repeal of the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, for the purposes mentioned aforesaid that Act shall be deemed to have been received, re-enacted and to have full force; and in the Act so revised and re-enacted, in section 10 thereof, in sub-section (2), after the words "the term of three years" the words "but shall continue to hold that office until the date on which a new Vice-Chancellor enters upon his office." shall be deemed always to have been added. (2) The said Act, so revived, re-enacted and amended as aforesaid (hereinafter referred to as "the old Act"), shall be and shall be deemed to have been repealed on the 21st day of May 1974 (hereinafter referred to as "the said date").	Mah. XLV of 1974.
Revival and re-enactment of entry 10 in Schedule A to Bom. LI of 1959.	10. It is hereby declared that entry 10 in Schedule A to the principal Act, as it stood during the period from the 15th June 1962 to the 30th June 1981 (both inclusive), shall be deemed to be revived and re-enacted with certain modifications, during the said period as follows, namely:- 3. In the Act, except in sections 3 and 12 and in the rules made under the Act, references to "the State Government" and "Government" shall be deemed to be references to "the Municipal Council" and reference to "Government premises" shall be deemed to be references to "Municipal premises".	
Repeal of Mah. XXI of 1973 and dissolution of Boards constituted thereunder.	2. On and with effect from the date of commencement of this Act, the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, stand repealed, and all Selection Boards and the Special Selection Boards constituted thereunder shall dissolve, and the members thereof shall be deemed to have vacated their office. 3. The enactments specified in column 2 of the Schedule hereto are hereby amended in manner, and to the extent, specified in column 3 thereof.	Mah. XXXIV of 1983.
Re-enactment of section 15-1A of Bom. LI of 1959.	17. Section 15-1A of the Bombay Sales Tax Act shall and shall be deemed to have been duly and validly re-enacted for the period commencing on the 31st March 1999 and ending on the 31st March 2001 with the following modification, namely:- In sub-section (1) of the said section 15-1A, after the words "...." the words, figures and letters ".....", shall be inserted and shall be deemed to have been inserted.	Mah. XIII of 2004.

(26) Not Application of Provisions/Amendment.

(Amendments to Bombay Sales Tax Act, 1959 not to operate during certain period.)

Insertion of section 1A in Mah. XI of 1992.	2. In Chapter I of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 1992, after section 1, the following section shall be inserted, namely:-	Mah. IV of 1993.
Amendments to Bombay Sales Tax Act, 1959 not to operate during certain period.	“1A. Notwithstanding anything contained in sub-section (2) of section 1 or in Government Notification, Finance Department, No. STA. 1192/C.R., 49/B/Taxation-1, dated the 1 st May 1992, issued in pursuance of the provisions of sub-section (2) of section 1, the amendments made to the Bombay Sales Tax Act, 1959 by sections 2 to 7 and 9 to 34 shall not operate during the period commencing on the date of coming into force of the Maharashtra Tax Laws (Levy, Amendment and Validation) (Amendment and Continuance) Act, 1993 and ending on the 30 th June 1993 or such earlier date, as the State Government may, by notification in the <i>Official Gazette</i> , specify.”.	
Certain amendments made to Bombay Sales Tax Rules, 1959 not to operate during certain period.	3. Notwithstanding anything contained in section 74 of the Bombay Sales Tax Act, 1959 (hereinafter in this Act referred to as “the Bombay Sales Tax Act”) and the Bombay Sales Tax Rules, 1959 (hereinafter in this Act referred to as “the Bombay Sales Tax Rules”), the amendments made to the Bombay Sales Tax Rules by rules 3 to 9 and 12 to 20 of the Bombay Sales Tax (Amendment) Rules, 1992 (hereinafter in this Act referred to as “the Bombay Sales Tax Amendment Rules”), shall not operate during the period commencing on the date of coming into force of this Act and ending on the 30 th June 1993 or such earlier date, as the State Government may, by notification in the <i>Official Gazette</i> , specify (hereinafter in this Act referred to as “the period aforesaid”).	

(27) Amendments in Rules by Act.

Re-enactment of rules 3 and 41E of Bombay Sales Tax Rules.	9. (1) Rule 3 of the Bombay Sales Tax Rules, 1959, as in force immediately before the 19 th January 1976, shall be deemed to be duly and validly re-enacted by the State Government on the 19 th January 1976 in the same form, but subject to the following modifications and amendments, namely :- (a).	Mah. IX of 1984.

(2) Rule 41E of the Bombay Sales Tax Rules, 1959 shall be deemed to be re-enacted with effect from the 1st April 1984 in the same form, but subject to the following modifications, namely :-

Re-enactment of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 with retrospective effect.

8. Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or any judgement, decree or order of any court, tribunal or authority, the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Grievance Redressal Committee) Rules, 2014 (hereinafter referred to as “the Rules”), relating to the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validly re-enacted by the State Government with retrospective effect, from the 23rd February 2017 and shall be deemed to be operative at all material times, as if they have been made in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.

Mah. XXXIII of 2023.

Amendment of notification issued under section 8A of Bom. LI of 1959.

39. For entry 1 in the STATEMENT appended to the Government Notification, Finance Department, No. STA-1195/CR-114/Taxation, dated the 15th May 1996 issued under section 8A of the Bombay Sales Tax Act, the following shall be substituted and shall be deemed to have been substituted with effect from the 1st January 2000, namely:-

Mah. XIII of 2004.

27. In rule 16 of the Maharashtra Land Revenue (Conversion of use of Land and Non agricultural Assessment) Rules, 1969, in sub-rule (3), for the figures and words “1.25 per cent” the figures and words “3 per cent” shall be substituted, and shall be deemed to have been substituted on the 1st day of August 1999.

Mah. XVII of 1993.

(28) Amendments in Notification by Act.

Amendment of section 1 of Mah. XXX of 1969.

(4A). Notwithstanding anything contained in sub-section (4), and in Government Notification, Industries and Labour Department, No. UMA.1272/Lab-IV, dated the 28th March 1972, this Act shall be deemed to have come into force in the areas specified in column 2 of the Table below on the dates and in respect of the employments specified in columns 3 and 4 against each such areas in the said Table, respectively.

Mah. XXVIII of 1987.

Amendment to notification issued under entry 54 of Schedule C of Mah. IX of 2005.	15. In the Schedule to the Government of Maharashtra, Finance Department Notification No.STR.1059(iii) G-1, dated the 28th December 1959, issued under section 41 of the Bombay Sales Tax Act,— (1) during the period commencing on the 12th October 1979 and ending on the 30th September 1995, entry 134 as it existed, from time to time, before the 1st October 1995, shall be deemed to have been duly and validly re-enacted in the same form as it then existed with certain modifications made, during the said period from time to time , as follows, namely :- (a) during the period commencing on the 12th October 1979 and ending on the 30th June 1981,- (i) in column 2, after the words, figures and letters "dated the 12th October 1979" the words "and such duty has been paid to the Government of Maharashtra" shall be deemed to have been added; (ii) in column 4, the existing condition shall be numbered and shall be deemed to have been numbered as condition (i) and after the said condition, the following condition shall be added and, shall be deemed to have been added, namely:-	Mah. XIX of 1996.
Amendment to notification issued under entry 54 of Schedule C of Mah. IX of 2005.	14. In the Government Notification, Finance Department, No. VAT-1505/CR-234/Taxation-1, dated the 1st September 2005, issued under entry 54 of Schedule C of the Maharashtra Value Added Tax Act, 2002, in the Schedule appended to the said notification, in entry 2, in column (5), for the words “<i>Desi loni</i>” the words “<i>Desi loni</i>, white butter” shall be substituted and shall be deemed to have been substituted with effect from the 1st September 2005.	Mah. 17 of 2015.
Amendment of Government Notification, Finance Department, No. STA-1059/(iii)/G-1, dated the 28th December 1959.	14. In the Schedule to Government Notification, Finance Department, No. STA-1059/(iii)/G-1, dated the 28th December 1959, in entry 164, in sub-entry (i) in column 2, for item (v), the following item shall be substituted, and shall be deemed to have been substituted in the period commencing on the 1st September 1981 and ending on and including the 30th March 1988, namely:-	Mah. XXII of 1988.

Re-enactment of Government Notification, dated 8th March 2017 relating to constitution of Apex and other Grievance Redressal Committee with retrospective effect.	9. Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or any judgment, decree or order of any court, tribunal or authority, the Government Notification, Housing Department, No. Zopasu. 1008/C.R. 143(1)/Slum-1, dated the 8th March 2017 (hereinafter referred to as “the Notification”), relating to constitution of the Apex Grievance Redressal Committee and Grievance Redressal Committees, shall be deemed to have been duly and validly re-enacted by the State Government with retrospective effect, from the 8th March 2017 and shall be deemed to be operative at all material times, as if it has been issued in accordance with law by the State Government under the relevant provisions of the said Act, as amended by this Act.	Mah. XXXIII of 2023.

(B) AMENDMENTS IN CENTRAL ACTS

Amendment of section 6 of 52 of 1961.	2. In section 6 of the Apprentices Act, 1961, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”), for the existing clause (b), the following clause shall be substituted, namely :—	Mah. 17 of 2018.
Short title and commencement.	1. This Act may be called the Police (Incitement to Disaffection) (Maharashtra Amendment) Act, 1983.	Mah. XXIII of 1983.
Amendment of section 3 of Act XXII of 1922.	2 (a) Section 3 of the Police (Incitement to Disaffection) Act, 1922, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”), shall be renumbered as sub-section (1) of that section and in sub-section (1) so renumbered, “for the portion beginning with the words “shall be punished” and ending with the words “or with both”, the following shall be substituted, namely:-	Mah. XXIII of 1983.
Amendment of section 156 of Act 2 of 1974.	2. In section 156 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as “the said Code”), after subsection (3), the following provisos shall be added, namely :—	Mah. 33 of 2016.
Amendment of section 332 of 45 of 1860.	2. In section 332 of the Indian Penal Code, 1860, in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as “ the said Code”), for the words “ three years” the words “ five years” shall be substituted.	Mah. 40 of 2018.

Amendment of section 309 of 2 of 1974.	4. In section 309 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as “ the Code of Criminal Procedure”), after the existing proviso, the following proviso shall be added, namely :—	Mah. 40 of 2018.
Amendment of First Schedule of 2 of 1974.	5. In the First Schedule to the Code of Criminal Procedure, under the heading “I.-OFFENCES UNDER THE INDIAN PENAL CODE”,— (i) for the entry relating to section 332, the following entry shall be substituted, namely :—	Mah. 40 of 2018.

ANNEXURE-II
STANDARD FORMAT OF DRAFTING (Bill)

(1) Long title.

(a) Principal Legislation

Long title. The Maharashtra International Sports University Act, 2020.

Mah.
XXXV of
2020.

A Bill

to establish and incorporate an International Sports University, MAHARASHTRA in the State of Maharashtra, a specialized University first of its kind, to create competent personnel in sports, to promote physical education and sports education in the areas of sports sciences, sports medicine, sports technology, sports governing, sports management, sports media and communication, sports coaching and training, besides functioning as the State training center for select sports disciplines by adopting best international practices and for matters connected therewith or incidental thereto.

The Maharashtra Witness Protection and Security Act, 2017.

Mah. IX
of 2018.

A Bill

to provide protection to the witnesses in criminal trials, their relatives in relation to serious offences and for matters connected therewith or incidental thereto.

(b) Amending Legislation

A Bill

further to amend the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 and the Maharashtra Animal and Fishery Sciences University Act, 1998.

Mah. XLI
of 1983.

Mah.
XVII of
1998.

A Bill

further to amend certain tax laws in operation in the State of Maharashtra.

(c) Amendments in Central Act

A Bill

further to amend the Contract Labour (Regulation and Abolition) Act, 1970, in its application to the State of Maharashtra. 37 of 1970.

Preamble. (2) Preamble.

(a) Principal Act

WHEREAS the practice of collecting capitation fee for admitting students into educational institutions and at the time of promoting students to a higher standard or class at various stages of education is on the increase in the State;

AND WHEREAS this undesirable practice has been contributing to large scale commercialization of education which is not conducive to the maintenance of educational standards;

AND WHEREAS the National Policy on Education 1986 envisages that the commercialization of technical and professional education should be curbed and that steps should be taken to prevent the establishment of institutions set up to commercialize education;

AND WHEREAS with a view to effectively curb this evil practice, it is expedient in the public interest to prohibit collection of capitation fee for admission of students to, and their promotion to a higher standard or class in, the educational institutions in the State of Maharashtra and to provide for matters connected therewith; It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows :—

Principal Act

WHEREAS it is expedient to make special provisions for payment of compensation for loss of life of, or injury to, humans and cattle and damage to crops and property caused by certain wild animals and for matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

(b) Amending Act

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 Seventy-fourth Year of the Republic of India, as follows :—

(c) Ordinance conversion

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Universities Act, 2016, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Public Universities (Amendment) Ordinance, 2023, on the 20th October 2023;

(d) Ordinance

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Public Universities Act, 2016, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

(e) Amendments in Central Act

WHEREAS it is expedient further to amend the Contract Labour (Regulation and Abolition) Act, 1970, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

37 of
1970.

Enacting formula. (3) Enacting formula.

(a) Principal Act (portion underline)

WHEREAS it is expedient to provide for the improvement of bovines by regulating bovine breeding activities such as use of bovine breeding bulls for production of semen, processing, storage, sale and distribution of bovine semen, artificial insemination along with assisted reproductive technologies in bovines and for all matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

(b) State Act Amendments (portion underline)

WHEREAS it is expedient to amend the Maharashtra Electricity Duty Act, 2016, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

(c) Ordinance Conversion (portion underline)

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

(d) Central Act Amendments (portion underline)

WHEREAS it is expedient further to amend the Contract Labour (Regulation and Abolition) Act, 1970, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Short title. (4) Short title.

Mah. VII
of 2020.

(a) State Act-

1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020.

1. (1) This Act may be called the Maharashtra Co-operative Societies (Second Amendment) Act, 2020.

Mah.
XXVII of
2020.

1. (1) This Act may be called the Maharashtra International Sports University Act, 2020. Mah. XXXV of 2020.

(1) This Act may be called the Maharashtra Village Panchayats (Second Amendment) Act, 2020. Mah. XXV of 2020.

(b) Central Acts (Amendments)-

This Act may be called the Contract Labour (Regulation and Abolition) (Maharashtra Amendment) Act, 2016.

**Commence
ment clause.**

(5) Commencement clause.

(a) In Bill

1. (2) Save as otherwise provided in this Act, it shall come into force on the 1st day of April 1984. Mah. IX of 1984.

1.(3) It shall come into force on such date, as the State Government may, by notification in an *Official Gazette*, appoint, and different dates may be appointed for different areas in the State and for different industries or classes of industries. Mah. XXIII of 1988.

1. (2) 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 provisions. Mah. IX of 1989.

1. (2) This section and sections 2, 3, 6, 7 and 13 to 18 and 20 shall come into force at once, sections 4, 5 and 8 to 12 shall be deemed to have come into force on the 1st day of October 1987, and section 19 shall be deemed to have come into force on the 20th June 1988. Mah. V of 1990.

1 (2) Sections 1 to 3, clause (c) of section 4, sections 5, 6, 19, 20, 23, 24 and 26 shall, save as otherwise provided in this Act, come into force at once and section 4 (except clause (c) thereof), sections 7 to 18, 21, 22 and 25 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint. Mah. XXIV of 1990.

(2) It shall be deemed to have come into force on the 6th February 1999, except section 14, which shall come into force on such date as the State Government may, by notification, in the *Official Gazette*, appoint.

	1(2). Sections 2, 4 and 5 shall have effect from the 1st day of June 1990 and section 3 shall have effect from the 20th day of May 1987.	Mah. VI of 1991.
	1. (2) (a) Sections 1 to 8 and 12 to 38 shall come into force on the 1st May 1993;	Mah. XVII of 1993.
	(b) Sections 9 to 11 shall be deemed and have come into force on the 1st January 1992.	
	1. (2) (a) It shall be deemed to have come into force on the 23rd November 2021, except sub-section (2) of section 6 and section 7.	Mah. XVI of 2022.
	(b) Sub-section (2) of section 6 and section 7 shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i> , appoint.	
	(b) In Ordinance.	
	1. (2) It shall come into force at once.	
	(c) In Ordinance conversion Bill	
	In Ordinance conversion, the date of commencement of the Act is the date on which the Ordinance was promulgated or from the date on which the Ordinance was made applicable.	Mah. XIX of 2020.
	(d) It shall be deemed to have come into force on the 23rd March 2020.	
Duration of Act.	(6) Duration of Act. The Maharashtra Essential Services Maintenance Act, 2017.	Mah. XVIII of 2018.
	“1.(3) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i> , appoint and shall cease to have effect on the expiry of the five years from the said date except as respects things done or omitted to be done before such cesser of operation of this Act; and section 7 of the Maharashtra General Clauses Act, shall apply upon such cesser of operation of this Act as if it had then been repealed by a Maharashtra Act.”.	I of 1904.
Extent.	(7) Extent.	Mah. XXIII of 1998.
	1. (2) It shall extend to the main stream of Godawari River in the Districts of the State of Maharashtra as	

specified in the Schedule to this Act and such other area or areas, as the State Government may, by notification in the *Official Gazette*, specify.

1. (2) It extends to the whole of rural areas of the State of Maharashtra. Mah. XX of 1978.

1. (2) It extends to the whole of the State of Maharashtra. Mah. LXI of 2017.

Application. (8) Application.

The Maharashtra Rent Control Act, 1999 .

Mah. XVIII of 2000.

2. (1) This Act shall, in the first instance, apply to premises let for the purposes of residence, education, business, trade or storage in the areas specified in Schedule I and Schedule II.

(2) Notwithstanding anything contained in sub-section (1), it shall also apply to the premises or, as the case may be, houses let out in the areas to which the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 or the Central Provinces and Berar Letting of Houses and Rent Control Order, 1949 issued under the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 and Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954 were extended and applied before the date of commencement of this Act and such premises or houses continue to be so let on that date in such areas which are specified in Schedule I to this Act, notwithstanding that the area ceases to be of the description therein specified.

Bom. LVII of 1947. C.P and Berar Act, XI of 1946. Hyd. Act No. XX of 1954.

(3) It shall also apply to the premises let for the purposes specified in sub-section (1) in such of the cities or towns as specified in Schedule II.

(4) Notwithstanding anything contained hereinabove, the State Government may, by notification in the *Official Gazette*, direct that,—

(a) this Act shall not apply to any of the areas specified in Schedule I or Schedule II or that it shall not apply to any one or all purposes specified in sub-section (1).

(b) this Act shall apply to any premises let for any or any purposes specified in sub-section (1) in the areas after than those specified in Schedule I and Schedule II.

Definitions. (9) Definitions

The Maharashtra Rent Control Act, 1999.

Mah.
XVIII of
2000.

7. In this Act, unless there is anything repugnant to the subject or context,—

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

Declaration. (10) Declaration.

Mah. XVI
of 1985.

2. **Declaration.-** It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution of India and the acquisition therefor of the subsisting property rights to mines and minerals referred to in section 4.

**Chapters/
Parts and
Heading.**

(11) Chapters/Parts and Heading.

The Maharashtra Rent Control Act, 1999

Mah.
XVIII of
2000.

CHAPTER II

**PROVISIONS REGARDING FIXATION OF STANDARD
RENT AND PERMITTED INCREASE**

CHAPTER III

RELIEF AGAINST FORFEITURE

CHAPTER IV

RECOVERY OF POSSESSION

**Marginal
Notes.**

(12) Marginal Notes.

In Amending Act

Amendment
of section 8 of
Mah.XVI of
1975.

3. In section 8 of the Profession Tax Act, for sub-section (2), the following sub-section shall be substituted, namely :—

In Principal Act

Mah.
XXXI of
2015.

Use of
Information
Technology for
delivery of
public services.

7. The Government shall encourage and aspire all the Public Authorities to utilise Information Technology to deliver their respective public services within the stipulated time limit.

Establishment
of
Authority/Bo
ard

(13) Establishment of Authority/Board

When any Authority is established under any Act, the following provision is made,-

“**Establishment of the Authority** - (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, with effect from a date to be specified therein establish for the purposes of this Act an Authority to be called the Maharashtra Authority.”.

Formation
of legal
entity.

(14) Formation of legal entity.

“(1) Corporation, Body or Authority shall be a body corporate, by the name specified in sub-section (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.”.

OR

“(2) The said Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both moveable and immovable, and to contract and do all things necessary for the purposes of this Act.

Exemption
from Act.

(15) Exemption from Act.

The Maharashtra Rent Control Act, 1999.

Mah.
XVIII of
2000.

3. (1) This Act shall not apply,—

(a) to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy, licence or other like relationship created by a grant from or a licence given by the Government in respect of premises requisitioned or taken on lease or on licence by the Government, including any premises taken on behalf of the Government on the basis of tenancy or of licence or other like relationship by, or in the name of any officer subordinate to the Government authorised in this behalf; but it shall apply in respect of premises let, or given on licence, to the Government or a local authority or taken on behalf of the Government on such basis by, or in the name of, such officer ;

(b) to any premises let or sub-let to banks, or any Public Sector Undertakings or any Corporation established by or under any Central or State Act, or foreign missions, international agencies, multinational companies, and private limited companies and public limited companies having a paid up share capital of rupees one crore or more.

**Offences by
company.**

(16) Offences by company.

The Maharashtra Water Resources Regulatory Authority Act, 2005.

Mah.XVI
II of
2005.

“27. Offences by company.- (1) Where an offence under this Act has been committed by a company, every person who at the time, when the offence was 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 under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), 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, 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.”.

**Compoundin
g of offences.**

(17) Compounding of offences.

The Maharashtra Water Resources Regulatory Authority Act, 2005,-

Mah.
XVIII of
2005.

“28. Compounding of offences.

(1) The Authority may, either before or after the institution of the proceedings for any offence

punishable under this Act with the approval of the State Government accept from any person charged with such offence, by way of composition of the offence, a sum not less than the amount of the maximum fine and not more than double the amount of the maximum fine for the offences punishable by or under this Act.

(2) On payment of such sum as may be determined by the Authority or the State Government or any officer authorised by the State Government under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence, and any proceedings if already taken or initiated shall stand abated, and the accused person, if in custody, shall be discharged.”.

**Delegation
of powers.**

(18) Delegation of powers.

The Maharashtra Non-Biodegradable Garbage (Control) Act, 2006.

Mah. X of
2006.

15. Delegation of powers.- The State Government may, by order published in the *Official Gazette*, direct that any power exercisable by it under this Act, except the power to make rules, may also be exercised, by such officer or authority, as may be specified therein.

12. Delegation of powers.- The State Government may, subject to such restrictions and conditions as it may impose, by notification in the *Official Gazette*, delegate to the Director General of Police, its powers under section 10 or 11.

Penalty.

(19) Penalty.

The Maharashtra Non-Biodegradable Garbage (Control) Act, 2006.

Mah. X of
2006.

Penalties. 9. (1) Whoever contravenes any of the provisions of this Act or any rules, notification or order made under this Act shall, on conviction, be punished,—

(a) for the first offence with a fine which may extend to five thousand rupees;

(b) for the second offence with a fine which may extend to ten thousand rupees ;

(c) for the subsequent offence, with an imprisonment for a term which may extend to three months and with a fine which may extend to twenty-five thousand rupees.

(2) Whoever, in any manner aids, abets or is accessory to the commission of an offence under this Act shall, on conviction, be punished with the punishment provided for the offence.

Cognizance of offence.	(20) Cognizance of offence. The Maharashtra Water Resources Regulatory Authority Act, 2005.	Mah. XVIII of 2005.

“29. Cognizance of offence.- No Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Authority or by any other officer duly authorised by the Authority for this purpose.”.

The Maharashtra State Council for Occupational Therapy and Physiotherapy Act, 2002.	Mah. II of 2004.

33. Cognizance of offences. (1) All offences under section 32 shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no Court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by a person authorised in this behalf by the Council.

The Maharashtra Fire Prevention and Life Safety Measures Act, 2006.	Mah. III of 2007.

40. Cognizance of offences.- Save in the case of cognizable offences, no court shall take cognizance of an offence under this Act or the rules except on the complaint of or upon information received from, the Director or the Chief Fire Officer or any other officer authorised by any of them in this behalf.

Bar of jurisdiction.	(21) Bar of jurisdiction. The Maharashtra Rent Control Act, 1999.	Mah. XVIII of 2000.

47. Bar of Jurisdiction.- Save as otherwise expressly provided in this Act, no civil court shall have

jurisdiction in respect of any matter which the Competent Authority or the State Government or an officer authorised by it is empowered by or under this Act, to decide, 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 so conferred on the Competent Authority or the State Government or such officer.

The Maharashtra. Government Premises (Eviction) Act.

Mah. II of 1956.

8A. Bar of Jurisdiction.—No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Government premises on any of the grounds specified in section 4 or the recovery of the arrears of rent or the damages payable for use or occupation of such premises.

The Maharashtra Project Affected Persons Rehabilitation Act, 1999.

Mah. XI of 2001.

24. Bar of Jurisdiction.—No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the project authority, Collector, Commissioner or the State Government.

The Maharashtra Fire Prevention and Life Safety Measures Act, 2006.

Mah. III of 2007.

41. Jurisdiction. No Court inferior to that of a Metropolitan Magistrate or Judicial Magistrate, First Class, shall try an offence punishable under this Act or the rules.

Revision/Power of review.

(22) Revision/Power of review.

Mah. of 2016.

The Maharashtra Prohibition of Obscene Dance and Protection of Dignity of Working Women in Hotels, Restaurants and Bar Rooms Act, 2016.

11. Revision. The State Government may, either on its own motion or, upon an application made by an aggrieved person within such period as may be prescribed, call for and examine the record of any order made by the licensing authority under this Act and

pass order thereon as it think just and proper:
Provided that,—

(i) when the application under this section is projected by the State Government the reasons for such rejection shall be recorded; and

(ii) before any order is passed under this section, which is likely to be affected to any person, a reasonable opportunity of being heard shall be given to him.

Overriding
effect.

(23) Overriding effect.

Mah. III
of 2007.

The Maharashtra Fire Prevention and Life Safety Measures Act, 2006.

44. Act to have overriding effect, but shall be in addition to existing laws. (1) The provisions of this Act and the rules shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law.

(2) Subject to the provisions of sub-section (1), the provisions of this Act shall be in addition to, and not, save as expressly provided hereinabove, be in derogation of the provisions of any relevant Municipal law or any other law for the time being in force in any area in which this Act has come into force.

Other laws
not affected.

(24) Other laws not affected.

Mah. X
2006.

The Maharashtra Non-Biodegradable Garbage (Control) Act, 2006

17. Other laws not affected. 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.

Power to
amend
Schedule/Forms

(25) Power to amend Schedule/Forms.

Mah. X of
2006.

The Maharashtra Non-Biodegradable Garbage (Control) Act, 2006

14. Power to amend Schedule. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the Public

Analyst, by notification in the *Official Gazette*, omit any entry from the Schedule or add any entry thereto or amend any such entry and the Schedule shall, on the issue of such notification, be deemed to be so amended.

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

Protection of action taken in good.	(26) Protection of action taken in good. The Maharashtra Educational Institutions (Regulation of Fee) Act, 2011.	Mah. VII of 2014.

13. Protection of action taken in good.- No suit, prosecution or other legal proceedings shall lie against the Chairperson or member of the Divisional Fee Regulatory Committee or the Revision Committee or any officer of it, for executing any order made by it or in respect of anything which is in good faith done or intended to be done under this Act or under any rule or order made thereunder.

The Maharashtra Infrastructure Development Enabling Authority Act, 2018.	Mah. XXVIII of 2018.

26. Protection of action taken in good.-No suit, prosecution or other legal proceeding shall lie against the Government, Government Authority or Government Agency or Local Authority or, any officer or employee of the Government, Government Authority, Government Agency or Local Authority, for anything done or purported to have been done in good faith, in pursuance of the provisions of this Act or rules or regulations made thereunder.

Power to make rules. (Condition of previous publication)	(27) Power to make rules (Condition of previous publication). The Maharashtra Educational Institutions (Regulation of Fee) Act, 2011.	Mah. VII of 2014.

22. Power to make rules.-(1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out all or any of the purposes of this Act.

(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 or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be, so however that, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to make rules.

(28) Power to make rules.

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

(2)

The Stamp Duty Act

Mah.
XXV of
1985.

69. Power to make rules with fine. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out generally the purposes of this Act, and such rules may provide that a breach thereof shall, on conviction, be punished with fine not exceeding five hundred rupees.

Power to make regulations.

(29) Power to make regulations.

XVIII of
2005.

The Maharashtra Water Resources Regulatory Authority Act, 2005,-

“31. Powers of Authority to make regulations.- (1) The Authority may, with the previous approval of the State Government make regulations consistent with this Act and the rules made thereunder, for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions under this Act.”.

The Maharashtra State Council for Occupational Therapy and Physiotherapy Act, 2002 (Mah. II of 2004).

40. Power to make regulations. (1) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act and generally to carry out the purposes of this Act, by notification in the *Official Gazette*.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

Power to make bye-laws.	(30) Power to make bye-laws.	LIX of 1949.
	The Maharashtra Municipal Corporations Act.	

458. By-laws for what purpose to be made.—The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely :

Repealed.	(31) Repealed.	Mah. XVI of 1985.
	Repeal of certain enactments	

15. Repeal.— On and from the date of commencement of this Act, section 9 of the Bombay Personal Inams Abolition Act, 1952, section 10 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, section 13 of the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 and section 9 of the Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969, and corresponding provision in any such law for the time being in force, shall stand repealed.

Repealed and saving.	(32) Repealed and saving.	Mah. XVIII of 2000.
	The Maharashtra Rent Control Act.	

58. Repeal and saving. (1) On the commencement of this Act, the following laws, that is to say,—

(a) the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947;

(b) the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 including the Central Provinces and Berar Letting of Houses and Rent Control Order, 1949; and

(c) the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954, shall stand repealed.

(2) Notwithstanding such repeal,—

(a) all applications, suits and other proceedings under the said Acts, pending on the date of commencement of this Act before any Court, Controller, Competent Authority or other office or authority, shall be continued and disposed of, in accordance with the provisions of the Acts so repealed, as if the said Acts had continued in force and this Act had not been passed ;

(b) the provisions for appeal under the Acts so repealed shall continue in force in respect of applications, suits and proceedings disposed of thereunder ;

(c) any appointment, rule and notification made or issued under any of the repealed Acts and in force on the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act and shall continue in force until it is superseded or modified by any appointment, rule or notification made or issued under this Act;

(d) all prosecutions instituted under the provisions of any of the repealed Acts shall be effective and disposed of in accordance with the law.

Review. (33) Review.

Mah. 29
of 2022.

**The Maharashtra Settlement of Arrears of Tax, Interest,
Penalty or Late Fee Act, 2022.**

15. (1) Any order passed under this Act may be reviewed by the Commissioner, on his own motion, at any time within twelve months from the date of service of order.

(2) After noticing any error in such order, in so far as it is prejudicial to the interest of revenue, the Commissioner may serve on the applicant a notice and pass an order to the best of his judgment, where necessary within the time limit prescribed in sub-section (1).

Saving. (34) Saving.

Mah. V
of 1984.

5. Saving.- Nothing in this Act shall render any person liable to be convicted of any offence under the principal Act, in respect of anything done or omitted to be done, before the commencement of this Act, if such act or omission was not an offence under the principal Act, but for the commencement made in the principal Act by this Act.

5. Saving.- Save or otherwise provided in this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904, with regard to effect or repeal, shall apply

Mah.
XXXIV
of 1983.

**Saving
(Ordinance
Conversion)**

(35) Saving (Ordinance Conversion).

Mah.
XXX of
1983.

14. Repeal of Mah. Ordinance X of 1983 and saving.

(1) The Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any nomination or appointment made election held, notification issued or regulation framed) under the principal Act, as amended by the said Ordinance, shall be deemed and have been done, taken, held, issued or framed, as the case may be, under the provisions of the principal Act, as amended by this Act.

**Power to
remove
difficulties.**

(36) Power to remove difficulties.

Mah. XII
of 2016.

The Maharashtra Prohibition of Obscene Dance and Protection of Dignity of Working Women in Hotels, Restaurants and Bar Rooms Act, 2016,-

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

Provided that, no such order shall be made under this sub-section after the expiry of a period of two years from the date of commencement of this Act.

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

Removal of
doubt.

(37) Removal of doubt.

Mah. XV
of 1971.

The Maharashtra Apartment Ownership Act, 1970.

26. For the removal of doubt, it is hereby declared that the provisions of the Transfer of Property Act, 1882, shall in so far as they are not inconsistent with the provisions of this Act, apply to every apartment together with its undivided interest in the common areas and facilities appurtenant to such apartment as those provisions apply in relation to any immovable property, and the provisions of this Act shall take effect, notwithstanding anything to the contrary contained in any contract.

Transitional
provisions.

(38) Transitional provisions.

Mah.
XXXV of
2020.

The Maharashtra International Sports University Act, 2020.

73. Transitory provisions.- Notwithstanding anything contained in this Act, and the regulations made thereunder, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the regulations.

Validation.

(39) Validation.

Mah. III
of 2021.

The Maharashtra Stamp (Amendment and Validation) Act, 2021.

4. (1) Notwithstanding anything contained in any judgment, decree or order of any court to the contrary

or in the principal Act, stamp duty assessed, levied and collected, including any action taken in pursuance of such assessment, levy and collection by the authorities under the said Act, acting or purporting to act under the provisions of section 5 and articles 6 and 40 in the Schedule I to the principal Act shall be deemed to have been validly levied and collected in accordance with law as if the provisions of the said section 5 and articles 6 and 40, as amended by the Maharashtra Stamp (Amendment and Validation) Act, 2021 (hereinafter in this section referred to as “the Amendment Act”) had been continuously in force at all material time and accordingly,—

(a) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the levy and collection of the stamp duty shall for all purposes, be deemed to have been done or taken in accordance with the provisions of the principal Act ;

(b) no suit or other proceedings shall be maintainable or continued in any court, against the said authorities for the refund of the stamp duty so levied and collected ;

(c) no court or any other authority shall enforce any decree or order directing the refund of the stamp duty so levied or collected.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act as amended by the Amendment Act, any assessment, reassessment, levy or collection of stamp duty referred to in sub-section (1), or

(b) from claiming refund of any stamp duty paid by him under the principal Act, in excess of the amount due from him by way of stamp duty under the principal Act, as amended by the Amendment Act.

**Validation
and savings.**

(40) Validating and savings.

11. Validating and saving.- Notwithstanding anything contained in the Maharashtra Slum Areas (Improvement,

Clearance and Redevelopment) Act, 1971 or any judgement, decree or order of any court, tribunal or authority to the contrary, all acts, proceedings or things done or taken, including the orders passed by the Apex Grievance Redressal Committee and Grievance Redressal Committees, during the period commencing from 8th March 2017 and ending on the date of commencement of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023 (hereinafter, in this section, referred to as “the Amendment Act”), under the said Act, the Rules and the Notification, shall be deemed to be and shall be deemed always to have been, duly and validly taken or done in accordance with the law as if the provisions of the said Act, as amended by the Amendment Act, had been continuously in force at all material times and accordingly, all actions taken or proceedings or things done by any officer or authority in connection with any Slum Rehabilitation Scheme, in pursuance of the orders passed by the said Committees, shall for all the purposes, be deemed to be and shall be deemed always to have been done or taken in accordance with the provisions of the said Act, as amended by the Amendment Act.

Mah.
XVVIII
of 1971.

Mah.
XXXIII
of 2023.

**Amendment
to certain
Acts.**

(41) Amendment to certain Acts.

27. The enactments specified in the Schedule hereto shall be amended in the manner and to the extent specified in the third column thereof.

ANNEXURE III
NOTIFICATION PRECEDENTS

(1) Act commencement Notification

NOTIFICATION

Revenue and Forests Department,
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai 400 032.

Dated the 20....

Indian Forest
(Maharashtra
Amendment)
Act, 2013.

No. .—In exercise of the powers conferred by sub-section (2) of section 1 of the Indian Forest (Maharashtra Amendment) Act, 2013 (Mah. XXI of 2015), the Government of Maharashtra hereby appoints -----*----- to be the date on which the said Act shall come into force.

* Prospective date
to be filled in by
the Department,
before issue.

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

Principal Secretary to Government.

NOTIFICATION

Finance Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032.
Dated the 20....

Maharashtra
Tax Laws
(Levy and
Amendment)
Act, 2013.

No. .—In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013 (Mah. VIII of 2013), the Government of Maharashtra hereby appoints the 1st May 2013 to be the date on which the provisions of sections 2 to 13 and section 15 the said Act, shall come into force.

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

Principal Secretary to Government.

(2) Rescinds of Notification

NOTIFICATION

Finance Department,
Mantralaya, Mumbai-400 032.

Dated the - 20....

Bombay No:- .-In exercise of the powers
Sales Tax Act conferred by sub-sections (1) and (2) read with the proviso to sub-
1959. section (4) of section 74 of the Bombay Sales Tax Act 1959
(Bom. LI of 1959) and section 21 of the Bombay General Clauses
Act, 1904 (Bom. I of 1904), the Government of Maharashtra
hereby rescinds the Government Notification, Finance
Department, No. STR.1203/CR-171/Taxation-I, dated the 11th
August 2004.

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

Deputy Secretary to Government.

(3) Appointment of Authority

NOTIFICATION

Industries, Energy and Labour
Department,

Mantralaya, Mumbai-400 032.

Dated the - 20...

Building and No:- .- In exercise of the powers
Other conferred sub-section (2) of section 42 of the Building and Other
Construction Construction Workers (Regulation of Employment and Conditions of
Workers Service) Act, 1996 (27 of 1996) and in supersession of Government
(Regulation of Notification, Industries, Energy and Labour Department, No.
Employment MSC.1097/CR-1992/Lab-2, dated the 26th June 1997, the
and Government of Maharashtra hereby appoints the Development
Conditions of Commissioner (Unorganized Labour), Mumbai, to be the Chief
Service) Act, Inspector of Inspection of Building and Construction, for the purposes
1996. of the said Act.

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

Deputy Secretary to Government.

(4) Right to services Notification

NOTIFICATION

Industries, Energy and Labour
Department,
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk, Mumbai 400
032.

Dated the 20....

Maharashtra No. .- In exercise of the powers
Right to Public conferred by sub-section (1) of section 3 of the Maharashtra Right
Services Act, to Public Services Act, 2015 (Mah. XXXI of 2015) and in
2015. supersession of the Government Notification, Industries, Energy
and Labour Department, No. Misc. 2015/C.R.-650/Energy-2, dated
the 29th January 2016, the Industries, Energy and Labour
Department hereby notifies the public services, specified in
column (2) of the Schedule appended hereto, to be rendered to the
eligible persons by its subordinate offices, alongwith the stipulated
time limit for providing such public services, the Designated
Officers, First Appellate Authorities and Second Appellate
Authorities, as specified in columns (3), (4), (5) and (6)
respectively, of the Schedule, for the purposes of the said Act.

SCHEDULE

Sr. No.	Name of the Public Service	Time limit for providing service (working days)	Designated Officer by whom services will be provided	First Appellate Authority	Second Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)
1.	Approval of Plan of Generating Units (No defects or after compliance of defects) under regulation 32 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 framed under the Electricity Act, 2003 (36 of 2003) for,-				
	(a) Conventional Energy Generating Units,-				
	(i) above 200 KW to 2 MW	Thirty days	Electrical Inspector	Superintending Engineer	Chief Electrical Inspector

	(ii) above 2 MW to 499 MW	Thirty days	Superintending Engineer	Chief Electrical Inspector	Deputy Secretary, Energy Department
	(b) Renewable Energy Generating Units above 200 KW to 499 MW	Thirty days	Superintending Engineer	Chief Electrical Inspector	Deputy Secretary, Energy Department
	(c) Conventional and Renewable Energy Generating Units 500 MW and above	Thirty days	Chief Electrical Inspector	Deputy Secretary, Energy Department	Principal Secretary (Energy)
By order and in the name of the Governor of Maharashtra, Deputy Secretary to Government.					

(5) Amendment in Notification

NOTIFICATION

Industries, Energy and Labour
Department,
Mantralaya, Mumbai- 400 032.
Dated the 20....

Electricity Act, 2003.

No. - In exercise of the powers conferred by the eighth proviso to section 14 of the Electricity Act, 2003 (36 of 2003) and of any other powers enabling it in that behalf, the Government of Maharashtra, hereby amends the Government Notification, Industries, Energy and Labour Department, No. RAD.2005/ C.R.434/NRG-3, dated the 27th November 2006, as follows :-

1. In clause (ii) of the said notification, for the words "Hill stations notified by the State Government" the words "Hill stations notified by the State Government, which are already electrified" shall be substituted.

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

Secretary to Government.

(6) Essential Services Order
ORDER

Industries, Energy and
Labour Department,
Mantralaya, Mumbai- 400 032.

Dated the 20....

Maharashtra
Essential Services
Maintenance Act,
2005.

No. .-Whereas, the supply of electricity by the Reliance Energy Limited, a licensee under the Electricity Act, 2003, is an essential service within the meaning of sub-clause (ii) of clause (a) of section 2 of the Maharashtra Essential Services Maintenance Act, 2005 (Mah. XXVIII of 2005) (hereinafter referred to as “the said Act”);

And whereas, the Government of Maharashtra is satisfied that in the public interest, it is necessary to prohibit strike in the said establishment of the said licensee (hereinafter referred to as “the said essential service”);

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 4 read with sub-clause (ii) of clause (a) of section 2 of the said Act, the Government of Maharashtra hereby prohibits strike in the said essential service from the date of publication of this Order in the *Official Gazette*.

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

Deputy Secretary to Government.

Essential Services Order

ORDER

Industries, Energy and
Labour Department,
Mantralaya, Mumbai- 400032.
Dated the 20..

Maharashtra
Essential
Services
Maintenance
Act, 2005.

No. .- Whereas, the Maharashtra State Electricity Distribution Company Limited (MAHADISCOM), the Maharashtra State Power Generation Company Limited (MAHAGENCO), and the Maharashtra State Electricity Transmission Company Limited (MAHTRANSCO) (hereinafter referred to as "the said establishments") are engaged in the supply of electricity, which is an essential service within the meaning of sub-clause (ii) of clause (a) of section 2 of the Maharashtra Essential Services Maintenance Act, 2005 (Mah. XXVIII of 2005) ;

And whereas, by the Government Notification, Industries, Energy and Labour Department, No. EST.005/ CR- 8667/ NRG-2, dated the 8th January 2007, issued in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Government of Maharashtra prohibited strike in the said establishments with effect from the 8th January 2007;

And whereas, as provided by sub-section (3) of section 4 of the said Act, the said notification shall remain in force for a period of six months;

And whereas, the Government of Maharashtra is satisfied that in the public interest it is necessary to extend the period of prohibition of strike in the said establishments for a further period of six months;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Government of Maharashtra hereby extends the said period of prohibition of strike in the said establishments by a further period of six months.

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

Deputy Secretary to Government.

(7) Appointment of Competent Authority (Rent Act)

NOTIFICATION

Housing Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai – 400 032.

Dated the 20...

Maharashtra
Rent
Control Act,
1999.

No. .- In exercise of the powers conferred by section 40 of the Maharashtra Rent Control Act, 1999 (Mah. XVIII of 2000) and in supersession of all previous notifications, orders or any instruments issued in this behalf, the Government of Maharashtra hereby, appoints the persons mentioned in column (2) of the Schedule appended hereto, to be the Competent Authority in respect of the area mentioned against each of them in column (3) thereof, for the purposes of exercising of the powers conferred, and performing the duties imposed, on them by or under the said Act.

SCHEDULE

Sr. No.	Name of the person	Area of jurisdiction
(1)	(2)	(3)
1.	Shri	Pune Revenue Division.
2.	Shri.....	Nashik Revenue Division.
3.	Shri.....	Konkan Revenue Division.
4.	Shri.....	Nagpur Revenue Division.

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

Deputy Secretary to Government.

(8) Appointment of members Notification

NOTIFICATION

Minorities Development Department,
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai – 400 032,
Dated the 20....

Haj Committee
Act, 2002.

No. .- Whereas, the Government of Maharashtra has, in exercise of the powers conferred by section 18 of the Haj Committee Act, 2002 (35 of 2002), constituted Maharashtra Haj Committee *vide* Government Notification, General Administration Department, No. Haj-2002/C.R.157/2002/35, dated the 13th March 2003 and thereby appointed sixteen members of the said Committee;

And Whereas, the term of office of the members of the said Committee is expired on 4th September 2017;

And Whereas, it is necessary to appoint the members nominated by the Government of Maharashtra on the Maharashtra State Haj Committee to exercise the powers conferred on, and perform the duties and functions assigned to the Committee under the said Act, for a period of three years from the date of publication of this notification in the *Official Gazette*;

Now, therefore, in exercise of the powers conferred by section 18 read with sections 19, 20 and 22 of the Haj Committee Act, 2002 (35 of 2002), and of all other powers enabling it in this behalf, to the Government of Maharashtra hereby amends the Government Notification, General Administration Department, No. Haj-2002/C.R.157/2002/35, dated the 13th March 2003, as follows, namely:-

In the said notification,-

(a) for paragraph (ii) including entires (1) to (3), the following shall be substituted, namely:-

“(ii) Muslim members representing local bodies in the state-

- (1) Shri., Corporator,
New Mumbai Municipal Corporation,
New Mumbai, District Thane.

(2) Shri., Corporator,
Shendurjanaghat Nagar Parishad
Shendurjanaghat, District Amaravati.

(3),
Corporator, Bhiwandi – Nizampur
Municipal Corporation, Bhiwandi,
District Thane.”.

(b) for paragraph (iii) including entries (4) to (6),
the following shall be substituted, namely:-

“(iii) Members expertise in Muslim theology
and law-

(4) Shri.

(5) Shri.,

(6) Shri.”.

(c) for paragraph (iv) including entries (7) to (11),
the following shall be substituted, namely:-

“(iv) Members representing Muslim voluntary
organisations-

(7) Shri.

(8) Shri.

(9) Shri.....

(10) Shri.

(11) Shri.”.

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

Secretary to Government.

(9) Delegation of powers Order

ORDER

Co-operation, Marketing and
Textiles Department,
Mantralaya Annex,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.
Dated the 20....

Maharashtra
Co-operative
Societies Act,
1960.

No. .- In exercise of the powers conferred by section 3 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), the Government of Maharashtra hereby confers upon the District Deputy Registrar, Co-operative Societies, Palghar, the powers of the Registrar as specified in coloumn (2) of the Schedule appended hereto to be exercised within the local area specified in coloumn (3) thereof.

SCHEDULE

Sr. No.	Powers of Registrar	Local Area
(1)	(2)	(3)
*	*	*

* To be filled in
by the Department,
before issue.

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

Additional Chief Secretary to Government.

Delegation of powers Notification

NOTIFICATION

Co-operation, Marketing and
Textiles Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.

Dated the 20...

Maharashtra
Co-operative
Societies Act,
1960.

No. .- In exercise of the powers conferred by section 3 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) and of all other powers enabling it in this behalf and in supersession of any earlier notification, orders, etc. issued in this behalf, the Government of Maharashtra hereby confers on the Deputy Registrars, Co-operative Societies on deputation with various Urban Co-operative Banks Associations mentioned in the Schedule appended herewith, all the powers of the Registrar under section 101 of the said Act, in respect of the borrower members of the Co-operative Banks which are the members of such Co-operative Banks Associations.

SCHEDULE

(* Names of Urban Co-operative Banks Associations to be filled in by the Department, before issue)

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

Deputy Secretary to Government.

Delegation of powers Notification

NOTIFICATION

Revenue and Forests Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.

Dated 20.. .

Maharashtra No. .- In exercise of the powers conferred by sub-
Land Revenue section (3) of section 13 of the Maharashtra Land Revenue Code,
Code, 1966. 1966 (Mah. XLI of 1966) the Government of Maharashtra hereby
directs that the Additional Tahsildar, ... shall, in his
jurisdiction, exercise the powers and discharge the duties and
functions of the Tahsildar, ..., under the provisions of
the said Code or under any law for the time being in force.

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

Deputy Secretary to Government.

(10) Exemption from Act

NOTIFICATION

Revenue and Forests Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032.
Dated 20....

Maharashtra Forest No. .- In exercise of the powers conferred by
Development (Tax section 7 of the Maharashtra Forest Development (Tax on sale of forest-
on sale of forest- produce by Government or Forest Development
produce by Corporation) Act, 1983 (Mah. XXII of 1983), and of all other
Government or powers enabling it in that behalf, the Government of Maharashtra,
Forest in the public interest, hereby exempts the sale of firewood on
Development Nistar basis to the Nistar holders in Chandrapur District in the
Corporation) Act, State from payment of the whole of the forest development tax.
1983.

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

Joint Secretary to Government.

NOTIFICATION

Housing Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai 400 032.

Dated the 20.....

Maharashtra
Rent
Control Act,
1999.

No. .- In exercise of the powers conferred by clause (ii) of sub-section (2) of section 3 of Maharashtra Rent Control Act, 1999 (Mah. XVII of 2000), the Government of Maharashtra hereby directs that all the provisions of this Act shall not apply to the premises belonging to

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

Deputy Secretary to Government.

(11) Exemption from Rules

NOTIFICATION

Revenue and Forests Department,
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai 400 032.

Dated 20.....

Indian
Forest
Act, 1927.

No. .- In exercise of the powers conferred by sub-section (3) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, read with clause (e) of the proviso to sub-rule (1) of rule 31 of the Maharashtra Forest Rules, 2014 and of all other powers enabling it in that behalf and in supersession of all earlier notifications issued in this behalf, the Government of Maharashtra hereby exempts all the species of bamboo on nonforest land in the State of Maharashtra from the operation of the rules regarding Transit of Forest Produce contained in Chapter VII of the said Rules.

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

Joint Secretary to Government.

(12) Corrigendum

CORRIGENDUM

Home Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai-400 032,
Dated the 2012.

No. .-In Government Notification, Home Department, No. BPA.0911/C.R.-206/EXC-2, dated the 29th May 2012, published at pages 1-3, in the Maharashtra Government Gazette, Part IV-B, Extraordinary Number 83, dated the 29th May 2012, on page 3, in line 3, for "29th March 2012" read "29th May 2012."

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

Deputy Secretary to Government.

(13) Amendment to Schedule of Act

NOTIFICATION

Finance Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.
Dated the 20....

Maharashtra
Value Added
Tax
Act, 2002.

No. .-In exercise of the powers conferred by sub-section (1) of section 9 of the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005), the Government of Maharashtra hereby amends, Schedules A, C and D appended to the said Act, as follows. namely :-

In the Maharashtra Value Added Tax Act, 2002,-

(I) in Schedule A, in entry 28, in column (2), for the words "Human blood and human blood plasma" the words "Human blood and components and products thereof" shall be substituted;

(II) in Schedule C, -

(1) for entry 58, the following entry shall be substituted, namely :-

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

Deputy Secretary to Government.

(14) Exemption from payment of tax

NOTIFICATION

Finance Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.

Dated the 2007.

Maharashtra
Tax on Luxuries
Act, 1987.

No. .- In exercise of the powers conferred by sub-section (1) of section 22 of the Maharashtra Tax on Luxuries Act, 1987 (Mah.XLI of 1987) and in supersession of Government Notification, Finance Department, No.LTA.1090/179/Taxation-2, dated the 21st January 1992, the Government of Maharashtra in the public interest, hereby exempts from the payment of the whole of tax, of all classes of luxuries provided in hotels or lodging houses to the officers of the consulates holding diplomatic or consular status; official guests of the consulates and diplomats attending conferences, seminars, etc., and Trade Commissioners, Assistant Trade Commissioners and Trade Agents of the countries specified in column (2) of the Schedule appended hereto, subject to the conditions specified in column (3) of the said Schedule.

Schedule

* To be filled in by Department

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

Officer on Special Duty
to the Government.

ANNEXURE IV

RULES PRECEDENTS

(1) Principal Rules (Under State Act)

NOTIFICATION

Home Department
Madam Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400032.
Dated the 20.....

Maharashtra No. .- In exercise of the powers conferred
Prohibition of by section 14 of the Maharashtra Prohibition of Obscene Dance in
Obscene Dance Hotels, Restaurants and Bar Rooms and Protection of Dignity of
in Hotels, Women (working therein) Act, 2016 (Mah. Act No. XII of 2016),
Restaurants and and of all other powers enabling it in that behalf, the Government of
Bar Rooms and Maharashtra hereby makes the following Rules, namely:-
Protection of
Dignity of
Women
(working
therein) Act,
2016.

1. *Short title.*- These rules may be called the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Rules, 2016.

2. *Definitions.*- In these rules, unless the context otherwise requires,-

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

Additional Chief Secretary
to Government.

(2) Principal Rules (Under Central Act)

NOTIFICATION

Industries, Energy Labour and
Mining Department,
Madam Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400032.

Dated the 20....

Electricity
Act, 2003.

No.

.- In exercise of the powers conferred

by clauses (d) and (e) of sub-section (2) of section 180 read with sub-sections (2) and (3) of section 89 of the Electricity Act, 2003 (36 of 2003) in its application to the State of Maharashtra, and in supersession of the "Maharashtra Electricity Regulatory Commission (Oath of Office and Secrecy by Members) Rules, 1999" and "the Maharashtra Electricity Regulatory Commission (Conditions of service of Chairperson and Members) Rules, 2000", the Government of Maharashtra hereby makes the following rules, namely:-

1. *Short Title.*- These rules may be called the Maharashtra Electricity Regulatory Commission (Conditions of service of Chairperson and Members) Rules, 2005.

2. *Definitions.*- In these rules, unless the context otherwise requires,-

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

Principal Secretary to Government.

(3) Principal Rules (Previous publication)

NOTIFICATION

Agriculture, Animal Husbandry,
Dairy Development and Fisheries,
Department,
Madam Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai - 400 032.
Dated 20....

Maharashtra
Cotton Seeds
(Regulation of
supply,
distribution, sale
and fixation of
sale price) Act,
2009.

*Date to be
filled in by the
Department,
before issue.

No. .- The following draft of rules which the Government of Maharashtra proposes to make, in exercise of the powers conferred by sub-section (1) of section 22 read with sub-section(2) of section 4, sub-section (3) of section 5, sub-section (3) of section 7, sub-section (1), (2) and (4) of section 11, clause (j) of sub-section (2) of section 12, sub-section (1) of section 18 and section 20 of the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009 (Mah. XIX of 2009); and of all other powers enabling it in that behalf, is hereby published as required by that section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after-----*-----2010.

2. Any objections or suggestions, which may be received by the Director (Inputs and Quality Control), Agricultural Commissionerate, Central Building, Pune- 411001 from any person with respect to the said draft before the aforesaid date, will be considered by the Government.

DRAFT RULES

1. **Short Title.-** These rules may be called the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Rules, 2010.
2. **Definitions.-**(1) In these rules, unless the context otherwise requires,-
 - (a) “Act” means the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009 (Mah. XIX of 2009);
 - (b) “Form” means a form appended to these rules.(2) The words and expressions used but not defined herein shall have meanings respectively assigned to them in the Act.

By order and in the name of the
Governor of Maharashtra,
Principal Secretary to Government.

(4) Principal Rules (Dispense with previous publication)

NOTIFICATION

Home Department
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai 400 032.

Dated the 20...

Maharashtra
Prohibition
Act.

No.

.- Whereas the Government of Maharashtra

considers to make the Maharashtra Gram Rakshak Dal Rules, should be brought into force at once, and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Maharashtra Prohibition Act (XXV of 1949);

Now, therefore, in exercise of the powers conferred by clauses (x), (y) and (z) of sub-section (2) read with the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (XXV of 1949) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely :-

1. Short Title.- These rules may be called the Maharashtra Gram Rakshak Dal Rules, 2017.

2. Definitions.- (1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Maharashtra Prohibition Act (XXV of 1949);
- (b) "application" means a representation submitted by women voters of the Gram Sabha to the Sub-Divisional Magistrate;
- (c) "Form" means the Forms appended to these rules;
- (d) "Gram Sabha" means the Gram Sabha as defined in clause (9) of section 3 of the Maharashtra Village Panchayats Act (III of 1959);
- (e) "Gramsevak" means the secretary to the Panchayat as defined in sub-section (20) of section 3 of the Maharashtra Village Panchayats Act III of 1959;
- (f) "Sub-Divisional Magistrate", "Tahsildar" and "Talathi" means the officers mentioned in the Maharashtra Land Revenue Code, 1966.

(2) Words and expressions used in these rules but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. *****

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

Joint Secretary to Government.

(5) Principal Rules (Final publication)

NOTIFICATION

Water Resources Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai-400 032.
Dated the 2006.

Maharashtra
Water
Resources
Regulatory
Authority
Act, 2005.

No. .- In exercise of the powers conferred by sub-section (1) of section 30 read with section 6 of the Maharashtra Water Resources Regulatory Authority Act, 2005, (Mah. XVIII of 2005), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of said section 30, namely:-

1. *Short title.*-These rules may be called the Maharashtra Water Resources Regulatory Authority (Conditions of service of Chairperson and Members) Rules, 2006.

2. *Definitions.*- In these rules, unless the context otherwise requires,-

(a) "Act" means the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah.XVIII of 2005);

(b) "Authority" means the Maharashtra Water Resources Regulatory Authority established under section 3 of the Act;

(2) Words and expressions used but not defined herein shall have their respective meanings, as assigned to them in the Act.

3. *Pay and allowances to Chairperson and Members.*- (1) The Chairperson of the Authority shall be paid a salary of rupees twenty six thousand per month. The Chairperson shall be entitled to receive dearness allowance and compensatory local allowance at the same rate as are admissible to the officers of the corresponding grade of the Indian Administrative Service:

4 *****

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

Secretary to Government.

(6) Amendments in Rules (Central Act)

NOTIFICATION

Housing Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai 400 032

Dated the 20...

Real Estate
(Regulation and
Development)
Act, 2016.

No.

.- In exercise of the powers conferred by sub-section (1) and clauses (a), (ab), (ac), (b) to (k) and (zf) of sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act 2016 (16 of 2016) in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) Rules, 2017, namely:-

1. (1) These rules may called the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) (*Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. In rule 2 of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) Rules, 2017 (hereinafter referred to as “the principal Rules”), after clause (p), the following clause shall be inserted, namely:-

“(p-i) “plotted development” means the projects where land is developed into plots for the purpose of selling all or some of the said plots;”.

*Here mention the amendment number in words unless, it is first in this year.

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

Deputy Secretary to Government.

(7) **Amendments in Rules (Dispense with previous publication)**

NOTIFICATION

Home Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400032.
Dated the 20...

Maharashtra
Prohibition
Act.

No. .- Whereas, the Government of Maharashtra is satisfied that the following rules further to amend the Maharashtra Country Liquor Rules, 1973 should be brought into force at once, and therefore the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Maharashtra Prohibition Act (XXV of 1949);

Now, therefore, in exercise of the powers conferred by clauses (b) and (g) of sub-section (2) of section 143 of the Maharashtra Prohibition Act and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Country Liquor Rules, 1973 as follows, namely:-

* Here
mention the
number of
amendment
in words,
unless it is
first in this
year.

1. These rules may be called the Maharashtra Country Liquor (*Amendment) Rules, 2017.

2. In rule 24 of the Maharashtra Country Liquor Rules, 1973, in sub-rule (4),-

(1) after clause (a), the following clauses shall be inserted, namely:-

“(a-i) unless the applicant submit an affidavit that adequate parking facility is available at his premises; or

(a-ii) unless the premises has sanctioned commercial non-agricultural use permission; or

(a-iii) unless the premises has a construction completion certificate from the Competent Local/Planning Authority; or”

(2) in clause (d), in the proviso, after the words “in this sub-rule” the words and letters “, except clauses (a), (a-i), (a-ii) and (a-iii)” shall be inserted.

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

Joint Secretary to Government.

(8) Amendments in Rules (Previous publication)

NOTIFICATION

Co-operation, Marketing and
Textiles Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya Annexe,
Mumbai - 400 032.

Dated the 20...

Maharashtra
Agricultural
Produce
Marketing
(Development
and
Regulation)
Act, 1963.

No.

.- The following draft of rules further

to amend the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, which the Government of Maharashtra, proposes to make in exercise of the powers conferred by sub-section (1) and clause (a-1) of sub-section (2) of section 60 read with section 5D of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964) and of all other powers enabling it in that behalf, is hereby published as required by sub-section (3) of section 60 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after-----*-----2010.

Prospective
date to be
filled in by the
Department,
before issue.

2. Any objection or suggestion, which may be received by the Principal Secretary to Government of Maharashtra, Co-operation, Marketing and Textiles Department, Mantralaya (Annexe), Mumbai-400 032, from any person with respect to the said draft before the aforesaid date, will be considered by the Government.

DRAFT RULES

- # Here mention number of amendment, unless it is first in this year.
1. These rules may be called the Maharashtra Agricultural Produce Marketing (Regulation) (# Amendment) Rules, 2010.
 2. In rule 4C of the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, in sub-rule (1), clause (b) shall be deleted.

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

Principal Secretary to Government.

(9) Amendments in Rules (previous consultation)

NOTIFICATION

Environment and Climate
Change Department,
Mantralaya, 15th Floor, New
Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400 032.

Dated the 20...

Water
(Prevention and
Control of
Pollution) Act,
1974. No. .- In exercise of the powers
conferred by clauses (a) and (f) of sub-section (2) of section 4, sub-
section (9) of section 5, sub-section (1) of section 12 and clause (e)
of sub-section (2) of section 64 of the Water (Prevention and
Control of Pollution) Act, 1974 (6 of 1974), and of all other
powers enabling it in that behalf, the Government of Maharashtra,
after consultation with the Maharashtra Pollution Control Board,
hereby makes the following rules further to amend the Maharashtra
Water (Prevention and Control of Pollution) Rules, 1983, as
follows, namely :-

* Here mention
the number of
amendment in
words, unless it is
first in this year.

1. These rules may be called the Maharashtra Water
(Prevention and Control of Pollution) (...*...Amendment) Rules,
2021.

2. For rule 3 of the Maharashtra Water (Prevention and
Control of Pollution) Rules, 1983 (hereinafter referred to as “the
principal Rules”), the following rules shall be substituted, namely:-

3. *****

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

Principal Secretary to Government.

(10) Recruitment Rules under Act

NOTIFICATION

Home Department,
Mantralaya, Mumbai- 400 032.
Dated the 20...

Maharashtra No. .-- In exercise of the powers conferred by clause
Police Act, (b) of section 5 of the Bombay Police Act, 1951 (Bom. XXII of 1951)
1951. and of all other powers enabling it in this behalf, and in supersession
of all existing rules, orders or instruments made in this behalf, the
Government of Maharashtra hereby makes the following rules
regulating recruitment to the posts of Assistant Sub-Inspector (Radio
Mechanic), Assistant Sub-Inspector (Store man), Head Constable
(Wireless Operator), Head Constable (Electrician) and Police
Constable (Workshop Hand) Group- C, in the Police Wireless
Section, under the Home Department, Government of Maharashtra,
namely:-

1. These rules may be called the Assistant Sub-Inspector (Radio
Mechanic), Assistant Sub-Inspector (Store man), Head Constable
(Wireless Operator), Head Constable (Electrician) and Police
Constable (Workshop Hand) Group - C, in the Police Wireless
Section (Recruitment) Rules, 2012.

2. In these rules, unless the context require otherwise,-

- (a) "Department" means the Home Department of the
Government;
- (b) "Director" means the Director of Police Wireless,
Maharashtra State, Pune;
- (c) "Director General" means the Director General and
Inspector General of Police, Maharashtra State, Mumbai;
- (d) "Government " means the Government of Maharashtra;
- (e) "Higher Secondary School Certificate Examination"
means the Higher Secondary School Certificate
Examination conducted by the Divisional Boards under
the Maharashtra Secondary and Higher Secondary
Education Boards Act, 1965 (Mah. XLI of 1965) and
includes any other examination declared by Government
to be equivalent thereto;
- (f) "Police Force" means the Police Force constituted under
section 3 of the Maharashtra Police Act. (XXII of 1951);

- (g) "recognized institution" means an Institution recognized by the Government;
- (h) "Secondary School Certificate Examination" means the Secondary School Certificate Examination conducted by the Divisional Boards under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (Mah. XLI of 1965) and includes any other examination declared by Government to be equivalent thereto;
- (k) "Selection committee" means the Selection Committee appointed by the Director of Police Wireless, Maharashtra State, Pune, for recruitment.

3. Appointment to the post of Assistant Sub-Inspector of Police Wireless (Radio Mechanic) shall be made by nomination from amongst the candidates who fulfill the following requirements,-

(i) *Age.*- are not less than 18 years and are not more than 25 years of age:

Provided that, the upper age limit may be relaxed by 5 years in respect of the candidates who are already in the service of the Government.

(ii) *Educational qualification.*- have passed the Secondary School Certificate Examination and have completed and passed the Diploma course conducted by the State Technical Education Board, in any one of the following subjects,-

- (1) Diploma in Electronics and Radio Engineering,
- (2) Diploma in Electronics and Telecommunication Engineering,
- (3) Diploma in Electrical Engineering,
- (4) Diploma in Industrial Electronics,
- (5) Diploma in Computer Engineering,
- (6) Diploma in Information Technology, or
- (7) any other qualification declared by the Government to be equivalent thereto.

(iii) *Physical measurement.*- (a) For male candidates, height minimum 163.00 centimetres and chest minimum 79 centimetres (without expansion);

(b) for female candidates, height minimum 155 centimetres.

4. Appointment to the post of Assistant Sub-Inspector (Store man) shall be made by nomination from amongst the candidates who fulfil the following requirements,-

(i) *Age.*-are not less than 18 years and are not more than 25 years of age:

Provided that, the upper age limit may be relaxed by 5 years in respect of the candidates who are already in the service of the Government.

(ii) *Educational qualification*.-have passed the Maharashtra State Higher Secondary School Certificate Examination in Science faculty.

(iii) *Experience*.- who possess two years experience in handling Electric or Electronic and wireless equipment's in Government recognized or registered industry or institution.

(iv) *Physical qualification*.- (a) For male candidates, height minimum 163.00 centimetres and chest minimum 79 centimetres (without expansion);

(b) for female candidates, height minimum 155 centimetres.

5. Appointment to the post of Police Head Constable (Wireless Operator) shall be made by nomination from amongst the candidates who fulfill the following requirements,-

(i) Age .- are not less than 18 years and are not more than 25 years of age:

Provided that, the upper age limit may be relaxed by 5 years in respect of the candidates who are already in the service of the Government.

(ii) Educational qualification.- (a) have passed the Secondary School Certificate Examination, and

(b) have completed and passed any one of the following two years course (Industrial Training Institutes (ITI), Engineering Trade) conducted by the Directorate of Vocational Education and Training, Maharashtra State, -

(1) Mechanic-cum-Operator Electronic Communication System,

(2) Mechanic Radio and Television,

(3) Information Technology and Electronic Systems Maintenance,

(4) Wireless Mechanic-cum-Operator,

(5) Electronics Mechanic, or

(6) any other course declared by Government to be equivalent thereto.

(iii) Physical measurement.- (a) For male candidates, height minimum 163.00 centimetres and chest minimum 79 centimetres (without expansion);

(b) for female candidates, height minimum 155 centimetres.

6. Appointment to the post of Police Head Constable (Electrician) shall be made by nomination from amongst the candidates who fulfill the following requirements,-

(i) *Age* .- are not less than 18 years and are not more than 25 years of age:

Provided that, the upper age limit may be relaxed by 5 years in respect of the candidates who are already in the service of the Government.

(ii) *Educational qualification and experience* .- (a) have passed the Secondary School Certificate Examination and have completed and passed two years course of Electrician Trade conducted by the Directorate of Vocational Education and Training, Maharashtra State, or any other course declared by Government to be equivalent thereto, or

(b) have passed the Higher Secondary School Certificate Examination and possess Wireman License Grade II granted by the Public Works Department of the Government, and possess two years experience in the Electrical field.

(iii) *Physical qualification*.- (a) For male candidates, height minimum 163.00 centimetres and chest minimum 79 centimetres (without expansion);

(b) for female candidates, height minimum 155 centimetres.

7. Appointment to the post of Police Constable (Workshop Hand) shall be made by nomination from amongst the candidates who fulfill the following requirements,-

(i) *Age*.- are not less than 18 years and are not more than 25 years of age:

Provided that, the upper age limit may be relaxed by 5 years in respect of the candidates who are already in the service of the Government.

(ii) *Educational qualification* .- (a) have passed the Secondary School Certificate Examination, and

(b) have completed and passed any one of the following trades conducted by the Industrial Training Institutes recognized by the Directorate of Vocational Education and Training, Maharashtra State.-

- (1) Painter,
- (2) Carpenter,
- (3) Sheet Metal,
- (4) Fitter,
- (5) Mechanic Radio and Television,

(6) Electronics Mechanic,

(7) Computer Hardware:

Provided that, the candidate who is selected for the post holding a valid and permanent driving license for heavy goods passenger vehicle, his services shall be liable to be utilized as driver, after passing the driving test conducted by the Police Motor Transport Officer or Regional Transport Office of the rank of Inspector.

(iii) *Physical qualification.*-(a) For male candidates, height minimum 163.00 centimetres and chest minimum 79 centimetres (without expansion);

(b) for female candidates, height minimum 155 centimetres.

8. Notwithstanding anything contained in the foregoing provisions, if the Selection Committee is of the opinion that sufficient number of candidates possessing the requisite period of experience prescribed for the posts are not available to fill up the vacancies reserved for candidates belonging to Scheduled Caste, Schedules Castes converted to Buddhism, Scheduled Tribes, Denotified Tribes or Nomadic Tribes, then the Selection Committee may, in the matter of such selection, relax the period of experience upto one year and select suitable candidates belong to such Castes or Tribes, as the case may be.

9. The persons appointed to the post of Assistant Sub-Inspector of Police (Radio Mechanic) and Police Head Constable (Wireless Operator) shall be required to complete the nine months Basic Training Course at Police Wireless Training Centre, Pune, or at any place nominated by the Additional Director General of Police and Director of Police Wireless, Maharashtra State, Pune and he shall be required to pass the prescribed examination.

If he does not complete the training successfully, then he is bound to pass the prescribed examination in maximum two chances and within a period of six months immediately after the date of failure, without any further training. Until he passes such examination his annual increments due shall be withheld. If he fails to pass the prescribed examination within a period of six months his services shall be liable to be terminated without giving any prior notice.

10. The persons appointed to the post of Assistant Sub-Inspector of Police (Radio Mechanic) and Police Head Constable (Wireless Operator), after successful completion of training shall be on probation for a period of one year. He shall be required to complete

the probation period successfully, if he does not complete the probation period successfully, he shall be liable to be terminated from service.

11. The persons appointed to the post of Assistant Sub-Inspector of Police wireless (Radio Mechanic) and Police Head Constable (Wireless Operator) shall be required to give a bond of Rs.1,00,000 (rupees one lakh) and of Rs.75,000 (rupees seventy five thousand), respectively, to pledge that, after completion of training, the candidate appointed to the post, would serve in the Police Wireless Section for minimum five years.

12. The persons appointed to the posts shall be required to possess a certificate in computer operation prescribed by the Directorate of Information Technology, Government of Maharashtra, from time to time.

13. The persons appointed to the posts shall be required to pass the examinations in Hindi and Marathi language according to the rules made in that behalf, unless he has already passed, or has been exempted from passing those examinations.

14. The persons appointed to the posts shall be liable for transfer anywhere in the State of Maharashtra.

15. The persons appointed to the posts shall be governed by the Bombay Police Act, 1951, the Bombay Police (Discipline and Appeal) Rules, 1956, the Maharashtra Police Manual, and the similar other rules or orders prescribed by the Government and the Director General of Police, Maharashtra State, Mumbai, from time to time.

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

Deputy Secretary to Government.

(11) Amendments in Recruitment Rules (Under Act)

NOTIFICATION

Home Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai -400 032.
Dated the 20...

Maharashtra
Police Act,
1951.

No.

.- In exercise of the powers conferred by

clause (b) of section 5 of the Maharashtra Police Act (XXII of 1951), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby amends the Assistant Police Sub-Inspector Sarang, Assistant Police Sub-Inspector Engine Driver, Police Head Constable Dingi Driver (Deck side) or Police Head Constable Khalashi (Deck side), Police Head Constable Dingi Driver (Engine side) or Police Head Constable Khalashi (Engine side), Police Constable Khalashi (Deck side), and Police Constable Khalashi (Engine side) Group C, in the Motor Transport section, Police Department under the Home Department (Recruitment) Rules, 2009, as follows:-

1. These rules may be called the Assistant Police Sub-Inspector Sarang, Assistant Police Sub-Inspector Engine Driver, Police Head Constable Dingi Driver (Deck side) or Police Head Constable Khalashi (Deck side), Police Head Constable Dingi Driver (Engine side) or Police Head Constable Khalashi (Engine side), Police Constable Khalashi (Deck side), and Police Constable Khalashi (Engine side) Group C, in the Motor Transport section, Police Department under the Home Department (Recruitment) (*Amendment) Rules, 2011.

*Here mention
the number of
amendment in
words unless, it
is first in this
year.

2. In rule 3 of the Assistant Police Sub-Inspector Sarang, Assistant Police Sub-Inspector Engine Driver, Police Head Constable Dingi Driver (Deck side) or Police Head Constable Khalashi (Deck side), Police Head Constable Dingi Driver (Engine side) or Police Head Constable Khalashi (Engine side), Police Constable Khalashi (Deck side), and Police Constable Khalashi (Engine side) Group C, in the Motor Transport section, Police Department under the Home Department (Recruitment) Rules, 2009, in entry (i) of para (a) of sub-clause (iv) of clause (b), under the heading Male, for the words and figures "Shall not be less than 165 centimetres" the words and figures "Shall not be less than 157 centimetres" shall be substituted.

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

Deputy Secretary to Government.

Amendments in Recruitment Rules (Under Act)

ORDER

Home Department,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya,
Mumbai-400 032.
Dated the 20....

Maharashtra No. .- In exercise of the powers conferred by clause
Police Act. (b) of the section 5 of the Maharashtra Police Act (XXII of 1951) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Police Constables (Recruitment) Rules, 2011, namely:-

*Here mention the number of amendment in words, unless it is first in this year.

1. These rules may be called the Maharashtra Police Constables (Recruitment) (*Amendment) Rules, 2017.

2. In rule 4 of the Maharashtra Police Constables (Recruitment) Rules, 2011, after sub-rule (1), the following sub-rule shall be inserted, namely:-

"(1A) In Coastal District of the State i.e. in Konkan Range, the candidates who fulfills the physical and educational qualifications, may appear for additional Physical Fitness Test alongwith the Physical Fitness Test mentioned in sub-rule (1). Such additional Physical Fitness Test shall be optional. The additional optional Physical Fitness Test shall be of a total 15 marks as follows, namely:-

(A). Male Candidates :-

(a) Swimming in sea (wearing clothes) up to 50 meters	10 marks
(b) Floating in sea for 03 minutes	<u>05 marks</u>
	15 marks

(B). FEMALE CANDIDATES :

(a) Swimming in sea (wearing clothes) up to 25 meters	10 marks
(b) Floating in sea for 03 minutes	<u>05 marks</u>
	15 marks."

(12) Recruitment Rules under Article 309

NOTIFICATION

Planning Department,
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400032.

Dated the 2024.

Constitution of India. No. .- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all the existing rules, orders or instruments issued in this behalf, the Governor of Maharashtra is hereby pleased to make the following rules regulating recruitment to the posts of Director, Additional Director, Chief Research Officer or Joint Director, Senior Research Officer or Deputy Director, Group-A (*Gazetted*) and Research Officer or Statistical Officer or Establishment Officer or Statistical Officer (Inspection), Group-B (*Gazetted*) in the Directorate of Economics and Statistics under the administrative control of the Planning Department of the Government of Maharashtra, namely:-

1. (1) These rules may be called the Gazetted Officers (Group A and Group B) in the Directorate of Economics and Statistics (Recruitment) Rules, 2024.

(2) These rules shall come into force on the date of its publication in the *Maharashtra Government Gazette*.

2. In these rules, unless the context requires otherwise,-

- (a) “Appointing Authority” means the Chief Minister or Minister in Charge of the Department, who is competent to appoint a candidate for the relevant posts in the Directorate;
- (b) “Commission” means the Maharashtra Public Service Commission;
- (c) “Department” means the Planning Department of the Government;
- (d) “Directorate” means the Directorate of Economics and Statistics, Government of Maharashtra under the administrative control of the Department;

- (e) “eligibility for promotion” means the eligibility for promotion in accordance with the terms and conditions specified for promotion in rules, resolution or orders issued by the General Administration Department, from time to time;
- (f) “Government” means the Government of Maharashtra.

3. Appointment to the post of the Director of Economics and Statistics, Group- A (*Gazetted*) in the Directorate shall be made by the Appointing Authority by promotion of a suitable person having eligibility for promotion, on the basis of seniority, from amongst the persons holding the post of the Additional Director, in the Directorate, Group-A (*Gazetted*) and having not less than three years of regular and continuous service on that post:

Provided that, where a suitable person holding the post of the Additional Director having not less than three years of regular and continuous service on that post is not available, then a suitable person having not less than eight years of a regular and continuous service on the post of the Joint Director in the Directorate, in addition to the regular and continuous service on the post of the Additional Director, shall be appointed to the post of the Director of Economics and Statistics.

4. Appointment to the post of the Additional Director in the Directorate, Group- A (*Gazetted*) shall be made by the Appointing Authority by promotion of a suitable person having eligibility for promotion, on the basis of seniority, from amongst the persons holding the post of the Joint Director or the Chief Research Officer in the Directorate, Group-A (*Gazetted*) and having not less than three years of regular and continuous service on that post.

5. Appointment to the post of the Joint Director or the Chief Research Officer in the Directorate, Group-A (*Gazetted*) shall be made by the Appointing Authority by promotion of a suitable person having eligibility for promotion, on the basis of seniority, from amongst the persons holding the post of the Deputy Director or the Senior Research Officer in the Directorate, Group-A (*Gazetted*) and having not less than three years of regular and continuous service on that post.

6. Appointment to the post of the Deputy Director or the Senior Research Officer in the Directorate, Group-A (*Gazetted*) shall be made by the Appointing Authority, either,-

- (1) by promotion of a suitable person having eligibility for promotion, on the basis of seniority, from amongst the persons holding the post of Research Officer or Statistical Officer or Establishment Officer or Statistical Officer (Inspection), in the Directorate, Group-B (*Gazetted*) and having not less than three years of regular and continuous service on that post;
- (2) by nomination from amongst the candidates recommended by the Commission, who fulfills the following criteria, namely:-

(a) *Age Limit.*-

- (i) Lower Age Limit.- Not less than twenty two years of age as on the last date of receipt of applications as per advertisement for recruitment to the said post.
- (ii) Upper Age Limit.- Not more than thirty-eight years of age for the persons not belonging to reserved categories and forty-three years of age for the persons belonging to reserved categories as on the last date of receipt of applications as per advertisement for recruitment to the said post:

Provided that, in case of a person already in Government Service, the age limit shall be relaxed by five years.

(b) *Minimum Educational Qualifications.*-

- (i) Candidate shall possess a Post Graduate degree in Statistics or Economics from any recognized university; or
 - (ii) Candidate shall possess a Graduate degree in Statistics or Economics and Post Graduate degree in sub-branches of Statistics or Economics from any recognized university.
- (c) *Experience.*– Candidate shall possess five years of supervisory experience in any Statistical or

Economic work in any recognized organization working in the field related to the development programs of the Government or Public Authority,-

- (i) conducting statistical activities related to large sample surveys related to public policy or socio economic issues;
- (ii) advanced Statistical or Economics or Planning related analytical works;
- (iii) use of advanced statistical methods and techniques; or
- (iv) use or development of various statistical computer programs:

Provided that, where the candidate is having a Doctorate (PhD) degree in Statistics or Economics, then three years of supervisory experience specified in at least one of the above sub-clauses (i) to (iv), after possessing educational qualification mentioned in clause (b) of sub-rule (2) of this rule shall be eligible for appointment on that post.

7. Appointment to the post of the Research Officer or the Statistical Officer or the Establishment Officer or the Statistical Officer (Inspection), in the Directorate, Group-B (*Non-Gazetted*), shall be made by the Appointing Authority either,-

- (1) by promotion of a suitable person having eligibility for promotion, on the basis of seniority, from amongst the persons holding the post of Assistant Research Officer, in the Directorate, Group-B (*Non-Gazetted*) and having not less than three years of regular and continuous service on that post;
- (2) by nomination from amongst the candidates recommended by the Commission, who fulfills the following criteria, namely:-

(a) *Age Limit.*-

- (i) Lower Age Limit.- Not less than twenty two years of age as on the last date of receipt of applications as per advertisement for recruitment to the said post.

(ii) Upper Age Limit.- Not more than thirty-eight years of age for the persons not belonging to reserved categories and forty-three years of age for the persons belonging to reserved categories as on the last date of receipt of applications as per advertisement for recruitment to the said post.

(b) Minimum Educational Qualifications.-

- (i) Candidate shall possess Post Graduate degree in Statistics or Economics from any recognized university; or
- (ii) Candidate shall possess Graduate degree in Statistics or Economics and Post Graduate degree in sub-branches of Statistics or Economics from any recognized university.

8. Appointment to the post mentioned in rules 6 or 7 shall be made by promotion and nomination in the ratio of 50:50.

9. The upper age limit for the reservation for sports person shall be as per the prevalent policy of the Government in this behalf, from time to time.

10. A person appointed to the post mentioned in rules 6 or 7, shall be required to pass the post recruitment examination or departmental examination or training, if any, according to the rules made in that behalf, unless he has already passed, or has been exempted from passing the examination.

11. A person appointed to the post mentioned in rules 6 or 7 by nomination shall be on probation for a period of two years. The probation period may be extended maximum upto one year. Completion of the probation period (including extended period) satisfactorily as per the probation policy of the Government, passing of the prescribed Departmental examination, if any, and completion of prescribed training, if any, are mandatory. In the event of failing to complete the probation period (including extended period) satisfactorily as per the probation policy of the Government or in the event of failing to pass the prescribed Departmental examination, if any, during the probation period or in the event of not completing the prescribed training, if any, his services shall be liable to be terminated.

12. (1) A person appointed to the posts mentioned in rules 3 to 7, by promotion shall pass the Marathi and Hindi languages examinations as per the rules made in that behalf by the Government, from time to time, unless he has already passed or has been exempted from passing those examinations before getting promoted to the said post.

(2) A person appointed to the posts mentioned in rules 6 and 7 by nomination shall pass the Marathi and Hindi languages examinations as per the rules made in that behalf by the Government, from time to time, within the prescribed time limit after appointment, unless he has already passed or has been exempted from passing those examinations. He shall not be eligible for annual increment or promotion to the next promotional post until he passes those examinations.

13. (1) A person to be appointed to the posts mentioned in rules 3 to 7 by promotion shall possess a Certificate of Computer Operation prescribed by the Government, from time to time, within the prescribed time limit after appointment, unless he has been exempted from possessing such Certificate of Computer Operations before getting promoted to the said post.

(2) A person to be appointed to the posts mentioned in rules 6 and 7 by nomination, shall possess a Certificate of Computer Operations prescribed by the Government, from time to time, within the prescribed time limit after appointment, unless he has been exempted from possessing such Certificate of Computer Operations, otherwise he shall not be eligible for annual increment or promotion to the next promotional post until he possesses the same.

14. (1) A person recommended for appointment by nomination to the post mentioned in rules 6 and 7 shall submit a declaration of Small Family as per the provisions of the Maharashtra Civil Services (Small Family Declaration) Rules, 2005 or any other rules, orders or any instruments issued in this behalf by the Government, from time to time.

(2) A person having more than two children on the date of submission of Declaration of Small Family shall be disqualified for the appointment in Government service.

(3) After appointment of a person in the Government service, if it is proved that he has more than two children at the time of appointment or thereafter, then he shall be disqualified for continuing on the said post in the Government service.

15. A person appointed to the posts mentioned in rules 3 to 7 shall be liable to be transferred anywhere in the State of Maharashtra.

16. The terms and conditions specified by the Government, subsequent to the appointment of any Government Servant in any rules, orders or resolutions issued by the Government, from time to time, shall also be applicable to the Government Servant.

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

Deputy Secretary to Government.

(13) Amendments in Regulations

NOTIFICATION

School Education and Sports
Department.
Mantralaya, Madam Cama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032.
Dated the 20...

Maharashtra
Secondary
and Higher
Secondary
Education
Boards Act,
1965.

No. .- In exercise of the powers conferred by sub-section (2) of section 37 read with section 36 of the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (Mah. XLI of 1965), the Government of Maharashtra, after consultation with the Maharashtra State Board of Secondary and Higher Secondary Education, is hereby amends the Maharashtra Secondary and Higher Secondary Education Boards Regulation, 1977, as follows, namely:-

1.(1) These regulations may be called the Maharashtra Secondary and Higher Secondary Education Boards (Amendment Regulations, 2021.

(2) They shall be deemed to have come into force on the 25th March 2021.

2. In regulation 41 of the Maharashtra Secondary and Higher Secondary Education Boards Regulations, 1977 (hereinafter referred to as “the Principal Regulations”),-

(1) in sub –regulation (1), –

(a) in clause (a),-

(i) for the words “March or April Examination” the words “March Examination or Examination to be held at the period as decided by the Board” shall be substituted;

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

Additional Chief Secretary to Government.

(14) Rules under Constitution

NOTIFICATION

Finance Department,
Hutatma Rajguru Chowk,
Madam Cama Road,
Mantralaya, Mumbai 400032.
Dated the 2011.

Constitution
of India.

No. . -In exercise of the powers conferred by clause (2) of article 283 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Treasury Rules, 1968, namely:-

1. These rules may be called the Maharashtra Treasury (*Amendment) Rules, 2011.

* Here
mention the
number of
amendment in
words unless,
it is first in
this year.

2. In rule 2 of the Maharashtra Treasury Rules, 1968 (hereinafter referred to as “the principal Rules”), in clause (n), at the end, the following shall be added, namely:-

“Virtual Treasury” means a treasury where the account of the payments made through electronic mode, is maintained.”.

3. *****

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

Secretary to Government.

ANNEXURE – V (1)

ORDINANCE LAYING

(A) Reply to Department

विधि व न्याय विभाग/"ब" शाखा.

..... अध्यादेश, २०..... (सन चा महाराष्ट्र अध्यादेश क्रमांक) हा दिनांक २०..... च्या महाराष्ट्र शासन राजपत्र असाधारण, भाग चार मध्ये प्रकाशित केला आहे. सोबत प्रत जोडली आहे. सदर अध्यादेश महाराष्ट्र विधानमंडळाच्या आगामी अधिवेशनाच्या पहिल्या दिवशी महाराष्ट्र विधानसभेच्या व महाराष्ट्र विधानपरिषदेच्या पटलावर ठेवण्यासाठी माननीय मंत्री यांना प्रस्ताव मांडावा लागेल. त्यासंबंधीची सूचना सोबतच्या मसुद्याप्रमाणे देण्यात यावी.

२. अध्यादेश, २०..... (सन २०..... चा महाराष्ट्र अध्यादेश क्रमांक) चे रुपांतर राज्य विधानमंडळाच्या अधिनियमात करण्यासंबंधी विधेयकाचा मसुदा स्वतंत्रपणे देण्यात येत आहे.

(.....)

शासनाचे सचिव (विधि विधान).

अनौपचारिक संदर्भ क्रमांक /ब, दिनांक २०.....,
ने विभागास.

प्रति,

मा. अध्यक्ष,
महाराष्ट्र विधानसभा,
विधान भवन, मुंबई/नागपूर.

विषय:- अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक).

महोदय,

मी आपणांस सविनय कळवू इच्छितो की, महाराष्ट्र विधानसभेच्या आगामी अधिवेशनात भारताच्या संविधानाच्या अनुच्छेद २१३ (२) (क) नुसार अध्यादेश, २०..... (सन २०..... चा महाराष्ट्र अध्यादेश क्रमांक) महाराष्ट्र विधानसभेपुढे ठेवण्यासाठी सोबतचा प्रस्ताव मांडण्याची अनुमती मला द्यावी अशी आपणांस विनंती आहे.

आपला,

(मा. मंत्री महोदयांचे नाव)

प्रस्ताव

मी पुढील अध्यादेश महाराष्ट्र विधानसभेच्या पटलावर ठेवण्याकरिता

परवानगी मागत आहे:-

" अध्यादेश, २०..... (सन २०..... चा

महाराष्ट्र अध्यादेश क्रमांक).".

प्रति,

मा. सभापती,
महाराष्ट्र विधानपरिषद,
विधान भवन, मुंबई/नागपूर.

विषय:- अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक).

महोदय,

मी आपणांस सविनय कळवू इच्छितो की, महाराष्ट्र विधान परिषदेच्या आगामी अधिवेशनात भारताच्या संविधानाच्या अनुच्छेद २१३ (२) (क) नुसार अध्यादेश, २०..... (सन २०..... चा महाराष्ट्र अध्यादेश क्रमांक) महाराष्ट्र विधानपरिषदेपुढे ठेवण्यासाठी सोबतचा प्रस्ताव मांडण्याची अनुमती मला द्यावी अशी आपणांस विनंती आहे.

आपला,

(मा. मंत्री महोदयांचे नाव)

प्रस्ताव

मी पुढील अध्यादेश महाराष्ट्र विधानपरिषदेच्या पटलावर ठेवण्याकरिता

परवानगी मागत आहे:-

" अध्यादेश, २०..... (सन २०..... चा
महाराष्ट्र अध्यादेश क्रमांक).".

ANNEXURE-V (2)

(B) Letter to Governor Secretary.

महाराष्ट्र शासन

क्रमांक:
विधि व न्याय विभाग,
मंत्रालय, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक,
मुंबई - ४०० ०३२.
दिनांक २०.....

प्रति,

मा. राज्यपालांचे सचिव,
महाराष्ट्र राज्य,
राजभवन, मलबार हिल,
मुंबई - ४०० ०३५.

विषय:- अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक).

महोदय,

भारताच्या संविधानाच्या अनुच्छेद १६६ अनुसार केलेल्या नियमांच्या नियम क्रमांक १५ अनुसार निर्गमित केलेल्या शासकीय कामकाज अनुदेश क्रमांक ४२ च्या खंड (क) च्या आवश्यकतेनुसार, महाराष्ट्राच्या राज्यपालांनी दिनांक २०..... रोजी प्रख्यापित केलेल्या अध्यादेश, २०..... (सन २०..... चा महाराष्ट्र अध्यादेश क्रमांक) ची प्रत सविनय अग्रेषित करित आहे.

आपला विश्वासू,

()
शासनाचे सचिव (विधि विधान).

ANNEXURE-V (3)

(C) Letter to Assembly Secretary.

महाराष्ट्र शासन

क्रमांक:
विधि व न्याय विभाग,
मंत्रालय, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक,
मुंबई - ४०० ०३२.
दिनांक २०.....

प्रति,

मा. प्रधान सचिव,
महाराष्ट्र विधानसभा,
विधानमंडळ सचिवालय,
विधानभवन, मुंबई/नागपूर.

विषय:- अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक).

महोदय,

भारताच्या संविधानाच्या अनुच्छेद २१३ अनुसार दिनांक २०..... रोजी मा.
राज्यपालांनी प्रख्यापित केलेल्या अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक) ची प्रत सदर अनुच्छेद २१३ खंड (२) च्या उप-खंड
(क) च्या आवश्यकतेनुसार महाराष्ट्र विधानसभेच्या पटलावर मांडण्यासाठी सविनय अग्रेषित करीत
आहे.

आपला विश्वासू,

()
शासनाचे सचिव (विधि विधान).

सहपत्रे: वरीलप्रमाणे.

प्रत:- उप सचिव, संसदीय कार्य विभाग यांना अध्यादेशाच्या प्रतीसह माहितीसाठी अग्रेषित.

ANNEXURE-V (4)

(D) Letter to Council Secretary.

महाराष्ट्र शासन

क्रमांक:
विधि व न्याय विभाग,
मंत्रालय, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक,
मुंबई - ४०० ०३२.
दिनांक २०.....

प्रति,

मा. प्रधान सचिव,
महाराष्ट्र विधानपरिषद,
विधानमंडळ सचिवालय,
विधान भवन, मुंबई/नागपूर.

विषय:- अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक).

महोदय,

भारताच्या संविधानाच्या अनुच्छेद २१३ अनुसार दिनांक २०..... रोजी
मा.राज्यपालांनी प्रख्यापित केलेल्या अध्यादेश, २०..... (सन
२०..... चा महाराष्ट्र अध्यादेश क्रमांक) ची प्रत सदर अनुच्छेद २१३ खंड (२) च्या उप-खंड
(क) च्या आवश्यकतेनुसार महाराष्ट्र विधान परिषदेच्या पटलावर मांडण्यासाठी सविनय अग्रेषित
करीत आहे.

आपला विश्वासू,

()
शासनाचे सचिव (विधि विधान).

सहपत्रे: वरीलप्रमाणे.

प्रत:- उप सचिव, संसदीय कार्य विभाग यांना अध्यादेशाच्या प्रतीसह माहितीसाठी अग्रेषित.

ANNEXURE-VI

BILL NOTICE

(1) Without recommendation

प्रति,

अध्यक्ष/सभापती ,
महाराष्ट्र विधानसभा/परिषद,
विधानमंडळ सचिवालय,
विधान भवन, मुंबई/नागपूर.

महोदय,

मी आपणांस कळवू इच्छितो की, समासामध्ये नमूद केलेले विधेयक महाराष्ट्र

महाराष्ट्र _____ विधेयक.

विधानसभेच्या/विधानपरिषदेच्या चालू/आगामी

अधिवेशनामध्ये मांडावयाची परवानगी मागण्याचा

माझा प्रस्ताव आहे. उद्देश व कारणे यांच्या

निवेदनासह विधेयकाची एक प्रत सोबत जोडली आहे.

२. उक्त अधिवेशनामध्ये या विधेयकावर विचार करून ते संमत करण्यात यावे, ही विनंती.

आपला,

(मा. मंत्री महोदयांचे नाव)

ANNEXURE-VI

BILL NOTICE

(2) With Governor's recommendation

प्रति,

अध्यक्ष/सभापती ,

महाराष्ट्र विधानसभा/परिषद,

विधानमंडळ सचिवालय,

विधान भवन, मुंबई/नागपूर.

महोदय,

मी आपणांस कळवू इच्छितो की, समासामध्ये नमूद केलेले विधेयक महाराष्ट्र

महाराष्ट्र _____ विधेयक.

विधानसभेच्या/ विधानपरिषदेच्या

चालू /आगामी अधिवेशनामध्ये

मांडावयाची परवानगी मागण्याचा

माझा प्रस्ताव आहे. मा.राज्यपालांची शिफारस आणि उद्देश व कारणे यांच्या निवेदनासह विधेयकाची

एक प्रत विधानसभेच्या/विधान परिषदेच्या विचारार्थ सोबत जोडली आहे.

२. उक्त अधिवेशनामध्ये या विधेयकावर विचार करून ते संमत करण्यात यावे, ही विनंती

.

आपला,

(मा. मंत्री महोदयांचे नाव)

ANNEXURE-VI

BILL NOTICE

(3) Waive of Notice Period

प्रति,

अध्यक्ष/सभापती ,

महाराष्ट्र विधानसभा/परिषद,

विधानमंडळ सचिवालय,

विधान भवन, मुंबई/नागपूर.

महोदय,

मी आपणांस कळवू इच्छितो की, समासामध्ये नमूद केलेले विधेयक महाराष्ट्र

महाराष्ट्र _____ विधेयक.

विधानसभेच्या/ विधानपरिषदेच्या

चालू/आगामी अधिवेशनामध्ये

मांडावयाची परवानगी मागण्याचा

माझा प्रस्ताव आहे. मा.राज्यपालांची शिफारस आणि उद्देश व कारणे यांच्या निवेदनासह विधेयकाची एक प्रत विधानसभेच्या/विधान परिषदेच्या विचारार्थ सोबत जोडली आहे.

२. विधेयक पुरःस्थापित करण्यासाठी आवश्यक नोटीशीचा कालावधी अध्यक्षांना असलेल्या अधिकारांचा वापर करून क्षमापित करून विधेयकावर विचार करून ते संमत करण्यात यावे, ही विनंती.

आपला,

(मा. मंत्री महोदयांचे नाव)

ANNEXURE-VI

BILL NOTICE

(4) When Bill rejected by the Council

Notice under rule 141(1)

प्रति,

अध्यक्ष,

महाराष्ट्र विधानसभा,

विधानमंडळ सचिवालय,

विधान भवन, मुंबई/नागपूर.

महोदय,

मी आपणांस कळवू इच्छितो की, समासामध्ये नमुद केलेले व विधानसभेने पारित केलेले विधेयक, विधानपरिषदेमध्ये चर्चिले गेल्यानंतर ते विधानपरिषदेने संमत केले नाही.

२. आता उक्त विधेयक महाराष्ट्र विधान सभा नियमातील नियम १४१(१) अन्वये विधान

सन २०___ चे विधानसभा विधेयक क्रमांक

महाराष्ट्र _____ विधेयक.

सभेने पुन्हा संमत करावे असा प्रस्ताव मी विधानसभेच्या चालू अधिवेशनामध्ये मांडू इच्छितो.

३. मा. अध्यक्षांना अशी विनंती करण्यात येते की, उक्त नियमांच्या नियम १४१ (१) अन्वये आवश्यक असणारी तीन दिवसांची नोटिस क्षमापित करुन दिनांक _____ २० __ रोजी विधान सभेत दुस-यांदा संमत करण्यासाठी दैनंदिन कामकाजात दाखविण्यात यावे, ही विनंती.

४. विधेयकाची एक प्रत सोबत जोडण्यात आलेली आहे.

आपला,

(मा. मंत्री महोदयांचे नाव)

ANNEXURE-VII
(OFFICIAL AMENDMENT TO BILL)

दिनांक: २०....

- १) मा. सदस्याचे नाव
विधानसभा/ सदस्य.
२) मा. सदस्याचे नाव
विधानसभा/ सदस्य.

प्रति,

मा. अध्यक्ष,
महाराष्ट्र विधानसभा,
विधानमंडळ सचिवालय,
मुंबई ४०० ०३२.

महोदय,

आम्ही आपणांस सविनय कळवू इच्छितो की, महाराष्ट्र विधानसभा नियमांच्या नियम १३४ (२)

सन २०..... चे विधानसभा विधेयक क्रमांक-

.....विधेयक, २०.....

अनुसार, महाराष्ट्र विधान-
मंडळाच्या चालू अधिवेशनामध्ये
समासात नमूद करण्यात
आलेल्या विधेयकात यासोबत

जोडण्यात आलेल्या मसुद्यामध्ये दर्शविण्यात आलेल्या सुधारणा मांडणार आहेत. माननीय अध्यक्ष यांना नम्र विनंती की, त्यांनी सुचनेसाठी आवश्यक असलेल्या कालावधीच्या संदर्भात सूट देऊन सूचना स्वीकृत करावी.

आपले,

- (१) मा. सदस्याचे नाव
विधानसभा सदस्य.
(२) मा. सदस्याचे नाव
विधानसभा सदस्य.

महाराष्ट्र विधानसभा

..... विधेयक, २०..... (सन २०..... चे
विधानसभा विधेयक क्रमांक) च्या सुधारणेची यादी.

अ. क्र. (१)	खंड (२)	सुधारणा (३)	प्रस्तावकाचे नाव (४)
१.	९	पृष्ठ क्रमांक ३ वर,- (१) ओळ क्रमांक २१ मध्ये “(क)” या मजकुरानंतर, “ या पोट-कलमाच्या खंड (ख) ते (ण) च्या तरतूदींच्या अधिन राहून” हा मजकूर समाविष्ट करण्यात येईल; (२) ओळ क्रमांक २२ मध्ये “किंवा मंडळे” या मजकुरानंतर, “,आपआपला कालावधी पूर्ण होईपर्यंत चालू राहतील आणि तो कालावधी संपल्यानंतर” हा मजकूर समाविष्ट करण्यात येईल;	

MAHARASHTRA LEGISLATIVE ASSEMBLY

List of Amendments

Amendments to L.A.Bill No. of 20..... -
..... Bill, 20.....

Sr.No. (1)	Clause (2)	Amendments (3)	Name of the mover (4)
1.	9	On page 3,- (1) in line 28, <u>after</u> “(a)” <u>insert</u> “subject to the provisions of clauses (b) to (o) of this sub-section”; (2) in line 30 <u>after</u> “made thereunder,” <u>insert</u> “shall be continued till expiry of their respective term and on such expiry”.	

ANNEXURE VIII

(Joint Committee Amendments)

LIST OF AMENDMENTS TO L.A. BILL No. OF 2020 (THE MAHARASHTRA BILL, 2020 AS PER JOINT COMMITTEE DECISIONS.

Sr. No.	Page No.	Clause No.	Amendments
(1)	(2)	(3)	(4)
1.	1	Long title	On page 1,- (a) in line 3, <u>after</u> “establishment” <u>insert</u> “or designation”;
2.	1	Preamble	(b) in line 7, <u>after</u> “establishment” <u>insert</u> “or designation”;
3.	1	Preamble	(c) in line 11, <u>for</u> “Seventy-first” <u>substitute</u> “Seventy-third”;
4.	1	1	(d) in line 17, <u>for</u> “2020” <u>substitute</u> “2022”.
5.	2	2	On page 2,- (a) in line 7, <u>after</u> “established” <u>insert</u> “or designated”;
6.	2	Chapter II Heading	(b) in line 21, <u>after</u> “ESTABLISHMENT” <u>insert</u> “OR DESIGNATION”;
7.	2	3	(c) in marginal note <u>after</u> “Establishment” <u>insert</u> “or designation”;
8.	2	3	(d) in line 24, <u>after</u> “establish” <u>insert</u> “or designate”.
9.	3	7	On page 3,- (a) in line 5, <u>for</u> “a Special Public Prosecutor” <u>substitute</u> “one or more Special Public Prosecutors”;

10.	3	7	(b) <u>delete</u> lines 14 and 15;
11.	3	8	(c) <u>for</u> lines 18 to 29, <u>substitute</u> the following:- “8. (1) The State Government shall constitute one or more Special Police Teams at District or Commissionerate level to be called the District or Commissionerate Special Police Teams headed by an officer of the rank of Deputy Superintendent of Police. Every such team shall include at least one woman police officer and women personnel.”;
12.	3	9	(d) in marginal note, <u>after</u> “Establishment” <u>insert</u> “or designation”;
13.	3	9	(e) in line 33, <u>after</u> “establish” <u>insert</u> “or designate”.

ANNEXURE VIII

(संयुक्त समितीच्या सुधारणा)

संयुक्त समितीच्या बैठकीतील निर्णयानुसार सन २०२० चे विधानसभा विधेयक क्रमांक-----

महाराष्ट्र -----विधेयक २०२० मध्ये सुधारणांची यादी.

अनु.क्र.	पृष्ठ क्र.	खंड क्र.	सुधारणा
(१)	(२)	(३)	(४)
१.	१	दीर्घ शीर्ष	पृष्ठ क्रमांक १ वर,- (क) ओळ क्रमांक ३ मध्ये, “ESTABLISHMENT” या मजकुरानंतर “OR DESIGNATION” हा मजकूर <u>दाखल</u> करण्यात येईल;
२.	१	दीर्घ शीर्ष	(ख) ओळ क्रमांक ११ मध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल;
३.	१	हेतुवाक्य	(ग) ओळ क्रमांक १५ मध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल.
४.	२	हेतुवाक्य	पृष्ठ क्रमांक २ वर,- (क) ओळ क्रमांक २ मध्ये “एकाहत्तराव्या” या मजकुराऐवजी “त्र्याहत्तराव्या” हा मजकूर <u>दाखल</u> करण्यात येईल;
५.	२	१	(ख) ओळ क्रमांक ६ मध्ये “२०२०” या मजकुराऐवजी “२०२२” हा मजकूर <u>दाखल</u> करण्यात येईल;
६.	२	२	(ग) ओळ क्रमांक ११ मध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल;
७.	२	शीर्षक	(घ) ओळ क्रमांक २५ मध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल;
८.	२	३	(ड) समास टीपेमध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल;
९.	२	३	(च) ओळ क्रमांक २८ मध्ये “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर <u>दाखल</u> करण्यात येईल.
१०.	३	५	पृष्ठ क्रमांक ३ वर,- (क) ओळ क्रमांक १ मध्ये “विनिर्दिष्ट अपराधांचीच केवळ” याऐवजी “केवळ विनिर्दिष्ट अपराधांचीच” हा मजकूर <u>दाखल</u> करण्यात येईल;

११.	३	७	(ख) ओळ क्रमांक १२ मध्ये “एका विशेष सरकारी अभियोक्त्याची” याऐवजी “एक किंवा अधिक विशेष सरकारी अभियोक्त्यांची” हा मजकूर दाखल करण्यात येईल;
१२.	३	७	(ग) ओळ क्रमांक १८ व १९ वगळण्यात येतील;
१३.	३	८	(घ) ओळ क्रमांक २२ ते ३२ ऐवजी, पुढील मजकूर दाखल करण्यात येईल:- “८. (१) राज्य शासन, विनिर्दिष्ट अपराधांचे अन्वेषण करण्यासाठी, पोलीस उप अधीक्षक दर्जाचा अधिकारी प्रमुख असलेले, जिल्हा किंवा आयुक्तालय विशेष पोलीस पथक किंवा अधिक पोलीस पथके, जिल्हा किंवा आयुक्तालय स्तरावर घटित करील. अशा प्रत्येक पथकामध्ये, किमान एक महिला पोलीस अधिकारी व महिला कर्मचारी यांचा समावेश असेल .”;
१४.	३	९	(ड) समास टीपेमध्ये “स्थापना” या मजकुराऐवजी “स्थापना किंवा निर्देशित करणे” हा मजकूर दाखल करण्यात येईल;
१५.	३	९	(च) ओळ क्रमांक ३८ मध्ये, “स्थापन” या मजकुरानंतर “किंवा निर्देशित” हा मजकूर दाखल करण्यात येईल.

ANNEXURE-IX
BILL WITHDRAWAL

प्रति,

अध्यक्ष/सभापती ,
महाराष्ट्र विधानसभा/परिषद,
विधानमंडळ सचिवालय,
विधान भवन, मुंबई/नागपूर.

विषय: सन २०..... चे विधानसभा/ विधानपरिषद विधेयक
क्रमांक-..... विधेयक, २०.....

महोदय,

विधानसभेपुढे/विधानपरिषदेपुढे प्रलंबित असलेले उपरोक्त विषयांकित विधेयक महाराष्ट्र विधानसभा नियम यामधील नियम क्रमांक १५४/महाराष्ट्र विधानपरिषद नियम यामधील नियम १४९ अनुसार मी मागे घेऊ इच्छितो. त्यानुसार, उक्त विधेयक मागे घेण्यासाठी मला सोबतचा प्रस्ताव मांडण्याची अनुमती द्यावी, अशी आपणास विनंती आहे.

आपला,

(मा. मंत्री महोदयांचे नाव)

सोबत - प्रस्ताव.

प्रस्ताव

“..... विधेयक, २०..... (सन
२०..... चे विधानसभा/ विधानपरिषद विधेयक क्रमांक.....) हे महाराष्ट्र विधानसभा
नियम यामधील नियम १५४/ महाराष्ट्र विधानपरिषद नियम यामधील नियम १४९
अनुसार मागे घेण्यास मला सभागृहाची अनुमती असावी. ”.

ANNEXURE X

LEGISLATIVE POWERS UNDER CONSTITUTION

1. Legislative powers under Constitution.- (1) The Constitution of India provides for distribution of legislative powers between the Union and the States and concurrent powers for both, in three Lists contained in the Seventh Schedule to the Constitution. The Lists enumerate subjects in respect to which Parliament, States and both, Parliament and States have power to make laws. List I-Union List contained 97 entries, List II- State List contained 66 entries and List III-Concurrent List contained 47 entries.

(2) Articles 245 to 255 of the Constitution provide the legislative competence of the Parliament and State Legislature to enact laws on the subjects specified in the Lists.

(3) Parliament has exclusive power to legislate with respect to any of the matters enumerated in List I notwithstanding anything contained in clauses (2) and (3) of article 246.

(4) The State Legislature has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II of the Seventh Schedule. The exclusive power of the State Legislature to legislate with respect to any of the matters enumerated in List II has to be exercised subject to clause (1) of article 246 i.e. the exclusive power of Parliament to legislate with respect to matters enumerated in List I.

(5) Both Parliament and the State Legislature have concurrent powers of legislation with respect to any of the matters enumerated in List III. Article 254 provides for the method of resolving conflicts between a law made by Parliament and a law made by the Legislature of a State with respect to a matter falling in the Concurrent List, subject only to the provision contained in clause (2) of Article 254 i.e. provided the provisions of the State Act do not conflict with those of any (Central Act on the subject). However, in case of repugnancy between a State Act and a Union Law on a subject enumerated in List III, the Central law will prevail over the State Act unless State Act has been reserved for the assent of the President and has received his assent under Article 254(2). The question of repugnancy arises only when both the Legislatures are competent to legislate in the same field i.e. when both the Union and the State laws relate to a subject specified in List III and occupy the same field.

2. Power of Governor to promulgate an Ordinance.- (1) The Governor can promulgate an Ordinance under Article 213 of the Constitution of India. If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.

(2) An Ordinance has the same force and effect as an Act passed by the State Legislature. The Ordinance may be promulgated by the Governor when he is satisfied that there are circumstances that require taking immediate action. This is done by the Governor on the aid and advice of the Cabinet of Ministers headed by the Chief Minister.

The Ordinance promulgated by the Governor can be withdrawn anytime.

(3) In the following cases the instructions of the Presidents are necessary for promulgation of Ordinance:-

- (a) If a bill containing the same provisions would have required the previous sanction of the President for its introduction into the State Legislature.
- (b) If he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President.
- (c) If an Act of the State Legislature containing the same provisions would have been invalid without receiving the President's assent.

3. Power of Parliament to enact laws on the subjects mentioned in List II.-

(I) Under Article 249 of the Constitution, the Parliament can enact laws on the subjects mentioned in List II,-

- (1) If Rajya Sabha passes a resolution by 2/3rd majority members present requesting Parliament to make law applicable to all States in national interest for a period of one year unless resolution is renewed.
- (2) When two or more States Legislatures request the Parliament to make law on the subjects mentioned in List II, applicable to them, Parliament can make law. Other States can adopt the said law by resolution.
- (3) Parliament have power to make law for whole or any part of the territory of India for implementing any treaty, agreement or convention with any country or countries or any decision made at any international conference, association or body.
- (4) When Proclamation of Emergency under Article 352 of the Constitution.
- (5) When Proclamation under Article 356 of the Constitution.

253. Legislation for giving effect to international agreements.-

(II) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

When any law is enacted by Parliament under article 253, the State Legislature has no power to enact a law on the said subject.

4. Power of the Governor under Fifth Schedule of the Constitution.-

Article 244 provides the powers of the Governor for administration of Scheduled Areas and tribal areas.

244. Administration of Scheduled Areas and tribal areas.-

(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

Paragraph 5 of the Fifth Schedule provides the power of the Governor by notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications, as he may specify in the notification.

Paragraph 5 of the Fifth Schedule.-

5. Law applicable to Scheduled Areas.- (1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area.

In particular and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;
- (b) regulate the allotment of land to members of the Scheduled Tribes in such area;
- (c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

5.	Other Legislative powers of the State Legislature to make laws under the Constitution.	
	Article	Provisions in Articles
	15(3)	Special provision for women and children.
	15(4)	Special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
	15(5)	Special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions.
	15(6)	(a) special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and (b) special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.
	16(4)	Reservation of appointments or posts in favour of any backward class of citizens.
	16(4A)	Reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes.
	16(6)	Reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.
	19(2),(4), (5), and (6)	Reasonable restrictions.

	21A	Free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
	25(2)	Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.
	30(1A)	Compulsory acquisition of any property of an educational institution established and administered by a minority.
	31A(1)	Saving of laws providing for acquisition of estates, etc.
	164(5)	The salaries and allowances of Ministers
	186	Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman.
	187(2)	Regulate the recruitment and the conditions of service of persons appointed, to the secretarial staff of the House or Houses of the Legislature of the State.
	195	Salaries and allowances of members Legislative Assembly and Council.
	202(3)(f)	Expenditure to be charged in Annual financial statement.
	204	Appropriation Bill.
	206	Vote on Account Bill.
	209	Regulation by law of procedure in the Legislature of the State in relation to financial business.
	243A	Powers of Gram Sabha .
	243C	Composition of panchayats.
	243D(4)	Reservation of seats of Chairpersons in panchayats for Schedule Castes or Schedule Tribes.
	243D(6)	Reservation of seats in any Panchayat or Offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.
	243F(2)	Disqualifications for Membership of Panchyats.
	243G	Powers, authority and responsibilities of Panchayats.
	243H	Powers to impose taxes by, and Funds of, the Panchayats.

	243I(1)(3)	Constitution of Finance Commission to review financial position of Panchayat.
	243J	Audit of accounts of Panchayats.
	243K(4)	Election of Panchayats.
	243R(2)	Constitution of Municipalities.
	243S(2)	Constitution and composition of Wards Committees.
	243T(4)	Reservation of the offices of Chairpersons in the Municipalities for the Scheduled Castes, the Scheduled Tribes and women.
	243T (6)	Reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.
	243V(2)	Disqualifications for membership of Municipalities.
	243W	Powers, authority and responsibilities of Municipalities.
	243X	Power to impose taxes by, and Funds of the Municipalities.
	243Z	Audit of accounts of Municipalities.
	243ZA(2)	Elections of Municipalities.
	243ZD(2)	District Planning Committees.
	243ZE(2)	Metropolitan Planning Committee.
	243ZI	Incorporation of co-operative societies.
	243ZJ(1) and (3)	Number and term of members of board and its office bearers.
	243ZK (2)	Election of members of board.
	243ZL(3)	Conditions of service of the administrator.
	243ZM(1), (2) and (5)	Audit of accounts of co-operative societies.
	243ZN	General body meetings of cooperative society.
	243ZO(1), (2) and (3)	Right of a member to get information.
	243ZQ(1)	Offences relating to the co-operative societies and penalties for such offences.

	246(2)	Make laws with respect to any of the matters enumerated in List III in the Seventh Schedule.
	246 (3)	Power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule.
	246A	Special provision with respect to goods and services tax.
	246A(1)	Make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.
	267(2)	Contingency Fund.
	283(2)	Custody, etc., of Consolidated Funds, Contingency Funds and moneys credited to the public accounts.
	288	Exemption from taxation by States in respect of water or electricity in certain cases.
	304	Restrictions on trade, commerce and intercourse among States
	321	Power to extend functions of Public Service Commissions.
	323B(1)	Adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature power to make laws has.
	328	Power of Legislature of a State to make provision with respect to elections to such Legislature.
	345	Official language or languages of a State.

ANNEXURE XI
SEVENTH SCHEDULE OF CONSTITUTION
(Article 246)

LIST I—UNION LIST

1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.
2. Naval, military and air forces; any other armed forces of the Union.
- 2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment.
3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.
4. Naval, military and air force works.
5. Arms, firearms, ammunition and explosives.
6. Atomic energy and mineral resources necessary for its production.
7. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.
8. Central Bureau of Intelligence and Investigation.
9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.
10. Foreign affairs; all matters which bring the Union into relation with any foreign country.
11. Diplomatic, consular and trade representation.
12. United Nations Organisation.
13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.
15. War and peace.

16. Foreign jurisdiction.
17. Citizenship, naturalisation and aliens.
18. Extradition.
19. Admission into, and emigration and expulsion from, India; passports and visas.
20. Pilgrimages to places outside India.
21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high seas or in the air.
22. Railways.
23. Highways declared by or under law made by Parliament to be national highways.
24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways.
25. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.
26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.
27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.
28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.
29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.
30. Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.
31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.
32. Property of the Union and the revenue therefrom, but as regards property situated in a State subject to legislation by the State, save in so far as Parliament by law otherwise provides.

33. **** *Entry 33 omitted by Constitution Seventh Amendment Act, 1956.*
34. Courts of wards for the estates of Rulers of Indian States.
35. Public debt of the Union.
36. Currency, coinage and legal tender; foreign exchange.
37. Foreign loans.
38. Reserve Bank of India.
39. Post Office Savings Bank.
40. Lotteries organised by the Government of India or the Government of a State.
41. Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers.
42. Inter-State trade and commerce.
43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including co-operative societies.
44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.
45. Banking.
46. Bills of exchange, cheques, promissory notes and other like instruments.
47. Insurance.
48. Stock exchanges and futures markets.
49. Patents, inventions and designs; copyright; trade-marks and merchandise marks.
50. Establishment of standards of weight and measure.
51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.
52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.
53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.

54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
55. Regulation of labour and safety in mines and oilfields.
56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
57. Fishing and fisheries beyond territorial waters.
58. Manufacture, supply and distribution of salt by Union agencies; regulation and control of manufacture, supply and distribution of salt by other agencies.
59. Cultivation, manufacture, and sale for export, of opium.
60. Sanctioning of cinematograph films for exhibition.
61. Industrial disputes concerning Union employees.
62. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.
63. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the Delhi University; the University established in pursuance of article 371E any other institution declared by Parliament by law to be an institution of national importance.
64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.
65. Union agencies and institutions for—
 - (a) professional, vocational or technical training, including the training of police officers; or
 - (b) the promotion of special studies or research; or
 - (c) scientific or technical assistance in the investigation or detection of crime.
66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

67. Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance.
68. The Survey of India, the Geological, Botanical, Zoological and Anthropological Surveys of India; Meteorological organisations.
69. Census.
70. Union Public Service; All-India Services; Union Public Service Commission.
71. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.
72. Elections to Parliament, to the Legislatures of States and to the offices of President and Vice-President; the Election Commission.
73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and Deputy Speaker of the House of the People.
74. Powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.
75. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers for the Union; the salaries, allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.
76. Audit of the accounts of the Union and of the States.
77. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court.
78. Constitution and organisation (including vacations) of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts.
79. Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.
80. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

81. Inter-State migration; inter-State quarantine.
82. Taxes on income other than agricultural income.
83. Duties of customs including export duties.
84. Duties of excise on the following goods manufactured or produced in India, namely:—
 - (a) petroleum crude;
 - (b) high speed diesel;
 - (c) motor spirit (commonly known as petrol);
 - (d) natural gas;
 - (e) aviation turbine fuel; and
 - (f) tobacco and tobacco products.
85. Corporation tax.
86. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.
87. Estate duty in respect of property other than agricultural land.
88. Duties in respect of succession to property other than agricultural land.
89. Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights.
90. Taxes other than stamp duties on transactions in stock exchanges and futures markets.
91. Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.
92. *** *Entry 92 Omitted by Constitution One hundred and First Amendment Act, 2016.*
- 92A. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.
- 92B. Taxes on the consignments of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.
- 92C. **** *Entry 92C omitted by Constitution One hundred and First Amendment Act, 2016.*

93. Offences against laws with respect to any of the matters in this List.
94. Inquires, surveys and statistics for the purpose of any of the matters in this List.
95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; admiralty jurisdiction.
96. Fees in respect of any of the matters in this List, but not including fees taken in any court.
97. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

LIST II—STATE LIST

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).
2. Police (including railway and village police) subject to the provisions of entry 2A of List I.
3. Officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.
4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.
5. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, districts boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.
6. Public health and sanitation; hospitals and dispensaries.
7. Pilgrimages, other than pilgrimages to places outside India.
8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.
9. Relief of the disabled and unemployable.
10. Burials and burial grounds; cremations and cremation grounds.
11. * * * *Entry 11 omitted by Constitution Forty-Second Amendment Act, 1976.*
12. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

13. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.
14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.
15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.
16. Pounds and the prevention of cattle trespass.
17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.
18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.
19. * * * * *Entry 19 omitted by Constitution Forty-Second Amendment Act, 1976.*
20. * * * * * *Entry 20 omitted by Constitution Forty-Second Amendment Act, 1976.*
21. Fisheries.
22. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates.
23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.
24. Industries subject to the provisions of entries 7 and 52 of List I.
25. Gas and gas-works.
26. Trade and commerce within the State subject to the provisions of entry 33 of List III.
27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.
28. Markets and fairs.

29. * * * * * *Entry 29 omitted by Constitution Forty-Second Amendment Act, 1976.*
30. Money-lending and money-lenders; relief of agricultural indebtedness.
31. Inns and inn-keepers.
32. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.
33. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements.
34. Betting and gambling.
35. Works, lands and buildings vested in or in the possession of the State.
36. * * * * * *Entry 36 omitted by Constitution Seventh Amendment Act, 1956.*
37. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.
38. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.
39. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.
40. Salaries and allowances of Ministers for the State.
41. State public services; State Public Service Commission.
42. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.
43. Public debt of the State.
44. Treasure trove.
45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

46. Taxes on agricultural income.
47. Duties in respect of succession to agricultural land.
48. Estate duty in respect of agricultural land.
49. Taxes on lands and buildings.
50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.
51. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—
 - (a) alcoholic liquors for human consumption;
 - (b) opium, Indian hemp and other narcotic drugs and narcotics,but not including medicinal and toilet preparations containing alcohol or any substance included in subparagraph (b) of this entry.
52. ***** *Entry 52 omitted by Constitution One Hundred and First Amendment Act, 2016.*
53. Taxes on the consumption or sale of electricity.
54. Taxes on the sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, but not including sale in the course of inter-State trade or commerce or sale in the course of international trade or commerce of such goods.
55. ***** *Entry 55 omitted by Constitution One Hundred and First Amendment Act, 2016.*
56. Taxes on goods and passengers carried by road or on inland waterways.
57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III.
58. Taxes on animals and boats.
59. Tolls.
60. Taxes on professions, trades, callings and employments.
61. Capitation taxes.
62. Taxes on entertainments and amusements to the extent levied and collected by a Panchayat or a Municipality or a Regional Council or a District Council.

63. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.
64. Offences against laws with respect to any of the matters in this List.
65. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

LIST III—CONCURRENT LIST

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.
3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.
4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.
5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.
6. Transfer of property other than agricultural land; registration of deeds and documents.
7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
8. Actionable wrongs.
9. Bankruptcy and insolvency.
10. Trust and Trustees.

11. Administrators-general and official trustees.
- 11A. Administration of Justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.
12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.
13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.
14. Contempt of court, but not including contempt of the Supreme Court.
15. Vagrancy; nomadic and migratory tribes.
16. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.
17. Prevention of cruelty to animals.
- 17A. Forests.
- 17B. Protection of wild animals and birds
18. Adulteration of foodstuffs and other goods.
19. Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium.
20. Economic and social planning.
- 20A. Population control and family planning.
21. Commercial and industrial monopolies, combines and trusts.
22. Trade unions; industrial and labour disputes.
23. Social security and social insurance; employment and unemployment.
24. Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.
25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.
26. Legal, medical and other professions.
27. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.

28. Charities and charitable institutions, charitable and religious endowments and religious institutions.
29. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.
30. Vital statistics including registration of births and deaths.
31. Ports other than those declared by or under law made by Parliament or existing law to be major ports.
32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.
33. Trade and commerce in, and the production, supply and distribution of,—
 - (a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;
 - (b) foodstuffs, including edible oilseeds and oils;
 - (c) cattle fodder, including oilcakes and other concentrates;
 - (d) raw cotton, whether ginned or unginned, and cotton seed; and
 - (e) raw jute.
- 33A. Weights and measures except establishment of standards.
34. Price control.
35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.
36. Factories.
37. Boilers.
38. Electricity.
39. Newspapers, books and printing presses.
40. Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.
41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.
42. Acquisition and requisitioning of property.
43. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.

44. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.
45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.
46. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
47. Fees in respect of any of the matters in this List, but not including fees taken in any court.

Note.—Reference from Constitution of India.

ANNEXURE XII

IMPORTANT ARTICLES OF CONSTITUTION

The following Articles of the Constitution are important for dealing with the Legislative proposals and Subordinate Legislation proposals. Every Draftsman should have knowledge of the said Articles.

Constitution of India (Important Articles)

PART-III – FUNDAMENTAL RIGHTS

- 12- Definition.
- 13- Laws inconsistent with or in derogation of the fundamental rights.
- 14- Equality before law.
- 15- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- 16- Equality of opportunity in matters of public employment.
- 19- Protection of certain rights regarding freedom of speech, etc.
- 21- Protection of life and personal liberty.
- 21A- Right to Education.
- 29- Protection of interests of minorities.
- 30- Right of minorities to establish and administer educational institutions.
- 31A- Saving of Laws providing for acquisition of estates, etc.
- 31B- Validation of certain Acts and Regulations.
- 31C- Saving of laws giving effect to certain directive principles.
- 35- Legislation to give effect to the provisions of this Part.

PART IV – DIRECTIVE PRINCIPLES OF STATE POLICY.

- 36- Definition.
- 37 - Application of the principles contained in this Part.
- 38- State to secure a social order for the promotion of welfare of the people.
- 39- Certain principles of policy to be followed by the State.
- 39A- Equal justice and free legal aid.
- 40- Organization of village panchayats.
- 41- Right to work, to education and to public assistance in certain cases.
- 42- Provision for just and humane conditions of work and maternity relief.
- 43- Living wage, etc., for workers.
- 43A- Participation of workers in management of industries.
- 43B- Promotion of co-operative societies.
- 44- Uniform civil code for the citizens.
- 45- Provision for early childhood care and education to children below the age of six years.
- 46- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
- 47- Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- 48- Organisation of agriculture and animal husbandry.
- 48A- Protection and improvement of environment and safeguarding of forests and wild life.
- 49- Protection of monuments and places and objects of national importance.
- 50- Separation of judiciary from executive.
- 51- Promotion of international peace and security.

PART VI- THE EXECUTIVE

- 154- Executive power of State.
- 161- Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.
- 162- Extent of executive power of State.

- 164- Other provisions as to Ministers.
- 165- Advocate-General for the State.
- 166- Conduct of business of the Government of a State.

THE STATE LEGISLATURE

- 168. Constitution of Legislatures in States.
- 169. Abolition or creation of Legislative Councils in States.
- 170. Composition of the Legislative Assemblies.
- 171. Composition of the Legislative Councils.
- 172. Duration of State Legislatures.
- 173. Qualification for membership of the State Legislature.
- 174. Sessions of the State Legislature, prorogation and dissolution.
- 175. Right of Governor to address and send messages to the House or Houses.
- 176. Special address by the Governor.
- 177. Rights of Ministers and Advocate-General as respects the Houses.

Officers of the State Legislature

- 178. The Speaker and Deputy Speaker of the Legislative Assembly.
- 179. Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.
- 180. Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.
- 181. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
- 182. The Chairman and Deputy Chairman of the Legislative Council.
- 183. Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman.
- 184. Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman.

- 185. The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.
- 186. Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman.
- 187. Secretariat of State Legislature.

Legislative Procedure

- 196- Provisions as to introduction and passing of Bills.
- 197- Restriction on powers of Legislative Council as to Bills other than Money Bills.
- 198- Special procedure in respect of Money Bills.
- 199- Definition of “Money Bills”.
- 200- Assent to Bills.
- 201- Bills reserved for consideration.

Procedure in Financial Matters

- 202- Annual financial statement.
- 203- Procedure in Legislature with respect to estimates.
- 204- Appropriation Bills.
- 205- Supplementary, additional or excess grants.
- 206- Votes on account, votes of credit and exceptional grants.
- 207- Special provisions as to financial Bills.

Procedure Generally

- 208- Rules of procedure.
- 209- Regulation by law of procedure in the Legislature of the State in relation to financial business.
- 210- Language to be used in the Legislature.
- 211- Restriction on discussion in the Legislature.
- 212- Courts not to inquire into proceedings of the Legislature.

CHAPTER IV : LEGISLATIVE POWER OF THE GOVERNOR

- 213- Power of Governor to promulgate Ordinances during recess of Legislature.

PART IX : THE PANCHAYATS

- 243- Definitions.
- 243A- Gram Sabha.
- 243B- Constitution of Panchayats.
- 243C- Composition of Panchayats.
- 243D- Reservation of seats.
- 243E- Duration of Panchayats, etc.
- 243F- Disqualifications for membership.
- 243G- Powers, authority and responsibilities of Panchayats.
- 243H- Powers to impose taxes by, and Funds of, the Panchayats.
- 243-I- Constitution of Finance Commission to review financial position.
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ANNEXURE XIII

REPUGNANCY TO CENTRAL ACTS

1. Article 254 of the Constitution is attracted when the provisions of State Act becomes repugnant to Central Act.
2. As per the provisions of the Constitution, the question of repugnancy arises when a law made by Parliament and a law made by the State Legislature occupies the same field with respect to one of the matters enumerated in the List-I (Concurrent List) and direct conflict in two laws. In other words, the question of repugnancy arises only in connection with subjects enumerated in the Concurrent List.

Article 254 of
Constitution of
India.

“254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States.—(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament, which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.”

Article 246 also provides about Legislative powers of the Parliament and the Legislature of a State. It states that:

- (1) The Parliament has exclusive power to make laws with respect to any of the matters enumerated in **List I (Union List)** in the Seventh Schedule.
- (2) The Legislature of any State has exclusive power to make laws for such state with respect to any of the matters enumerated in **List II (State List)** in the Seventh Schedule.
- (3) The Parliament and the Legislature of any State have power to make laws with respect to any of the matters enumerated in the **List III (Concurrent List)** in the Seventh Schedule.

Conditions of Repugnancy. **Conditions of Repugnancy:-** The conditions which must be satisfied before any repugnancy could arise are as follows:-

- (1) That there is a clear and direct inconsistency between the Central Act and the State Act.
- (2) That such an inconsistency is absolutely irreconcilable.
- (3) That the inconsistency between the provisions of the two Acts is of such nature as to bring the two Acts into direct collision with each other and a situation is reached where it is impossible to obey the one without disobeying the other.

Principles of Repugnancy. The Supreme Court has laid down the criteria to decide the repugnancy between the State Act and Central Act. The following are the landmark judgements of the Supreme Court on the question of repugnancy under article 254 of the Constitution.

- (1) In *M. Karunanidhi v. Union of India* 1979 AIR 898/ 1979 SCR (3) 254, the Hon'ble Supreme Court held as under:-

“1. Where the provisions of a Central Act and a State Act in the Concurrent List are fully inconsistent and are absolutely irreconcilable, the Central Act will prevail and the State Act will become void in view of the repugnancy.

2. Where however a law passed by the State comes into collision with a law passed by Parliament on an Entry in the Concurrent List, the State Act shall prevail to the extent of the repugnancy and the provisions of the Central Act would become void provided the State Act has been passed in accordance with clause (2) of Article 254.

3. Where a law passed by the State Legislature while being substantially within the scope of the entries in the State List trenches upon any of the Entries in the Central List, the

constitutionality of the law may be upheld by invoking the doctrine of pith and substance if on an analysis of the provisions of the Act it appears that by and large the law falls within the four corners of the State List and entrenchment, if any, is purely incidental or inconsequential.

4. Where, however, a law made by the State Legislature on a subject covered by the Concurrent List is inconsistent with and repugnant to a previous law made by Parliament, then such a law can be protected by obtaining the assent of the President under Article 254(2) of the Constitution. The result of obtaining the assent of the President would be that so far as the State Act is concerned, it will prevail in the State and overrule the provisions of the Central Act in their applicability to the State only.

Such a state of affairs will exist only until Parliament may at any time make a law adding to, or amending, varying or repealing the law made by the State Legislature under the proviso to Article 254.”.

(2) In Innovative Industries Ltd. v/s. ICICI Bank and Ors. (2018) 1 SCC 407, the Hon'ble Supreme Court has observed as under :-

"50. The case law referred to above, therefore, yields the following propositions:

(i) Repugnancy under Article 254 arises only if both the Parliamentary (or existing law) and the State law are referable to List III in the 7 th Schedule to the Constitution of India.

(ii) In order to determine whether the Parliamentary (or existing law) is referable to the Concurrent List and whether the State law is also referable to the Concurrent List, the doctrine of pith and substance must be applied in order to find out as to where in pith and substance the competing statutes as a whole fall. It is only if both fall, as a whole, within the Concurrent List, that repugnancy can be applied to determine as to whether one particular statute or part thereof has to give way to the other.

(iii) The question is what is the subject matter of the statutes in question and not as to which entry in List III the competing statutes are traceable, as the entries in List III are only fields of legislation; also, the language of Article 254 speaks of repugnancy not merely of a statute as a whole but also "any provision" thereof.

(iv) Since there is a presumption in favour of the validity of statutes generally, the onus of showing that a statute is repugnant

to another has to be on the party attacking its validity. It must not be forgotten that every effort should be made to reconcile the competing statutes and construe them both so as to avoid repugnancy - care should be taken to see whether the two do not really operate in different fields qua different subject matters.

(v) Repugnancy must exist in fact and not depend upon a mere possibility.

(vi) Repugnancy may be direct in the sense that there is inconsistency in the actual terms of the competing statutes and there is, therefore, a direct conflict between two or more provisions of the competing statutes. In this sense, the inconsistency must be clear and direct and be of such a nature as to bring the two Acts or parts thereof into direct collision with each other, reaching a situation where it is impossible to obey the one without disobeying the other. This happens when two enactments produce different legal results when applied to the same facts.

(vii) Though there may be no direct conflict, a State law may be inoperative because the Parliamentary law is intended to be a complete, exhaustive or exclusive code. In such a case, the State law is inconsistent and repugnant, even though obedience to both laws is possible, because so long as the State law is referable to the same subject matter as the Parliamentary law to any extent, it must give way. One test of seeing whether the subject matter of the Parliamentary law is encroached upon is to find out whether the Parliamentary statute has adopted a plan or scheme which will be hindered and/or obstructed by giving effect to the State law. It can then be said that the State law trenches upon the Parliamentary statute. Negatively put, where Parliamentary legislation does not purport to be exhaustive or unqualified, but itself permits or recognises other laws restricting or qualifying the general provisions made in it, there can be said to be no repugnancy.

(viii) A conflict may arise when Parliamentary law and State law seek to exercise their powers over the same subject matter. This need not be in the form of a direct conflict, where one says "do" and the other says "don't". Laws under this head are repugnant even if the rule of conduct prescribed by both laws is identical. The test that has been applied in such cases is based on the principle on which the rule of implied repeal rests, namely, that if the subject matter of the State legislation or part thereof is

identical with that of the Parliamentary legislation, so that they cannot both stand together, then the State legislation will be said to be repugnant to the Parliamentary legislation. However, if the State legislation or part thereof deals not with the matters which formed the subject matter of Parliamentary legislation but with other and distinct matters though of a cognate and allied nature, there is no repugnancy.

(ix) Repugnant legislation by the State is void only to the extent of the repugnancy. In other words, only that portion of the State's statute which is found to be repugnant is to be declared void.

(x) The only exception to the above is when it is found that a State legislation is repugnant to Parliamentary legislation or an existing law if the case falls within Article 254(2), and Presidential assent is received for State legislation, in which case State legislation prevails over Parliamentary legislation or an existing law within that State. Here again, the State law must give way to any subsequent Parliamentary law which adds to, amends, varies or repeals the law made by the legislature of the State, by virtue of the operation of Article 254(2) proviso."

3. The draftsman shall always examine while drafting any State Act or amendments in the existing laws of the State, whether the provisions of new law or amendments are repugnant to Central Acts. The Central Acts generally to which the provisions of the State Act become repugnant are as follows :—

Existing Acts. Existing Acts List

1. The Societies Registration Act, 1860 (21 of 1860).
2. The Maharashtra Civil Courts Act, (14 of 1869).
3. The Indian Contract Act, 1872 (9 of 1872).
4. The Transfer of Property Act, 1882 (4 of 1882).
5. The Presidency Small Cause Courts Act, 1882 (15 of 1882).
6. The Provincial Small Cause Courts Act, 1887 (9 of 1887).
7. The Civil Procedure Code, 1908 (5 of 1908).
8. The Registration Act, 1908 (16 of 1908).
9. The Presidency Town Insolvency Act, 1909 (3 of 1909).
10. The Provincial Insolvency Act, 1920 (5 of 1920).
11. The Official Secrets Act, 1923 (19 of 1923).
12. The Forest Act, 1927 (16 of 1927).
13. The Sale of Goods Act, 1930 (3 of 1930).

14. The Indian Partnership Act, 1932 (9 of 1932).
15. The Drugs and Cosmetics Act, 1940 (23 of 1940).
16. The Indian Nursing Council Act, 1947 (48 of 1947).
17. The Maharashtra Land Requisition Act, 1948 (33 of 1948).

Earlier Acts. Earlier Acts/Laws

1. The Essential Commodities Act, 1955 (10 of 1955).
2. The Medical Council Act, 1956 (102 of 1956).
3. The Prevention of Cruelty to Animals Act, 1960 (59 of 1960).
4. The Limitation Act, 1963 (36 of 1963).
5. The Specific Relief Act, 1963 (47 of 1963).
6. The Oaths Act, 1969 (44 of 1969).
7. The Forest(Conservation) Act 1980 (69 of 1980).
8. The Chit Funds Act, 1982 (40 of 1982).
9. The Indian Veterinary Council Act, 1984 (52 of 1984).
10. The Prevention of Corruption Act, 1988 (49 of 1988).
11. The Motor Vehicles Act, 1988 (59 of 1988).
12. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994).
13. The Arbitration and Conciliation Act, 1996 (26 of 1996).
14. The Information Technology Act, 2000 (21 of 2000).
15. The Multi-State Co-operative Societies Act, 2002 (39 of 2002).
16. The Prevention of Money Laundering Act, 2002 (15 of 2003).
17. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003).
18. The Electricity Act, 2003 (36 of 2003).
19. The Right of Information Act, 2005 (22 of 2005).
20. The Private Security Agencies (Regulation) Act, 2005 (29 of 2005).
21. The Food Safety and Standards Act, 2006 (34 of 2006).
22. The Gram Nyayalayas Act, 2008 (4 of 2008).
23. The Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009).
24. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).
25. The Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2015).

26. The Real Estate (Regulation and Development) Act, 2016 (16 of 2016).
27. The Mental Healthcare Act, 2017 (10 of 2017).
28. The Fugitive Economic Offenders Act, 2018 (17 of 2018).
29. The Banning of Unregulated Deposit Schemes Act, 2019 (21 of 2019).
30. The Code on Wages, 2019 (29 of 2019).
31. The Code on Social Security, 2020 (36 of 2020).
32. The Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).
33. The Industrial Relations Code, 2020 (35 of 2020).
34. The Bhartiya Nyaya Sanhita, 2023 (45 of 2023).
35. The Bhartiya Nagrik Suraksha Sanhita, 2023 (46 of 2023).
36. The Bhartiya Sakshya Adhiniyam, 2023 (47 of 2023).

ANNEXURE XIV

LEGAL ASPECTS OF PROMULGATION OF ORDINANCE

(I) Under Article 213 of the Constitution of India, the Governor has the power to promulgate Ordinances during recess of Legislature. Article 213 provides as under,-

"213. Power of Governor to promulgate Ordinances during recess of Legislature. - (1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if—

(a) a Bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature ; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance-

(a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council ; and

(b) may be withdrawn at any time by the Governor.

Explanation.—Where the Houses of the Legislature of a State having a Legislative Council are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void:

Provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of the Legislature of a State which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List, an Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the State which has been reserved for the consideration of the President and assented to by him."

(II) In respect of promulgation of Ordinances under article 213 of the Constitution of India, the Constitution Bench of the Supreme Court in its Judgement dated 2nd January 2017, incase *Krishna Kumar Singh V/s State of Bihar and Ors., (2017)3 SCC 1*, has held that (majority view),-

"**105.** In summation, the conclusions in this Judgment are as follows:-

105.1 The power which has been conferred upon the President under Article 123 and the Governor under Article 213 is legislative in character. The power is conditional in nature: it can be exercised only when the legislature is not in session and subject to the satisfaction of the President or, as the case may be, of the Governor that circumstances exist which render it necessary to take immediate action;

105. 2 An Ordinance which is promulgated under Article 123 or Article 213 has the same force and effect as a law enacted by the legislature but it must (i) be laid before the legislature; and (ii) it will cease to operate six weeks after the legislature has reassembled or, even earlier if a resolution disapproving it is passed. Moreover, an Ordinance may also be withdrawn;

105.3 The constitutional fiction, attributing to an Ordinance the same force and effect as a law enacted by the legislature comes into being if the Ordinance has been validly promulgated and complies with the requirements of Articles 123 and 213;

105.4 The Ordinance making power does not constitute the President or the Governor into a parallel source of law making or an independent legislative authority;

105.5 Consistent with the principle of legislative supremacy, the power to promulgate ordinances is subject to legislative control. The President or, as the case may be, the Governor acts on the aid and advice of the Council of Ministers which owes collective responsibility to the legislature;

105.6 The requirement of laying an Ordinance before Parliament or the state legislature is a mandatory constitutional obligation cast upon the government. Laying of the ordinance before the legislature is mandatory because the legislature has to determine: (a) The need for, validity of and expediency to promulgate an ordinance; (b) Whether the Ordinance ought to be approved or disapproved; (c) Whether an Act incorporating the provisions of the ordinance should be enacted (with or without amendments);

105.7 The failure to comply with the requirement of laying an ordinance before the legislature is a serious constitutional infraction and abuse of the constitutional process;

105.8 Re-promulgation of ordinances is a fraud on the Constitution and a subversion of democratic legislative processes, as laid down in the judgment of the Constitution Bench in **D C Wadhwa**;

105.9 Article 213(2)(a) provides that an ordinance promulgated under that article shall “**cease to operate**” six weeks after the reassembling of the legislature or even earlier, if a resolution disapproving it is passed in the legislature. The Constitution has used different expressions such as “repeal” (Articles 252, 254, 357, 372 and 395); “void” (Articles 13, 245, 255 and 276); “cease to have effect” (Articles 358 and 372); and “cease to operate” (Articles 123, 213 and 352). Each of these expressions has a distinct connotation. The expression “cease to operate” in Articles 123 and 213 does not mean that upon the expiry of a period of six weeks of the reassembling of the legislature or upon a resolution of disapproval being passed, the ordinance is rendered *void ab initio*. Both Articles 123 and 213 contain a distinct provision setting out the circumstances in which an ordinance shall be void. An ordinance is void in a situation where it makes a provision which Parliament would not be competent to enact (Article 123(3)) or which makes a provision which would not be a valid if enacted in an act of the legislature of the state assented to by the Governor (Article 213(3)). The framers having used the expressions “cease to

operate” and “void” separately in the same provision, they cannot convey the same meaning;

105.10 The theory of enduring rights which has been laid down in the judgment in **Bhupendra Kumar Bose** and followed in **T Venkata Reddy** by the Constitution Bench is based on the analogy of a temporary enactment. There is a basic difference between an ordinance and a temporary enactment. These decisions of the Constitution Bench which have accepted the notion of enduring rights which will survive an ordinance which has ceased to operate do not lay down the correct position. The judgments are also no longer good law in view of the decision in **S R Bommai**;

105.11 No express provision has been made in Article 123 and Article 213 for saving of rights, privileges, obligations and liabilities which have arisen under an ordinance which has ceased to operate. Such provisions are however specifically contained in other articles of the Constitution such as Articles 249(3), 250(2), 357(2), 358 and 359(1A). This is, however, not conclusive and the issue is essentially one of construction; of giving content to the ‘force and effect’ clause while prescribing legislative supremacy and the rule of law;

105.12 The question as to whether rights, privileges, obligations and liabilities would survive an Ordinance which has ceased to operate must be determined as a matter of construction. The appropriate test to be applied is the test of public interest and constitutional necessity. This would include the issue as to whether the consequences which have taken place under the Ordinance have assumed an irreversible character. In a suitable case, it would be open to the court to mold the relief; and

105.13 The satisfaction of the President under Article 123 and of the Governor under Article 213 is not immune from judicial review particularly after the amendment brought about by the forty-fourth amendment to the Constitution by the deletion of clause 4 in both the articles. The test is whether the satisfaction is based on some relevant material. The court in the exercise of its power of judicial review will not determine the sufficiency or adequacy of the material. The court will scrutinise whether the satisfaction in a particular case constitutes a fraud on power or was actuated by an oblique motive. Judicial review in other words would enquire into whether there was no satisfaction at all."

(III) All Administrative Department shall before initiating any legislative proposal to promulgate an Ordinance, consider the above aspects of judgment of the Supreme Court.

ANNEXURE XV

LEGAL PRINCIPLES

Judicial Doctrines

A doctrine is a principle held by courts. A doctrine can be a rule, a theory or a tenet of law. There are many judicial doctrines applied while interpreting the provisions of the Constitution of India. Some of the most important ones are given below.

1 : **Doctrine of Basic Structure.** The Doctrine of Basic Structure is the terminology which relates to Constitution of India. In *Keshavanada Bharti v/s State of Kerala (1973) 4 SCC 225; AIR 1973 SC 1461*, the Supreme Court has held that, the Parliament cannot alter or disturb the basic structure of the Constitution of India. However, the Court has not clearly defined the Basic Structure of the Constitution of India.

2 : **Doctrine of Bias.** The doctrine says that “*Nemo judex in re sua*” means that **no one can be a judge in his own cause**. “Rule against Bias” also known as “Doctrine of Bias”.

The rule against bias is fundamental to natural justice and fair administrative proceedings. The rule against bias is considered to be the most important branches of the principle of natural justice. It is based on the simple idea that the person deciding a dispute should not be favorable or prejudiced to any of the parties to the dispute.

The Rule Against Bias means that decision-makers and judges should not have any personal, financial, or preconceived feelings or opinions that could influence their judgment in a case. They should be impartial and treat everyone fairly and without favouritism to ensure a just and fair outcome.

3 : **Doctrine of Casus Omissus.** The term ‘*omissus*’ means “*cases of omission*”. The Casus Omissus rule provides that omissions in a statute cannot be supplied by judicial construction. A matter which should have been provided in a statute cannot be supplied by the courts.

This rule signifies that omissions in a statute cannot as a general rule be supplied by interpretation. The Courts have the liberty only to

remedy the logical defects in words and phrases used in the statute and the intention of the legislature. The court prefers the interpretation in accordance with the words used without adding a new word.

However, if the intention of the legislature is faulty, either too broad or too narrow, the Courts are bound to accept them as they are given and they cannot either add, alter, modify, deduct or amend from the given statute, as such an action would amount to legislation rather than construction or interpretation. There is no scope for importing words into the statute which are not there. Such importation would be, not to construe, but to amend the statute. Even if there be a *casus omissus*, the defect can be remedied only by Legislation and not by judicial interpretation.

4 . Doctrine of Colorable Legislation.

The Constitution of India has distributed the legislative powers amongst Parliament and State Legislature. The respective legislature shall enact laws on the subjects/entries distributed to them under the Constitution; it shall not transgress the limits of its constitutional powers.

Doctrine of Colorable Legislation principle is based on the maxim that “*what cannot be done directly, cannot also be done indirectly*” Doctrine of Colorable Legislation is a tool used by court to determine the legislative competence of laws enacted by Legislatures. Basically, this doctrine implies that, whatever is prohibited directly is also prohibited indirectly.

The Legislations may fall in the subjects where both State Legislatures and Parliament are competent to enact laws, where State entry is subject to entries of List I.

This doctrine of Colorable Legislation is applied when a Legislature is not competent to enact a law upon a particular subject but indirectly enact a law on that subject; or contain provisions in the Act for which the Legislature was not competent to enact it.

The Court has laid down certain tests for discovering whether any particular Act constitutes colorable legislation or not:-

- (a) The court must not look into its form or the label but the substance of the law which the legislature has given it.
- (b) The court must look at the object as well as the effect of law.
- (c) If the legislature proceeds under a legislative plan, the court must read all the statutes constituting that plan and determine the combined effect.

5 : Conditional Legislation.

When the Legislature enacts a law and authorizes or delegates its power to the executive authority to bring it into force in such areas or at such times as it decides' or to extend the Act to any area, fixing the date for commencement of Act, extending the Act, etc., it is generally called 'Conditional Legislation'.

In a conditional legislation, the law is enacted by the State Legislature, but the commencement of the law is made dependent upon the fulfillment of a condition, such power is delegated to the Executive (Government) by the exercise of its own judgment, whether or not the condition has been fulfilled.

The legislature leaving it to some specified authority to determine the circumstances in which the law shall be applied, or to what its operation shall be extended, or the particular class of persons or goods to which it shall be applied.

The legislature enacts a law but delegate its power to the executive to decide when to bring into force the provisions of Act. The power is also delegated to bring into force different sections of the Act on different dates and in different area.

The effect of exercise of this power is as if the Legislature has exercised its power. Once the power is exercised, it is exhausted; it cannot be exercised again for the same purpose.

**6 : Deemed repeal/
Implied repeal.**

In the case of implied repeal, no such express indication is provided by the Legislature as it is based on presumption or inference. The doctrine of implied repeal is based on the Latin maxim "*leges posteriores priores contrarias abrogant*", which means that, the later laws shall abrogate the earlier laws that are contrary or in conflict with the subsequent laws. This usually applies to cases where two or more Acts are mutually inconsistent to such an extent that it becomes impossible for them to be in force concurrently. However, this doctrine must be applied only when there is no possibility of harmonious construction of the conflicting laws and the two cannot stand together. Thus, repeal may not be necessarily inferred if the two Acts can be read together.

Under the following circumstances, the implied repeal is inferred,-

- (a) The first circumstance is when both the subsequent and the earlier enacted Acts are inconsistent with each other, one of the two can remain effective.

(b) When the subject of the earlier Act is covered by the Act and is intended to substitute.

7 **Delegation
and sub-
delegation.**

Delegation of powers means those powers, which are given by the Legislature to the Executive or Government Authorities, to make and issue sub-ordinate legislation like rules, notification, order, bye-laws, etc.

The powers are delegated to perform administrative functions.

When an instrument of a legislative nature is made by an authority in exercise of powers delegated or conferred by the legislature is called subordinate legislation or delegated legislation.

In the case of *Kishan Prakash Sharma and Others vs. Union of India and Others* [(2001) 5 SCC 212], the Supreme Court has held that, the Legislature cannot delegate uncanalised and uncontrolled power.

The Legislature must set the limits of the powers delegated by declaring the policy of the law and by laying down standards for guidance of those on whom the power to execute the law is conferred. The delegation is valid only when the legislative policy and guidelines to implement it are adequately laid down and the delegate is only empowered to carry out the policy within the guidelines laid down by the Legislature.

The Legislature may, after laying down the legislative policy, confer discretion on an administrative agency as to the execution of the policy and leave it to the agency to work out the details within the framework of the policy.

Sub-delegation.-Sub-delegation is delegation of powers to subordinate authority by the authority to whom power is delegated by statute.

Unless the law provides the authority to whom power is delegated by the Legislature can't delegate its power to other authority.

In accordance with the maxim *delegatius non potest delegare*, a statutory power must be exercised only by the body or officer to whom it has been conferred by Act, unless sub-delegation of the power is authorised by express words or necessary implication.

The delegated legislation which is unreasonable and arbitrary can be challenged on the ground that it is violative of Article 14 of the Constitution of India.

8 Discrimination /classification.

The act of differentiating between two individuals is termed as discrimination. It is the granting of some favorable position to a specific segment of a social class above others.

Article 14 of the Constitution of India does not forbid classification. The principle underlying the guarantee of Article 14 is not that the same rules of law should be applicable to all persons within the territory of India irrespective of differences of circumstances. It only means that all persons similarly circumstanced should be treated alike and there should be no discrimination between one person and another as regards the subject of the legislation, if their position substantially the same.

The differentia which is the basis of the classification and the object of the Act are distinct things and what is necessary is that there must be a nexus between them. In short while, Article 14 forbids class legislation in sense of making improper discrimination by conferring privileges or imposing liabilities upon persons arbitrarily selected out of a large number of other persons similarly situated in relation to the privileges sought to be conferred or the liability proposed to be imposed, it does not forbid classification for the purpose of legislation.

In the case of *Ram Krishna Dalmia v. Shri Justice S. R. Tendolkar & Ors.*) [1959] S.C.R. 279, the Supreme Court held as under:-

"It is now well established that while Article 14 forbids class legislation, it does not forbid reasonable classification for the purposes of legislation. In order, however, to, pass the test of permissible classification two conditions must be fulfilled, namely,-

(i) that the classification must be founded on an intelligible-differentia which distinguishes persons or things that are grouped together from others left out of the group; and (ii) that differentia must have a rational relation to the object sought to be achieved by the statute in question. The classification may be founded on different basis, namely, geographical, or according to objects or occupations or the like, what is necessary is that there must be a nexus between the basis of classification and the object of the Act under consideration".

9 Doctrine of Eclipse.

Doctrine of Eclipse means, any law that violates fundamental rights is not null or void *ab initio*, but is only non-enforceable i.e., it is not dead but inactive. It is dealt under Article 13(1) of the Constitution of India which provides that all laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

In the other words the principal states that an existing law that is inconsistent with a fundamental right, although it becomes inoperative from the date of the beginning of constitution, is not entirely dead. By amending the relevant fundamental rights, the conflict can be eliminated so that the eclipse vanishes and the entire law becomes valid. The first case in which this doctrine was applied was *Bhikaji v/s State of Madhya Pradesh* 1955 AIR 781, 1955 SCR (2) 589.

10 Doctrine of Ejusdem Generis.

'*Ejusdem Generis*' is a Latin term and its meaning is "of the same kind and nature".

The principle of *ejusdem generis* is a legal principle that states that when a list of specific items is followed by general words, the general words are interpreted to include only items of the same type as those specifically listed. In other words, the principle states that when a statute uses specific words, followed by general words, the general words will be given a restricted meaning, limited to the same class or genus as the specific words. This principle is often applied in statutory construction and legal interpretation.

Normally, general words should be given their natural meaning like all other words unless the context requires otherwise. But when a general word follows specific words of a distinct category, the general word may be given a restricted meaning of the same category.

The need for interpretation of statute by the doctrine of *Ejusdem Generis* arises when there is ambiguity in the language of the provisions of statutes, or when in the provision, there is a possibility of two views.

The *Ejusdem Generis* rule is not a rule of law but is merely a rule of construction to aid the courts to find out the true intention of the legislature.

Example:- If a law refers to automobiles, trucks, tractors, motorcycles and other motor-powered vehicles, "vehicles" would not include airplanes, since the list was of land-based transportation.

- 11 : Doctrine of Estoppel.** Doctrine of Estoppel, precludes a person from denying or to negate anything to the contrary of that which has been constituted as truth, either by his own actions, by his deeds or by his representations or by the acts of judicial or legislative officers.

To invoke the doctrine of estoppel, the following three conditions must be satisfied;

- (a) representation by a person to another;
- (b) the other should have acted upon the said representation; and
- (c) such action should have been detrimental to the interests of the person to whom the representation has been made.

- 12 : Ex post facto sanction.** *Ex post facto* is a Latin phrase that essentially means "retroactive," or affecting something that has already happened. *Ex post facto* in a legal context, which can change the punishment for a crime that occurred before a law went into effect.

An *ex post facto law* is a law that changes the legal status or consequences of an action after it has already been done, especially a law that makes an action illegal after it has been committed.

- 13 : Express repeal.** In the case of express repeal, the statute expressly mentions that an earlier law will no longer be applicable, and thus would be inoperative. The Legislature doesn't need to use any particular words or phrases, but it must make its intention to repeal the statute in question clear. Generally, phrases like "shall cease to have effect" or "all provisions that are inconsistent with this Act are hereby repealed" are used in the later statute to repeal an existing statute. Statutes may have separate repealing provisions that expressly state how that Act shall have an overriding effect over earlier enactments that may be in conflict with it or are dealing with the same subject matter. When the subsequent legislation contains a repealing provision stating that certain sections or Acts shall be repealed, it amounts to express repeal.

- 14 : General Law/Special Law.** It is well settled that the special law overrides the General law. But where if it clearly indicates the intention of the General law to supersede the special law then, general law will prevail over the earlier special law.

A general later law does not abrogate an earlier special law by mere implication. It must indicate the clear intention to supersede special law.

To decide which law will prevail two conditions must be fulfilled,-

- (i) the two laws are inconsistent with each other; and
- (ii) there is some express reference in the later law to the earlier enactment.

If either of these two conditions is fulfilled, the later law, even though general, would prevail".

**15 Doctrine of
harmonious
construction.**

According to the Doctrine of Harmonious Construction, a provision of the statute should not be interpreted or construed in isolation but as a whole, so as to remove any inconsistency or repugnancy. The courts must avoid a clash on contradicting provisions and they must construe the opposing provisions so as to harmonize them. When the court is unable to reconcile the differences between opposing provisions, the courts must interpret them in such a manner that both the opposing provisions are given effect as much as possible. It brings harmony between the various lists referred to in seventh Schedule of the Constitution of India.

In the case of *CIT v. Hindustan Bulk Carriers* AIR 2002 SC 3491, the supreme court stated five important principles they are as follows:-

- (i) The courts must avoid a clash on contradicting provisions and they must construe the opposing provisions so as to harmonize them.
- (ii) The provisions of two sections respectively cannot defeat each other unless the court, despite all its effort, is unable to find a way to reconcile their differences.
- (iii) When it is difficult to totally reconcile the distinctions in the conflicting provision, the courts must decipher them in such a way so that effect is given to both the provisions as much as possible.
- (iv) The courts must also keep in mind, the interpretation that makes the provision ambiguous or useless is not harmonious construction.
- (v) To harmonize is not to destroy any statutory provision or to make it pointless.

16 Henry VIII clause.

Some statutory instruments are made under provisions of Acts which allow the instrument to change the parent Act itself, or to change other primary legislation. These provisions, allowing primary legislation to be amended by secondary legislation, are known as “Henry VIII” clause, because an early example of such a power was conferred on King Henry VIII by the Statute of Proclamations.

The general rule is that, the Legislature itself should discharge its primary legislative functions and should not delegate them to other bodies. But, in some enactments provisions are made to delegate certain powers to the Executive. The delegation here is broad and without restriction.

Example.—The National Insurance Act 1911, mentions the powers of the Insurance Commissioners. It also provides that they may do anything that they thought necessary and expedient in case of any difficulty in implementing the provisions. ‘To that extent may make modifications, wherever necessary’. This blanket power is nicknamed as Henry VIII Clause. The executive is the delegatee and if power is granted to modify the provisions themselves, there is to that extent an indirect abdication of legislative functions in favour of Executive.

Modern legislative Acts containing provisions of removal of difficulties. Under this power, the Executive are empowered to remove difficulties, consistent with the parent Act. The period of one or two years are provided to exercise such power. This is to adjust minor difficulties for smooth implementation of the provisions of the Act and is not objectionable.

17 Doctrine of Incidental or Ancillary Powers.

Doctrine of Incidental or Ancillary Powers is an addition to the Doctrine of Pith and Substance. It implies that, the power to legislate on a particular subject also includes the power to legislate on ancillary matters of the subject that are reasonably connected to that issue or subject. For instance, the power to impose taxes would also include the power to search and seizure of documents in order to prevent evasion of tax.

18 Doctrine of Judicial Review.

Judicial Review power is exercised by High Courts and the Supreme Court. As per the provisions of Article 13 of the Constitution of India, power to interpret the Constitution and laws is with the

Judiciary. The High Courts and the Supreme Court declare any such law or order of the Legislature and Executive void, if it finds them in conflict with the Constitution of India.

This power can be exercised in respect of all Central and State laws, the orders and Ordinances of the Executives and constitutional amendments.

**19 : Doctrine of
Incorporation
/Legislation
by
Incorporation.**

In Legislation by Incorporation, the provisions of the earlier legislation are incorporated into the later legislation by reference.

Legislation by incorporation is a common legislative device employed by the Legislature, where the Legislature for convenience of drafting incorporates provisions from an existing statute by reference to that Statute instead of setting out for itself at length the provisions which it desires to adopt. Once the incorporation is made, the provision incorporated becomes an integral part of the Statute in which it is transposed and thereafter there is no need to refer to the Statute from which the incorporation is made and any subsequent amendment made in it has no effect on the incorporating Statute.

The rule of construction states that, the repeal of an earlier Statute which is incorporated does not affect operation of the subsequent Statute in which it has been incorporated. Any amendment in the Statute which has been so incorporated that is made after the date of incorporation of such Statute does not affect the subsequent Statute in which it is incorporated. The provisions of the Statute which have been incorporated would remain the same as they were at the time of incorporation and the future amendments are not to be read in the subsequent legislation. Therefore, the section or provision in which any existing Statute is incorporated freezes as on the date of incorporation and cannot be affected by any change in the existing Statute.

Legislation by Incorporation is the creation of judicial pronouncements.

**20 : Principle of
Natural
Justice (*audi
alteram
partem*).**

The principles of natural justice were derived from the Romans who believed that some legal principles were "natural" or self-evident and did not require a statutory basis.

Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

Natural justice implies fairness, reasonableness and equality. Principles of natural justice are embodied in Articles 14 and 21 of the Constitution.

A word used to refer to situations where *audi alteram partem* (the right to be heard) and *nemo judex in parte sua* (no person may judge their own case) apply. These two basic legal safeguards govern all decisions by judges or government officials when they take quasi-judicial or judicial decisions.

21 : Doctrine of Occupied field.

Doctrine of Occupied Field applies to those legislative entries of State List, which are expressly made 'subject' to a corresponding entry either in the Union List or the Concurrent List.

As per the doctrine of “Occupied Field” enshrined in Article 254(1) of the Constitution, if there exists a Central law on a concurrent subject, then a State law cannot override it. This Doctrine is only concerned with the existence of legislative power.

Under Article 254 of the Indian Constitution, as soon as a Union law receives assent of the President, it is said to be a law made by the Parliament. The actual commencement of the law is not important for the purpose of application of Occupied Field.

In the case of *State of Kerala v/s. Mar Appraem Kuri ((2012) 7 SCC 106)*,—

Where the Parliament enacted the Chit Funds Act, 1982 (Central Act). Central Government would have to issue a notification under section 3 of the Central Act if law was to become operative in any State. State of Kerala enacted a separate Kerala Chitties Act, 1975. However, the Central Act did not get notified in Kerala resulting in a situation wherein there was only one Act in force-the Kerala Chitties Act. The Supreme Court held that even un-notified Central law attracts Article 254.

The Supreme Court further held that, the intention of the Parliament in enacting the Central Act is to cover the entire field relating to or with respect to Chits. Hence, on both counts the two Acts cannot stand together. In consequence of this repugnancy the Kerala Chitties Act, 1975 became void under Article 254(1) on the enactment of the Central Chit Funds Act, 1982 on 19.08.1982 and the Kerala Chitties Act, 1975 thus stood impliedly repealed.

To bring the Central Chit Funds Act, 1982 into operation in any State the Central Government has to issue a notification in the *Official Gazette* under Section 1(3). This has been done for some States but it has not been done for others like Kerala. It is for the Central Government to issue a notification bringing into force the Chit Funds Act, 1982 in Kerala when it deems appropriate as it has done in some States. Until such notification is issued neither the Kerala Chitties Act, 1975 prevails in the State of Kerala as it has become void and has been repealed under Article 254(1), nor the Central Chit Funds Act, 1982 as it is not notified till date. If and when the Central Government brings into force the Chit Funds Act, 1982 by a notification in the State of Kerala, then the Kerala Chitties Act, 1975 shall continue to apply only to chits in operation in State of Kerala on the date of the commencement of the Central Chit Funds Act, 1982 in the same manner as the Kerala Chitties Act, 1975 applied to such chits before such commencement.

22 Doctrine of Pith and Substance.

The Doctrine Pith and Substance mean the true nature of law.

The Doctrine of Pith and Substance means that an enactment which substantially falls within the powers expressly conferred by the Constitution upon a Legislature which enacted it cannot be held to be invalid merely because it incidentally encroaches on matters assigned to another Legislature.

The Doctrine of Pith and Substance says that, where the question arise whether a particular law relates to a particular subject (mentioned in one List or another), the court looks to the substance of the matter.

The Doctrine of Pith and Substance holds that, the Union and the State Legislatures should not encroach upon each other's spheres. This Doctrine helps in examining the true nature of legislation and deciding which list of Seventh Schedule it belongs to, Union or State List.

In this process, it is necessary for the Courts to go into and examine the true character of the enactment, its object, its scope and effect to find out whether the enactment in question is genuinely referable to the field of legislation allotted to the respective Legislature under the constitutional scheme.

This doctrine is applied first in case *State of Bombay and another v/s. E.N. Balsara AIR1951SC318*.

According to this doctrine, it is examined to check its “true nature and character” of the law in order to ascertain in which list it falls.

This doctrine arises,—

- (a) When there is a conflict between two or different subject matters of different list.
- (b) There can be circumstances in which subject matter of List I clashes with the subject matter of List II.

It provides a degree of flexibility. It allows the incidental encroachment on the subject allotted in Lists I and II. It is widely used in determining whether the State is within its power to make statute which involves a subject mentioned in the Union List of the Constitution.

Example, the subject “telephones” falls in entry 31 of List I, but State can make provision in State Act to tap phones to detect or investigate the offences.

**23 : Statutes in
Pari materia.**

Statutes in *Pari materia* means Statutes dealing with same subject-matter or forming part of the same system.

It also means the statutes relates to same person or thing, or to the same class of persons or things.

24 Literal Rule.

The Primary Rule of Interpretation of Statutes is called "Literal Interpretation" or "Literal Construction". It is also known as "Plain Rule of Interpretation". In this form of interpretation the “words” used in the Statute are construed according to their “literal” meaning or according to the popular and dictionary meaning of the term, in other words its plain sense.

This rule is also known as the grammatical rule of interpretation or the plain meaning rule. This rule states that the words used in the legal text are to be explained or understood in their natural or simple or dictionary meaning.

The fundamental principle of interpretation is to assign words their natural original and precise meaning, provided that the words are clear and take into account the purpose of the statute. This rule states that the provisions should be examined in their literal sense and given their natural effect. It is also referred to as the Plain Reading Rule, which means that the provisions should be read as they are without any addition or substitution of words during interpretation.

25 Golden Rule Golden Rule provides that, if the interpretation given through the literal rule leads to some or any kind of ambiguity, injustice, inconvenience, hardship, inequity, then in all such events the literal meaning shall be discarded and interpretation shall be done in such a manner that the purpose of the legislation is fulfilled.

The Golden Rule, provides flexibility in the interpretation process by allowing deviation from the literal meaning of words to avoid absurd outcomes. In other words, this rule permits a judge to depart from the ordinary meaning of a word when interpreting it would lead to an unreasonable result.

The Golden Rule serves as a compromise between the literal rule and the mischief rule. It generally gives words their plain and ordinary meaning but allows for deviations when adhering strictly to the literal meaning would lead to an irrational outcome contrary to legislative intent.

26 Mischief Rule The Mischief Rule is a rule that judges can apply in statutory interpretation in order to discover Parliament's intention. The application of this rule gives the judge more discretion than the literal and the golden rule as it allows to effectively decide on Parliament's intent. Legislative intent is determined by examining secondary sources, such as committee reports, treatises, law review articles and corresponding statutes. This rule has often been used to resolve ambiguities in cases in which the literal rule cannot be applied.

The courts assume that the underlying reason for enactment of legislation by the Parliament is more important than the words, and so they adopt a more purposive approach to the interpretation, *i.e.* they aim to suppress the mischief which the statute is seeking to redress and advance the appropriate remedy. When applying the mischief rule, the Courts will consider the law prior to the legislation in question, the defect in that legislation, the remedy which Parliament introduced, and the purpose behind that remedy.

27 : Doctrine of Pleasure (Article 310). The Doctrine of Pleasure has been introduced in India from the British rule. Under this doctrine, the civil servants were regarded as servants of the crown and these civil servants served at their pleasure. In England, the Crown is regarded as the Executive head and the civil services are part of the Executive. The Doctrine of Pleasure means that the Crown has the power to terminate the services of a civil servant at any time they want without giving any notice of termination to the

servant. Thus, the civil servants work at the pleasure of the Crown which can remove them at any time. When the civil servants are removed from their service, they do not have the right to sue the Crown for wrongful termination and they also cannot ask for damages undergone due to wrongful termination. This doctrine is based on the concept of public policy and whenever the Crown feels that a civil servant should be removed from his office because keeping him will be against public policy, the Crown can remove such servant.

This doctrine has been adopted in India with modification. As per the provisions of Article 310 of the Constitution of India, except for the provisions provided by the Constitution, a civil servant of the Union works at the pleasure of the President and a civil servant under a State works at the pleasure of the Governor of that State.

28 : Doctrine of Prospective overruling.

It dictates that a decision made in a particular case would have operation only in the future and will not carry any retrospective effect on any past decisions.

The word ‘prospective’ implies that future application or operation or efficacious implication. In layman’s terms, the terminology ‘overruling’ denotes the act of setting aside a precedent or judicial pronouncement. Thus, the collective comprehension connotes that a judicial decision only has a prospective effect i.e. it has a prescriptive authority over future cases, but will not affect the original suit. In other words, if a dispute has been settled or resolved before a Court, it will be a conclusive resolution and will not be declared invalid by any subsequent change of law.

It is a well-settled principle that judicial decisions are meant to enunciate the existing law by resolving the ambiguities. In such a way, when a Court decides a case, its decision applies to that particular case, and its rationale holds a binding authority over all future date cases of a similar issue. This concept of precedent has been enrooted in Article 141 of the Indian Constitution, as it stipulates that the law declared by the Supreme Court shall be binding on all courts within the territory of India.

Similarly, the Doctrine of prospective overruling provides that the decision of such a case only has a prospective operation but not retrospective operation.

29 : Referential Legislation/ Legislation by reference. When a subsequent legislation makes a reference to an earlier legislation so as to make the provision of the earlier legislation applicable to matters covered by the later legislation it is known as Referential Legislation. Referential Legislation is a device used for convenience.

In Legislation by Reference, it merely contains a reference to or citation of the provisions of the earlier statute. The referred provision is to be read as on date of its application and not on the date of its reference. The section/provision will not freeze on the date when the reference is made in that section/ provision but will continue to change as per any amendments/ repeal in the existing statute which is referred in the subsequent statute. It means that if the referred enactment is amended, that amendment is also read in the subsequent legislation.

Legislation by reference extends the scope of an existing statute to make it applicable to additional circumstances specified in the new legislation. It amounts to an expansion of the existing statute without amending the earlier law.

Legislation by reference' is the creation of judicial pronouncements.

30 : Reverse Discrimination. Reverse Discrimination means discrimination against persons of a majority group.

Reverse Discrimination in the workplace occurs when members of a majority group are prevented from gaining a particular job, promotion, or type of employment because the employer has intent to hire minorities based primarily on their minority status.

Bias against the members of a majority group in employment, promotion or distribution of benefits.

Any promotion made of Scheduled Castes/Scheduled Tribes persons beyond the quota prescribed would result into reverse discrimination.

If the extent of reservation goes beyond cut-off point then it results in reverse discrimination.

31 : Repugnancy (Article 254). “Repugnancy” means inconsistency between State made law and Central made laws. Article 254 provides the “Doctrine of Repugnancy” which acts as a safeguard to solve the disputes arising between the States Acts and Central Acts.

If any provision of a Bill passed by State Legislature with respect to one of the matters enumerated in the Concurrent List (List III) of the Seventh Schedule to the Constitution of India is repugnant or inconsistent to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then such Bill would be required to be reserved for the assent of the President under Article 254 (2) of the Constitution.

Where a law made by the State Legislature on a subject covered by the Concurrent List is inconsistent with and repugnant to a previous law made by Parliament, then such a law can be protected by obtaining the assent of the President under Article 254(2) of the Constitution. The result of obtaining the assent of the President would be that so far as the State Act is concerned, it will prevail in the State and overrule the provisions of the Central Act in their applicability to that State only.

Such a state of affairs will exist only until Parliament may at any time make a law adding to, or amending, varying or repealing the law made by the State Legislature under the proviso to Article 254.

The conditions which must be satisfied before any repugnancy could arise are as follows:-

- (1) That there is a clear and direct inconsistency between the Central Act and the State Act.
- (2) That such an inconsistency is absolutely irreconcilable.
- (3) That the inconsistency between the provisions of the two Acts is of such a nature so as to bring the two Acts into direct collision with each other and a situation is reached where it is impossible to obey the one without disobeying the other.

32 : Retroactive effect.

Black's Law Dictionary defines a retroactive law as a law “that looks backward or contemplates the past, affecting acts or facts that existed before the Act came into effect.”.

Retroactivity in the context of the statute consists application of new rule of law to an act or transaction which has been completed before the Rule. Retroactive legislation invalidates what was previously valid, or *vice versa*, i.e. which affects transactions completed before the new statute came into operation.

A retroactive statute operates as of a time prior to its enactment. It therefore operates backwards in that it changes the law from what it was.

33 [Retrospective effect.

Retrospective laws can be made which operate for a limited period prior to the date of its coming into force and is not operative either on the date or in future. The power to make retrospective legislation enables the legislature to obliterate an amending Act completely and restore the law as it existed before the amending Act. This power often used for validating prior executive and legislative acts by retrospectively curing the defects which laid to their invalidity and thus even making judgments of competent court ineffective declaring the invalidity.

34 [Doctrine of Severability.

The Doctrine of Severability is a doctrine that protects the fundamental rights enshrined in the Constitution. It derives its validity from Article 13 and states that all laws that were enforced in India before the commencement of the Constitution, inconsistent with the provisions of fundamental rights shall to the extent of that inconsistency be void.

According to the doctrine of severability, if there is any offending part in the statute then the only offending part is declared void and not the entire statute. The rest remains operative.

The Supreme Court has summarized this doctrine in the following manner:-

- (a) If the valid and invalid provisions cannot be separated from one another then the entire Act becomes invalid.
- (b) If the valid and invalid portions form a single scheme which is intended to be operative as a whole then the invalidity of a part results in invalidity of the whole.
- (c) Where the valid and invalid parts are independent and do not form a scheme but after omitting the invalid part what is left would be entirely different from what emerged from the legislature then it is invalid in its entirety.

(d) If after excluding the invalid portion what remains cannot be enforced then the whole Act becomes invalid.

(e) If the invalid part is separate in its operation from the other parts then only the invalid part is so declared. The rest is severed and remains operative.

(f) The effect of the application of the doctrine is that the Act is void in parts. That portion which is not void survives.

35 : Doctrine of Separation of Powers.

Separation of powers is the division of the legislative, executive, and judicial functions.

The Constitution lays down the structure and defines and determines the role and functions of every organ and establishes norms for their inter-relationships and checks and balances.

Legislature: The main function of the Legislature is to enact laws. It is the basis for the functioning of the other two organs, the executive and the judiciary. It is also sometimes accorded the first place among the three organs because until and unless laws are enacted, there can be no implementation and application of laws.

Executive: The executive is the organ that implements the laws enacted by the Legislature and enforces the will of the State. It is the administrative head of the Government. Ministers including the Prime Minister/Chief Ministers and President/Governors form part of the executive.

Judiciary: The Judiciary is that branch that interprets the law, settles disputes and administers justice to all citizens. The Judiciary is considered the watchdog of democracy, and also the guardian of the Constitution. It comprises of the Supreme Court, the High Courts, District and other subordinate courts.

36 : Ultra-vires.

It is a Latin term made up of two words “*ultra*” which means beyond or “lack of power” and “*vires*” meaning power or authority. So we can say that anything which is beyond the authority or power is called *ultra-vires*.

The central principle of Administrative Law is that a public authority may not act outside its powers conferred by the law.

The doctrine of *ultra vires* as applied to Acts, rules and orders should equally apply to the regulations and any other subordinate legislation.

37 : Validating Legislation.

The rendering ineffective of judgments or orders of competent Courts by changing their basis by legislative enactment is a well-known pattern of all Validating Acts. Validating legislation removes the causes of ineffectiveness or invalidity of action or proceedings.

The legislature has power to enact laws having retrospective operation. The object of validating legislation is to enact a valid piece of legislation that removes the defect or vice in the earlier legislation.

The purpose of validating legislation is to declare valid what has been held invalid by courts and once the Legislature declare such action valid all steps taken in connection therewith are validated to the extent of validation.

38 : Doctrine of Waiver.

According to the Doctrine of Waiver, a person intentionally gives up his right or privilege or chooses not to exercise his right or privilege which is conferred on him by the State. It is the intentional or voluntary relinquishment of a known right.

In *Jaswantsingh Mathurasingh and Anr. v/s. Ahmedabad Municipal Corporation & Ors*, (1991 AIR 385,) the Supreme Court held that, everyone has the right to waive an advantage or protection that seeks to give him. For instance, in the case of a tenant-owner dispute, if a notice is issued and no representation is made either by the owner, tenant or sub-tenant, it would be a waiver of opportunity and that person cannot be allowed to turn around at a later stage.

Note:- Some contents of this Chapter are taken from the Books of Legislative Drafting- B.E. Atre, Legislative Drafting-Shaping the Law for the New Millennium-T.K.Viswanathan, Principles of Legislation and Legislative drafting- N.K.Chakrabarti, Interpretation of Statutes- J. P. Singh.

ANNEXURE-XVI

LEGAL MAXIMS

A Legal Maxim is an established principle or proposition. The Latin term, apparently a variant on maxima, is not to be found in Roman law with any meaning exactly analogous to that of a legal maxim in the Medieval or modern sense of the word, but the treatises of many of the Roman jurists on Regular definitions, and Sententiae juris are, in some measure, collections of maxims. Most of the Latin maxims developed in the Medieval era in European countries that used Latin as their language for law and courts.

The following are the frequently used legal maxims.

- (1) **ab initio** : from the beginning.
- (2) **ad hoc** : for particular purpose, pertaining to or for the purpose of, this case only.
- (3) **ad interim** : in the meantime.
- (4) **amicus curiae** : friend of the court; one who voluntarily or on invitation of the court, and not on the instructions of any party, helps the court in any judicial proceedings.
- (5) **audi alteram partem** : hear the other side. Both sides should be heard before a decision is arrived at.
- (6) **Bona fide**: Sincere, in good faith.
- (7) **caveat emptor** : let the purchaser beware. A maxim implying that the buyer must be cautious, as the risk is his and not that of the seller.
- (8) **cestui que trust** : a beneficiary under a trust, the person for whose benefit a trust is created.
- (9) **de facto** : in fact : an expression indicating the actual state of circumstances independently of any question of right or title.
- (10) **de jure** : in law : independent of what obtains in fact.
- (11) **dehors** : outside of : unconnected with, unrelated to.
- (12) **de novo** : a new.
- (13) **Delegata potestas non potest delegari**: a delegated authority cannot be again delegated.

- (14) **ejusdem generis** : of the same kind or nature. Where a list of specific items is followed by general concluding clause, this is deemed to be limited to things of the same kind as those specified.
- (15) **Ex facie**: on the fact of it.
- (16) **ex gratia** : as a matter of grace or favour.
- (17) **ex officio** : by virtue of an office.
- (18) **ex parte** : expression used to signify something done or said by one person not in the presence of his opponent.
- (19) **Ex post facto** :by reason of a subsequent act.
- (20) **fait accompli** : an accomplished act.
- (21) **Id est (i.e)** : that is.
- (22) **Idem**: the same person or thing.
- (23) **in limine**: at the outset.
- (24) **In camera**: in private.
- (25) **in pari materia** : upon the same matter or subject.
- (26) **rule absolute**: when, having heard counsels, court directs the performance of that act forthwith.
- (27) **in personam** : against the person; an act or proceeding done or directed against or with reference to a specific person.
- (28) **in rem** : an act/proceeding done or directed with reference to no specific person or with reference to all whom it might concern.
- (29) **In situ**: in its place.
- (30) **Interim**: Temporary, in the meanwhile.
- (31) **inter alia** : amongst other things.
- (32) **inter vivos** : between living persons
- (33) **intestate** : a person is deemed to die intestate in respect of property of which he or she has not made a testamentary disposition ("will") capable of taking effect.
- (34) **intra vires** : within the powers; within the authority given by law.

- (35) **ipse dixit** : he himself said it; there is no other authority for it.
- (36) **ipso facto** : by the mere fact, automatically
- (37) **ipso jure** : by the law itself; by the mere operation of law.
- (38) **lis pendens** : a pending suit.
- (39) **locus standi** : signifies a right to be heard.
- (40) **Mandamus**: we command.
- (41) **mens rea** : a guilty mind, guilty state of mind.
- (42) **mesne profits** : intermediate profits, the profits which a person in wrongful possession of the property actually received or might with ordinary diligence have received therefrom together with interest on such profits excluding the profits due to improvement made by the person in wrongful possession.
- (43) **modus operandi** : mode of operating; the way in which a thing, cause etc. operates.
- (44) **mutatis mutandis** : with the necessary changes in points of detail, with such change as may be necessary.
- (45) **nexus** : bond, link or connection.
- (46) **Nisi**: unless.
- (47) **non obstante** : "notwithstanding clause." A legislative device which is usually employed to give overriding effect to certain provisions over some contrary provision that may be found either in the same enactment, or some other enactment, that is to say, to avoid the operation and defect of all contrary provisions.
- (48) **obiter dictum** : an opinion of law not necessary to the decision. An expression of opinion (formed) by a judge on a question immaterial to the ratio decidendi, and unnecessary for the decision of the particular case. It is no way binding on any court, but may receive attention as being an opinion of high authority.
- (49) **Pari passu**: on an equal footing.
- (50) **pendente lite** : during litigation.
- (51) **pro tanto** : to that extent, for so much, for as much as may be.

- (52) **Per curiam:** in the opinion of the court.
- (53) **per incuriam :** through carelessness, through inadvertence. A decision of the court is not binding precedent if given per incuriam, that is, without the court's attention having been drawn to the relevant authorities, or statutes.
- (54) **Prima facie:** on the face of it.
- (55) **Pro rata:** in proportion.
- (56) **Pro tanto:** so far, to that extent.
- (57) **quid pro quo :** the giving of one thing of value for another thing of value; one for the other; thing given as compensation.
- (58) **Re:** In the matter of.
- (59) **res integra :** an untouched matter; a point without a precedent; a case of novel impression.
- (60) **ratio decidendi :** reasons for deciding, the grounds of decision.
- (61) **res judicata :** a case or suit already decided.
- (62) **rule nisi :** a rule to show cause why a party should not do a certain act, or why the object of the rule should not be enforced.
- (63) **sine die :** without day.
- (64) **sine qua non :** an indispensable requisite.
- (65) **stare decisis :** to stand by things decided; to abide by precedents where the same points come again in litigation.
- (66) **status quo :** existing condition.
- (67) **sub judice :** before a judge or court, pending decision of a competent court.
- (68) **ultra vires :** beyond one's powers.
- (69) **Verbatim:** word by word, exactly.
- (70) **Vice versa:** the other way around.
- (71) **Vide:** See.

ANNEXURE - XVII

GAZETTE PUBLICATION PARTS

(See)

महाराष्ट्र शासन राजपत्र

मध्य उपविभाग व विभागीय पुरवण्या यांचे वेगवेगळे भाग

अ.क.	भाग	आतील विषय	केव्हा करण्यात येते	असाधारण राजपत्र प्रकाशित करण्यात येतात किंवा कसे
(१)	(२)	(३)	(४)	(५)
		मध्य उपविभाग		
१.	भाग-एक	शासकीय अधिसूचना, नेमणुका, पदोन्नती, अनुपस्थितीची रजा, नियम व आदेश (भाग एक-अ, चार-ब आणि चार-क यामध्ये प्रसिध्द करण्यात आलेले आहेत त्याव्यतिरिक्त), संकीर्ण अधिसूचना, नेमणूका इ.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
२.	भाग-एक-अ	महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपालिका विभाग, जिल्हा नगरपालिका, प्राथमिक शिक्षण आणि स्थानिक निधी लेखा परीक्षा अधिनियम यांअन्वये काढण्यात आलेले (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आहेत त्याव्यतिरिक्त) आदेश व अधिसूचना.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
३.	भाग दोन (पुरवणी)	जनतेच्या माहितीसाठी प्रकाशित करण्यात आलेले शासन निर्णय व इतर अधिकृत कागदपत्रे.	साप्ताहिक	कोणतेही असाधारण राजपत्र प्रकाशित करण्यात येत नाही.

४.	भाग- एक-ल	केंद्रीय औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम याखालील (भाग एक, चार-अ, चार-ब आणि चार-क यांत प्रसिद्ध करण्यात आलेले आहेत त्याव्यतिरिक्त), अधिसूचना, आदेश व निवाडे.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
५.	भाग- दोन (संकीर्ण)	संकीर्ण सूचना, जाहिराती, शिक्षण संचालक यांनी मंजूर केलेल्या पुस्तकाची यादी ज्युरी, सदस्यांची यादी सरकारी मुख्यत्याराकडून समितीच्या अनुसूच्या इत्यादी.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
६.	भाग दोन (पुरवणी)	मध्यवर्ती भांडार व खरेदी संघटनेद्वारे काढलेल्या बुलेटिन.	साप्ताहिक	कोणतेही असाधारण राजपत्र प्रकाशित करण्यात येत नाही.
७.	भाग तीन	संकीर्ण पुरवण्या : राज्यव्यापी हितसंबंधांशी संबंधित असलेले हवामानविषयक व पीक-विषयक अहवाल, चालू भाव, पर्जन्यमान विवरणे इत्यादी.	साप्ताहिक	कोणतेही असाधारण राजपत्र प्रकाशित करण्यात येत नाही.
८.	भाग-चार (मराठी)	महाराष्ट्र विधानमंडळाचे अधिनियम आणि राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले नियम.	आवश्यक असेल तेव्हा	सर्व अधिनियम व अध्यादेश हे प्रथम राजपत्राच्या असाधारण अंकामध्ये प्रकाशित करण्यात येतात व त्यानंतर पुढील सर्व साधारण अंकात पुन्हा प्रकाशित करण्यात येतात.

९.	भाग चार-अ	१) केंद्रीय अधिनियमान्वये महाराष्ट्र शासनाने केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिध्द करण्यात आलेले आहेत त्याव्यतिरिक्त) नियम व आदेश.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
१०.	भाग चार-ब	१) महाराष्ट्र अधिनियमान्वये महाराष्ट्र शासनाने केलेले (भाग एक, एक-अ आणि एक- ल यांमध्ये प्रसिध्द करण्यात आलेले आहेत त्याव्यतिरिक्त) नियम व आदेश.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
११.	भाग चार-क	महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिका-यांनी केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिध्द करण्यात आलेले आहेत त्याव्यतिरिक्त) वैधानिक नियम व आदेश, यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, उत्पादन शुल्क व दारुबंदी संचालक, जिल्हा दंडाधिकारी व निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.	साप्ताहिक	असाधारण राजपत्रात फक्त तातडीच्या अधिसूचना प्रकाशित करण्यात येतात व त्यानंतरच्या सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
१२.	भाग पाच (मराठी)	महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके.	आवश्यक असेल त्यानुसार.	सर्व विधेयके प्रथम असाधारण राजपत्रात प्रकाशित करण्यात येतात व त्यानंतर पुढील सर्वसाधारण राजपत्रामध्ये पुन्हा प्रकाशित करण्यात येतात.

१३.	भाग सहा	राष्ट्रपतींनी प्रख्यापित केलेले संसदेचे अधिनियम व अध्यादेश	आवश्यक असेल त्यानुसार.	कोणतेही असाधारण राजपत्र काढण्यात येत नाही.
१४.	भाग सात	विधेयके व अधिनियम यांचा हिंदी अनुवाद (देवनागरी लिपी).	आवश्यक असेल त्यानुसार.	फक्त विधानसभेचे व विधान परिषदेचे अधिवेशन चालू असताना असाधारण राजपत्र अंक काढण्यात येतो.
१५.	भाग आठ (इंग्रजी)	विधेयक व अधिनियम यांचा इंग्रजी अनुवाद.	आवश्यक असेल त्यानुसार.	फक्त विधानसभेचे व विधान परिषदेचे अधिवेशन चालू असताना असाधारण राजपत्र अंक काढण्यात येतो.
		विभागीय पुरवण्या		
१६.	भाग एक	त्या त्या विभागाची संबंधित असलेल्या शासकीय अधिसूचना, नियुक्त्या, बढत्या, अनुपस्थितीची परवानगी नियम व आदेश (भाग एक-अ, चार-अ, चार-ब व चार-क मध्ये प्रकाशित केल्या व्यतिरिक्त).	साप्ताहिक	केवळ तातडीच्या अधिसूचना असाधारण राजपत्रात प्रकाशित करण्यात येतात व त्यानंतर पुढील सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.
१७.	भाग एक-अ	त्या त्या विभागांशी संबंधित असलेले जिल्हा परिषदा व ग्रामपंचायती, नगरपालिका आणि प्राथमिक शिक्षण व स्थानिक निधी लेखापरीक्षा अधिनियम याखालील आदेश व अधिसूचना (भाग चार-ब मध्ये प्रकाशित केल्याव्यतिरिक्त).	साप्ताहिक	केवळ तातडीच्या अधिसूचना असाधारण राजपत्रात प्रकाशित करण्यात येतात व त्यानंतर पुढील सर्वसाधारण अंकामध्ये त्या पुन्हा प्रकाशित करण्यात येतात.

Note:- Taken from Maharashtra Government Press website.

AUTHORS PLEASE NOTE

Correction may please be indicated neatly and clearly as shown below in the Chart. This will ensure accurate printing and timely completion of your work.

SYMBOLS FOR CORRECTING PROOFS

Serial No. (1)	Marginal mark (2)	Meaning (3)	Corresponding mark in Text (4)
1	/	Sign to show that marginal mark is concluded.	
2	<i>Ø</i>	Delete (take out)	/
3	<i>Ø/</i>	Delete and close-up	<i>⤴</i> above and below letters to be taken out.
4	<i>#</i>	Leave more space	/
5	<i>stet</i>	Leave as printed	 under letters or words to remain.
6	<i>Caps</i>	Change to capital letters	≡≡≡ under letters or words to be altered.
7	<i>Sc.</i>	Change to small capitals	≡≡ under letters or words to be altered.
8	<i>Caps & Sc.</i>	Use capital letters for initial letters and small capitals for rest of words.	≡≡ under initial letters and ≡≡ under the rest of the words.
9	<i>l.c.</i>	Change to lower case	Encircle letters to be altered
10	<i>bold</i>	Change to bold type	~~~~~ under letters or words to be altered.
11	<i>ital</i>	Change to italics	— under letters or words to be altered.
12	<i>Rom</i>	Change to roman type	Encircle words to be altered
13	<i>w.f.</i>	(wrong fount) Replace by letter of correct fount.	Encircle letter to be altered
14	<i>Q</i>	Invert type	Encircle letter to be altered
15	<i>x</i>	Replace by similar but undamaged character.	Encircle letter to be altered

Serial No. (1)	Marginal mark (2)	Meaning (3)	Corresponding mark in Text (4)
16		Close-up, delete space between letters	 linking words or letters
17	#	Insert space	
18	eq #	Make spacing equal	L between words
19	less #	Reduce space	L between words
20	tes	Transpose	 between letters or words, numbered when necessary.
21	centre	Place in centre of line	Indicate position with 
22		Move to the left	
23		Move to the right	
24		Move lines to right	 at left side of group to be moved
25		Move lines to left	 at right side of group to be moved
26		Correct the vertical alignment	
27	=	Straighten	= through lines to be straightened
28	n.p.	Begin a new paragraph	 Before first word of new paragraph
29	Run on	No fresh paragraph here	 Between paragraph
30		(caret mark) insert matter indicated in margin.	
31	, 	Insert comma	
32	,/	Substitute comma	/
33	; 	Insert semi-colon	
34	;/	Substitute semi-colon	/
35	⊙	Insert full-stop	
36	⊙	Substitute full-stop	/

Serial No. (1)	Marginal mark (2)	Meaning (3)	Corresponding mark in Text (4)
37	⊙	Insert colon	λ
38	⊙	Substitute colon	/
39	¿λ	Insert interrogation mark	λ
40	¿/	Substitute interrogation mark	/
41	!λ	Insert exclamation mark	λ
42	!/	Substitute exclamation mark	/
43	C/)	Insert parenthesis	λλ
44	□/□	Insert (square) brackets	λλ
45	-/	Insert hyphen	λ
46	ʹ	Insert apostrophe	λ
47	“ ”	Insert single quotation marks	λλ
48	“ ”	Insert double quotation marks	λλ
49	λ	Insert ellipsis	λ

NOTE :—When three or more corrections occur in one line, the corrections should be divided between the left and right margins, the order being always from left to right.

When an alteration is desired in a letter, word or words, the existing letter, etc., should be struck through and the letter or matter to be substituted should be written in the margin, followed by /.....

When fresh matter not in copy is to be inserted, the caret mark is to be used in the Text and ' Take in A ' (B, C, etc., as the case may be) written in the margin, the additional matter, whether written on the proof, or on attached slips, being lettered to correspond. In the case of large insertions, a horizontal arrow in the margin pointing between the lines replaces the caret mark.

For examples of the use of these marks see B. S. 1219.

ANNEXURE-XIX (1)

ASSEMBLY BILL CITATIONS

(1) ASSEMBLY BILL INTRODUCTION

सहा (१)

विधेयक मांडण्याबाबत कार्यपद्धती

प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक -
विधेयक, २०..... मांडण्यास मला सभागृहाची अनुमती मिळावी.

(प्रभारी मंत्र्यांना थोडक्यात स्पष्टीकरणात्मक निवेदन करता येईल)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
..... विधेयक, २०..... मांडण्यास अनुमती देण्यात यावी.

(प्रस्तावास विरोध करण्यात आला तर विरोध करणाऱ्या सदस्यांस थोडक्यात स्पष्टीकरणात्मक निवेदन करण्याची व प्रस्ताव मांडणाऱ्या सदस्यांस उत्तर देण्याची अध्यक्ष परवानगी देऊ शकतील व त्यानंतर आणखी अभिचर्चेविना तो त्यावरील प्रश्न (विचारतील) मांडतील.)

(सभागृहाच्या वैधानिक क्षमतेबाहेरील विषयासंबंधात, विधेयकाद्वारा कायदा करण्यात येत आहे या कारणास्तव प्रस्तावास विरोध करण्यात आल्यास, अध्यक्ष प्रस्तावावर संपूर्ण चर्चा करण्याची परवानगी देऊ शकतील.)

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
विधेयक, २०२३ मांडण्यास सभागृहाची अनुमती आहे काय? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे (थोडे थांबून)
"होय" चे बहुमत आहे, "होय" चे बहुमत आहे. प्रस्ताव संमत झाला.

प्रभारी मंत्री : महोदय, मी आपल्या अनुमतीने * सन २०..... चे विधानसभा विधेयक क्रमांक
..... - विधेयक, २०..... मांडतो.

अध्यक्ष : सन २०२३ चे विधानसभा विधेयक क्रमांक ... - विधेयक,
२०..... मांडण्यात आले.

* या विधेयकास भारतीय संविधानाच्या अनुच्छेद २०७(१) किंवा २०७(३) प्रमाणे किंवा दोन्हीप्रमाणे राज्यपालांची शिफारस किंवा अनुच्छेद ३०४(ब) प्रमाणे राष्ट्रपतींची पूर्वमान्यता आवश्यक असेल तर प्रभारी मंत्र्यांनी विधेयक मांडतेवेळी वस्तुस्थितीनुसार, राज्यपालांनी शिफारस केलेली आहे किंवा राष्ट्रपतींनी ते मांडण्यासाठी पूर्वीच मान्यता दिलेली आहे असे प्रगट करावे.

ANNEXURE XIX (2)
(2) ASSEMBLY BILL FOR CONSIDERATION
(Amendment moved but rejected by House)

पाच (अ)

शासकीय विधेयकाबाबत कार्यपद्धती

प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घेण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(मंत्री भाषण करतात)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घेण्यात यावे.

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घ्यावे काय ? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे.

- अध्यक्ष : आता विधेयक खंडशः विचारात घेण्यात येईल.
- सुधारणा असल्यास कार्यपद्धती : (सुधारणा असल्यास, उदाहरणार्थ, खंड १० ला सुधारणा असल्यास, खंड २ ते ९ प्रथम मतास टाकण्यात येतील, आणि नंतर खंड १० विचारात घेण्यात येईल, आणि त्या खंडाला सुचविण्यात आलेली सुधारणा किंवा सुचविण्यात आलेल्या सुधारणा मांडण्यात येतील, त्यावर चर्चा करण्यात येईल आणि सोयीस्कर असेल त्याप्रमाणे एकामागून एक किंवा एकाच वेळी त्या सुधारणा निकालात काढण्यात येतील. सर्व सुधारणा निकालात काढल्यानंतर खंड मूळ स्वरूपात किंवा सुधारलेल्या स्वरूपात मतास टाकण्यात येईल आणि त्यानंतर याच रीतीने उर्वरित खंड निकालात काढण्यात येतील.)
- अध्यक्ष : खंड २ ला कोणतीही सुधारणा नाही म्हणून तो सभागृहाच्या मतास टाकण्यात येईल. खंड २ विधेयकाचे भाग समजण्यात यावा. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड २, विधेयकाचे भाग झाला.

अध्यक्ष : खंड ३ ला श्री., . यांनी सुधारणा सुचविली आहे. त्यांनी ती मांडावी.

सुधारणेचे प्रभारी सदस्य : महोदय, आपल्या अनुमतीने मी खालील सुधारणा मांडतो.
(सदस्य सुधारणा वाचून दाखविलेली व भाषण करतील.)

पृष्ठ क्रमांक, ओळ क्रमांक नंतर,-

खंड मध्ये उपखंड (.....) च्या परंतूकानंतर खालीलप्रमाणे परंतूक दाखल करण्यात यावे.
"....."

अध्यक्ष : सुधारणा अशी आहे की,

पृष्ठ क्रमांक, ओळ क्रमांक नंतर,-

खंड मध्ये उपखंड (....) च्या परंतूकानंतर खालीलप्रमाणे परंतूक दाखल करण्यात यावे.
"....."

(इतर सदस्य व संबंधित मंत्री भाषण करतात. प्रस्ताव मांडणाऱ्या सदस्याने उत्तर दिल्यानंतर चर्चा समाप्त होते. अध्यक्षांनी परवानगी दिल्यास, प्रस्ताव मांडणाऱ्या सदस्याने उत्तर दिल्यानंतर, मंत्री पुन्हा भाषण करू शकतील अशा वेळी मंत्र्यांनी भाषण केल्यास, ते झाल्यावर चर्चा समाप्त होईल.)

अध्यक्ष : प्रश्न असा आहे की,

पृष्ठ क्रमांक, ओळ क्रमांक नंतर,-

खंड मध्ये उपखंड (.....) च्या परंतूकानंतर खालीलप्रमाणे परंतूक दाखल करण्यात यावे.
"....."

(थोडे थांबून)

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. सुधारणा असंमत झाली.

खंड ३ विधेयकाचा भाग समजण्यात यावा. अनुकूल असतील त्यांनी "होय" म्हणावे (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे, (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड ३ विधेयकाचा भाग झाला.

अध्यक्ष : खंड ४ ते, अनुसूची ला कोणत्याही सुधारणा नाहीत म्हणून ते सभागृहाच्या मतास टाकण्यात येतील. खंड ४ ते, अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य विधेयकाचे भाग समजण्यात यावे, अनुकूल असतील त्यांनी "होय" म्हणावे (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड ४ ते, अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य विधेयकाचे भाग झाले.

(तीन) विधेयक संमत करणे.

प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास, मंत्री भाषण करतात)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषण करतात) (या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्याच्या युक्तीवादाकरीता आवश्यक असेल तिक्त्या विधेयकाच्या तापशीलाव्यतिरिक्त इतर तापशीलाचा उल्लेख करणार नाही.

विधेयक संमत करण्याकरीता असणा-या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव मांडण्यात येईल).

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र लोक आयुक्त विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी नाही म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE- XIX (3)

(3) ASSEMBLY BILL FOR CONSIDERATION AND PASSING

पाच (ब) (२)

शासकीय विधेयकाबाबत कार्यपद्धती

प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घेण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(मंत्री भाषण करतात)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घेण्यात यावे.

(प्रस्तावावर चर्चा सुरु होते. इतर सदस्य व संबंधित मंत्री उत्तरादाखल भाषण करतात. अध्यक्षांनी परवानगी दिल्यास, मंत्री पुन्हा भाषण करू शकतील. अशा वेळी मंत्र्यांनी भाषण केल्यानंतर चर्चा समाप्त होईल).

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... विचारात घ्यावे काय ? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे.

अध्यक्ष : आता विधेयक खंडशः विचारात घेण्यात येईल.

सुधारणा : (सुधारणा नसल्यास, खंड २ पासून शेवटपर्यंतचे सर्व खंड, असल्यास अनुसूची आणि खंड १, नसल्यास संपूर्ण शीर्षक व हेतूवाक्य, हे सर्व पुढील क्रमाने एकाच वेळी मतास टाकण्यात येतील).

कार्यपद्धती : खंड २ व ३, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य, हे विधेयकाचे भाग समजण्यात यावेत. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड २ व ३, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य विधेयकाचे भाग झाले.

(तीन) विधेयक संमत करणे.

प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक -
विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे असा मी आपल्या
अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास, मंत्री भाषण करतात)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
..... विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास,
सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषण करतात) (या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा तो फेटाळण्यासंबंधीच्या
युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करील तेव्हा सर्वसाधारण स्वरूपाच्या असणा-या त्याच्या
युक्तीवादाकरीता आवश्यक असेल तिच्या विधेयकाच्या तापशीलाव्यतिरिक्त इतर तापशीलाचा उल्लेख करणार नाही.

विधेयक संमत करण्याकरीता असणा-या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास,
सभागृहासमोर खालीलप्रमाणे प्रस्ताव मांडण्यात येईल)

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक,
२०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे. अनुकूल असतील त्यांनी "होय"
म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी नाही म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे
बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE- XIX (4)
ASSEMBLY BILL FOR CONSIDERATION AND PASSING
(Joint Committee Motion moved but Rejected by House)

शासकीय विधेयकाबाबत कार्यपद्धती

प्रभारी : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०.....
मंत्री विचारात घेण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(मंत्री भाषण करतात)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
विधेयक, २०..... विचारात घेण्यात यावे.

प्रभारी : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक ... - विधेयक, २०.....
सदस्य विधानपरिषदेची सहमती घेऊन दोन्ही सभागृहांच्या सदस्यांच्या संयुक्त समितीकडे
त्यावरील प्रतिवृत्त सहा महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे
असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
..... विधेयक, २०..... विधानपरिषदेची सहमती घेऊन दोन्ही
सभागृहांच्या सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त सहा महिन्यांच्या आत सादर
करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे.

(प्रस्तावांवर चर्चा सुरु होते. इतर सदस्य व संबंधित मंत्री उत्तरादाखल भाषण करतात. दोन्ही सभागृहांच्या संयुक्त समितीकडे पाठविण्यासंबंधीचा प्रस्ताव मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर चर्चा समाप्त होते. अध्यक्षांनी परवानगी दिल्यास, मंत्री पुन्हा भाषण करू शकतील. अशा वेळी मंत्र्यांनी भाषण केल्यानंतर चर्चा समाप्त होईल).

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
..... विधेयक, २०..... विधानपरिषदेची सहमती घेऊन दोन्ही
सभागृहांच्या सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त सहा महिन्यांच्या आत सादर
करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय ? अनुकूल असतील त्यांनी "होय" म्हणावे,
(थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे, (थोडे थांबून) "नाही" चे बहुमत आहे, "नाही"
चे बहुमत आहे, प्रस्ताव असंमत झाला.

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
..... विधेयक, २०..... विचारात घ्यावे काय ? अनुकूल
असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून)
"होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे.

- अध्यक्ष : आता विधेयक खंडशः विचारात घेण्यात येईल.
- सुधारणा नसल्यास : (सुधारणा नसल्यास, खंड २ पासून शेवटपर्यंतचे सर्व खंड, असल्यास अनुसूची आणि खंड १, संपूर्ण शीर्षक व हेतुवाक्य, हे सर्व पुढील क्रमाने एकाच वेळी मतास टाकण्यात येतील).
- कार्यपद्धती : खंड २ व ३, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य, हे विधेयकाचे भाग समजण्यात यावेत. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड २ व ३, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग झाले.

(तीन) विधेयक संमत करणे.

- प्रभारी मंत्री : महोदय, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास, मंत्री भाषण करतात)

- अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक- विधेयक, २०२३ (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषण करतात) (या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करील तेव्हा सर्वसाधारण स्वरूपाच्या असणा-या त्याच्या युक्तीवादाकरीता आवश्यक असेल तिच्या विधेयकाच्या तापशीलाव्यतिरिक्त इतर तापशीलाचा उल्लेख करणार नाही.

विधेयक संमत करण्याकरीता असणा-या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव मांडण्यात येईल)

- अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी नाही म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE XIX (5)
ASSEMBLY BILL REFERRED TO JOINT COMMITTEE

विधानसभेत शासकीय विधेयकाबाबत कार्यपद्धती
दोन्ही सभागृहांच्या संयुक्त समितीकडे विधेयक विचारार्थ
पाठविण्याबाबत प्रस्ताव

प्रभारी सदस्य : सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक,
२०..... विधानपरिषदेची सहमती घेऊन दोन्ही सभागृहांच्या — सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास मंत्र्यांनी भाषण करावे.)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -
विधेयक, २०..... विधानपरिषदेची सहमती घेऊन दोन्ही सभागृहांच्या — सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे.

(प्रस्तावास सुधारणा नसल्यास इतर सदस्य भाषण करतात आणि मंत्री उत्तर देतात.)

अध्यक्ष : प्रश्न असा आहे की, सन २०.... चे विधानसभा विधेयक क्रमांक - विधेयक,
२०..... विधानपरिषदेची सहमती घेऊन दोन्ही सभागृहांच्या --- सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय ?
अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधानपरिषदेची सहमती घेऊन हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे, प्रस्ताव संमत झाला.

ANNEXURE-XIX (6)

ASSEMBLY BILL REFERRED TO JOINT COMMITTEE

MESSAGE FROM COUNCIL

शासकीय विधेयकाबाबत कार्यपद्धती

विधानपरिषदेकडून आलेला संदेश

अध्यक्ष : विधानपरिषदेकडून संदेश आलेला आहे. सचिव संदेश वाचून दाखवितील.

(सचिव संदेश वाचतात.)

संदेश

कळविण्यात येत आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -

विधेयक, २०..... विधानपरिषदेची सहमती घेऊन दोन्ही सभागृहांतील सदस्यांच्या संयुक्त समितीकडे पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत प्रतिवृत्त सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे. ह्या विधानसभेच्या प्रस्तावास विधानपरिषदेने आपल्या दिनांक च्या सभेत सहमती दिली आहे. आणखी असेही कळविण्यात येत आहे की, या संयुक्त समितीवर विधानपरिषदेने पुढील सदस्य नामनिर्दिष्ट केले आहेत :-

(सदस्यांची नावे)

१)

२)

३)

४)

५)

६)

७)

प्रभारी मंत्री : सन २०..... चे विधानसभा विधेयक क्रमांक - विधेयक, २०.....

दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे. ह्या सभागृहाने संमत केलेल्या प्रस्तावास विधानपरिषदेची सहमती मिळाल्यावरून हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत सादर करण्याचा अनुदेश देऊन, विचारार्थ पाठविण्यात यावे आणि ह्या समितीवर या सभागृहाचे पुढील सदस्य नामनिर्दिष्ट करण्यात यावे :-

(सदस्यांची नावे)

१)

२)

३)

४)

५)

६)

- ७)
- ८)
- ९)
- १०)
- ११)
- १२)
- १३)
- १४)
- १५)

(आवश्यक वाटल्यास, मंत्र्यांनी भाषण करावे.)

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक -

विधेयक, २०..... दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे. या सभागृहाने संमत केलेल्या प्रस्तावास विधानपरिषदेची सहमती मिळाल्यावरून हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे, त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या शेवटच्या दिनांकापर्यंत आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय आणि ह्या समितीवर या सभागृहाचे पुढील सदस्य नामनिर्दिष्ट करण्यात यावेत काय :-

(सदस्यांची नावे)

- १)
- २)
- ३)
- ४)
- ५)
- ६)
- ७)
- ८)
- ९)
- १०)
- ११)
- १२)
- १३)
- १४)
- १५)

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. प्रस्ताव संमत झाला.

मी यांना समिती प्रमुख म्हणून नियुक्त करतो.

ANNEXURE- XIX (7)
APPROPRIATION BILL

सहा (अ)

शासकीय विधेयकाबाबत कार्यपद्धती (१)
(जेव्हा ते मांडण्यापूर्वी राजपत्रात प्रसिध्द करण्यात आले असेल)

INTRODUCTION OF BILL

मांडणी

प्रभारी मंत्री : महोदय, मी * सन २०.....चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी)
विनियोजन विधेयक, २०..... आपल्या अनुमतीने मांडतो.

अध्यक्ष : विधेयक मांडण्यात आले.

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- * या विधेयकास भारताच्या संविधानाच्या अनुच्छेद २०७ (१) किंवा २०७ (३) प्रमाणे किंवा दोन्हीप्रमाणे राज्यपालांची शिफारस किंवा अनुच्छेद ३०४ (ब) प्रमाणे राष्ट्रपतींची पूर्वमान्यता आवश्यक असेल तर प्रभारी मंत्र्यांनी, विधेयक मांडतेवेळी, वस्तुस्थितीनुसार राज्यपालांनी शिफारस केलेली आहे किंवा राष्ट्रपतींनी ते मांडण्यासाठी पूर्वीच मान्यता दिलेली आहे असे प्रकट करावे.

शासकीय विधेयकाबाबत कार्यपद्धती (२)
BILL FOR CONSIDERATION
(एक) विधेयक विचारात घेणे

प्रभारी मंत्री : महोदय, मी सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी)
विनियोजन विधेयक, २०..... विचारात घेण्यात यावे असा आपल्या अनुमतीने प्रस्ताव मांडतो.

(मंत्र्यांचे भाषण)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र
(पुरवणी) विनियोजन विधेयक, २०..... विचारात घेण्यात यावे.

(इतर सदस्य भाषणे करतात आणि मंत्री उत्तर देतात. यावेळी विधेयकाचे तत्व व त्यातील सर्वसाधारण तरतुदी यावर चर्चा करता येईल, परंतु विधेयकाचे तत्व विशद करून सांगण्याकरिता विधेयकातील सविस्तर तरतुदीवर आवश्यकता असेल त्यापेक्षा जास्त चर्चा करता येणार नाही.)

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी) विनियोजन विधेयक, २०..... विचारात घेण्यात यावे काय, अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे

अध्यक्ष : आता विधेयक खंडशः विचारात घेण्यात येईल.

सुधारणा नसल्यास सुधारणा नसल्यास खंड २ पासून, शेवटपर्यंतचे सर्व खंड, असल्यास अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य पुढील क्रमाने एकदम मतास टाकण्यात येतील :-

"खंड २ व ३, अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य विधेयकाचे भाग समजण्यात यावेत." अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड २ व ३, अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतूवाक्य विधेयकाचे भाग झाले.

(तीन) विधेयक संमत करणे

प्रभारी मंत्री : महोदय, मी सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी) विनियोजन विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास सुधारल्याप्रमाणे) संमत करावे असा आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास, मंत्री भाषण करू शकतील.)

अध्यक्ष : प्रस्ताव असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी) विनियोजन विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषणे करतात.) या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापूरतीच मर्यादित राहिल. सदस्य भाषण करतील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्याच्या युक्तीवादाकरिता आवश्यक असेल तितक्या विधेयकाच्या तपशिलाव्यतिरिक्त इतर तपशिलाचा उल्लेख करणार नाही.

अध्यक्ष : प्रश्न असा आहे की, सन २०..... चे विधानसभा विधेयक क्रमांक - महाराष्ट्र (पुरवणी) विनियोजन विधेयक, २०..... (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे काय, अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE- XX (1)
COUNCIL BILL
(1) COUNCIL BILL FOR INTRODUCTION

शासकीय विधेयक मांडण्याबाबत कार्यपद्धती

प्रभारी मंत्री : महोदय, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" मांडण्यास मला सभागृहाची अनुमती मिळावी.

(थोडक्यात स्पष्टीकरणात्मक निवेदन करता येईल.)

मा. सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" मांडण्यास अनुमती देण्यात यावी.

(प्रस्तावास विरोध करण्यात आला तर विरोध करणाऱ्या सदस्यांस थोडक्यात स्पष्टीकरणात्मक निवेदन करण्याची व प्रस्ताव मांडणाऱ्या सदस्यास उत्तर देण्याची सभापती परवानगी देऊ शकतील व त्यानंतर आणखी अभिचर्चेविना ते त्यावरील प्रश्न मांडतील.)

सभागृहाच्या वैधानिक क्षमतेबाहेरील विषयासंबंधात विधेयकाद्वारा कायदा करण्यात येत आहे या कारणावरून प्रस्तावास विरोध करण्यात आल्यास, सभापती प्रस्तावावर संपूर्ण चर्चा करण्याची परवानगी देऊ शकतील.)

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" मांडण्यास सभागृहाची अनुमती आहे काय? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे, प्रस्ताव संमत झाला.

प्रभारी मंत्री : महोदय, मी आपल्या अनुमतीने "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" मांडतो.

मा. सभापती : "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" मांडण्यात आले.

या विधेयकास भारत संविधानाच्या अनुच्छेद २०७ (१) किंवा २०७ (३) प्रमाणे किंवा दोन्हीप्रमाणे राज्यपालांची शिफारस किंवा अनुच्छेद ३०४ (ब) प्रमाणे राष्ट्रपतींची पूर्वमान्यता आवश्यक असेल तर प्रभारी मंत्र्यांनी विधेयक मांडतेवेळी, वस्तुस्थितीनुसार, राज्यपालांनी शिफारस केलेली आहे किंवा राष्ट्रपतींनी ते मांडण्यासाठी पूर्वीच मान्यता दिलेली आहे, असे प्रकट करावे.

ANNEXURE- XX (2)

(2) COUNCIL BILL FOR CONSIDERATION

शासकीय विधेयकाबाबत कार्यपद्धती

(एक) विधेयक विचारात घेणे

प्रभारी मंत्री : महोदय, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विचारात घेण्यात यावे, असा मी आपल्या
अनुमतीने प्रस्ताव मांडतो.

(मंत्र्यांचे भाषण)

मा. सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विचारात घेण्यात यावे.

(इतर सदस्य भाषणे करतात आणि मंत्री उत्तर देतात. यावेळी विधेयकाचे तत्व व त्यातील सर्वसाधारण तरतुदी यावर चर्चा करता येईल, परंतु विधेयकाचे तत्व विशद करून सांगण्याकरीता विधेयकातील सविस्तर तरतुदींवर आवश्यकता असेल त्यापेक्षा जास्त चर्चा करता येणार नाही.)

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विचारात घ्यावे काय? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे.

मा. सभापती : आता विधेयक खंडशः विचारात घेण्यात येईल.

(सुधारणा नसल्यास कार्यपद्धती - सुधारणा नसल्यास, खंड दोन पासून शेवट पर्यंतचे सर्व खंड, असल्यास अनुसूची, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य पुढीलप्रमाणे एकदम मतास टाकण्यात येतील.)

"खंड --- ते -----, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग समजण्यात यावेत. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे

बहुमत आहे. खंड --- ते ---, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग झाले.

(सुधारणा असल्यास कार्यपद्धती - सुधारणा असल्यास, उदाहरणार्थ १० ला सुधारणा असल्यास, खंड २ ते ९ प्रथम मतास टाकण्यात येतील आणि नंतर खंड १० विचारात घेण्यात येईल. आणि त्या खंडाला सुचविण्यात आलेली सुधारणा किंवा सुचविण्यात आलेल्या सुधारणा मांडण्यात येतील, त्यावर चर्चा करण्यात येईल आणि निकालात काढण्यात येतील. सोयीस्कर असेल त्याप्रमाणे एकामागून एक किंवा एकाच वेळी त्या सुधारणा निकालात काढण्यात येतील. सर्व सुधारणा निकालात काढल्यानंतर खंड मूळ स्वरूपात किंवा सुधारलेल्या स्वरूपात मतास टाकण्यात येईल आणि त्यानंतर याच रितीने बाकीचे खंड निकालात काढण्यात येतील.)

(तीन) विधेयक संमत करणे

प्रभारी मंत्री : महोदय, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे)
संमत करावे, असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास मंत्री भाषण करतील.)

मा. सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" (सुधारणा स्वीकृत झाल्यास,
सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषण करतात.)

(या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करतील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्यांच्या युक्तिवादाकरिता आवश्यक असेल तितक्या विधेयकाच्या तपशिलाव्यतिरिक्त इतर तपशिलांचा उल्लेख करणार नाहीत.)

विधेयक संमत करण्याकरिता असणाऱ्या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव मांडण्यात येईल :

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" (सुधारणा स्वीकृत झाल्यास,
सुधारल्याप्रमाणे) संमत करावे काय ?

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE XX (3)

(3) Council Bill for Consideration Motion for Select Committee Motion for Amendment

शासकीय विधेयकाबाबत कार्यपद्धती
(एक) विधेयक विचारात घेणे

प्रभारी मंत्री : महोदय, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विचारात घेण्यात यावे, असा मी आपल्या अनुमतीने
प्रस्ताव मांडतो.
(मंत्र्यांचे भाषण)

मा. सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विचारात घेण्यात यावे.

प्रभारी सदस्य (श्री. -----, वि.प.स.) : महोदय, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विधानपरिषदेच्या पुढील सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त दोन महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो :
(प्रभारी सदस्य भाषण करतात)

१) मा.----- मंत्री	२) श्री.-----, वि.प.स.
३) श्री.-----, वि.प.स.	४) श्री.-----, वि.प.स.
५) श्री.-----, वि.प.स.	६) श्री.-----, वि.प.स.
७) श्री.-----, वि.प.स.	८) श्री.-----, वि.प.स.
९) श्री.-----, वि.प.स.	१०) श्री.-----, वि.प.स.

मा. सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक ---- - -----
-----" विधानपरिषदेच्या पुढील सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त दोन महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे:
(प्रभारी सदस्य भाषण करतात)

१) मा.----- मंत्री	२) श्री.-----, वि.प.स.
३) श्री.-----, वि.प.स.	४) श्री.-----, वि.प.स.
५) श्री.-----, वि.प.स.	६) श्री.-----, वि.प.स.
७) श्री.-----, वि.प.स.	८) श्री.-----, वि.प.स.
९) श्री.-----, वि.प.स.	१०) श्री.-----, वि.प.स.

(दोन्ही प्रस्तावावर एकत्रित चर्चा सुरु होते. प्रस्ताव मांडणारे सदस्य व इतर सदस्य व संबंधित मंत्री उत्तरादाखल भाषण करतात. विधेयक प्रवर समितीकडे पाठविण्यासंबंधीचा प्रस्ताव मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर चर्चा समाप्त होते. सभापतींनी परवानगी दिल्यास, मंत्री पुन्हा भाषण करू शकतील. अशा वेळी मंत्र्यांनी भाषण केल्यानंतर चर्चा समाप्त होईल.)

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक -----" विधानपरिषदेच्या पुढील सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त दोन महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय ?

(प्रभारी सदस्य भाषण करतात)

१) मा.----- मंत्री	२) श्री.-----, वि.प.स.
३) श्री.-----, वि.प.स.	४) श्री.-----, वि.प.स.
५) श्री.-----, वि.प.स.	६) श्री.-----, वि.प.स.
७) श्री.-----, वि.प.स.	८) श्री.-----, वि.प.स.
९) श्री.-----, वि.प.स.	१०) श्री.-----, वि.प.स.

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. प्रस्ताव असंमत झाला.

"होय" चे बहुमत आहे, "होय" चे बहुमत आहे. प्रस्ताव संमत झाला.

(प्रस्ताव संमत झाल्यास)

मा. सभापती : श्री.-----, मा.----- मंत्री यांना मी या प्रवर समितीचे समिती प्रमुख म्हणून नियुक्त करतो.

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक -----" विचारात घ्यावे काय? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून)"होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात येत आहे.

(दोन) विधेयक खंडशः विचारात घेणे.

मा. सभापती : आता विधेयक खंडशः विचारात घेण्यात येईल.

(सुधारणा असल्यास कार्यपद्धती - सुधारणा असल्यास, उदाहरणार्थ १० ला सुधारणा असल्यास, खंड २ ते ९ प्रथम मतास टाकण्यात येतील आणि नंतर खंड १० विचारात घेण्यात येईल. आणि त्या खंडाला सुचविण्यात आलेली सुधारणा किंवा सुचविण्यात आलेल्या सुधारणा मांडण्यात येतील, त्यावर चर्चा करण्यात येईल आणि निकालात काढण्यात येतील. सोयीस्कर असेल त्याप्रमाणे एकामागून एक किंवा एकाच वेळी त्या सुधारणा निकालात काढण्यात येतील. सर्व सुधारणा निकालात काढल्यानंतर खंड मूळ स्वरूपात किंवा सुधारलेल्या स्वरूपात मतास टाकण्यात येईल आणि त्यानंतर याच रितीने बाकीचे खंड निकालात काढण्यात येतील.)

मा. सभापती : खंड --- ला श्री-----, वि.प.स. यांनी सुधारणा सुचविली आहे, त्यांनी ती मांडावी.

सुधारणेचे
प्रभारी सदस्य
(श्री.-----,
वि.प.स.)

महोदय, आपल्या अनुमतीने मी खालील सुधारणा मांडतो.
(सदस्य सुधारणा वाचून दाखवतील व भाषण करतील.)

मा. सभापती : सुधारणा अशी आहे की,
खंड -----पृष्ठ क्रमांक ---, ओळ क्रमांक --- व -----,
"-----"
या मजकूरानंतर
"-----"
हा मजकूर दाखल करण्यात यावा.

(सुधारणेला सुधारणा नसल्यास)

(संबंधित मंत्र्यांसह इतर सदस्य भाषण करतील. सुधारणा मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर चर्चा समाप्त होईल. मा.सभापतींनी अनुमती दिल्यास, सुधारणा मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर मंत्री भाषण करू शकतील. मंत्र्यांनी भाषण केल्यास त्यानंतर चर्चा समाप्त होईल.)

मा. सभापती

: प्रश्न असा आहे की, (सुधारणा वाचून दाखवतील)
खंड -----

पृष्ठ क्रमांक --, ओळ क्रमांक --- व ----,

"-----"

या मजकूरानंतर

"-----"

हा मजकूर दाखल करण्यात यावा.

(थोडे थांबून)

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. सुधारणा संमत झाली. "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. सुधारणा असंमत झाली.

खंड --- विधेयकाचा भाग समजण्यात यावा. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड -- विधेयकाचा भाग झाला.

मा. सभापती

: खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य यांना कोणत्याही सुधारणा नाहीत म्हणून ते सभागृहाच्या मतास टाकण्यात येतील. खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग समजण्यात यावेत. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग झाले.

(तीन) विधेयक संमत करणे

प्रभारी मंत्री

: महोदय, "सन ----- चे वि.प.वि. क्रमांक -----
-----" (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे)
संमत करावे, असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.

(आवश्यक वाटल्यास मंत्री भाषण करतील.)

मा. सभापती

: प्रस्ताव असा आहे की, "सन ----- चे वि.प.वि. क्रमांक -----
-----" (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे.

(इतर सदस्य भाषण करतात.)

(या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करतील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्यांच्या युक्तिवादाकरिता आवश्यक असेल तितक्या विधेयकाच्या तपशिलाव्यतिरिक्त इतर तपशिलांचा उल्लेख करणार नाहीत.)

विधेयक संमत करण्याकरिता असणाऱ्या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव मांडण्यात येईल :

मा. सभापती

: प्रश्न असा आहे की, "सन ----- चे वि.प.वि. क्रमांक -----
-----" (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत करावे काय ? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक (सुधारणा स्वीकृत झाल्यास, सुधारल्याप्रमाणे) संमत झाले.

ANNEXURE- XX (4)

(4) Bill passed by Assembly and transmitted to Council
Bill for Consideration (Joint Committee motion rejected)

विधानपरिषदेत शासकीय विधेयकाबाबत कार्यपद्धती एक. मांडणी

- प्रभारी मंत्री : महोदय, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ----
-----" मी आपल्या अनुमतीने
मांडतो
- मा. सभापती : विधेयक मांडण्यात आले.

दोन. विधेयक विचारात घेणे

- प्रभारी मंत्री : महोदय, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ----
-----" विचारात घ्यावे असा
प्रस्ताव मी आपल्या अनुमतीने मांडतो.

(मंत्री भाषण करतात)

- मा. सभापती : प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि.
क्रमांक ---- - -----" विचारात
घेण्यात यावे.
- प्रभारी सदस्य
(श्री., वि.प.स.) : महोदय, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ----
-----" विधानपरिषदेच्या १२
सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतवृत्त सहा महिन्यांच्या आत सादर
करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे असा मी आपल्या अनुमतीने
प्रस्ताव मांडतो.

(प्रभारी सदस्य भाषण करतात)

- मा. सभापती : प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि.
क्रमांक ---- - -----"
विधानपरिषदेच्या १२ सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतवृत्त सहा
महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे.

प्रभारी सदस्य : महोदय, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ----
(श्री., - -----" विधानपरिषदेच्या १०
वि.प.स.) सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त सहा महिन्यांच्या आत सादर
करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे असा मी आपल्या अनुमतीने
प्रस्ताव मांडतो.

(प्रभारी सदस्य भाषण करतात)

मा. सभापती : प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि.
क्रमांक ---- - -----"
विधानपरिषदेच्या १० सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त सहा
महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे.

(तिन्ही प्रस्तावावर एकत्रित चर्चा सुरु होते. प्रस्ताव मांडणारे सदस्य व इतर सदस्य व
संबंधित मंत्री उत्तरादाखल भाषण करतात. तसेच विधेयक प्रवर समितीकडे
पाठविण्यासंबंधीचा प्रस्ताव मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर चर्चा समाप्त
होते. सभापतींनी परवानगी दिल्यास, मंत्री पुन्हा भाषण करू शकतील. अशा वेळी
मंत्र्यांनी भाषण केल्यानंतर चर्चा समाप्त होईल.)

मा. सभापती : प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि.
क्रमांक ---- - -----"
विधानपरिषदेच्या १२ सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त सहा
महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय ?

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी
"नाही" म्हणावे. (थोडे थांबून) "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. प्रस्ताव
असंमत झाला.

मा. सभापती : प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि.
क्रमांक ---- - -----"
विधानपरिषदेच्या १० सदस्यांच्या प्रवर समितीकडे त्यावरील प्रतिवृत्त सहा
महिन्यांच्या आत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय ?

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी
"नाही" म्हणावे. (थोडे थांबून) "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. प्रस्ताव
असंमत झाला.

मा. सभापती : प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक -----" विचारात घ्यावे काय ?

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. विधेयक विचारात घेण्यात आले.

तीन. खंडशः विचार
(सुधारणा असल्यास)

मा. सभापती : आता विधेयक खंडशः विचारात घेण्यात येईल.

(सुधारणा असल्यास, उदाहरणार्थ, खंड १० ला सुधारणा असल्यास, खंड २ ते ९ प्रथम मतास टाकण्यात येतील आणि नंतर खंड १० विचारात घेण्यात येईल आणि त्या खंडाला सुचविण्यात आलेली सुधारणा किंवा सुचविण्यात आलेल्या सुधारणा मांडण्यात येतील, त्यावर चर्चा करण्यात येईल आणि सोयीस्कर असेल त्याप्रमाणे एका मागून एक किंवा एकाचवेळी त्या सुधारणा निकालात काढण्यात येतील. सर्व सुधारणा निकालात काढल्यानंतर खंड मूळ स्वरूपात किंवा सुधारलेल्या स्वरूपात मतास टाकण्यात येईल आणि त्यानंतर याचरितीने उर्वरित खंड निकालात काढण्यात येतील.)

मा. सभापती : खंड २ ला कोणत्याही सुधारणा नाहीत म्हणून तो सभागृहाच्या मतास टाकण्यात येईल. खंड २ विधेयकाचा भाग समजण्यात यावा.
अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड २ विधेयकाचा भाग झाला.

मा. सभापती : खंड -- ला श्री.-----, वि.प.स. यांनी सुधारणा सुचविली आहे, त्यांनी ती मांडावी.

सुधारणेचे
प्रभारी सदस्य
(श्री-----,
वि.प.स.) : महोदय, आपल्या अनुमतीने मी खालील सुधारणा मांडतो.
(सदस्य सुधारणा वाचून दाखवतील व भाषण करतील.)

मा. सभापती

: सुधारणा अशी आहे की,
खंड -- -

पृष्ठ क्रमांक --, ओळ क्रमांक --,

"-----".

या मजकूरानंतर पुढील मजकूर दाखल करण्यात यावा.

"-----".

(सुधारणेला सुधारणा नसल्यास)

(संबंधित मंत्र्यांसह इतर सदस्य भाषण करतील. सुधारणा मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर चर्चा समाप्त होईल. मा.सभापतींनी अनुमती दिल्यास, सुधारणा मांडणाऱ्या सदस्यांनी उत्तर दिल्यानंतर मंत्री भाषण करू शकतील. मंत्र्यांनी भाषण केल्यास त्यानंतर चर्चा समाप्त होईल.)

मा. सभापती

: प्रश्न असा आहे की, (सुधारणा वाचून दाखवतील)
खंड -- -

पृष्ठ क्रमांक --, ओळ क्रमांक --,

"-----".

या मजकूरानंतर पुढील मजकूर दाखल करण्यात यावा.

"-----".

(थोडे थांबून)

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. सुधारणा संमत झाली. "नाही" चे बहुमत आहे, "नाही" चे बहुमत आहे. सुधारणा असंमत झाल्या.

खंड -- विधेयकाचा भाग समजण्यात यावा. अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड -- विधेयकाचा भाग झाला.

मा. सभापती

: खंड --, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य यांना कोणत्याही सुधारणा नाहीत म्हणून ते सभागृहाच्या मतास टाकण्यात येतील. खंड --, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग समजण्यात यावेत.

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. खंड --, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग झाले.

चार. विधेयक संमत करणे

प्रभारी मंत्री : प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ---- - -----" (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, त्या सुधारणेसह) संमत करण्यात यावे.

(आवश्यक वाटले तर मंत्री भाषण करतील.)

मा. सभापती : प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ---- - -----" (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, त्या सुधारणेसह) संमत करावे.

(इतर सदस्य भाषण करतील. या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहिल. सदस्य भाषण करतील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्यांच्या युक्तीवादाकरिता आवश्यक असेल तितक्या विधेयकाच्या तपशिलाव्यतिरिक्त इतर तपशिलांचा उल्लेख करणार नाहीत.

विधेयक संमत करण्याकरिता असणाऱ्या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव ताबडतोब मांडण्यात येईल).

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.स.वि. क्रमांक ---- - -----" (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, सुधारल्याप्रमाणे) संमत करण्यात यावे काय ?

अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे. महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक ---- - -----" (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, सुधारल्याप्रमाणे) संमत करण्यात आले.

ANNEXURE-XX (5)

**(5) BILL FOR CONSIDERATION IN COUNCIL
PASSED BY ASSEMBLY AND TRANSMITTED TO COUNCIL**

विधानपरिषदेत शासकीय विधेयकाबाबत कार्यपद्धती

चार. मांडणी

प्रभारी मंत्री	:	महोदय, महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----” मी आपल्या अनुमतीने मांडतो.
मा. सभापती	:	विधेयक मांडण्यात आले.
		दोन. विधेयक विचारात घेणे
प्रभारी मंत्री	:	महोदय, महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----” विचारात घ्यावे असा प्रस्ताव मी आपल्या अनुमतीने मांडतो.
		(मंत्री भाषण करतात)
मा. सभापती	:	प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----” विचारात घ्यावे.
		(इतर सदस्य भाषणे करतात व मंत्री उत्तर देतात. यावेळी विधेयकाचे तत्व व त्यातील सर्वसाधारण तरतुदी यावर चर्चा करता येईल, परंतु विधेयकाचे तत्व विशद करून सांगण्याकरिता विधेयकातील सविस्तर तरतुदींवर आवश्यकता असेल त्यापेक्षा जास्त चर्चा करता येणार नाही.)
मा. सभापती	:	प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----” विचारात घ्यावे काय?
		अनुकूल असतील त्यांनी “होय” म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी “नाही” म्हणावे. (थोडे थांबून) “होय” चे बहुमत आहे, “होय” चे बहुमत आहे. विधेयक विचारात घेण्यात आले.
		तीन. खंडशः विचार
मा. सभापती	:	आता विधेयक खंडशः विचारात घेण्यात येईल.

		(सुधारणा नसल्यास कार्यपद्धती --- सुधारण नसल्यास, खंड २ पासून शेवटच्या खंडापर्यंतचे सर्व खंड, असल्यास अनुसूची आणि खंड १ संपूर्ण शीर्षक व हेतुवाक्य, हे सर्व पुढे दिलेल्या क्रमाने एकाच वेळी मतास टाकण्यात येतील).
		“खंड २ ते --, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य हे विधेयकाचे भाग समजण्यात यावेत. अनुकूल असतील त्यांनी “होय” म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी “नाही” म्हणावे. (थोडे थांबून) “होय” चे बहुमत आहे, “होय” चे बहुमत आहे. खंड २ ते --, खंड १, संपूर्ण शीर्षक आणि हेतुवाक्य विधेयकाचे भाग झाले.
		(सुधारणा असल्यास कार्यपद्धती : सुधारणा असतील तर, उदाहरणार्थ समजा खंड १० ला सुधारणा असेल तर खंड २ ते ९ प्रथम मतास टाकण्यात येतील आणि नंतर खंड १० घेण्यात येईल. त्या खंडास एक किंवा अनेक सुधारणा सुचविण्यात आल्या असतील तर ती सुधारणा किंवा त्या अनेक सुधारणा मांडण्यात येतील, त्यावर चर्चा करण्यात येईल आणि सोयीप्रमाणे त्या सर्व एकदम किंवा एकामागून एक निकालात काढण्यात येतील. सर्व सुधारणा निकालात निघाल्यानंतर प्रस्तुत खंड मूळ सुधारणेच्या स्वरूपात मतास टाकण्यात येईल आणि त्यानंतर त्याच रितीने बाकीचे खंड निकालात काढण्यात येतील.) -----
		(या विधेयकाला भारतीय संविधानाच्या अनुच्छेद २०७ (१) किंवा २०७ (३) अन्वये किंवा दोन्ही अनुच्छेदान्वये राज्यपालांची शिफारस आवश्यक असल्यास किंवा भारतीय संविधानाच्या अनुच्छेद ३०४ (ब) अन्वये राष्ट्रपतींची पूर्वसंमती आवश्यक असल्यास विधेयक मांडताना प्रभारी मंत्री सदर विधेयक विचारात घेण्याची राज्यपालांनी शिफारस केल्याची किंवा ते मांडण्यासाठी राष्ट्रपतींनी पूर्वसंमती दिली असल्याची घोषणा करतील.) -----
		चार. विधेयक संमत करणे
प्रभारी मंत्री	:	प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले “सन _____ चे वि.स.वि. क्रमांक -- - _____” (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, त्या सुधारणेसह) संमत करण्यात यावे.
		(आवश्यक वाटले तर मंत्री भाषण करतील.)
मा. सभापती	:	प्रस्ताव असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले “सन _____ चे वि.स.वि. क्रमांक -- - _____” (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, त्या सुधारणेसह) संमत करावे.

		(इतर सदस्य भाषण करतील. या प्रस्तावावरील चर्चा विधेयकाला पाठिंबा देण्यासंबंधीच्या किंवा ते फेटाळण्यासंबंधीच्या युक्तीवादापुरतीच मर्यादित राहील. सदस्य भाषण करतील तेव्हा सर्वसाधारण स्वरूपाच्या असणाऱ्या त्यांच्या युक्तिवादाकरिता आवश्यक असेल तितक्या विधेयकाच्या तपशिलाव्यतिरिक्त इतर तपशिलांचा उल्लेख करणार नाहीत. विधेयक संमत करण्याकरिता असणाऱ्या प्रस्तावावर भाषण करण्याची कोणत्याही सदस्याची इच्छा नसल्यास, सभागृहासमोर खालीलप्रमाणे प्रस्ताव ताबडतोब मांडण्यात येईल)
मा. सभापती	:	प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----“ (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, सुधारल्याप्रमाणे) संमत करण्यात यावे काय ?
		अनुकूल असतील त्यांनी “होय” म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी “नाही” म्हणावे. (थोडे थांबून) “होय” चे बहुमत आहे, “होय” चे बहुमत आहे. महाराष्ट्र विधानसभेने संमत केलेले “सन ----- चे वि.स.वि. क्रमांक -- - -----“ (एखादी सुधारणा स्वीकृत करण्यात आली असल्यास, सुधारल्याप्रमाणे) संमत करण्यात आले.

ANNEXURE XX (6)

(6) ASSEMBLY BILL, FORMATION OF JOINT COMMITTEE

शासकीय विधेयकाबाबत कार्यपद्धती विधानसभेकडून आलेला संदेश

मा. सभापती : विधानसभेकडून संदेश आलेला आहे. प्रधान सचिव संदेश वाचून दाखवतील.

(सचिव संदेश वाचतात)

प्रधान सचिव : कळविण्यात येत आहे की, "सन ----- चे वि.स.वि. क्रमांक -- - -----
-----" विधानसभेची सहमती घेऊन दोन्ही
सभागृहांच्या १९ सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील
अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात
यावे. या विधानपरिषदेच्या प्रस्तावास विधानसभेने आपल्या दिनांक ___ मार्च,
२०२३ रोजीच्या सभेत सहमती दिली आहे. आणखी असेही कळविण्यात येते आहे
की, या संयुक्त समितीवर विधानसभेने पुढील सदस्य नामनिर्दिष्ट केले आहेत :-

१. श्री. -----, ----- मंत्री.

२. -----, वि.स.स.

३. -----, वि.स.स.

४. -----, वि.स.स.

५. -----, वि.स.स.

६. -----, वि.स.स.

७. -----, वि.स.स.

८. -----, वि.स.स.

९. -----, वि.स.स.

१०. -----, वि.स.स.

११. -----, वि.स.स.

१२. -----, वि.स.स.

१३. -----, वि.स.स.

प्रभारी मंत्री

: महोदय, "सन ----- चे वि.स.वि. क्रमांक -- - -----

-----" दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे. ह्या सभागृहाने संमत केलेल्या प्रस्तावास विधानसभेची सहमती मिळाल्यावरून हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे आणि ह्या समितीवर या सभागृहाचे पुढील सदस्य नामनिर्दिष्ट करण्यात यावेत असा मी आपल्या अनुमतीने प्रस्ताव मांडतो-

१. -----, वि.प.स.

२. -----, वि.प.स.

३. -----, वि.प.स.

४. -----, वि.प.स.

५. -----, वि.प.स.

६. -----, वि.प.स.

विशेष निमंत्रित

७. -----, वि.प.स.

८. -----, वि.प.स.

९. -----, वि.प.स.

तसेच आवश्यकतेनुसार निमंत्रित म्हणून आणखी काही सदस्यांची नियुक्ती करण्याचे अधिकार मा.समिती प्रमुख यांना राहतील.

(आवश्यक वाटल्यास मंत्र्यांनी भाषण करावे.)

मा. उप सभापती : प्रस्ताव असा आहे की, "सन ----- चे वि.स.वि. क्रमांक -- - -----
-----" दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे. या सभागृहाने संमत केलेल्या प्रस्तावास विधानसभेची सहमती मिळाल्यावरून हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे आणि ह्या समितीवर या सभागृहाचे पुढील सदस्य नामनिर्दिष्ट करण्यात यावेत :-

१. -----, वि.प.स.
२. -----, वि.प.स.
३. -----, वि.प.स.
४. -----, वि.प.स.
५. -----, वि.प.स.
६. -----, वि.प.स.

विशेष निमंत्रित

७. -----, वि.प.स.
८. -----, वि.प.स.
९. -----, वि.प.स.

तसेच आवश्यकतेनुसार निमंत्रित म्हणून आणखी काही सदस्यांची नियुक्ती करण्याचे अधिकार मा.समिती प्रमुख यांना राहतील.

मा. सभापती : प्रश्न असा आहे की, "सन ----- चे वि.स.वि. क्रमांक -- - -----
-----" दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे. या सभागृहाने संमत केलेल्या प्रस्तावास विधानसभेची सहमती मिळाल्यावरून हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे आणि ह्या समितीवर या सभागृहाचे पुढील सदस्य

नामनिर्दिष्ट करण्यात यावेत काय ?

१. -----, वि.प.स.
२. -----, वि.प.स.
३. -----, वि.प.स.
४. -----, वि.प.स.
५. -----, वि.प.स.
६. -----, वि.प.स.

विशेष निमंत्रित

७. -----, वि.प.स.
८. -----, वि.प.स.
९. -----, वि.प.स.

तसेच आवश्यकतेनुसार निमंत्रित म्हणून आणखी काही सदस्यांची नियुक्ती करण्याचे अधिकार मा.समिती प्रमुख यांना राहतील.

अनुकूल असतील त्यांनी "होय" म्हणावे (थोडे थांबून) प्रतिकूल असतील त्यांनी "नाही" म्हणावे (थोडे थांबून) "होय" चे बहुमत आहे, "होय" चे बहुमत आहे.

प्रस्ताव संमत झाला.

मा.उप सभापती : -----, ----- मंत्री यांना मी या संयुक्त समितीचे समिती प्रमुख म्हणून नियुक्त करतो.

विधेयक दोन्ही सभागृहाच्या संयुक्त समितीकडे विचारार्थ पाठविण्याबाबत प्रस्ताव

- प्रभारी मंत्री : "सन ---- चे वि.स.वि. क्रमांक -- - -----"
- विधानसभेची सहमती घेऊन दोन्ही सभागृहांच्या १९ सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे असा मी आपल्या अनुमतीने प्रस्ताव मांडतो.
- (आवश्यक वाटल्यास मंत्र्यांनी भाषण करावे.)
- मा. सभापती : प्रस्ताव असा आहे की, "सन ---- चे वि.स.वि. क्रमांक -- - -----
- " विधानसभेची सहमती घेऊन दोन्ही सभागृहांच्या १९ सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे.
- मा. सभापती : प्रश्न असा आहे की, "सन ---- चे वि.स.वि. क्रमांक -- - -----
- " विधानसभेची सहमती घेऊन दोन्ही सभागृहांच्या १९ सदस्यांच्या संयुक्त समितीकडे त्यावरील प्रतिवृत्त पुढील अधिवेशनाच्या अखेरपर्यंत सादर करण्याचा अनुदेश देऊन विचारार्थ पाठविण्यात यावे काय?
- (थोडे थांबून)
- अनुकूल असतील त्यांनी "होय" म्हणावे.
- (थोडे थांबून)
- प्रतिकूल असतील त्यांनी "नाही" म्हणावे.
- (थोडे थांबून)
- "होय" चे बहुमत आहे "होय" चे बहुमत आहे. विधानसभेची सहमती घेऊन हे विधेयक दोन्ही सभागृहांच्या संयुक्त समितीकडे विचारार्थ पाठविण्यात यावे, हा प्रस्ताव संमत झाला.

ANNEXURE- XX (7)

(7) BILL WITHDRAWAL

विधेयक मागे घेण्याबाबत कार्यपद्धती
(विधेयकाच्या कोणत्याही टप्प्यावर)

- प्रभारी मंत्री** : महोदय, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक -- -
-----" मागे घेण्यास मी
सभागृहाची अनुमती मागतो.
- (प्रस्तावाला विरोध केला जाईल तेव्हा सभापतींना योग्य वाटल्यास प्रस्ताव मांडणारे सदस्य
व विरोध करीत असेल त्या सदस्यास स्पष्टीकरणात्मक संक्षिप्त निवेदन करण्याची
परवानगी सभापती देऊ शकतील. त्यानंतर आणखी चर्चा होऊ न देता प्रश्न मतास
टाकतील.)
- मा. उप सभापती** : प्रश्न असा आहे की, महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक
-- - -----" मागे घेण्यास अनुमती आहे
काय ? अनुकूल असतील त्यांनी "होय" म्हणावे. (थोडे थांबून) प्रतिकूल असतील त्यांनी
"नाही" म्हणावे. (थोडे थांबून) "होय" चे बहुमत आहे. "होय" चे बहुमत आहे. अनुमती
देण्यात आली.
- प्रभारी मंत्री** : महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक -- - -----
-----" मी मागे घेतो.
- मा. उप सभापती** : महाराष्ट्र विधानसभेने संमत केलेले "सन ----- चे वि.स.वि. क्रमांक -- - -----
-----" मागे घेण्यात आले.

ANNEXURE-XXI

RESOLUTIONS

(1) Constitution Amendment Ratification

NOTICE

प्रति,

मा. अध्यक्ष,
महाराष्ट्र विधानसभा,
विधान भवन, मुंबई.

विषय:- संविधान (एकशे सव्विसावी सुधारणा) विधेयक, २०१९
याचे अनुसमर्थन करण्यासाठी ठराव.

महोदय,

राज्य विधान सभेच्या आगामी अधिवेशनात भारताच्या संविधानाच्या अनुच्छेद ३६८ तसेच महाराष्ट्र विधानसभा नियम यामधील नियम १६१ अनुसार, संसदेच्या दोन्ही सभागृहांनी संमत केलेले संविधान (एकशे सव्विसावी सुधारणा) विधेयक, २०१९ याच्या अनुसमर्थनार्थ या सोबतचा ठराव मांडू इच्छितो.

त्यानुसार ठराव मांडण्यास अनुमती असावी, तसेच या करिता नियम १६१ अनुसार नोटीससाठीचा आवश्यक तो कालावधी क्षमापित करण्यात यावा, ही विनंती.

आपला नम्र,

(मा. मंत्री)

प्रति,

मा. सभापती,
महाराष्ट्र विधानपरिषद,
विधान भवन, मुंबई.

विषय:- संविधान (एकशे सव्विसावी सुधारणा) विधेयक, २०१९
याचे अनुसमर्थन करण्यासाठी ठराव.

महोदय,

राज्य विधान सभेच्या आगामी अधिवेशनात भारताच्या संविधानाच्या अनुच्छेद ३६८ तसेच महाराष्ट्र विधानसभा नियम यामधील नियम १६१ अनुसार, संसदेच्या दोन्ही सभागृहांनी संमत केलेले संविधान (एकशे सव्विसावी सुधारणा) विधेयक, २०१९ याच्या अनुसमर्थनार्थ या सोबतचा ठराव मांडू इच्छितो.

त्यानुसार ठराव मांडण्यास अनुमती असावी, तसेच या करिता नियम १६१ अनुसार नोटीससाठीचा आवश्यक तो कालावधी क्षमापित करण्यात यावा, ही विनंती.

आपला नम्र,

(मा. मंत्री)

RESOLUTION

MAHARASHTRA LEGISLATIVE ASSEMBLY

That the Maharashtra Legislative Assembly ratifies the amendment to the Constitution of India falling within the purview of clauses (*b*) and (*c*) of the proviso to clause (2) of article 368, proposed to be made by the Constitution (One Hundred and Twenty-second Amendment) Bill, 2014 (Bill No. 192-F of 2014) as passed by both the Houses of Parliament.

RESOLUTION

MAHARASHTRA LEGISLATIVE COUNCIL

That the Maharashtra Legislative Council ratifies the amendment to the Constitution of India falling within the purview of clauses (*b*) and (*c*) of the proviso to clause (2) of article 368, proposed to be made by the Constitution (One Hundred and Twenty-second Amendment) Bill, 2014 (Bill No. 192-F of 2014) as passed by both the Houses of Parliament.

(2) Adoption of Parliament Act by passing Resolution.

(Notification published in the *Official Gazette*)

NOTIFICATION

Urban Development Department,
Hutatma Rajguru Chowk, Madam
Cama Marg, Mantrayala,
Mumbai- 400032,
Dated the 1st December 2007.

**Constitution
of India.**

No. ULC. 10/2007/CR-140/U.L.C.-Urban Development Department in pursuance of clause (3) of the article 348 of the Constitution of India, the following translation of the Resolutions adopting the Urban Land (Ceiling and Regulation) Repeal Act, 1999, for the State of Maharashtra, passed by both Houses of the State Legislature under article of 252 (2) of the Constitution of India, on the 29th November 2007, is hereby published under the authority of the Governor.

**“MAHARASHTRA LEGISLATIVE ASSEMBLY
RESOLUTION**

WHEREAS, the Maharashtra Legislative Assembly on 5th October 1971 and the Maharashtra Legislative Council on the 7th October 1971 had, in pursuance of clause (1) of article 252 of the Constitution of India, resolved that the imposition of ceiling on urban immovable property and acquisition of such property in excess of the ceiling and all matters connected therewith or ancillary and incidental thereto should be regulated in the State of Maharashtra by Parliament by law:

AND WHEREAS, the Parliament had thereafter enacted the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976);

AND WHEREAS, consequent upon the resolutions passed by the Houses of the Legislatures of the States of Haryana and

Punjab, under article 252 (2) of the Constitution, that the Urban Land (Ceiling and Regulation) Act, 1976, in its application to those States, be repealed by Parliament by law, the Parliament has enacted the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act No. 15 of 1999);

AND WHEREAS, sub-section (2) of section 1 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, provides that the said Act shall apply to such other State which adopts the said Act by resolution passed in that behalf under clause (2) of article 252 of the Constitution;

AND WHEREAS, the Government of Maharashtra is of the opinion that the Urban Land (Ceiling and Regulation) Act, 1976 should be repealed, in its application to the State of Maharashtra, so that land in urban area may be available for housing;

NOW, THEREFORE, in pursuance of clause (2) of article 252 of the Constitution of India, the Maharashtra Legislative Assembly hereby resolves that the Urban Land (Ceiling and Regulation) Repeal Act, 1999, passed by the Parliament be adopted for this State.”

“MAHARASHTRA LEGISLATIVE COUNCIL RESOLUTION

WHEREAS, the Maharashtra Legislative Assembly on 5th October 1971 and the Maharashtra Legislative Council on the 7th October 1971 had, in pursuance of clause (1) of article 252 of the Constitution of India resolved that the imposition of ceiling on urban immovable property and acquisition of such property in excess of the ceiling and all matters connected therewith or ancillary and incidental thereto should be regulated in the State of Maharashtra by Parliament by law;

AND WHEREAS, the Parliament had thereafter enacted the Urban Land Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976);

AND WHEREAS, consequent upon the resolutions passed by the Houses of the Legislatures of the States of Haryana and Punjab, under article 252 (2) of the Constitution, that the Urban Land (Ceiling and Regulation) Act, 1976, in its application to

those States, be repealed by Parliament by law, the Parliament has enacted the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act No. 15 of 1999);

AND WHEREAS, sub-section (2) of section 1 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 provides that the said Act shall apply to such other State which adopts the said Act by resolution passed in that behalf under clause (2) of article 252 of the Constitution;

AND WHEREAS, the Government of Maharashtra is of the opinion that the Urban Land (Ceiling and Regulation) Act, 1976 should be repealed, in its application to the State of Maharashtra, so that land in urban area may be available for housing;

NOW, THEREFORE, in pursuance of clause (2) of article 252 of the Constitution of India, the Maharashtra Legislative Council hereby resolves that the Urban Land (Ceiling and Regulation) Repeal Act, 1999, passed by the Parliament be adopted for this State.”

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

Additional Chief Secretary to Government.

(3) RESOLUTION UNDER PROVISIONS OF ACT
RESOLUTION UNDER RULE 110 OF THE MAHARASHTRA
LEGISLATIVE ASSEMBLY RULES
MAHARASHTRA LEGISLATIVE ASSEMBLY

WHEREAS, sub-section (2) of section 105A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (36 of 2013), as applicable to the State of Maharashtra, (hereinafter referred to as “the Land Acquisition Act”) provides that the State Government may by notification in the *Official Gazette*, after resolution passed by both Houses of the State Legislature, direct that any of the provisions of the Land Acquisition Act relating to determination of compensation in accordance with the First Schedule shall apply to the cases of land acquisition under the enactments specified in the Fifth Schedule including the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962) (hereinafter referred to as “the MID Act”) or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of Land Acquisition Act relating to the compensation, rehabilitation and resettlement as may be specified in the notification, as the case may be;

AND WHEREAS, upon issuing such notification, as per the provision of sub-section (1) of said section 105A, the provisions of the Land Acquisition Act shall not apply to acquisition of land under the enactments specified in the Fifth Schedule thereof;

AND WHEREAS, the MID Act has been amended by the Maharashtra Act No. XXVII of 2019, to provide that in determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 26 to 30 and other relevant provisions of the Land Acquisition Act, subject to the modifications specified therein;

AND WHEREAS, in addition to the compensation payable as per the provisions of the MID Act, the Maharashtra Industrial Development Corporation has framed comprehensive rehabilitation policy, 2019 *vide* its Circular dated the 26th August 2019;

AND WHEREAS, the provisions of the MID Act and the said policy framed relating to compensation and rehabilitation are more beneficial than the provisions of compensation and rehabilitation of the Land Acquisition Act;

NOW, THEREFORE, in pursuance of the proviso to sub-section (2) of section 105A of the Land Acquisition Act and rule 110 of the Maharashtra Legislative Assembly Rules, the Maharashtra Legislative Assembly resolves that the State Government may issue a notification for the purposes of sub-section (2) of section 105A of the Land Acquisition Act.

महाराष्ट्र विधानसभा नियमांच्या नियम ११० खालील ठराव

महाराष्ट्र विधानसभा

ज्याअर्थी, भूमिसंपादन, पुनर्वसन व पुनर्वसाहत करताना उचित भरपाईचा आणि पारदर्शकतेचा हक्क अधिनियम, २०१३ (२०१३ चा ३०) (यात यापुढे ज्याचा निर्देश, "भूमिसंपादन अधिनियम" असा केला आहे) महाराष्ट्र राज्याला लागू असताना, त्याच्या कलम १०५क च्या पोट-कलम (२) मध्ये अशी तरतूद आहे की, राज्य शासनास, राज्य विधानमंडळाच्या दोन्ही सभागृहांनी ठराव संमत केल्यानंतर, शासकीय राजपत्रातील अधिसूचनेद्वारे, असा निदेश देता येईल की, पहिल्या अनुसूचीनुसार नुकसानभरपाईचे निर्धारण करण्याशी संबंधित असणाऱ्या भूमिसंपादन अधिनियमाच्या कोणत्याही तरतुदी, महाराष्ट्र औद्योगिक विकास अधिनियम, १९६१ (१९६२ चा महा. ३) (यात यापुढे ज्याचा निर्देश, "मऔवि अधिनियम" असा केला आहे) याचा समावेश असलेल्या, पाचव्या अनुसूचीमध्ये विनिर्दिष्ट केलेल्या अधिनियमितींखालील भूमी संपादन करण्याच्या प्रकरणांना लागू होतील, किंवा यथास्थिति, ज्यामुळे नुकसानभरपाई कमी होणार नाही किंवा नुकसानभरपाई, पुनर्वसन व पुनर्वसाहत यांच्याशी संबंधित असलेल्या भूमिसंपादन अधिनियमाच्या तरतुदींचे सौम्यीकरण होणार

नाही अशा अधिसूचनेमध्ये विनिर्दिष्ट करण्यात येतील अशा अपवादांसह किंवा फेरबदलांसह लागू होतील;

आणि ज्याअर्थी, अशी अधिसूचना काढल्यावर, उक्त कलम १०५क च्या पोट-कलम (१) च्या तरतुदीनुसार, भूमिसंपादन अधिनियमाच्या तरतुदी, पाचव्या अनुसूचीमध्ये विनिर्दिष्ट केलेल्या अधिनियमितींखालील भूमी संपादन करण्यासाठी लागू असणार नाही;

आणि ज्याअर्थी, सन २०१९ चा महाराष्ट्र अधिनियम क्रमांक २७ द्वारे सुधारणा करण्यात आलेल्या, मऔवि अधिनियमामध्ये अशी तरतूद आहे की, जिल्हाधिकाऱ्यास, नुकसानभरपाईची रक्कम निर्धारित करताना, भूमिसंपादन अधिनियमाच्या कलम २६ ते ३० यामध्ये अंतर्भूत असलेल्या तरतुदी आणि इतर संबंधित तरतुदी, त्यामध्ये विनिर्दिष्ट केलेल्या फेरबदलांस अधीन राहून, मार्गदर्शक राहतील;

आणि ज्याअर्थी, मऔवि अधिनियमाच्या तरतुदीनुसार प्रदेय असलेल्या नुकसान भरपाईशिवाय, महाराष्ट्र औद्योगिक विकास महामंडळाने, त्याच्या दिनांक २६ ऑगस्ट, २०१९ च्या परिपत्रकाद्वारे, सर्वसमावेशक पुनर्वसन धोरण, २०१९ तयार केले आहे;

आणि ज्याअर्थी, नुकसानभरपाई व पुनर्वसना संबंधीच्या मऔवि अधिनियमाच्या आणि तयार केलेल्या उक्त धोरणाच्या तरतुदी, भूमिसंपादन अधिनियमाच्या नुकसानभरपाईच्या व पुनर्वसनाच्या तरतुदीपेक्षा अधिक लाभदायक आहेत;

त्याअर्थी आता, भूमिसंपादन अधिनियमाच्या कलम १०५क च्या पोट-कलम (२) चे परंतुक आणि महाराष्ट्र विधानसभा नियमांचे नियम ११० यांनुसार, महाराष्ट्र विधानसभा असा ठराव करते की, भूमिसंपादन अधिनियमाच्या कलम १०५क च्या पोट-कलम (२) च्या प्रयोजनार्थ, अधिसूचना काढण्यात यावी.

(4) RESOLUTION TO CHANGE NAME OF AIR PORT

MAHARASHTRA LEGISLATIVE ASSEMBLY

RESOLUTION

WHEREAS, the Government of India, Ministry of Civil Aviation has accorded 'in Principle' approval for setting up of Greenfield Airport at Kakdi village, Taluka Kopergaon near Shirdi, District Ahmednagar in Maharashtra for international operations in 'public use' category;

AND WHEREAS, the Directorate General of Civil Aviation, Ministry of Civil Aviation, Government of India, New Delhi, has issued an 'Aerodrome Licence- Public Use' to the Maharashtra Airport Development Company Limited for "Shirdi Airport, Shirdi" in Maharashtra, in pursuance of rules contained in Part XI of the Aircraft Rules, 1937, made in exercise of the powers conferred by sections 5 and 7 and sub-section (2) of section 8 of the Aircraft Act, 1934 (XXII of 1934);

AND WHEREAS, it is expedient to rename the said Airport at Shirdi as "the Shree Sai Baba International Airport" and for that purpose to obtain the approval of the Ministry of Civil Aviation, Government of India after obtaining the approval of the Both Houses of the State Legislature before moving such proposal to the Ministry of Civil Aviation, Government of India for its approval;

NOW, THEREFORE, in pursuance of rule 110 of the Maharashtra Legislative Assembly Rules, the Maharashtra Legislative Assembly hereby recommends to the Central Government to rename the said Airport at Shirdi as “the Shree Sai Baba International Airport.”.

MAHARASHTRA LEGISLATIVE COUNCIL

RESOLUTION

WHEREAS, the Government of India, Ministry of Civil Aviation has accorded ‘in Principle’ approval for setting up of Greenfield Airport at Kakdi village, Taluka Kopergaon near Shirdi, District Ahmednagar in Maharashtra for international operations in ‘public use’ category;

AND WHEREAS, the Directorate General of Civil Aviation, Ministry of Civil Aviation, Government of India, New Delhi, has issued an ‘Aerodrome Licence- Public Use’ to the Maharashtra Airport Development Company Limited for “Shirdi Airport, Shirdi” in Maharashtra, in pursuance of rules contained in Part XI of the Aircraft Rules, 1937, made in exercise of the powers conferred by sections 5 and 7 and sub-section (2) of section 8 of the Aircraft Act, 1934 (XXII of 1934);

AND WHEREAS, it is expedient to rename the said Airport at Shirdi as “the Shree Sai Baba International Airport” and for that purpose to obtain the approval of the Ministry of Civil Aviation, Government of India after obtaining the

approval of the Both Houses of the State Legislature before moving such proposal to the Ministry of Civil Aviation, Government of India for its approval;

NOW, THEREFORE, in pursuance of rule 106 of the Maharashtra Legislative Council Rules, the Maharashtra Legislative Council hereby recommends to the Central Government to rename “the Shirdi International Airport” at Shirdi as “the Shree Sai Baba International Airport.”.

महाराष्ट्र विधानसभा ठराव

ज्याअर्थी, भारत सरकारच्या, नागरी विमानचालन मंत्रालयाने, आंतराष्ट्रीय वाहतुकीकरिता ‘सार्वजनिक वापर’ या श्रेणी अंतर्गत हवाई वाहतूक सेवेसाठी महाराष्ट्रातील शिर्डी जवळ, मौजे काकडी, तालुका कोपरगाव, जिल्हा अहमदनगर येथे विमानतळ उभारण्यास ‘तत्त्वतः’ मान्यता दिलेली आहे;

आणि ज्याअर्थी, नागरी विमान चालन महासंचालनालय, नागरी विमानचालन मंत्रालय, भारत सरकार, नवी दिल्ली यांनी वायुयान अधिनियम, १९३४ (१९३४ चा २२) याची कलमे ५ आणि ८ चे पोट-कलम (२) यांअन्वये प्रदान केलेल्या अधिकारांचा वापर करून करण्यात आलेले वायुयान नियम, १९३७ यांच्या भाग अकरा मध्ये अंतर्भूत असलेल्या नियमांस अनुसरून महाराष्ट्रात “शिर्डी विमानतळ, शिर्डी” याकरिता महाराष्ट्र विमानतळ विकास कंपनी मर्यादित यांस, ‘विमानतळ लायसन-सार्वजनिक वापरार्थ’ दिले आहे;

आणि ज्याअर्थी, शिर्डी येथील उक्त विमानतळाचे, "श्री साईबाबा आंतरराष्ट्रीय विमानतळ" असे पुनर्नामकरण करणे आणि त्या प्रयोजनासाठी, असा प्रस्ताव नागरी विमानचालन मंत्रालय, भारत सरकार यांच्याकडे पाठविण्यापूर्वी, त्यास राज्य विधानमंडळाच्या दोन्ही सभागृहांची मान्यता मिळविल्यानंतर, नागरी विमानचालन, मंत्रालय, भारत सरकार यांची मान्यता मिळविणे इष्ट वाटते;

त्याअर्थी, आता, महाराष्ट्र विधानसभा नियम यांच्या नियम ११० अनुसार, महाराष्ट्र विधानसभा, याद्वारे, शिर्डी येथील उक्त विमानतळाचे "श्री साईबाबा आंतरराष्ट्रीय विमानतळ" असे पुनर्नामकरण करण्याची शिफारस केंद्र सरकारला करीत आहे.

महाराष्ट्र विधानपरिषद ठराव

ज्याअर्थी, भारत सरकारच्या, नागरी विमानचालन मंत्रालयाने, आंतरराष्ट्रीय वाहतुकीकरिता 'सार्वजनिक वापर' या श्रेणी अंतर्गत हवाई वाहतूक सेवेसाठी महाराष्ट्रातील शिर्डी जवळ, मौजे काकडी, तालुका कोपरगाव, जिल्हा अहमदनगर येथे विमानतळ उभारण्यास 'तत्त्वतः' मान्यता दिलेली आहे;

आणि ज्याअर्थी, नागरी विमान चालन महासंचालनालय, नागरी विमानचालन मंत्रालय, भारत सरकार, नवी दिल्ली यांनी वायुयान अधिनियम, १९३४ (१९३४ चा २२) याची कलमे ५ आणि ८ चे पोट-कलम (२) यांअन्वये प्रदान केलेल्या अधिकारांचा वापर करून करण्यात आलेले वायुयान नियम, १९३७ यांच्या भाग अकरा मध्ये अंतर्भूत असलेल्या नियमांस अनुसरून महाराष्ट्रात "शिर्डी विमानतळ, शिर्डी"

याकरिता महाराष्ट्र विमानतळ विकास कंपनी मर्यादित यांस, 'विमानतळ लायसन-सार्वजनिक वापरार्थ' दिले आहे;

आणि ज्याअर्थी, शिर्डी येथील उक्त विमानतळाचे, "श्री साईबाबा आंतरराष्ट्रीय विमानतळ" असे पुनर्नामकरण करणे आणि त्या प्रयोजनासाठी, असा प्रस्ताव नागरी विमानचालन मंत्रालय, भारत सरकार यांच्याकडे पाठविण्यापूर्वी, त्यास राज्य विधानमंडळाच्या दोन्ही सभागृहांची मान्यता मिळविल्यानंतर, नागरी विमानचालन, मंत्रालय, भारत सरकार यांची मान्यता मिळविणे इष्ट वाटते;

त्याअर्थी, आता, महाराष्ट्र विधानपरिषद नियम यांच्या नियम १०६ अनुसार, महाराष्ट्र विधानपरिषद, याद्वारे, शिर्डी येथील उक्त विमानतळाचे "श्री साईबाबा आंतरराष्ट्रीय विमानतळ" असे पुनर्नामकरण करण्याची शिफारस केंद्र सरकारला करीत आहे.

ANNEXTURE XXII

RNI No. MAHENG / 2009 / 35528



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ५०]

सोमवार, ऑगस्ट २१, २०२३/श्रावण ३०, शके १९४५

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ९१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि
विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Order of the Governor of Maharashtra, dated the 21st August 2023, withdrawing the Maharashtra Co-operative Societies (Amendment) Ordinance, 2023 (Mah. Ord. II of 2023), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Order of the Governor of Maharashtra, dated the 21st August 2023, withdrawing the Maharashtra Co-operative Societies (Amendment) Ordinance, 2023 (Mah. Ord. II of 2023), is published under the authority of the Governor].

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २१, २०२३/श्रावण ३०, शके १९४५

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 21st August 2023.

Order

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-clause (b) of clause (2) of article 213 of the Constitution of India, I, Ramesh Bais, the Governor of Maharashtra, hereby withdraw the Maharashtra Co-operative Societies (Amendment) Ordinance, 2023 (Mah. Ord. II of 2023) with immediate effect.

Mumbai,
Dated the 21st August 2023.

RAMESH BAIS,
Governor of Maharashtra.

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

RAJESH KUMAR,
Additional Chief Secretary to Government.



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार

वर्ष ९, अंक ३४]

सोमवार, ऑगस्ट २१, २०२३/श्रावण ३०, शके १९४५

[पृष्ठ १, किंमत : रुपये २३.००

असाधारण क्रमांक ४८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम.

सहकार, पणन व वस्त्रोद्योग विभाग

मंत्रालय, मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,
मुंबई ४०० ०३२, दिनांक २१ ऑगस्ट २०२३.

आदेश

भारताचे संविधान.

भारताच्या संविधानाच्या अनुच्छेद २१३(२)(ख) मध्ये प्रदान केलेल्या अधिकारान्वये, मी, रमेश बैस, राज्यपाल, महाराष्ट्र राज्य, महाराष्ट्र सहकारी संस्था (सुधारणा) अध्यादेश, २०२३ (सन २०२३ चा महाराष्ट्र अध्यादेश क्रमांक २) तात्काळ मागे घेत आहे.

मुंबई,
दिनांक २१ ऑगस्ट २०२३.

रमेश बैस,
महाराष्ट्राचे राज्यपाल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

राजेश कुमार,
शासनाचे अतिरिक्त मुख्य सचिव.

ANNEXURE-XXIII

1904:BOM.I]

THE MAHARASHTRA GENERAL CLAUSES ACT —— CONTENTS

PRELIMINARY

SECTIONS.

1. SHORT TITLE.
- 1A. Extension of application of Act to Acts, rules, etc., made on or after the 1st day of November 1956.
- 1B. Extension of application of Act to Acts, rules, etc., of State of Maharashtra.
2. Repeal.

GENERAL DEFINITIONS

3. Definitions.
4. Application of certain of the foregoing definitions to previous Bombay Acts.

GENERAL RULES OF CONSTRUCTION

5. Coming into operation of Bombay Acts or Maharashtra Acts.
6. Printing of date on which Act is published after having received the assent of the Governor, Governor-General, or His Majesty, as the case may require.
7. Effect of repeal.
- 7A. Repeal of any enactment making textual amendments in any Act.
8. Revival of repealed enactments.
9. Construction of references to repealed enactments.
10. Commencement and termination of time.
11. Computation of time.
12. Measurement of distances.
13. Gender and number.

POWERS AND FUNCTIONARIES

14. Powers conferred on any Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official chiefs and subordinates.

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

20. Construction of orders, etc., issued under Bombay Acts or Maharashtra Acts.
21. Power to make to include power to add to, amend, vary or rescind, orders, etc.
22. Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act or Maharashtra Act.
23. Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

24. Provisions applicable to making of rules or by-laws after previous publication.
25. Continuation of order, etc. issued under enactments repealed and re-enacted.

MISCELLANEOUS

26. Recovery of fines.
27. Provision as to offences punishable under two or more enactments.
28. Meaning of service by post.
29. Citation of enactments.
30. Saving for previous Act, rules and by laws.
31. Application of Act to Ordinances and Regulations.

APPENDIX

BOMBAY ACT NO. I OF 1904¹
[THE MAHARASHTRA GENERAL CLAUSES ACT,]

[30th May, 1904]

Amended by Bom. 4 of 1905.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 17 of 1945. ‡

Amended by Bom. 5 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 28 of 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 24 of 1957.

Amended by Bom. 8 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 24 of 2012. (22-08-2012) @

**AN ACT FOR FURTHER SHORTENING THE LANGUAGE USED IN BOMBAY
 ACTS, AND FOR OTHER PURPOSES**

WHEREAS it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts ; It is hereby enacted as follows :—

Preliminary

1. This Act may be called ²[the Maharashtra General Clauses Act]

Short title.

³[1-A. The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the * State of Bombay passed, made or promulgated on or after the 1st day of November 1956 and such provisions of this Act as relate to any notification, order, scheme, rule, by-law, or form shall apply also in relation to any notification, order, scheme, rule, by-law, or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date :

Extension of application of Act to Acts, rules, etc. made on or after the 1st day of November, 1956.

XXX-
VII of
1956.

Provided that where any such Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated on or after the 1st day of November 1956 amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated before that date in relation to the territories transferred to the new State of Bombay under clauses (b) to (e) of sub-section (1) of section 8 of the States Reorganisation Act, 1956, the law in force of these territories in respect of the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act.]

¹ For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1903, Pt. VII, pp. 5, 6; for Report of Select Committee, *see ibid.*, 1904, Pt. VII, p. 1, and for Proceedings in Council, *see ibid.*, 1903, Pt. VII, p. 130 *ibid.*, 1904, Pt. VII, p. 42.

² This short title was amended for the "the Bombay General clauses Act, 1904" by Mah. 24 of 2012, s. 2, Sch. Entry 11, w.e.f. 1-6-1960.

³ This section was inserted by Bom. 24 of 1957, s. 2.

* The words "State of Bombay" shall stand unmodified, *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

‡ This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

@ This indicates the date of commencement of the Act.

Extension of application of Act to Acts, rules, etc. of State of Maharashtra.

¹[**1B.** The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the State of Maharashtra passed, made or promulgated on or after the 1st day of May, 1960 and such provisions of this Act as relate to any notification, order, scheme, rule, by-law or form shall apply also in relation to any notification, order, scheme, rule, by-law, or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date :

Provided that where any such Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated on or after that date amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated in relation to any territory of the State of Maharashtra, not being the Bombay area of that State, the law in force in those territories in the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act.]

Repeal.

2. The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

General Definitions

Definitions.

3. In this Act, and in all Bombay Acts ²[or Maharashtra Acts] made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet."

(1) "abet" with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code :

"Act."

(2) "act", used with reference to an offence or a civil wrong, shall include a series of acts ; and words which refer to acts done shall extend also to illegal omissions.

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing ;

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;

"Bombay Act."

(5) "Bombay Act" shall mean an Act made by the ⁵[Governor of Bombay] in Council under the ³[Indian Councils Act, 1861] or the Indian Councils Act, 1861 and 1892 ⁴[or the Indian Councils Acts, 1861 to 1909 or the Government of India Act, 1915, or made by the local Legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the ⁵[Governor of Bombay], under the Government of India Act, 1935], ⁶[or made by the Legislature of the ⁷[pre-Re-organisation or reorganised] ⁵[State of Bombay] under the Constitution];

XLV
of
1860.

¹ This section was inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² These words were inserted, *ibid.*

³ See now the Government of India Act, 1935.

⁴ These words and figures were inserted by the Adaptation of Indian Laws Order in Council.

⁵ These words stand unmodified *vide* Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ This portion was inserted by the Adaptation of Laws Order, 1950.

⁷ These words were substituted for the words "State of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

¹[(6) "Bombay area of the State of Maharashtra" shall mean the area of the State of Maharashtra excluding the Vidarbha region, and the Hyderabad area, of that State;]

²(7)* * * * *

²(8)* * * * *

(9) "Chapter" shall mean a Chapter of the Act in which the word "Chapter" occurs ;

"Chapter."

³[(10) "City of Bombay" shall mean the area within the local limits of the ordinary original civil jurisdiction of the Bombay High Court of Judicature immediately before the date on which the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, came into force ;]

"City of
Bombay."

Bom.
XVI
I of
1945

(11) "Collector" shall mean, in the. *City of Bombay, the Collector of Bombay ; and elsewhere the chief officer in charge of the revenue administration of a district ;

"Collector."

(12) "commencement" used with reference to an Act, shall mean the day on which the Act comes into force ;

"Commence-
ment."

⁴[(13) "Commissioner" shall mean the Commissioner of a division appointed under the £ Bombay Land Revenue Code, 1879 ;]

(14) "Consular Officer" shall include consul-general, consul, Vice-consul, consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent ;

"Consular
Officer."

Bom.
V of
1879.

(15) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;

"District
Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter ;

"Document."

(17) "enactment" shall include⁵* * *any Regulation of the Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid ;

"Enactment."

(18) "father" in the case of any one whose personal law permits adoption, shall include an adoptive father ;

"Father."

(19) "financial year" shall mean the year commencing on the first day of April ;

"Financial year."

1 This clause was inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 Clauses (7) and (8) were omitted by the Adaptation of Indian Laws Order in Council.

3 This clause was substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

4 This clause was inserted by Bom. 8 of 1958, 3, Sch.

5 The words deleted by Bom. 5 of 1948, s. 2, have been omitted.

* The Name of this city was restored as "Mumbai" vide Mah. 25 of 1996, s. 3.

£ See now the Maharashtra Land Revenue code, 1968 (Mah. XLI & 1966).

"Good faith."	(20) "a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not ;	
	¹ [(21) "*Greater Bombay" shall mean the areas specified in Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945] ;	Bom. XVII of 1945.
"High Court."	(22) "High Court", used with reference to civil proceedings shall mean the highest Civil Court of appeal in the part of the Bombay Presidency ² [and after the 1st day of May 1960 in the part of the State of the Maharashtra] in which the Act containing the expression operates ;	
	³ [(23) "Hyderabad area of the ⁴ [State of Bombay]" shall mean the territories transferred to the new State of Bombay under clause (b) of sub-section (1) of section 8 of the States Reorganization Act, 1956 ⁵ [and after the 1st day of May 1960 the said territories which form part of the State of Maharashtra shall be known as the Hyderabad area of the State of Maharashtra];	XXXVII of 1956.
"Immoveable property."	(24) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth ;	
"Imprisonment."	(25) "imprisonment" shall mean imprisonment of either description as defined in the ⁶ [Indian Penal Code];	XLV of 1860.
	7* * * * *	
"Local authority."	(26) "local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of municipal or local fund ;	
	⁸ [(27) "Maharashtra Act" shall mean an Act made on or after the 1st day of May 1960 by the Legislature of the State of Maharashtra under the Constitution] ;	
"Magistrate."	(28) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, for the time being in force ;	
"Master (of a ship)."	(29) "master" used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship ;	

1 This clause was inserted by Bom. 17 of 1945, s. 9. Sch. E read with Bom. 52 of 1947. s. 2, proviso.

2 These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 Original Clause (23) was omitted by the Adaptation of Laws Order, 1950 and a new clause (23) was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.

4 These words stand unmodified, *see* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

5 These words were inserted, *ibid*.

6 Central Acts.

7 Clause (25A) was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

8 This clause was inserted, *ibid*.

* *See* now "Brihan Mumbai" (Mah. 25 of 1996, S. 3.)

	(30) "month" shall mean a month reckoned according to the British calendar ;	"Month."
	(31) "moveable property" shall mean property of every description, except immoveable property ;	"Moveable property."
	(32) "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing ;	"Oath."
	(33) "offence" shall mean any act or omission made punishable by any law for the time being in force ;	"Offence."
	(34) "part" shall mean a part of the Act in which the word occurs ;	"Part."
	(35) "person" shall include any company or association or body of individuals, whether incorporated or not ;	"Person."
	¹ [(35A) "pre-Reorganisation" ² [State of Bombay] shall mean—	
	(a) as respects any period before the commencement of the Constitution, the area comprised in the Province of Bombay ;	
	(b) as respects any period after the commencement of the Constitution, the territories of the State of Bombay as specified in the First Schedule to the Constitution before the commencement of the States Reorganisation Act, 1956;]	
XXXV II of 1956. XLV of 1860.	(36) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code ;	"Public nuisance."
	³ [(37) "registered" used with reference to a document, shall mean registered in a Part A State or a Part C State under the law for the time being in force for the registration of documents;]	"Registered."
	⁴ (38) * * * *	
	(39) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment ;	"Rule."
	⁵ (39A) * * * *	
	(40) "schedule" shall mean a schedule to the Act in which the word occurs ;	"Schedule."
XII of 1874.	(41) "Scheduled District" shall mean a "Scheduled District" as defined in the ⁷ Scheduled Districts Act 1874 ;	"Scheduled District."

¹ This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

² These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ Clause (37) was substituted for the original by the Adaptation of Laws Order, 1950.

⁴ Clause (38) was deleted by Bom. 5 of 1948, s. 2.

⁵ Clause (39A) was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ That is the villages belonging to the following mehwassi Chiefs :-

(1) The Parvi of Kathi.

(2) The Parvi of Nal.

(3) The Parvi of Singpur.

(4) The Walvi of Gaohalli.

(5) The Wassawa of Chikhli.

(6) The Parvi of Nawalpur.

⁷ The Scheduled Districts Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

"Section."	(42) "section" shall mean a section of the Act in which the word occurs ;	
"Ship."	(43) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars ;	
"Sign."	(44) "sign" with its grammatical variations and cognate expressions, shall with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions ;	
"Son."	(45) "son", in the case of any one whose personal law permits adoption, shall include an adopted son ;	
"Sub-Section."	(46) "sub-section" shall mean a sub-section of the Section in which the word occurs ; ¹ [(46A) "State of Bombay]" shall mean— (a) as respects any period before the 1st day of November 1956 the pre-Reorganisation State of Bombay ; (b) as respects any period on and after that day the territories comprised in the new State of Bombay under section 8 of the States Reorganisation Act, 1956;] ³ [(46AA) "State of Maharashtra" shall mean the territories which on the 1st day of May 1960 are known as the State of Maharashtra under section 3 of the Bombay Reorganisation Act, 1960;] ¹ [(46B) "transferred territories" shall mean the territories transferred from the pre-Reorganisation ² [State of Bombay] to the new States of Mysore and Rajasthan under section 7 and 10 of the States Reorganisation Act, 1956;]	XXXVII of 1956. XI of 1960. XXXVII of 1956.
"Swear."	(47) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;	
"Vessel."	(48) "vessel" shall include any ship or boat or any other description of vessel used in navigation ; ⁴ [(48A) "Vidarbha region, or Madhya Pradesh area, or Vidarbha area, of the ² [State of Bombay]" shall mean the territories transferred to the new State of Bombay under clause (c) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 ⁵ [and after the 1st day of May 1960] the said territories which form part of the State of Maharashtra shall be known as the Vidarbha region, or Madhya Pradesh area, or Vidarbha area, of the State of Maharashtra];	XXXVII of 1956.

1 This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

2 These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 This clause was inserted, *ibid*.

4 This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1956 as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.

5 These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(49) "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property ;	"Will."
(50) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form on any substance ; and	"Writing."
(51) "year" shall mean a year reckoned according to the British calendar.	"Year."
4. The definitions in section 3 of the following words—that is to say, "abet", "affidavit", ¹ * ² [Bombay area of the State of Maharashtra] "Chapter" "City of Bombay", Collector", Commissioner", "good faith", ³ ["Greater Bombay", ¹ * * *, ⁴ [Hyderabad area of the ⁵ [State of Bombay]], ⁶ * * * * "immoveable property", "Magistrate", "month" "moveable property", "oath", "part", "person", ⁷ [pre-reorganisation ⁵ [State of Bombay]], ⁶ * * * *, ¹ * * *"Schedule", "section ⁵ [State of Bombay]], ² [State of Maharashtra], "swear", ⁷ [transferred territories], "vessel", ⁴ [Vidarbha region, or Madhya Pradesh area, or Vidrabha area, of the ⁵ [State of Bombay]], "writing", and "year" apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act.	Application of certain of the foregoing definitions to previous Bombay Acts.
<i>General Rules of Construction</i>	
5. ⁸ [(1) Where any Bombay Act ² [or Maharashtra Act] is not expressed to come into operation on a particular day, then,	Coming into operation of Bombay Acts ² [or Maharashtra Acts.].
(i) in the case of a Bombay Act made before the commencement of the Constitution, it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor-General or His Majesty, as the case may require, is first published in the <i>Official Gazette</i> and, if it is an Act of the Governor, on the day on which it is first published as an Act in the <i>Official Gazette</i> ;	
(ii) in the case of a Bombay Act ² [or Maharashtra Act] made after the commencement of the Constitution, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the <i>Official Gazette</i> .]	
(2) Unless the contrary is expressed, a Bombay Act ² [or Maharashtra Act] be construed as coming into operation immediately on the expiration of the day preceding its commencement.	

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- 1 The words "British India", "Government of India" and "Presidency of Bombay" were omitted by the Adaptation of Indian Laws Order in Council.
- 2 These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 3 These words were inserted by Bom. 17 of 1945 read with Bom. 52 of 1947, S. 2. proviso.
- 4 These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956 as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.
- 5 These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 6 The words "Kutch area of the State of Bombay", and "Saurashtra area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 7 These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
- 8 This sub-section was substituted for the original sub-section by the Adaptation of Laws Order, 1950.

6. In this Act, and in every Bombay Act ¹[or Maharashtra Act], made after the commencement of this Act, the date of such publication as is mentioned in section 5, subsection (1), shall be printed above the title of the Act, and shall form part of the Act.

Printing of date on which Act is published after having received the assent of the Governor, Governor-General, or His Majesty as the case may require.

7. Where this Act, or any Bombay Act ¹[or Maharashtra Act], made after the commencement of this Act, repeals any enactment thereto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

Effect of repeal.

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

²[7A. Where any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion, or substitution of any matter, then, unless, a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal].

Repeal of enactment making textual amendment in any Act.

8. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Revival of repealed enactments.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

9. Where this Act, or any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then reference in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as reference to the provision so re-enacted.

Construction of references to repealed enactments.

¹ These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² This section was inserted by Bom. 5 of 1948, s. 3.

Commence-
ment and
termination
of time.

10. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose, of including the last in a series of days or any other period of time, to use the word "to".

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

Computation
of time.

11. Where, by any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the ²Indian Limitation Act, 1877, applies,

Measure-
ment of
distance.

12. In the measurement of any distance for the purpose of any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Gender and
number.

13. In all Bombay Act ¹[or Maharashtra Act], unless there is anything repugnant in the subject or context—

- (a) words importing the masculine gender shall be taken to include females; and
- (b) words in the singular shall include the plural, and *vice-versa*.

Powers and Functionaries

Power
conferred on
any
Government
to be
exercisable
from time to
time.

14. Where, by any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act any power is conferred on ³[any Government], then that power may be exercised from time to time as occasion requires.

Power to
appoint to
include
power to
appoint *ex-
officio*.

15. Where, by any Bombay Act ¹[or Maharashtra Act] a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise, expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to
appoint to
include
power to
suspend or
dismiss.

16. Where, by any Bombay Act ¹[or Maharashtra Act] a power to make any appointment is conferred, then, unless a different intention appears the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution
of function-
aries.

17. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office,

¹ These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² See. now the Limitation Act, 1963 (36 of 1963)

³ The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

18. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

19. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Official chiefs and subordinates.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

Provisions as to Orders, Rules, etc., made under Enactments

20. Where, by any Bombay Act ¹[or Maharashtra Act], a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expression used in the notification, order, scheme, rule, by-law or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Construction of orders etc., issued under Bombay Acts ¹[or Maharashtra Acts].

21. Where, by any Bombay Act ¹[or Maharashtra Act], a power to issue notifications, orders, rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws, so issued.

Power to make to include power to add to, amend, vary or rescind, orders, etc.

22. Where, by any Bombay Act ¹[or Maharashtra Act], which is not to come into operation on ²[the passing thereof], a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer, thereunder, or with respect to the person by whom, or the time when or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at anytime after ²[the passing thereof], but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act.

Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act ¹[or Maharashtra Act.]

¹ These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² The words "the passing thereof" were substituted for the words "the day on which it is first published in the *Bombay Government Gazette* after having received the assent of the Governor-General and "the Act has been published as aforesaid", respectively, by the Adaptation of Indian Laws Order in Council.

Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

Provisions applicable to making of rules or by-laws after previous publication.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

Recovery of fines.

23. Where, in any Bombay Act ¹[or Maharashtra Act], or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the ²[*Official Gazette*].

24. Where, by any Bombay Act ¹[or Maharashtra Act] a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely;—

(a) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(b) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the ³[Central Government, or as the case may be, the ⁴[State] Government] prescribes ;

(c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;

(d) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

(e) the publication in the ⁵[*Official Gazette*] of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

25. Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act ¹[or Maharashtra Act] with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re-enacted.

Miscellaneous

26. Sections 63 to 70 of the ⁶Indian Penal Code, and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any Bombay Act

1 These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

3 The words "Central Government or as the case may be, the Provincial Government", were substituted for the word "Local Government", *ibid.*

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

6 Central Acts.

¹[or Maharashtra Act], or any rule or by-law made under any Bombay Act ¹[or Maharashtra Act], unless the Act, rule or by-law contains an express provision to the contrary.

27. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Provisions as to offences punishable under two or more enactments.

28. Where any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act authorizes or requires any document to be served by post whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post.

29. (1) In any Bombay Act ¹[or Maharashtra Act], and in any rule, by law, instrument or document made under, or with reference to, any Bombay Act ¹[or Maharashtra Act] any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

Citation of enactments.

(2) In this Act, and in any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or reference to as forming the beginning and as forming the end of the portion comprised in description or citation.

30. Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reasons merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

Saving for previous Acts, rules and by-laws.

²[31. The provisions of this Act shall apply—

(a) in relation to any Ordinance promulgated by the ³[Governor of Bombay] under section 88 of the Government of India Act, 1935, as they apply in relation to Bombay Acts made under the said Act by the Governor and in relation to any Regulation made by the Governor under section 92 of the said Act as they apply in relation to Bombay Acts made by the Provincial Legislature, and

Application of Act to Ordinances and Regulations.

(b) in relation to any Ordinance promulgated by the Governor under article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Bombay Acts ¹[or Maharashtra Acts] made by the State Legislature :

Provided that clause (ii) of sub-section (1) of section 5 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in said clause (ii) to the day of the first publication of the assent to an Act in the *Official Gazette* there were substituted a reference to the day of the first publication of the Ordinance in that *Gazette*].

1 These words were inserted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 Section 31 was substituted by the Adaptation of Laws Order, 1950.

3 These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

THE SCHEDULE
Enactments Repealed
(See Section 2)

Year (1)	No. (2)	Title or Subject (3)	Extent of repeal (4)
1886	.. II	The Bombay General Clauses Act, 1886	The whole ¹ [except so much of ² [Schedule B] as relates to unrepealed enactments].
1891	.. I	An Act to amend the Bombay General Clauses Act, 1886.	So much as is unrepealed.
1896	.. I	— do — do —	The whole.

APPENDIX

³*SCHEDULE B to the Bombay General Clauses Act, 1886*
(Bom. Act III of 1886)

**VERBAL AMENDMENTS MADE IN THE REGULATIONS AND ACTS
OF THE GOVERNOR OF BOMBAY IN COUNCIL**

ENACTMENT			Words repealed	Words, if any, substituted for the words repealed
No. and year	Section	Clause		
(1)	(2)	(3)	(4)	(5)
Regulations- ⁴ XII of 1827.	19	1	"Magistrate"	"District Magistrate"
	19	6	"The Magistrate" (the first time the words occur)	District Magistrate"
	19	6	"the Magistrate" (the second time the words occur).	"any Magistrate".
	19	6	"ordinary"	"simple".
	19	6	"without labour"	..
	19	7	"Magistrate" (the first time the word occurs).	"District Magistrate".
	19	7	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held."
	19	8	"the Magistrate shall also"	"any Magistrate may".
	20	..	"Magistrate"	"District Magistrate".

¹ These words were inserted by section 2 of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905)

² Printed as an Appendix to this Act.

³ This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the schedule to Bom. I of 1904 by Bom. 4 of 1905, has revived it as regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Bom. 4 of 1905, have also been omitted, a foot note explanation being given in each case.

⁴ Bom. Reg. XII of 1827 s. 19, cls. 1, 6, 7 and 8 are repealed by the Bombay District Police Act, 1890 (Bom. 4 of 1890) wherever that Act extends. The Regn. was repealed by Bom. 63 of 1959.

*SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886)—contd.*

ENACTMENT		Section	Clause	Words repealed	Words, if any, substituted for the words repealed
No. and year					
(1)	(2)	(3)	(4)	(5)	
Regulations- contd.					
XII of 1827.	27	2	"Magistrate" (each time the word occurs).	"District Magistrate"	
—contd.	27	2	"ordinary"	"simple."	
	27	2	"without hard labour"	"District or Sub- Divisional Magistrate."	
	37	1	"Magistrate" ..	"District Magistrate"	
XII of 1827.	40	..	"Magistrate" ..	"District"	
	41	1	"local" ..	"District"	
	42	1	"local" ..	"District"	
	42	2,3,4	"Magistrate" (each time the word occurs).	"District Magistrate"	
XXV of 1827..	4	2	"Magistrate" (both times the word occurs).	"District Magistrate"	
	7	..	"Magistrate" ..	"District Magistrate".	
<i>Acts.</i>					
² I of 1862	1	..	"Amendment to this Act"		
IV of 1862	1	..	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class".	
	1	..	"calendar" ..	..	
	6	..	"Magistrate" ..	"District Magistrate".	
	6	..	"this Act" ..	"section 4".	
	6	..	"of Police" ..	..	
	7	..	"of either kind" ..	..	
	7	..	"calendar" ..		
	10	..	"Magistrate" ..	"District Magistrate".	
	10	..	"of Police" ..		
V of 1862	3	..	"Calendar" ..		
VI of 1862	8 and 9	..	"Calendar" (each time the word occurs).		
	21	..	"The following words and expressions".		
	21	..	"shall have the meanings hereby assigned to them".		
	21	..	"(that is say)"		
I of 1863	6	..	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind".	"of the first class".	
	12	..	—do—	—do—	
	11	..	"of this Act" ..		

¹ See *supra*.

² Bom. I of 1862 has been repealed by Bom. 11 of 1928, section 3, Second Schedule.

No. and year	Section	Clause	Words repealed	Words, if any, substituted for the words repealed		
(1)	(2)	(3)	(4)	(5)		
<i>Acts—contd.</i>						
II of 1863.	2	..	"of this Act" (the first .. time the words occur)	..	..	
	3,4,5,7, 8,10,11 and 13.	..	"of this Act" (each time the words occur).	..	..	
	4,5 and 11	..	"calendar" (each time the word occurs).	..	..	
	5 and 11	..	"collectorate or" (each .. time the words occur).	..	..	
	11	4	"collectorate"	..	"district".	
	11	6	"collectorate" (each time the word occurs).	..	"district".	
III of 1863	1 and 2	..	"to this Act" (each time the words occur).	..	..	..
V of 1863	20	..	"of this Act"	..	...	..
¹ * * *	* * *	* * *	* * * * *	* *	* *	* *
VII of 1863	6	..	"of this Act" (the first time the words occur).	..	..	
	7,8,9,11,12 13 and 26.	..	"of this Act" (each time the words occur).	..	...	
	9	1 and 2	"collectorate or" (each time the words occur).	..	..	..
		3,4,6 and 7.	"collectorate" (each time the word occurs).	..	"district"	
	9	8	"calendar"	..	...	..
	9	9	"Revenue"	..	..	..
	9	9	"of the division"	..	..	..
	12	..	"or Sub-Collector"	..	..	..
	20	2	"annexed"	..	..	..
VII of 1866	6	..	"of this Act"	..	..	..
XII of 1866	15	..	"annexed to this Act"	..	..	..
² * * *	* * *	* * *	* * * * *	* *	* *	* *
VI of 1867	5,9 and 10	..	"of this Act" (each time the words occur).	..	..	..
³ VII of 1867	34	..	"of this Act" (each time the words occur).	..	..	
			"full-power Magistrate"..	..	"Magistrate of the first class".	

¹ The entry relating to Bom. 6 of 1863 is omitted as the Act has been repealed by Bom. 7 of 1920.

² The entry relating to Bom. 13 of 1866 is omitted as that Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

³ During such time as Bom. 6 of 1933 and the rules and by-laws shall be in operation in any village, sections 33 and 34 of Bom. 7 of 1867 cease to have any operation in the said village, *See* section 115 of Bom. 6 of 1933.

(1)	(2)	(3)	(4)	(5)
<i>Acts—contd.</i>				
VIII of 1867	¹ [1	..	"Commissioner of Police" "Acts, 1867 and Act, 1861. 1890".]	
	3,4,5,15 and 18	..	"of Police" (wherever in the said sections those words follow the word "Commissioner").	
	5	..	"Police" (in each place in which the word precedes the word "Commissioner").	
	18	..	"of this Act"	
II of 1868	17	..	"Revenue or Police"	
² * *	* *	* *	* * * *	* * *
I of 1874	In the preamble	..	"to this Act"	
	4	..	The last three words	
	13	..	"of this Act" (the first time the words occur).	
	14	..	"of this Act"	
	29	..	"calendar"	
II of 1874	15	..	"of this Act" (each time the words occur).	
³ II of 1874	3,4,6,7 10,11, 12,13, 21,31, 37,39, 55,67, 73,75, 76 and 83.	..	"of this Act" (each time the words occur).	
	6	1	"Revenue" (each time the word occurs).	
	20	..	"of this Act" (the first time the words occur).	
	40	1	The last three words	
	¹ 3	2	"thereof"	
	74	..	"revenue"	
	74	..	"appointed under ; Regulation V of 1830, or other law in force for the time being".	..
	77	..	"empowered under the provisions of Bombay Act, I of 1868".	..
	77	..	"so empowered"	
	84	..	"Revenue"	
III of 1875	7	..	"of either description"	
	7	..	"calendar"	

¹ Inserted by the Bombay General Clauses Amendment Act, 1891 (Bom. I of 1891).

² The entry relating to Bom. 3 of 1869 is omitted as that Act has been repealed by Bom. 6 of 1933.

³ The entries relating to ss. 44, 47, 50 and 59 of this Act are omitted as they have been repealed or substituted by Bom. 3 of 1910.

(1)	(2)	(3)	(4)	(5)
II of 1876.	14,16,18 and 33. 16 31		"of this Act" (each time .. the words occur) .. "here unto annexed" .. "annexed to this Act"	
¹ * *	* *	* *	* * * *	* * *
I of 1877	3,9,16, 17 and 25 9,10,11, 14,15, 17 and 18 12 19 23 20 and 24.	 (b) .. (b)	"of this Act" (each time .. the words occur). "hereto annexed" (each time .. words occur). "of this Act" .. "of this Act" (the first .. time the words occur). "of this Act" .. "of either description .. within the meaning of the .. Indian Penal Code" (in each place in which these words occur). "The provisions of sections 64 to .. 70, both inclusive, of the Indian Penal Code shall apply to"	
² V of 1878	28 3	.. 3	"and all such fines" "means, in Sind, the ³ [Pro- vincial Government] and elsewhere a commissioner of land revenue, or, if Gov- ernment appoint any other officer to be a Commissioner for the purposes of this Act, such other officer.	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act".
	3 45	4 ..	"means a Collector of land revenue or" "of this Act" (each time the words occur).	"includes"
IV of 1879	3 9,10,11, 14,15, 17 and 18 9,16, 17 and 25.		"The last three words" "hereto annexed" (each time the words occur). "of this Act" (each time the words occur).	

¹ The entry relating to Bom. 3 of 1876 is omitted as the Act has been repealed by Bom. 2 of 1906.

² The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by Bom. 12 of 1912.

³ The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

(1)	(2)	(3)	(4)	(5)
IV of 1879	12	(b)	"of this Act"	
<i>Contd.</i>	19	..	"of this Act" (the first time the words occur).	
	20 and 24.	..	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	
	23	(b)	"of this Act"	
V of 1879	3	2	"of this Act"	
	10,13, 18,38, 86,87, 161 and 216	..	"of this Act" (each time the words occur).	
	23	..	"to this Act"	
¹ VI of 1879	21 and 34.	..	"of this Act"	
¹ VII of 1879	3	5	"means the head revenue officer of a district and"	
	57	..	"of this Act"	
	61 and 62.	..	"of either description within the meaning of the said Code" (in each place in which these words occur).	
	67	..	"of the division"	
¹ I of 1880	3	7	"hereto annexed"	
	33	(b)	"hereto annexed"	
¹ I of 1883	3,5 and 8	..	"of this Act" (each time the words occur).	
	3	..	"annexed to this Act"	
¹ II of 1883	In the preamble.	..	"to this Act"	
	4	..	"to this Act"	
	17	..	"to this Act" (the first time the words occur).	
2 * *	* *	* *	* * * *	* * *

1 The entry relating to sections 2, 214 and 215 of this Act are omitted as these sections have been repealed or substituted by Bom. 4 of 1913.

2 The entry relating to Bom. 1 of 1884 is omitted as that Act has been repealed by Bom. 6 of 1933.

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ANNEXURE-XXIV

Reference Books.

The following Books are referred while preparing this Manual.

- (1) Legislative Drafting- B.E. Atre
- (2) Legislative Drafting-Shaping the Law for the New Millennium-T.K. Viswanathan.
- (3) Principles of Legislation and Legislative drafting- N.K. Chakrabarti.
- (4) Interpretation of Statutes- Vepa P. Sarathi.
- (5) Interpretation of Statutes- J P. Singh
- (6) Legislative Drafting- G.C. Thornton.
- (7) Principles of Administrative Law- M.P. Jain and S.N. Jain
- (8) Practice and Procedure of Parliament- M.N. Kaul, S.L. Shakdher.
- (9) Constitution of India.
- (10) General Clauses Act (Central and State).
- (11) Maharashtra Legislative Assembly Rules and Maharashtra Legislative Council Rules.
- (12) Subordinate Legislation Committee Report.
- (13) The Maharashtra Legislation and Subordinate Legislation Procedure Rules, 2023