



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ११६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Bill, 2018 (L. A. Bill No. LXII of 2018), introduced in the Maharashtra Legislative Assembly on the 19th July 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXII OF 2018.

A BILL

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

Mah. V
of
1962.

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

1. This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2018. Short title.

Amendment
of section 158
of Mah. V of
1962.

2. In section 158 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961,— Mah. V
of
1962.

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

“Provided that, where the State Government has, by rule or order issued under clause (a) of section 9 of the Maharashtra Stamp Act decided to reduce or remit the duties leviable under the said Act, such reduction or remission in duties shall also be applicable extra duty leviable under this sub-section, on the instruments of sale, gift and usufructuary mortgage, respectively, of immovable property.”; LX of
1958.

(ii) to sub-section (4), the following proviso shall be added, namely :—

“Provided that, the Pune Zilla Parishad shall, in accordance with the rules made by the State Government in this behalf, out of the amounts received by it, within the jurisdiction of the Pune Metropolitan Region Development Authority, under sub-section (3),—

(i) contribute an amount equal to twenty-five per cent. to the village fund of each Panchayat situated within the jurisdiction of the Pune Metropolitan Region Development Authority, and

(ii) transfer an amount equal to twenty-five per cent. to the Pune Metropolitan Region Development Authority.”.

STATEMENT OF OBJECTS AND REASONS

Section 158(1) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) (hereinafter referred to as the "said Act"), provides that the stamp duty imposed by the Maharashtra Stamp Act (LX of 1958), on instruments of sale, gift and usufructuary mortgage, respectively of immovable property, shall, in the case of instruments affecting immovable property situated within the jurisdiction of *Zilla Parishad* and executed on or after such date as may be specified by the State Government by notification in the *Official Gazette* in that behalf, be increased by one per cent. on the value of the property so situated and in the case of a usufructuary mortgage, on the amount secured by the instrument, as set forth in the instrument.

2. Clause (a) of section 9 of the Maharashtra Stamp Act empowers the State Government to reduce or remit, by rule or order published in the *Official Gazette*, either prospectively or retrospectively, in the whole or any part of the State, the duties with which any instruments or any particular class of instruments or any of the instruments belonging to such class, any instruments when executed by or in favour of any particular class of persons, or by or in favour of any member of such class are chargeable.

3. There is no provision in the Stamp Act or the said Act to the effect that, when the State Government decides to reduce or remit the stamp duties in respect of any instruments, corresponding reduction or remission shall apply in respect of extra duty leviable under sub-section (1) of section 158.

4. Therefore, it is proposed to make an explicit provision with a view to provide that when the State Government reduces or remits the stamp duty under clause (a) of section 9 of the Stamp Act, a corresponding reduction or remission shall apply in respect of the extra duty levied under section 158 (1) of the said Act.

5. Section 158(4) of the said Act provides that every *Zilla Parishad* shall, out of the amount received by it under sub-section (3), contribute to the village fund of each *Panchayat* within its jurisdiction an amount approximately equal to fifty per cent. of amount received by the *Zilla Parishad* in respect of the properties situated within the jurisdiction of such *Panchayat* in accordance with the rules made in this behalf by the State Government.

6. The Pune Metropolitan Region Development Authority has been constituted to carry out the development activities in the Pune Metropolitan Region. To ensure that the said Authority would have a permanent source of revenue, and the development work within the jurisdiction of the said Metropolitan area by the local authorities and the said Authority are carried out expeditiously, it is considered expedient to provide that the Pune *Zilla Parishad* shall, out of the amount received by it, within the jurisdiction of the Pune Metropolitan Region Development Authority, under section 158(3) of the said Act, contribute an amount equal to twenty-five per cent. to the village funds of each of *Panchayats* situated in Pune Metropolitan Region, and an amount equal to twenty-five per cent. to the said Authority.

7. The Bill is intended to achieve the above objectives.

Nagpur,

Dated the 18th July, 2018.

PANKAJA MUNDE,

Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2 (ii).—Under this clause, which seeks to amend sub-section (4) of section 158 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, under the proposed proviso to sub-section (4), power is taken to the State Government to frame the rules, regarding the manner in which the Pune *Zilla Parishad* shall, out of the amount received by it, within the jurisdiction of the Pune Metropolitan Region Development Authority, under sub-section (3) contribute an amount equal to twenty-five per cent. to the village fund of the *Panchayats* situated in the Pune Metropolitan Region and an amount equal to twenty-five per cent. to the Pune Metropolitan Region Development Authority.

2. The above mentioned proposal for delegation of legislative power is of normal character.