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**MAHARASHTRA STATE  
LAW COMMISSION**

**NINETH REPORT**

**ON**

**THE MAHARASHTRA CODE VOLUME NO. IX**

**DECEMBER 2002**

## CONTENTS

<u>Subject</u>	<u>Page</u>
1. Letter of Chairman to the Hon'ble Minister for Law and Judiciary	1
2. Maharashtra State Law Commission	2
3. Report of the Commission	3

B.G.MORE  
Chairman



Maharashtra State Law Commission  
Govt. Barrack No.13,  
Free Press Journal Road,  
Opp. Mantralaya,  
Mumbai - 400 021.

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Ref. No. MLC - 858 / 2002

18<sup>th</sup> December, 2002

Dear Sir,

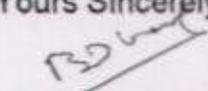
I have great pleasure in forwarding herewith the Ninth Report of the Law Commission on the repeal of the State Laws contained in Volume No. IX of the Maharashtra Code.

Until now, the Commission has submitted in all eight Reports on the first eight Volumes of the Maharashtra Code. The last Report, namely, the Eighth Report (dated 18<sup>th</sup> November, 2002) was submitted on the 27<sup>th</sup> November, 2002. We found that there are only 9 Volumes, in which the compilation of all the State Laws is made. Thus, this will be the Ninth Report on the last Volume of the Maharashtra Code. As communicated in the earlier Reports, several Watan Abolition Acts passed from 1949 onwards were found in different Volumes of the Maharashtra Code. They are 26 in number. All these Acts deal with the same subject, namely, Abolition of Watan and therefore, they were kept aside for a separate consideration. It was also decided that these Watan Abolition Acts should be considered after all the Reports on all the Volumes of the Maharashtra Code were submitted to the State Government. Thus, having sent this 9<sup>th</sup> Report on the last Volume of the Maharashtra Code we have now taken up the examination of Watan Abolition Acts and we expect to send a Report on it by the end of this month itself.

It was suggested that we should examine all the Maharashtra Acts passed by the Maharashtra Legislature till their last session. We are in the process of collecting those Acts and wish to send our separate Report on those Acts also, if possible, in this month itself. Thus, the Commission would complete the work of the examination of all the Maharashtra Laws passed by the State Legislature till their last session held in the month of July / August 2002.

With kind regards,

Yours Sincerely,

  
(B.G. MORE)

Hon'ble Shri Vilasrao Balkrishna Patil  
Minister,  
Law and Judiciary,  
Mantralaya,  
Mumbai-400 032.

## MAHARASHTRA LAW COMMISSION

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

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

## MAHARASHTRA LAW COMMISSION

Until this date, the Commission has submitted in all eight Reports on the first eight Volumes of the Maharashtra Code. This is the 9<sup>th</sup> Report on 9<sup>th</sup> Volume of the Maharashtra Code.

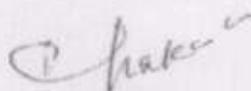
There are in all 63 enactments found in the 9<sup>th</sup> Volume. Out of them, 4 are found either already repealed or expired. Out of the remaining Acts, the Commission has advised the State Government to repeal 15 Acts and to retain 43 Acts. One more Act was found in this Volume on the subject of Watan Abolition and therefore, it is kept aside for consideration alongwith the other Acts on the Watan Abolition.

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

In this Report, we have attached five Annexures. Annexure – I contains the number of enactments found in Volume No. IX and examined by the Office of the Commission. Annexure – II contains the laws found to have been already expired or repealed, Annexure – III contains the enactments advised to be repealed and Annexure – IV contains the laws advised to be retained. There is only one Act in Annexure – V, which is kept aside for separate consideration. Each Annexure contains brief reasons as to why the Act is required to be retained or repealed.

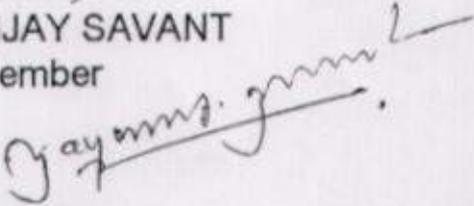
After this Report, the Commission expects to send its Report on the Abolition of Watan Acts by the end of this month itself. The Commission further desires to examine the laws passed by the State Legislature till their last session held in the months of July / August 2002. Possibly, a separate Report on those enactments may be sent by the end of this month itself.

  
(B.G. MORE)  
CHAIRMAN





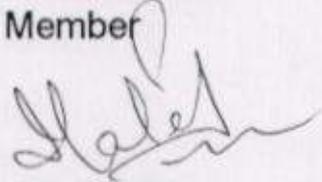
VIJAY SAVANT  
Member



J.D. JAYBHAVE  
Member



V.B. BEDRE  
Member



I.H. PATEL  
Member Secretary

**MAHARASHTRA LAW COMMISSION****ANNEXURE - I****NAMES OF THE ACTS CONTAINED IN VOLUME- IX OF THE MAHARASHTRA CODE CONSIDERED BY THE COMMISSION FOR REPEAL**

<b><u>SR.NO.</u></b>	<b><u>NAME OF THE ACTS</u></b>
1	THE BOMBAY MUNICIPAL CORPORATION, BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1985 (MAHARASHTRA ACT NO. III OF 1985)
2	THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1984 (MAHARASHTRA ACT NO. VII OF 1985)
3	THE MAHARASHTRA ABOLITION OF SUBSISTING PROPRIETARY RIGHTS TO MINES AND MINERALS IN CERTAIN LANDS ACT, 1985 (MAHARASHTRA ACT NO. XVI OF 1985)
4	THE MAHARASHTRA SALES TAX ON THE TRANSFER OF THE RIGHT TO USE ANY GOODS FOR ANY PURPOSE ACT, 1985 (MAHARASHTRA ACT NO. XVIII OF 1985)
5	THE MOTOR VEHICLES (MAHARASHTRA AMENDMENT) ACT, 1985 (MAHARASHTRA ACT NO. XXVI OF 1985)
6	THE MAHARASHTRA HIGH COURT (HEARING OF WRIT PETITIONS BY DIVISION BENCH AND ABOLITION OF LETTERS PATENT APPEALS) ACT, 1986 (MAHARASHTRA ACT NO. XVII OF 1986)
7	THE MAHARASHTRA DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1986 (MAHARASHTRA ACT NO. XXIX OF 1986)
8	THE CENTRAL INDIA SPINNING, WEAVING AND MANUFACTURING COMPANY LIMITED, THE EMPRESS MILLS, NAGPUR (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1986 (MAHARASHTRA ACT NO. XLVI OF 1986)
9	THE MAHARASHTRA SURAKSHA DAL ACT, 1986 (MAHARASHTRA ACT NO. III OF 1987)
10	THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY POSTPONEMENT OF CERTAIN ELECTIONS DUE TO DROUGHT CONDITIONS IN THE STATE) ACT, 1987 (MAHARASHTRA ACT NO. IX OF 1987)
11	THE MAHARASHTRA LOCAL AUTHORITY MEMBERS' DISQUALIFICATION ACT, 1986 (MAHARASHTRA ACT NO. XX OF 1987)
12	THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT) ACT, 1987 (MAHARASHTRA ACT NO. XXVI OF 1987)
13	THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1987 (MAHARASHTRA ACT NO. XXXVIII OF 1987)
14	THE MAHARASHTRA TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) ACT, 1987 (MAHARASHTRA ACT NO. XLI OF 1987)

- 15 THE MAHARASHTRA TAX ON ENTRY OF MOTOR VEHICLES INTO LOCAL AREAS ACT, 1987 (MAHARASHTRA ACT NO. XLII OF 1987)
- 16 THE MAHARASHTRA EDUCATIONAL INSTITUTIONS (PROHIBITION OF CAPITATION FEE) ACT, 1987 (MAHARASHTRA ACT NO. VI OF 1988)
- 17 THE MAHARASHTRA REGULATION OF USE OF PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1988 (MAHARASHTRA ACT NO. XV OF 1988)
- 18 THE MAHARASHTRA WORKMEN'S MINIMUM HOUSE-RENT ALLOWANCE ACT, 1983 (MAHARASHTRA ACT NO. XXIII OF 1988)
- 19 THE MAHARASHTRA HORTICULTURE DEVELOPMENT CORPORATION ACT, 1984 (MAHARASHTRA ACT NO. XXV OF 1988)
- 20 THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY ACT, 1989 (MAHARASHTRA ACT NO. XX OF 1989)
- 21 THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL UNIVERSITY ACT, 1989 (MAHARASHTRA ACT NO. XXII OF 1989)
- 22 THE MAHARASHTRA MUNICIPAL CORPORATION AND MUNICIPALITIES (AMENDMENT) ACT, 1989 (MAHARASHTRA ACT NO. XXVIII OF 1989)
- 23 THE DRUGS AND COSMETICS (MAHARASHTRA AMENDMENT) ACT, 1989 (MAHARASHTRA ACT NO. XXXI OF 1989)
- 24 THE MAHARASHTRA PROJECT AFFECTED PERSONS REHABILITATION ACT, 1986 (MAHARASHTRA ACT NO. XXXII OF 1989)
- 25 THE MAHARASHTRA SALES TAX ON THE TRANSFER OF PROPERTY IN GOODS INVOLVED IN THE EXECUTION OF WORKS CONTRACTS (RE-ENACTED) ACT, 1989 (MAHARASHTRA ACT NO. XXXVI OF 1989)
- 26 THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY POSTPONEMENT OF CERTAIN ELECTIONS) ACT, 1989 (MAHARASHTRA ACT NO. XXXVIII OF 1989)
- 27 THE BOMBAY UNIVERSITY (TEMPORARY POSTPONEMENT OF ELECTION OF UNIVERSITY REPRESENTATIVES) ACT, 1989 (MAHARASHTRA ACT NO. XL OF 1989)
- 28 THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1990 (MAHARASHTRA ACT NO. XI OF 1990)
- 29 THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPALITIES (AMENDMENT) ACT, 1990 (MAHARASHTRA ACT NO. XII OF 1990)
- 30 THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPALITIES (SECOND AMENDMENT) ACT, 1990 (MAHARASHTRA ACT NO. XIII OF 1990)
- 31 THE CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1990 (MAHARASHTRA ACT NO. XXXIII OF 1990)
- 32 THE CITY OF NAGPUR CORPORATION (RE-ENACTMENT OF OCTROI RULES WITH RETROSPECTIVE EFFECT AND VALIDATING PROVISIONS) ACT, 1991 (MAHARASHTRA ACT NO. XIII OF 1991)
- 33 THE MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1991 (MAHARASHTRA ACT NO. XV OF 1991)

35. THE MAHARASHTRA REPEALING AND AMENDING ACT, 1991  
(MAHARASHTRA ACT NO. XXII OF 1991)
36. THE MUNICIPAL CORPORATIONS (SECOND AMENDMENT) ACT, 1991  
(MAHARASHTRA ACT NO. XXVI OF 1991)
37. THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF  
NAGPUR CORPORATION (AMENDMENT) ACT, 1992  
(MAHARASHTRA ACT NO. XIII OF 1992)
38. THE MAHARASHTRA STATE COMMISSION FOR WOMEN ACT, 1993  
(MAHARASHTRA ACT NO. XV OF 1993)
39. THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT)  
ACT, 1993 (MAHARASHTRA ACT NO. XXIV OF 1993)
40. THE MAHARASHTRA GROUNDWATER (REGULATION FOR DRINKING  
WATER PURPOSES) ACT, 1993 (MAHARASHTRA ACT NO. XXVIII OF 1993)
41. THE STATE ELECTION COMMISSIONER (QUALIFICATIONS AND  
APPOINTMENT) ACT, 1994 (MAHARASHTRA ACT NO. XXII OF 1994)
42. THE MAHARASHTRA FINANCE COMMISSION (MISCELLANEOUS  
PROVISIONS) ACT, 1994 (MAHARASHTRA ACT NO. XXIII OF 1994)
43. THE MAHARASHTRA UNIVERSITIES ACT, 1994  
(MAHARASHTRA ACT NO. XXXV OF 1994)
44. THE HINDU SUCCESSION (MAHARASHTRA AMENDMENT) ACT, 1994  
(MAHARASHTRA ACT NO. XL OF 1994)
45. THE INDIAN PORTS (MAHARASHTRA AMENDMENT) ACT, 1994  
(MAHARASHTRA ACT NO. LV OF 1994)
46. THE MAHARASHTRA PREVENTION OF DEFAACEMENT OF PROPERTY ACT,  
1995 (MAHARASHTRA ACT NO. VIII OF 1995)
47. THE MAHARASHTRA KRISHNA VALLEY DEVELOPMENT CORPORATION  
ACT, 1996 (MAHARASHTRA ACT NO. XV OF 1996)
48. THE MAHARASHTRA RESTORATION OF NAME "MUMBAI," FOR "BOMBAY"  
ACT, 1996 (MAHARASHTRA ACT NO. XXV OF 1996)
49. THE MAHARASHTRA MARITIME BOARD ACT, 1996  
(MAHARASHTRA ACT NO. XV OF 1997)
50. THE MUMBAI METROPOLITAN REGION SPECIFIED COMMODITIES  
MARKETS (REGULATION OF LOCATION) (ENACTMENT OF  
BYE-LAWS WITH RETROSPECTIVE EFFECT TO PROVIDE FOR LEVY  
AND COLLECTION OF REGISTRATION FEE AND MARKET FEE AND  
VALIDATION AND CONTINUANCE) ACT, 1997 (MAHARASHTRA ACT NO.  
XXIV OF 1997)
51. THE VIDARBHA IRRIGATION DEVELOPMENT CORPORATION ACT, 1997  
(MAHARASHTRA ACT NO. XXVI OF 1997)
52. THE MAHARASHTRA PRE-SCHOOL CENTRES (REGULATION OF  
ADMISSION) ACT, 1996 (MAHARASHTRA ACT NO. XXIX OF 1997)
53. THE MAHARASHTRA TRUCK TERMINAL (REGULATION OF LOCATION)  
ACT, 1995 (MAHARASHTRA ACT NO. XXXI OF 1997)

55. THE MAHARASHTRA STATE BOARD OF TECHNICAL EDUCATION ACT, 1997 (MAHARASHTRA ACT NO. XXXVIII OF 1997)
56. THE MAHARASHTRA STATE COMMISSION FOR SAFAI KARMACHARIS ACT, 1997 (MAHARASHTRA ACT NO. XLIV OF 1997)
57. THE MAHARASHTRA TRANSFER OF OWNERSHIP OF MINOR FOREST PRODUCE IN THE SCHEDULED AREAS AND THE MAHARASHTRA MINOR FOREST PRODUCE (REGULATION OF TRADE) (AMENDMENT) ACT, 1997 (MAH. ACT NO. XLV OF 1997)
58. THE MAHARASHTRA ENDOWING UPON THE PANCHAYATS IN THE SCHEDULED AREAS THE POWERS TO FUNCTION AS SELF-GOVERNMENT (AMENDMENT OF CERTAIN STATE LAWS) ACT, 1997 (MAH. ACT NO. XLVI OF 1997)
59. THE KONKAN IRRIGATION DEVELOPMENT CORPORATION ACT, 1997 (MAHARASHTRA ACT NO. III OF 1998)
60. THE MAHARASHTRA TAPI IRRIGATION DEVELOPMENT CORPORATION ACT, 1997 (MAHARASHTRA ACT NO. IV OF 1998)
61. THE MAHARASHTRA ANIMAL AND FISHERY SCIENCE UNIVERSITY ACT, 1998 (MAHARASHTRA ACT NO. XVII OF 1998)
62. THE MAHARASHTRA GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION ACT, 1998 (MAHARASHTRA ACT NO. XXIII OF 1998)
63. THE MAHARASHTRA DISTRICT PLANNING COMMITTEES (CONSTITUTION AND FUNCTIONS) ACT, 1998 (MAHARASHTRA ACT NO. XXIV OF 1998)

NAMES OF THE ACTS FROM VOLUME NO. IX OF THE MAHARASHTRA CODE WHICH ARE EITHER ALREADY REPEALED OR HAVE ALREADY EXPIRED AND THEREFORE, REQUIRED TO BE REMOVED FROM THE STATUTE BOOK.

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SR.NO.1                      THE MOTOR VEHICLES (MAHARASHTRA AMENDMENT)  
ACT, 1985  
(MAHARASHTRA ACT NO. XXVI OF 1985)

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

SR.NO.2                      THE MAHARASHTRA VILLAGE PANCHAYATS  
(TEMPORARY POSTPONEMENT OF CERTAIN  
ELECTIONS DUE TO DROUGHT CONDITIONS  
IN THE STATE) ACT, 1987  
(MAHARASHTRA ACT NO. IX OF 1987)

This Act has been enacted to provide for temporary postponement of elections of certain village panchayats. Sub-section (3) of Section 1 *inter-alia* provides that Act shall remain in operation upto and inclusive of 31<sup>st</sup> March 1988 or such earlier date as may be informed by the State Government and shall then expire. The powers and functions of the Administrators appointed for the purposes of this Act have also ceased as the said powers were to continue until the first meeting of the re-constituted panchayat. This Act has expired itself and therefore, it may be removed from the statute book.

SR.NO.3                      THE MAHARASHTRA VILLAGE PANCHAYATS  
(TEMPORARY POSTPONEMENT OF CERTAIN  
ELECTIONS) ACT, 1989  
(MAHARASHTRA ACT NO. XXXVIII OF 1989)

This Act has been enacted to provide for temporary postponement of elections to certain Village Panchayats. Sub-section (3) of Section 1 of this Act provides that the Act shall remain in operation upto and inclusive of 30<sup>th</sup> April 1992 or such earlier date as the State Government will specify and then shall expire. This Act has expired itself and therefore, it may be removed from the statute book.

SR.NO.4                      THE MAHARASHTRA PRE-SCHOOL CENTRES  
(REGULATION OF ADMISSION) ACT, 1996  
(MAHARASHTRA ACT NO. XXIX OF 1997)

This Act has been repealed by the Maharashtra Pre-School Centres (Regulation of Admission) (Repeal) Act, 2000 (Maharashtra Act No. XXXI of 2001) and therefore, it may be removed from the statute book.

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MAHARASHTRA LAW COMMISSION

ANNEXURE - III

NAMES OF THE ACTS FROM VOLUME NO. IX OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE REPEALED

SR.NO.1

THE BOMBAY MUNICIPAL CORPORATION, BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1985 (MAHARASHTRA ACT NO. III OF 1985)

This Act has been enacted to provide for postponement of elections to certain Municipal Corporations and Municipal Councils and further to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950) and the Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965). Under the existing provisions the general ward elections of the Councillors were to be held before the end of March 1985. However, in view of the general elections to the Maharashtra State Legislative Assembly which were scheduled to be held in March 1985, it was not possible to hold ward elections to Corporations and Councils. This Amending Act was therefore, enacted for the purpose of extending period, by another one month, for holding general ward elections to all the Corporations and Councils. There are in all 10 Sections in this Act. The amendments made by Sections 2, 3, 4, 5, 6 and 8 have already been carried out in the respective Principal Acts. The amendment made by Section 7 has been deleted by Section 88 of Maharashtra Act No. XLI of 1994. Sections 9 and 10 are consequential Sections and they cannot stand independently. Thus, all the amendments made have been carried out in the Principal Acts and therefore, the purpose of this Act is now over and hence, it may be repealed.

It may further be noted that after all these amendments have been carried out in the respective Principal Acts, but thereafter all of them have been deleted by Maharashtra Act No. XLI of 1994. ✓

SR.NO.2

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1987 (MAHARASHTRA ACT NO. XXXVIII OF 1987)

This Act has been enacted to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). The amendment made to the Bombay Provincial Municipal Corporations Act, 1949 has been incorporated in the said Act and the amendment made to the City of Nagpur Corporation Act, 1948 has been incorporated in the said Act, as modified on 31<sup>st</sup> December 1995, and published by the Law & Judiciary Department. This Act may therefore, be repealed. ✓

SR.NO.3

THE MAHARASHTRA REGULATION OF USE OF PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1988  
(MAHARASHTRA ACT NO. XV OF 1988)

This Act has been enacted to provide for the regulation of the use of medical or scientific techniques of pre-natal diagnosis solely for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital anomalies or sex-linked disorders and for prevention of the misuse of these techniques for the purpose of pre-natal sex determination leading to female foeticide; and for matters connected therewith or incidental thereto. It may be noted here that the Parliament has passed the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (Act No. 57 of 1994). Section 1(2) of this Central Act provides that this Act extends to whole of India and in exercise of the powers under sub-section (3) of the said Section 1 the Act has been brought into force w.e.f. 01.01.1996 which means from 01.01.1996 the Central Law has come into force in the State of Maharashtra too. However, the Central Act does not speak about repeal or otherwise of the State Act. Thus, both the Acts continue to occupy the same field. Therefore, in view of the existence of central provisions on the same subject, the State Act may be repealed. However, if some consequential notifications are necessary, the Central Government may be moved. ✓

SR.NO.4

THE MAHARASHTRA MUNICIPAL CORPORATION AND MUNICIPALITIES (AMENDMENT) ACT, 1989  
(MAHARASHTRA ACT NO. XXVIII OF 1989)

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950) and the Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965). The amendments made by this Act had already been incorporated in the Bombay Municipal Corporation Act, 1888, Bombay Provincial Municipal Corporations Act and the Maharashtra Municipalities Act, 1965. The amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department. It is, therefore, not necessary to retain this Act. Therefore, this Act may be repealed. ✓

SR.NO.5

THE BOMBAY UNIVERSITY (TEMPORARY POSTPONEMENT OF ELECTION OF UNIVERSITY REPRESENTATIVES) ACT, 1989  
(MAHARASHTRA ACT NO. XL OF 1989)

This Act has been enacted to provide for temporary postponement of election of the university representatives on the students' council of the University of Bombay. This Act was enacted because the atmosphere existing during the relevant period was not considered to be congenial for holding election to elect members of the students council. Section 2 of this Act i.e. Maharashtra Act No. XL of 1989 therefore, provided that no election of University representatives of the students' council of the University of Bombay shall be held during the period from the date of commencement of the Act and inclusive of 31<sup>st</sup> December 1989. The said period having been over and the purpose having been served, it is not necessary to retain this Act on the statute book. In view of the above. the Maharashtra Act No. XL of 1989 may be repealed. ✓

SR.NO.6THE MAHARASHTRA MUNICIPAL CORPORATIONS  
(AMENDMENT) ACT, 1990  
(MAHARASHTRA ACT NO. XI OF 1990)

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). The amendments made by the Bombay Municipal Corporation Act, 1888, the Bombay Provincial Municipal Corporations Act, 1949 have been incorporated in the Principal Acts and the amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department. Therefore, there is no necessity to retain this Act on the statute book. This Act may therefore, be repealed. ✓

SR.NO.7THE MAHARASHTRA MUNICIPAL CORPORATIONS AND  
MUNICIPALITIES (AMENDMENT) ACT, 1990  
(MAHARASHTRA ACT NO. XII OF 1990)

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950) and the Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965). The amendments made by the Bombay Municipal Corporation Act, 1888, the Bombay Provincial Municipal Corporations Act, 1949 have been incorporated in the Principal Acts and the amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department. Therefore, there is no necessity to retain this Act on the statute book. This Act may therefore, be repealed. ✓

SR.NO.8THE MAHARASHTRA MUNICIPAL CORPORATIONS AND  
MUNICIPALITIES (SECOND AMENDMENT) ACT, 1990  
(MAHARASHTRA ACT NO. XIII OF 1990)

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950) and the Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965). The amendments made by the Bombay Municipal Corporation Act, 1888, the Bombay Provincial Municipal Corporations Act, 1949 have been incorporated in the Principal Acts and the amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department. Therefore, there is no necessity to retain this Act on the statute book. This Act may therefore, be repealed.

SR.NO.9THE CITY OF NAGPUR CORPORATION AND  
MAHARASHTRA MUNICIPALITIES (AMENDMENT)  
ACT, 1990  
(MAHARASHTRA ACT NO. XXXIII OF 1990)

This Act has been enacted to amend the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950) and the Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965). The amendments made to the Maharashtra Municipalities Act, 1965 have been incorporated in the Principal Act and the amendments made to the City of Nagpur Corporation Act have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department and therefore, there is no necessity to retain

**SR.NO.10                      THE MUNICIPAL CORPORATIONS (AMENDMENT)  
ACT, 1991  
(MAHARASHTRA ACT NO. XV OF 1991)**

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). The amendments made by the Bombay Municipal Corporation Act, 1888, the Bombay Provincial Municipal Corporations Act, 1949 have been incorporated in the Principal Acts and the amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department. Therefore, there is no necessity to retain this Act on the statute book. This Act may therefore, be repealed.

**SR.NO.11                      THE MAHARASHTRA MUNICIPALITIES (TEMPORARY  
POSTPONEMENT OF ELECTIONS TO MUNICIPAL  
COUNCILS) ACT, 1991  
(MAHARASHTRA ACT NO. XXI OF 1991)**

This Act has been enacted to provide for temporary postponement of elections to Municipal Councils in the State. The extended terms of the Councillors elected under the provisions of Maharashtra Municipalities Act, 1965 (Mah. Act No. XL of 1965) were expiring on 14<sup>th</sup> May 1991 and elections of the new Councillors were required to be completed before 14<sup>th</sup> May 1991. However, the President dissolved the Lok-Sabha and declared the 23<sup>rd</sup> May and 26<sup>th</sup> May 1991 to be the dates for holding mid-term Government elections to Lok-Sabha. In order *inter-alia* to avoid the overlapping of the said elections, it was considered by the State Government to postpone the elections to the Municipal Councils, and for this purpose this Act was passed. The purpose for which this Act was enacted has since been achieved, it is not necessary to retain this Act on the statute book and therefore, this Act may be repealed.

**SR.NO.12                      THE MUNICIPAL CORPORATIONS (SECOND  
AMENDMENT) ACT, 1991  
(MAHARASHTRA ACT NO. XXVI OF 1991)**

This Act has been enacted to amend the Bombay Municipal Corporation Act, 1888 (Bom. Act No. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). The amendments made to the Bombay Municipal Corporation Act, 1888 and the Bombay Provincial Municipal Corporations Act, 1949 have already been incorporated in the respective Principal Act and the amendments to City of Nagpur Corporation Act, 1948 have been reproduced at page No.10969 of this Volume. This Act, that is, Maharashtra Act No. XXVI of 1991 may therefore, be repealed.

**SR.NO.13                      THE BOMBAY PROVINCIAL MUNICIPAL  
CORPORATIONS AND CITY OF NAGPUR  
CORPORATION (AMENDMENT) ACT, 1992  
(MAHARASHTRA ACT NO. XIII OF 1992)**

This Act has been enacted to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. Act No. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950). The amendments made by the Bombay Provincial Municipal Corporations Act, 1949 have been incorporated in the Principal Act and the amendments made to the City of Nagpur Corporation Act, 1948 have been incorporated in the said Act (modified upto 31<sup>st</sup> December 1995) and published by the Law & Judiciary Department.

SR.NO.14

THE MUMBAI METROPOLITAN REGION SPECIFIED  
COMMODITIES MARKETS (REGULATION OF  
LOCATION) (ENACTMENT OF BYE-LAWS WITH  
RETROSPECTIVE EFFECT TO PROVIDE FOR LEVY AND  
COLLECTION OF REGISTRATION FEE AND MARKET  
FEE AND VALIDATION AND CONTINUANCE) ACT, 1997  
(MAHARASHTRA ACT NO. XXIV OF 1997)

This Act was enacted to make the bye-laws with retrospective effect to provide for levy and collection of the registration fee and the market fee under the provisions of the Mumbai Metropolitan Region Specified Committees, Markets (Regulation of Location) Act, 1983 (Mah. Act No. XLII of 1983) and to make certain validating provisions. It may be seen from the provisions of Section 2 of the Act that the said bye-laws were to remain in force for the period beginning from 01.02.1988 to 23<sup>rd</sup> April 1995. The Act has served its purpose and therefore, it may be repealed.

SR.NO.15

THE MAHARASHTRA ENDOWING UPON THE  
PANCHAYATS IN THE SCHEDULED AREAS THE  
POWERS TO FUNCTION AS SELF-GOVERNMENT  
(AMENDMENT OF CERTAIN STATE LAWS) ACT, 1997  
(MAH. ACT NO. XLVI OF 1997)

This Act was enacted to amend certain State Laws for endowing (conferring) upon the Panchayats in the Scheduled Areas, the powers to function as self-Government. This Act amends :-

1. The Bombay Village Panchayats Act, 1958 (Bom. Act No. III of 1959)
2. The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. Act No. V of 1962)
3. The Bombay Money Lenders Act, 1946 (Bom. Act No. XXXI of 1947)
4. The Maharashtra Industrial Development Act, 1961 (Mah. Act No. III of 1962)
5. The Maharashtra Housing and Area Development Act, 1976 (Mah. Act No. XXVIII of 1977)
6. The Bombay Prohibition Act, 1949 (Bom. Act No. XXV of 1949) and
7. The Maharashtra Irrigation Act, 1976 (Mah. Act No. XXXVIII of 1976)

Since the amendments made have been carried out in the Principal Acts mentioned above, this Act may be repealed.

NAMES OF THE ACTS FROM VOLUME NO. IX OF THE MAHARASHTRA  
CODE WHICH ARE REQUIRED TO BE RETAINED

SR.NO.1                      THE INDIAN FOREST (MAHARASHTRA AMENDMENT)  
ACT, 1984  
(MAHARASHTRA ACT NO. VII OF 1985)

This Act has been enacted to amend the Indian Forest Act, 1927 (Act No. XVI of 1927), in its application to the State of Maharashtra. The said Act is a Central Act and the amendments made by the State Act do not get automatically incorporated in the Central Act. Therefore, this amending Act will have to be retained, so that it can be read alongwith the said Central Act.

SR.NO.2                      THE MAHARASHTRA SALES TAX ON THE TRANSFER  
OF THE RIGHT TO USE ANY GOODS FOR ANY  
PURPOSE ACT, 1985  
(MAHARASHTRA ACT NO. XVIII OF 1985)

This Act has been enacted to levy and collect the tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration in the State of Maharashtra. This Act is necessary and useful and therefore, it may be retained.

SR.NO.3                      THE MAHARASHTRA HIGH COURT (HEARING OF WRIT  
PETITIONS BY DIVISION BENCH AND ABOLITION OF  
LETTERS PATENT APPEALS) ACT, 1986  
(MAHARASHTRA ACT NO. XVII OF 1986)

This Act has been enacted to provide for hearing of Writ Petitions by Division Bench and for abolition of Letters Patent Appeals in the High Court of Judicature at Bombay. This Act is necessary and therefore, the same may be retained.

SR.NO.4                      THE MAHARASHTRA DEPARTMENTAL INQUIRIES  
(ENFORCEMENT OF ATTENDENCE OF WITNESSES  
AND PRODUCTION OF DOCUMENTS) ACT, 1986  
(MAHARASHTRA ACT NO. XXIX OF 1986)

This Act has been enacted to provide for the enforcement of attendence of witnesses and production of documents in departmental inquiries and for matters connected therewith or incidental thereto. The provisions of this Act apply to persons appointed to public services or posts in connection with the affairs of the State of Maharashtra and are employees of a Local Authority, Corporation, Government Company and Society registered under the Societies Registration Act, 1860. in the matters of Departmental Enquiries. The provisions of this Act

**SR.NO.5**                    **THE CENTRAL INDIA SPINNING, WEAVING AND  
MANUFACTURING COMPANY LIMITED, THE EMPRESS  
MILLS, NAGPUR (ACQUISITION AND TRANSFER OF  
UNDERTAKING) ACT, 1986**  
**(MAHARASHTRA ACT NO. XLVI OF 1986)**

This Act has been enacted to provide for acquisition and transfer of undertaking of the Central India Spinning, Weaving and Manufacturing Company Limited, with a view to securing the proper management of such undertaking so as to subserve the interest of the general public by ensuring the continued manufacture, production and distribution of textile and paper products which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto. Even though the undertaking in question has been vested in Government and thereafter in the corporation, further consequential proceedings regarding the claims and liabilities etc. are likely to be pending even now and unless all those proceedings are over, it would be unsafe to repeal this Act. Therefore, the same may be continued. ✓

**SR.NO.6**                    **THE MAHARASHTRA SURAKSHA DAL ACT, 1986**  
**(MAHARASHTRA ACT NO. III OF 1987)**

This Act has been enacted to provide for the constitution and regulation of a Force called the Maharashtra Suraksha Dal for better protection and security of the premises of the Government, public sector undertakings, local authorities and banks situated in the State of Maharashtra. The provisions of this Act are necessary and useful. Therefore, the same may be retained.

**SR.NO.7**                    **THE MAHARASHTRA LOCAL AUTHORITY MEMBERS'  
DISQUALIFICATION ACT, 1986**  
**(MAHARASHTRA ACT NO. XX OF 1987)**

This Act has been enacted to provide for disqualification of members of certain local authorities on ground of defection and for matters incidental and connected therewith. The provisions of this Act are necessary and therefore, it may be retained.

**SR.NO.8**                    **THE PRESIDENCY SMALL CAUSE COURTS  
(MAHARASHTRA AMENDMENT) ACT, 1987**  
**(MAHARASHTRA ACT NO. XXVI OF 1987)**                    ||

This Act has been enacted to amend the Presidency Small Cause Courts Act, 1882 (Act No. XV of 1882), in its application to the State of Maharashtra. The Principal Act being a Central Act, the amendments made by the State do not get automatically incorporated in it. Therefore, the amendments made by this Act will have to be retained so that they can be read along with the said Central Act.

**SR.NO.9**                    **THE MAHARASHTRA TAX ON LUXURIES (IN HOTELS  
AND LODGING HOUSES) ACT, 1987**  
**(MAHARASHTRA ACT NO. XLI OF 1987)**

This Act has been enacted to consolidate and amend the law relating to the levy of tax on luxuries in the State of Maharashtra. The provisions of this Act are necessary and useful. Therefore, the said Act may be retained.

SR.NO.10                      THE MAHARASHTRA TAX ON ENTRY OF MOTOR  
VEHICLES INTO LOCAL AREAS ACT, 1987  
(MAHARASHTRA ACT NO. XLII OF 1987)

This Act has been enacted to provide for the levy of tax on the entry of motor vehicles into the local areas of the State for use or sale therein. The provisions of this Act are necessary and useful. Therefore, the same may be retained.

SR.NO.11                      THE MAHARASHTRA EDUCATIONAL INSTITUTIONS  
(PROHIBITION OF CAPITATION FEE) ACT, 1987  
(MAHARASHTRA ACT NO. VI OF 1988)

This Act has been enacted to prohibit collection of capitation fee for admission of students to, and their promotion to a higher standard or class in the education institutions in the State of Maharashtra and to provide for matters connected therewith. The provisions of this Act are necessary and are very useful. Therefore, the said Act may be retained.

SR.NO.12                      THE MAHARASHTRA WORKMEN'S MINIMUM HOUSE-  
RENT ALLOWANCE ACT, 1983  
(MAHARASHTRA ACT NO. XXIII OF 1988)

This Act has been enacted to provide for payment of minimum house-rent allowance to workmen employed in industries in Maharashtra. The provisions of this Act are necessary and useful. Therefore, the said Act may be retained.

SR.NO.13                      THE MAHARASHTRA HORTICULTURE DEVELOPMENT  
CORPORATION ACT, 1984  
(MAHARASHTRA ACT NO. XXV OF 1988)

This Act has been enacted to make special provision for securing orderly establishment in horticultural production in the State of Maharashtra, and for storage, transport, processing and marketing of horticulture produce and to assist generally in the organisation thereof and for the purpose of establishing Maharashtra Horticulture Development Corporation and for incidental and supplemental purposes connected with the matters aforesaid. The provisions of this Act are necessary and useful. Therefore, this Act may be retained.

SR.NO.14                      THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN  
UNIVERSITY ACT, 1989  
(MAHARASHTRA ACT NO. XX OF 1989)

This Act has been enacted to establish and incorporate an Open University in the State of Maharashtra for the introduction and promotion of the Open University and distance education system in the Education Pattern of the State. The provisions of this Act are necessary as they relate to modernisation of university education. It is, therefore, necessary to retain this Act.

SR.NO.15                      THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL  
UNIVERSITY ACT, 1989  
(MAHARASHTRA ACT NO. XXII OF 1989)

This Act has been enacted to establish and incorporate a University of technology in the State of Maharashtra. Under this Act, provisions are made, inter-alia to provide facilities and opportunities for higher education in Engineering technology, and transference of technology to the backward areas

**SR.NO.16**                      **THE DRUGS AND COSMETICS (MAHARASHTRA  
AMENDMENT) ACT, 1989**  
**(MAHARASHTRA ACT NO. XXXI OF 1989)**

This Act has been enacted to amend the Drugs and Cosmetics Act, 1940 (Act No. 23 of 1940), in its application to the State of Maharashtra. This Act amends the Drugs and Cosmetics Act, 1940 which is a Central Act and the amendments made by the State do not automatically get incorporated in the Principal Act. Therefore, this Amending Act will have to be retained, so that the same can be read alongwith the said Central Act.

**SR.NO.17**                      **THE MAHARASHTRA PROJECT AFFECTED PERSONS  
REHABILITATION ACT, 1986**  
**(MAHARASHTRA ACT NO. XXXII OF 1989)**

This Act has been enacted to consolidate and amend the law relating to the rehabilitation of persons affected by certain projects in the State of Maharashtra and for matters connected therewith or incidental thereto. This Act, besides repealing the Maharashtra Settlement of Project Displaced Persons Act, 1976 (Mah. Act No. XLI of 1976) also makes provisions essential for rehabilitation of persons affected by irrigation projects, power projects and public utility projects in the State. The provisions of this Act are very necessary and useful. This Act may therefore, be retained.

**SR.NO.18**                      **THE MAHARASHTRA SALES TAX ON THE TRANSFER  
OF PROPERTY IN GOODS INVOLVED IN THE  
EXECUTION OF WORKS CONTRACTS (RE-ENACTED)  
ACT, 1989**  
**(MAHARASHTRA ACT NO. XXXVI OF 1989)**

This Act has been enacted to levy and collect the tax on the Transfer of Property in goods (whether as goods or in some other form) involved in the execution of works contracts in the State of Maharashtra. This Act was enacted to bring the provisions of the earlier Act, namely, the Maharashtra Sales Tax on the Transfer of Property in Goods Involved in the Execution of Works Contracts Act, 1985 (Mah. Act No. XIX of 1985) in conformity with the Supreme Court decision in Writ Petition No. 1060 of 1987, that the Sales Tax Laws passed by the Legislatures of States levying taxes on the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract are subject to the restrictions and conditions mentioned in each Clause or sub-clause of Article 286 of the Constitution of India. The provisions of this Act are very necessary and useful. This Act may therefore, be retained.

**SR.NO.19**                      **THE CITY OF NAGPUR CORPORATION (RE-  
ENACTMENT OF OCTROI RULES WITH  
RETROSPECTIVE EFFECT AND VALIDATING  
PROVISIONS) ACT, 1991**  
**(MAHARASHTRA ACT NO. XIII OF 1991)**

This Act has been enacted to re-enact rules with retrospective effect for specifying maximum amount of tax as provided in sub-section (3) of Section 114 of the City of Nagpur Corporation Act, 1948 (C.P. & Berar Act No. II of 1950), and to make certain validating provisions. The Government of Maharashtra however, considered it necessary to continue the rules made under C.P. & Berar Municipalities Act, 1922 (C.P. & Berar Act No. II of 1922) which were in force on 15<sup>th</sup> December 1960. The said rules prescribed maximum rates of cess or octroi payable in respect of animals and goods brought within the area of Municipal Corporation of City of Nagpur. The said rules which were in force on 15<sup>th</sup> December 1960 were re-enacted by this Act of 1991 and brought into force w.e.f.

SR.NO.20

THE MAHARASHTRA REPEALING AND AMENDING  
ACT, 1991  
(MAHARASHTRA ACT NO. XXII OF 1991)

This Act has been enacted to repeal enactments as also to amend certain other enactments. This Act may therefore, be retained for the purpose of future reference.

SR.NO.21

THE MAHARASHTRA STATE COMMISSION FOR  
WOMEN ACT, 1993  
(MAHARASHTRA ACT NO. XV OF 1993)

This Act was enacted to provide for constitution of a State Level Commission for women in the State of Maharashtra. This Act has been enacted to give effect to the Directive Principles of State Policy and in particular to the provisions of Articles 38, 39, 39A and 42 of the Constitution, so as to improve the status and dignity of women in the State of Maharashtra. It is, therefore, necessary to retain this Act.

SR.NO.22

THE CODE OF CRIMINAL PROCEDURE  
(MAHARASHTRA AMENDMENT) ACT, 1993  
(MAHARASHTRA ACT NO. XXIV OF 1993)

This Act amends the Code of Criminal Procedure, 1973 (Act No. II of 1974), in its application to the State of Maharashtra. Since the Principal Act is a Central Act, the amendments made by the State do not get automatically incorporated in the Central Act. It is, therefore, necessary to retain this Act so that the same can be read alongwith the Principal Act.

SR.NO.23

THE MAHARASHTRA GROUNDWATER (REGULATION  
FOR DRINKING WATER PURPOSES) ACT, 1993  
(MAHARASHTRA ACT NO. XXVIII OF 1993)

This Act was enacted to regulate the exploitation of groundwater for the protection of public drinking water sources and matters connected therewith and incidental thereto. In view of the scarcity of water, it is necessary to retain this Act. This Act may therefore, be retained.

SR.NO.24

THE STATE ELECTION COMMISSIONER  
(QUALIFICATIONS AND APPOINTMENT)  
ACT, 1994  
(MAHARASHTRA ACT NO. XXII OF 1994)

This Act was enacted as required by Article 243K of the Constitution to provide for qualifications for, and appointment of, the State Election Commissioner and for matters connected therewith and incidental thereto. Therefore, this Act will have to be retained.

SR.NO.25

THE MAHARASHTRA FINANCE COMMISSION  
(MISCELLANEOUS PROVISIONS) ACT, 1994  
(MAHARASHTRA ACT NO. XXIII OF 1994)

This Act was enacted to provide for the composition of, the qualifications requisite for appointment as members of, the Maharashtra Finance Commission, the manner in which they shall be selected and their powers and matters connected therewith or incidental thereto. This Act which is enacted in view of the Constitutional requirements contained in Article 243-I for the purposes of

SR.NO.26

THE MAHARASHTRA UNIVERSITIES ACT, 1994  
(MAHARASHTRA ACT NO. XXXV OF 1994)

This Act was enacted to unify, consolidate and amend the law relating to the non-agricultural and non-technological universities in the State of Maharashtra. In view of the Government policy relating to unification and simplification of various Acts dealing with one subject, this Act was enacted to make uniform provisions relating to higher education. It repeals eight University Acts which were enacted for different regions. Therefore, this Act shall have to be retained.

SR.NO.27

THE HINDU SUCCESSION (MAHARASHTRA  
AMENDMENT) ACT, 1994  
(MAHARASHTRA ACT NO. XL OF 1994)

This Act was enacted to amend the Hindu Succession Act, 1956 (Act No. 30 of 1956), in its application to the State of Maharashtra. The Hindu Succession Act, 1956 is a Central Act and the amendments made by the State Act do not automatically get incorporated in it, and therefore, this Act will have to be retained so that it can be read alongwith the Principal Act.

SR.NO.28

THE INDIAN PORTS (MAHARASHTRA AMENDMENT)  
ACT, 1994  
(MAHARASHTRA ACT NO. LV OF 1994)

This Act was enacted to amend the Indian Ports Act, 1908 (Act No. 15 of 1908), in its application to the State of Maharashtra. The Indian Ports Act, 1908 is a Central Act and the amendments made by the State Act do not automatically get incorporated in it, and therefore, this Act will have to be retained so that it can be read alongwith the Principal Act.

SR.NO.29

THE MAHARASHTRA PREVENTION OF DEFACEMENT  
OF PROPERTY ACT, 1995  
(MAHARASHTRA ACT NO. VIII OF 1995)

This Act was enacted to provide for prevention of defacement of property and for matters connected therewith or incidental thereto. This Act which deals with a subject which is very important in view of the recent development of using public places and properties for advertising and canvassing. This Act may therefore, be retained.

SR.NO.30

THE MAHARASHTRA KRISHNA VALLEY  
DEVELOPMENT CORPORATION ACT, 1996  
(MAHARASHTRA ACT NO. XV OF 1996)

This Act was enacted to make special provisions for promotion and operation of irrigation projects, command area development and schemes for generation of hydro-electric energy to harness the water of Krishna River allocated to the State of Maharashtra under the Krishna Water Disputes Tribunal Award and other allied and incidental activities including flood control in the Krishna River Valley by establishing the Maharashtra Krishna Valley Development Corporation. This Act which inter-alia deals with the important subject relating to supply of water for irrigation and therefore, will have to be

SR.NO.31

THE MAHARASHTRA RESTORATION OF NAME  
"MUMBAI," FOR "BOMBAY" ACT, 1996  
(MAHARASHTRA ACT NO. XXV OF 1996)

This Act was enacted to provide for restoration of the original name "Mumbai" for "Bombay" in certain State enactments.

It may, however, be noted, that, besides amending the State enactments, it also provides that the said word "Mumbai" shall also be substituted, if referred to in any rules, regulations, bye-laws, notifications or orders issued under any enactments, and also instruments made prior to the amendment made by this Act. Therefore, this Act will have to be retained for reference to them.

SR.NO.32

THE MAHARASHTRA MARITIME BOARD ACT, 1996  
(MAHARASHTRA ACT NO. XV OF 1997)

This Act was enacted to make provision for constitution of a Maritime Board for minor ports in the State of Maharashtra and to vest administration, control and management of such ports in that Board and to provide for matters connected therewith and incidental thereto. This is a very recent Act, dealing with an important subject relating to development of minor ports. Therefore, this Act shall have to be retained.

SR.NO.33

THE VIDARBHA IRRIGATION DEVELOPMENT  
CORPORATION ACT, 1997  
(MAHARASHTRA ACT NO. XXVI OF 1997)

This Act was enacted to make special provisions for mobilisation of resources for completion of some ongoing irrigation projects in time-bound manner, for promotion and operation of the said irrigation projects in Vidarbha region and command area development and schemes for generation of hydro-electric energy to harness the water of Godavari and Tapi Rivers allocated to the State of Maharashtra under the Water Disputes Tribunal Award and other allied and incidental activities including flood control by establishing the Vidarbha Irrigation Development Corporation. Since this Act deals with important subject relating to development of irrigation, it is necessary to retain this Act.

SR.NO.34

THE MAHARASHTRA TRUCK TERMINAL (REGULATION  
OF LOCATION) ACT, 1995  
(MAHARASHTRA ACT NO. XXXI OF 1997)

This Act was enacted to regulate the movement of goods carriages and transport vehicles in respect of loading and unloading of goods in urban areas, to regulate the location of the offices and godowns of transport companies, booking agents and others engaged in the business of collecting, forwarding or distribution of goods carried by goods carriages or transport vehicles, to establish Truck Terminal Authority to manage and control the truck terminal and to provide for matters connected therewith or supplemental or incidental thereto. Since this Act is very useful, it is necessary to retain this Act.

SR.NO.35

THE KAVI KULAGURU KALIDAS SANSKRIT  
VISHVAVIDYALAYA (UNIVERSITY) ACT, 1997  
(MAHARASHTRA ACT NO. XXXIII OF 1997)

This Act was enacted to establish a Sanskrit University in the State of Maharashtra. This Act has been enacted inter-alia with a view to promote the special value and importance of Sanskrit language, and therefore it shall have to be retained.

SR.NO.36                      THE MAHARASHTRA STATE BOARD OF TECHNICAL  
EDUCATION ACT, 1997  
(MAHARASHTRA ACT NO. XXXVIII OF 1997)

This Act was enacted to provide for establishment of a State Board to regulate matters pertaining to Diploma Level Technical Education in the State of Maharashtra. It is necessary to retain this Act because it deals with important subject relating to Diploma Level Technical Education.

SR.NO.37                      THE MAHARASHTRA STATE COMMISSION FOR SAFAI  
KARMACHARIS ACT, 1997  
(MAHARASHTRA ACT NO. XLIV OF 1997)

This Act was enacted to constitute a State Level Commission for Safai Karmacharis and to provide for matters connected therewith or incidental thereto. It is necessary to retain this Act which provides for upliftment, liberation, rehabilitation and monitoring various welfare schemes for persons engaged in sanitation work. This Act may therefore, be retained.

SR.NO. 38                      THE MAHARASHTRA TRANSFER OF OWNERSHIP OF  
MINOR FOREST PRODUCE IN THE SCHEDULED AREAS  
AND THE MAHARASHTRA MINOR FOREST PRODUCE  
(REGULATION OF TRADE) (AMENDMENT) ACT, 1997  
(MAH. ACT NO. XLV OF 1997)

This Act was enacted to make provisions for transfer of ownership of Minor Forest Produce in the Schedule Areas, and to amend the Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969 (Mah. Act No. LVII of 1969). Chapter II of this Act, that is, Sections 2, 3, 4, 5, 6, 7 of this Act make independent provisions which would apply in case of transfer of ownership of Minor Forest Produce to Panchayats in Scheduled Areas in the State. In other words, the amendments made by the said Sections 2 to 7 would not be incorporated in any of the State Act. Chapter III of this Act, amends Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969 (Mah. Act No. LVII of 1969). Therefore, the amendments made by Sections 8, 9, 10, 11 and 12 of this Act would be incorporated in the Principal Act, that is, Maharashtra Act No. LVII of 1969). Chapter IV of this Act containing Sections 13 and 14 of the Act are again independent provisions and they would not be incorporated in any Principal Act. In view of the above position, it would be necessary to retain this Act.

SR.NO.39                      THE KONKAN IRRIGATION DEVELOPMENT  
CORPORATION ACT, 1997  
(MAHARASHTRA ACT NO. III OF 1998)

This Act was enacted to make special provisions for mobilisation of resources for, completion of some ongoing irrigation projects in time-bound manner, for promotion and operation of the said irrigation projects in Konkan region, and for command area development and schemes for generation of hydro-electric energy and other allied and incidental activities including flood control by establishing the Konkan Irrigation Development Corporation. This is a very useful Act which provides for development of Irrigation in Konkan region and therefore, shall have to be retained.

SR.NO.40

THE MAHARASHTRA TAPI IRRIGATION DEVELOPMENT  
CORPORATION ACT, 1997  
(MAHARASHTRA ACT NO. IV OF 1998)

This Act was enacted to make special provisions for promotion and operation of irrigation projects, command area development and schemes for generation of hydro-electric energy to harness the water of Tapi River pertaining to the State of Maharashtra and other allied and incidental activities including flood control in the Tapi River Valley by establishing the Tapi Irrigation Development Corporation. It is necessary to retain this Act dealing with development of irrigation and generation of power necessary for the State.

SR.NO.41

THE MAHARASHTRA ANIMAL AND FISHERY SCIENCE  
UNIVERSITY ACT, 1998  
(MAHARASHTRA ACT NO. XVII OF 1998)

This Act was enacted to provide for the establishment and incorporation of the Animal and Fishery Sciences University in the State of Maharashtra and for matters connected therewith and incidental thereto. It is necessary to retain this Act which provide for establishment of University to impart education relating to Animal and Fishery Science, in the State.

SR.NO.42

THE MAHARASHTRA GODAWARI MARATHWADA  
IRRIGATION DEVELOPMENT CORPORATION  
ACT, 1998  
(MAHARASHTRA ACT NO. XXIII OF 1998)

This Act was enacted to make special provisions for promotion and operation of irrigation projects, command area development and schemes for generation of hydro-electric energy to harness the water of Godawari River pertaining to the State of Maharashtra and other allied and incidental activities including flood control in the Godawari River Valley by establishing the Godawari Marathwada Irrigation Development Corporation. This Act is very useful Act dealing with not only the irrigation project but also hydro-electric energy, and shall have to be retained.

SR.NO.43

THE MAHARASHTRA DISTRICT PLANNING  
COMMITTEES (CONSTITUTION AND  
FUNCTIONS) ACT, 1998  
(MAHARASHTRA ACT NO. XXIV OF 1998)

This Act was enacted to provide for constituting at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole ; and to provide for matters connected therewith or incidental thereto. This Act has been enacted in view of the mandatory provisions contained in Article 243-ZD of the Constitution. Therefore, it will have to be retained.

MAHARASHTRA LAW COMMISSIONANNEXURE - V

NAME OF THE WATANS AND INAMS ABOLITION ACT FROM VOLUME NO. IX OF THE MAHARASHTRA CODE WHICH IS KEPT FOR SEPARATE CONSIDERATION.

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- 1 THE MAHARASHTRA ABOLITION OF SUBSISTING PROPRIETARY RIGHTS TO MINES AND MINERALS IN CERTAIN LANDS ACT, 1985 (MAHARASHTRA ACT NO. XVI OF 1985)