

L. C. BILL No. VII OF 2025.

A BILL

*to provide for the constitution of the Maharashtra State Commission for
Scheduled Tribes with a view to protect and safeguard the interests of the
5 Scheduled Tribes in the State of Maharashtra; and to recommend remedial
measures for their welfare and development and for the matters connected
therewith or incidental thereto.*

WHEREAS it is expedient to provide for the constitution of the
Maharashtra State Commission for Scheduled Tribes with a view to protect and
10 safeguard the interests of the Scheduled Tribes in the State of Maharashtra;

and to recommend remedial measures for their welfare and development and for the matters connected therewith or incidental thereto; it is hereby enacted in the Seventy- sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

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Short
title and
commence-
ment.

1. (1) This Act may be called the Maharashtra State Commission for Scheduled Tribes Act, 2025.

(2) It shall come into force on such date as the State Government may, by notification published in the *Official Gazette*, appoint.

Definitions.

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

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(a) “Commission” means the Maharashtra State Commission for Scheduled Tribes constituted under section 3;

(b) “Member” means a Member of the Commission and includes the Chairperson and Member-Secretary;

(c) “prescribed” means prescribed by rules made under the Act;

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(d) “regulations” means the regulations made by the Commission under the Act;

(e) “Scheduled Tribes” shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

(f) “State Government” or “Government” means the Government of Maharashtra.

CHAPTER II

MAHARASHTRA STATE COMMISSION FOR SCHEDULED TRIBES

Constitution
of Maha-
rashtra State
Commission
for Scheduled
Tribes.

3. (1) The State Government shall, by notification published in the *Official Gazette*, constitute a body to be known as the Maharashtra State Commission for Scheduled Tribes to exercise the powers conferred on and to perform the functions assigned to it under the Act.

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(2) The Commission shall consist of the following members nominated by the State Government, namely :-

(a) a Chairperson, who shall be an eminent person belonging to the Scheduled Tribes;

(b) a member, from amongst the Advocates who have experience of minimum seven years practice in High Court or Sessions Court preferably in the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 or a retired District and Session Judge or equivalent thereto;

22 of
1955.
33 of
1989.

(c) a member, from amongst the retired officers of the State Government or Central Government, who has held the post not below the rank of Joint Secretary to the State Government;

(d) a member, from amongst the renowned persons in the field of social work or having an experience of working in voluntary organization or Government organization in social and economic development of Scheduled Tribes;

5 (e) a member, from amongst the retired Indian Police Service officers and who have sufficient experience in handling social justice cases:

Provided that, out of the above members, one of the member shall be a woman :

10 Provided further that, all the members to be nominated from amongst the Scheduled Tribes.

(f) a Member-Secretary, to be deputed by the Government from amongst the officer of the State Government not below the rank of Deputy Secretary. He shall be the Chief Executive Officer of the Commission and shall exercise the powers and discharge functions of the Commission.

15 4. (1) Every Member shall hold the office for a term of three years from the date he assumes the office : Term of office and conditions of service of Chairperson and Members.

Provided that, the Chairperson or a Member shall not be appointed for more than two terms.

20 (2) A Member may, by writing under his hand addressed to the State Government, resign from the office at any time.

(3) The State Government shall remove a person from the office of the Chairperson or Member, if that person,-

(a) becomes an undischarged insolvent;

25 (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by the competent court;

(d) refuses to act or becomes incapable of acting;

30 (e) is, without obtaining leave of absence from the Commission remains absent for three consecutive meetings of the Commission; or

(f) has, in the opinion of the State Government, so abused the position of the Chairperson or Member as to render that person's continuance in office detrimental to the interest of the Scheduled Tribes or the public interest or is otherwise unfit or unsuitable to continue as such Chairperson or Member :

35 Provided that, no office-bearer shall be removed under this clause unless he has been given a reasonable opportunity of being heard.

(4) A vacancy caused under sub-section (2) or (3) or otherwise, shall be filled in, as soon as may be, by a fresh nomination by the State Government; 40 and the person so nominated shall hold office for the remainder of the term of office of the person in whose vacancy such person has been nominated, would have held the office, if the vacancy had not occurred :

45 Provided that, if the vacancy of a Member other than that of the Chairperson, occurs within six months preceding the date on which the term of office of the Member expires, the vacancy shall not be filled in.

(5) The honorarium, if any, and allowances payable to, and the terms and conditions of holding the office of the Chairperson and Members shall be such, as may be prescribed.

Officers
and other
employees of
Commission.

5. (1) The State Government shall provide the Commission with such number of officers and employees as may be necessary for the efficient functioning of the Commission under the Act.

(2) The salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as the State Government may prescribe. 5

Honorarium,
salaries and
allowances to
be paid out of
grants.

6. The honorarium and allowances payable to the Chairperson and Members and the administrative expenses, including salaries and allowances and other terminal benefits payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in section 12. 10

Vacancies,
etc., not to
invalidate
proceedings of
Commission.

7. No act or proceedings of the Commission shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Commission or any defect in the nomination of a person acting as the Chairperson or as a Member, or any irregularity in the procedure of the Commission, including issuing of notice for holding of a meeting, not affecting merits of the case. 15

Procedure
to be
regulated by
Commission.

8. (1) The Commission shall meet as and when necessary, at such time and place as the Chairperson decides:

Provided that, the Commission shall meet at least once in three months.

(2) The Commission shall regulate its own procedure and may, for this purpose, frame regulations consistent with the provisions of this Act and rules made thereunder. 20

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

CHAPTER III

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POWERS AND FUNCTIONS OF COMMISSION

Powers of
Commission.

9. (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely :— 5 of 1908.

(a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath ;

(b) requiring the discovery and production of any document ;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ; 35

(e) issuing commissions for the examination of witnesses and documents ; and

(f) any other matter which may be prescribed.

(2) If required, the Commission shall send a copy of its inquiry report alongwith its recommendations to the Government or concerned authority, as the case may be and the Government or concerned authority shall, forward its compliance on the report, including the action taken or proposed to be taken thereon, within the time limit fixed by the Commission. 40

10. The functions of the Commission shall be as follows, namely:—

Functions of
Commission.

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution of India or any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respects to the deprivation of rights and safeguards of the Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development in the State;

(d) to present to the Government, annually and at such other time as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make recommendations as to the measures that shall be taken by the State Government for the effective implementation of the safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes;

(f) to discharge such other functions in relation to protection, welfare and development and advancement of the Scheduled Tribes, as may be prescribed;

(g) to conduct studies, research into the problems of Scheduled Tribes and report the same to the Government for appropriate action;

(h) to review, from time to time, the existing provisions of the laws affecting Scheduled Tribes, and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such laws;

(i) to undertake review of the implementation of the policies pursued by the Union and State Government with respect to Scheduled Tribes ;

(j) to suggest appropriate welfare measures in respect of Scheduled Tribes to be undertaken by the State Government :

Provided that, if any matter specified in this section is undertaken by the National Commission for Schedule Tribes established under article 338 A of the Constitution of India, the Maharashtra State Commission for Scheduled Tribes shall cease to have jurisdiction on such matter.

11. The Government shall consult the Commission on the major policy matters affecting Scheduled Tribes.

Government
to consult
Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. (1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants from the Consolidated Fund of the State, such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

Grants by
Government.

(2) The Commission may spend such sums as deemed necessary for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

- Accounts and
audit. **13.** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form, as may be prescribed by the State Government in consultation with the Accountant General.
- (2) The accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General. 5
- (3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights, privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Commission. 10 15
- (4) The account of the Commission as certified by the Account General or any other person duly appointed or authorized by him in this behalf alongwith the audit report thereon shall be forwarded annually to the State Government by the Commission.
- Annual
report. **14.** The Commission shall prepare, in each financial year, its annual report giving full account of its activities during the previous financial year, in such form and at such time, as may be prescribed; and forward a copy thereof to the State Government. 20
- Annual
report and
audit report
to be laid
before State
Legislature. **15.** The State Government shall cause the annual report, alongwith a memorandum of action taken on the advice or recommendations tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice recommendations and the audit report to be laid, as soon as may be, after it is received, before each House of the State Legislature. 25

CHAPTER V

MISCELLANEOUS 30

- Chairperson,
Members,
officers and
employees
to be public
servants. **16.** The Chairperson, Members, officers and employees of the Commission shall be deemed to be public servants within the meaning of sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023.
- Protection of
action done in
good faith. **17.** No suit, prosecution or other legal proceedings shall lie against any Member of the Commission or any officer or other employee of the Commission acting under the direction of the Commission, in respect of anything which is done in good faith or purported to have been done in pursuance of this Act or the rules made thereunder. 35
- Power
to make
regulations. **18.** The Commission may, with the previous approval of the State Government, make regulations, by notification published in the *Official Gazette*, not inconsistent with the provisions of this Act and rules made thereunder, for all or any of the matters provided under this Act. 40
- Power to
make rules. **19.** (1) The State Government may, in consultation with Commission, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act. 45

(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
 5 so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that 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
 10 any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, which
 15 appears to it to be necessary or expedient for removing the difficulty : Power to remove difficulties.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of the 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.

STATEMENT OF OBJECTS AND REASONS

The Government of Maharashtra has *vide* Government Resolution, Social Justice, Cultural Affairs and Special Assistance Department, No.RAMAAA-2003/CR.No.175/Mavak-1, dated the 1st March 2005 constituted the Maharashtra State Commission for Scheduled Castes and Scheduled Tribes with a view to implement the Policies for Social Justice.

2. Now, the Government considers it necessary to constitute a separate statutory Commission for the Scheduled Tribes with a view to protect and safeguard the interests of the Scheduled Tribes in the State of Maharashtra and to recommend remedial measures for their welfare and development by enacting a law.

3. The Bill seeks to achieve the above objective.

Mumbai,
Dated the 30th June, 2025.

DR. ASHOK WOUIKE,
Minister of Tribal Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative powers, namely :—

Clause 1(2).— Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 3(1).— Under this clause, power is taken to the State Government to constitute, by notification in the *Official Gazette*, the Maharashtra State Commission for Scheduled Tribes.

Clause 4(5).— Under this clause, power is taken to the State Government to prescribe the honorarium and allowances payable to the Chairperson and the Members of the Commission and the terms and conditions of holding of the office of such Chairperson and Members.

Clause 5(2).— Under this clause, power is taken to the State Government to prescribe the salaries and allowances payable to the officers and other employees of the Commission and terms and conditions of their services.

Clause 10(f).— Under this clause, power is taken to the State Government to prescribe by rules such other functions of the Commission in relation to protection, welfare, development and advancement of the Scheduled Tribes.

Clause 13(1).— Under this clause, power is taken to the State Government to prescribe the form in which the Annual Statement of Accounts shall be prepared by the Commission.

Clause 14.— Under this clause, power is taken to the State Government to prescribe the form in which and the time at which the annual report shall be prepared by the Commission.

Clause 18.— Under this clause, power is taken to the Commission to make regulations, with the approval of the State Government, by notification in the *Official Gazette*, for all or any of the matters provided under the Act.

Clause 19 (1).— Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.

Clause 20.— Under this clause, power is taken to the State Government to make by order published in the *Official Gazette*, to make provisions, not inconsistent with the provisions of the Act, to remove any difficulty arising in giving effect to the provisions of the Act, within a period of two years from the date of commencement of the Act.

2. The above mentioned proposals for delegation of legislative powers are of normal character.

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the constitution of the Maharashtra State Commission for Scheduled Tribes in the State. The Maharashtra State Commission shall consist of a Chairperson and Members and shall also be provided with such officers and employees as may be necessary for the functioning of the Commission. The honorarium and allowances payable to the Chairperson and Members and the salaries and allowances, etc., payable to the employees and other administrative expenditure, will be paid from the grants given to the Commission by the State Government by appropriation duly made in that behalf. The Bill would involve recurring expenditure of rupees four crores twenty lakh per year to be met, from the Consolidated Fund for the State on its enactment as an Act of the State Legislature.

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

(Copy of Government of Maharashtra Order, Law and Judiciary Department)

In exercise of the power conferred upon him by clause (3) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Council, the consideration of the Maharashtra State Commission for Scheduled Tribes Bill, 2025.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. C. BILL No.VII OF 2025.]

[A Bill to provide for the constitution of the Maharashtra State Commission for Scheduled Tribes with a view to protect and safeguard the interests of the Scheduled Tribes in the State of Maharashtra; and to recommend remedial measures for their welfare and development and for the matters connected therewith or incidental thereto.]

**[DR. ASHOK WOOIKE,
Minister for Tribal Development.]**

**JITENDRA BHOLE,
Secretary (1),
Maharashtra Legislative Council.**