

महाराष्ट्र शासन राजपत्र, भाग पाच-अ,
गुरुवार-बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६

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मंगळवार, डिसेंबर ११, २०१२/अग्रहायण २०, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 11th December, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :-

L. A. BILL No. XXIX OF 2012.

A BILL

further to amend the Maharashtra Village Panchayats Act.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment) Ordinance, 2012, on the 4th October 2012;

III of
1959.
Mah.
Ord. IX
of 2012.

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

1. (1) This Act may be called the Maharashtra Village Panchayats (Third Amendment) Act, 2012.

Short title and commencement.

(2) It shall be deemed to have come into force on the 4th October 2012.

III of 1959.

2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as “the principal Act”), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment of section 10-1A of III of 1959.

“Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”.

3. In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :—

Amendment of section 30-1A of III of 1959.

“Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

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(ii) an undertaking that he shall submit within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.”.

Repeal of
Mah. Ord.
IX of 2012
and saving.

4. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2012, is hereby repealed.

Mah.
Ord.IX
of
2012.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

Section 10-1A of the Maharashtra Village Panchayats Act (III of 1959) provided that, every person desirous of contesting election to a seat reserved for persons belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of Citizens, shall submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. The elections of approximately 10,134 *Gram Panchayats* in the State have been scheduled in the months from September 2012 to December 2013 and the preliminary work for holding those elections had already commenced. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committees, which were already overburdened, would have to undertake on priority, the work of scrutiny of the applications for the students, which is a continuous process. This would have resulted in difficulties in obtaining the Caste Validity Certificate from the Caste Scrutiny Committees.

3. On receiving the number of representations from the public and prospective candidates that they would be deprived of the opportunity to contest the election for the reserved posts merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the Committees were otherwise overburdened with the verification work, the Government considered it expedient to amend the Maharashtra Village Panchayats Act, with a view to allow the persons desirous of contesting election for reserved seats and who had applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate at the time of filing the nomination, to submit the Caste Validity Certificate within six months from the date on which they were declared elected. Similarly, the Government considered it expedient to amend section 30-1A of the said Act to allow *Sarpanchas* elected against the reserved posts, to submit the Validity Certificate within six months from the date on which, they were declared elected.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act (III of 1959), for the purposes aforesaid, the Maharashtra Village Panchayats (Amendment) Ordinance, 2012 (Mah. Ord. IX of 2012), was promulgated by the Governor of Maharashtra on the 4th October 2012.

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5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 19th November, 2012.

JAYANT PATIL,

Minister for Rural Development.

VIDHAN BHAVAN :

Nagpur

Dated the 11th December, 2012.

DR. ANANT KALSE,

Principal Secretary

Maharashtra Legislative Assembly.