

CENMUN 2023



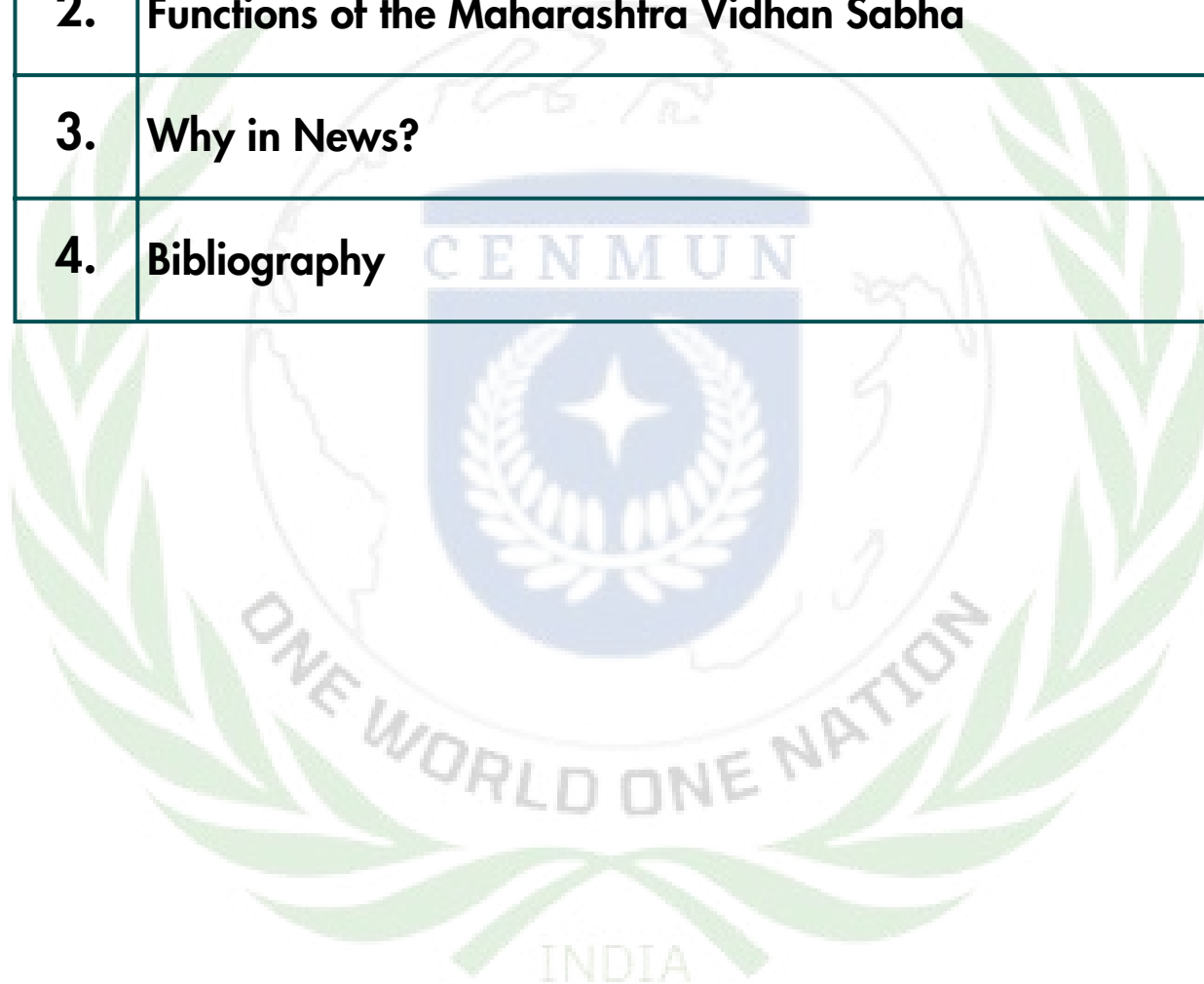
MAHARASHTRA VIDHAN SABHA

AGENDA: MONSOON SESSIONS OF MAHARASHTRA
VIDHAN SABHA 2023

CHAIR:
VICE CHAIR:

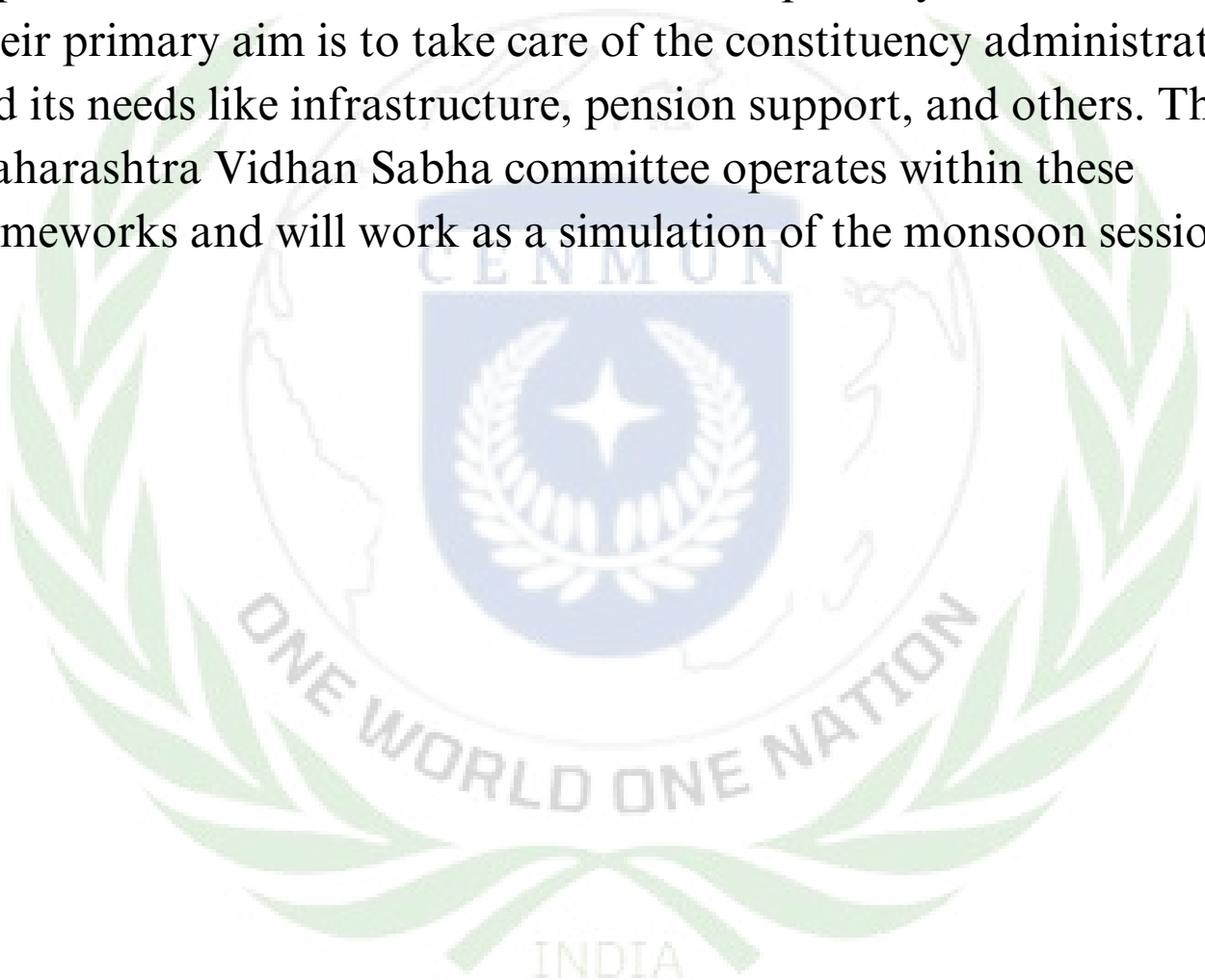
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Introduction to MVS committee

Maharashtra Legislative Assembly or Maharashtra Vidhan Sabha is the lower house of legislature of Indian State of Maharashtra. It is a body of democratically elected members who work together to regulate the functioning of the state by understanding the spirit of existing laws, planning new laws, study, discuss and then support or oppose the enactment of those laws. Their primary aim is to seek. Their primary aim is to take care of the constituency administration, and its needs like infrastructure, pension support, and others. The Maharashtra Vidhan Sabha committee operates within these frameworks and will work as a simulation of the monsoon session.



FUNCTIONS OF MAHARASHTRA VIDHAN SABHA

Making Laws:

The assembly's main focus is on making legislation, which is their most significant task. They generate new legal principles, debate them extensively, and then determine which ones should become actual laws. They do this to assist with the various difficulties and challenges that Maharashtra faces. They begin by carefully developing and introducing these legal concepts. Then they extensively examine them, hold lengthy debates, and possibly tweak the ideas to make them better. They conduct extensive study, interview several people, and ensure that the laws reflect the goals of Maharashtra.

Creating Policies:

They are heavily involved in developing strategies for how things should be done in Maharashtra. These plans, known as policies, encompass a wide range of topics, including the economy, politics, and how things are controlled. They examine the existing plans to see where adjustments are required. They accomplish this by examining various challenges, speaking with a diverse range of people, and then merging all of the ideas to create better plans.

Managing Money:

The body also investigates the way money is used in Maharashtra. They carefully examine how the budget is planned, which is similar to a large blueprint for how money is spent. They keep a tight eye on where the money travels, such as to different sections of the state. It is here where the money bills can be introduced.

Assesses the Functioning:

They ensure that the government is following the rules. They keep a close watch on things to ensure that the laws and plans are implemented. They act as protectors, ensuring that everything is just. They also look into any suspicious activity to ensure that the people of Maharashtra are treated fairly.

WHY IN NEWS?

1. *Defection politics*

During the 2019 Maharashtra Legislative Assembly elections, the Bharatiya Janata Party (BJP) and Shiv Sena (SHS) jointly participated as part of the Mahayuti alliance. Meanwhile, the Indian National Congress (INC) and Nationalist Congress Party (NCP) formed an alliance known as Maha Aghadi. In terms of seat allocation, BJP secured 105 seats, Shiv Sena 56, NCP 54, and INC 44. After the election results were announced, disagreements emerged between Shiv Sena and BJP regarding power-sharing arrangements. Shiv Sena insisted on an equal distribution of power, citing an alleged agreement with BJP (which BJP leaders, including Amit Shah, publicly denied). Shiv Sena's demand included holding the position of Chief Minister for 2.5 years, based on a supposed 50-50 understanding. However, Devendra Fadnavis, the incumbent CM from BJP, denied the existence of such an agreement. As a result, BJP ultimately severed its long-standing alliance with Shiv Sena, leading to Shiv Sena's refusal to support BJP in forming the government. This sequence of events marked the onset of the 2019 Maharashtra political crisis.

Subsequently, Shiv Sena collaborated with INC and NCP from the Maha Aghadi alliance, forming the Maha Vikas Aghadi (MVA) coalition with a combined seat count of 154, surpassing the required 145 for a majority. Under the leadership of Uddhav Thackeray, Shiv Sena's leader, the MVA alliance assumed governance.

Amidst this context, Eknath Shinde advocated for breaking away from the Maha Vikas Aghadi and rekindling the BJP-Shiv Sena coalition. Shinde urged Uddhav Thackeray to dissolve the alliance, but his requests were repeatedly disregarded. Eventually, Shinde garnered the support of two-thirds of his party members in favor of his proposal, leading to the commencement of the 2022 Maharashtra political crisis.

2. The Maharashtra Lokayukta Bill, 2022

Establishment and Composition of the Lokayukta: The bill establishes the 'Lokayukta, Maharashtra State.' The head of the Lokayukta must be a current or former Chief Justice of a High Court, judge of the Supreme Court, or judge of the Bombay High Court. Up to four additional members can be appointed, with at least two being judicial members. Judicial members can include current or former judges of high courts or district courts. Non-judicial members can be individuals with at least 25 years of experience in anti-corruption policy, public administration, or finance.

Appointment of the Lokayukta: The Governor appoints the chairperson and members of the Lokayukta based on recommendations from a Selection Committee. The Chief Minister and Deputy Chief Minister serve as the Chairperson and Vice-Chairperson of the Committee, respectively. Other members include the Chairman of the Maharashtra Legislative Council, the Speaker of the Maharashtra Legislative Assembly, the Leader of Opposition from both Houses, and the Chief Justice of the Bombay High Court. The Chairperson or members can be removed by the Governor following an inquiry by the High Court due to misconduct.

Investigating Corruption Complaints: The Lokayukta has the authority to investigate allegations of corruption involving public servants under the Prevention of Corruption Act of 1988. Complaints can be submitted by individuals affected by grievances or corruption, and not limited to public servants. The definition of public servants includes Chief Ministers, ministers, members of the state legislature, members/councillors of local authorities, All India Services officers (in state government matters), and state government officers/employees. Exceptions exist for cases already pending in court, complaints against Lokayukta members, and allegations made three years after an incident.

Prior Approval for Investigation: Different approval mechanisms are outlined for initiating preliminary inquiries against various categories of public servants. For instance, inquiries against current/former Chief Ministers require approval through a motion passed by a two-thirds majority in the Maharashtra Legislative Assembly.

Inquiry and Investigation Process: Upon receiving a complaint, the Lokayukta seeks prior approval and conducts a preliminary inquiry to determine the existence of a prima facie case against the public servant. If warranted, the Lokayukta can order another preliminary inquiry within 90 days. Following the inquiries, the Lokayukta instructs state agencies to investigate corruption complaints. Investigations should conclude within six months, extendable up to two years. The Lokayukta can either file a charge-sheet or a closure report before a special court, suggest departmental proceedings, or recommend transfer/suspension of a public servant. False complaints may result in penalties.

Grievances against Public Servants: For grievances, the Lokayukta reviews the case's prima facie existence and forwards it to the concerned public servant and competent authority for a response within 90 days. The Lokayukta can recommend departmental inquiries or further investigations based on their responses.

Special Courts: The bill includes provisions for special courts to handle corruption cases. Trials should be completed within one year, with the possibility of a one-year extension after the case is filed.

NOTE: The information provided is based on the Maharashtra Lokayukta Bill of 2022 as of September 2021, and there might have been developments or changes since that time. For the most current information it is recommended to check the official government sources or legislative records.

BIBLIOGRAPHY

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