



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ४१(३)]

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असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (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 (Amendment) Bill, 2015, (L. C. Bill No. XII of 2015) introduced in the Maharashtra Legislative Council on the 17th July 2015, is hereby published under the authority of the Governor.

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

R. G. BHAGWAT,
Draftsman-cum-Joint Secretary to Government,
Law and Judiciary Department.

L. C. BILL No. XII OF 2015.

A BILL

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

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 Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2015 on the 11th June 2015 ;

Mah. V
of 1962.

Mah.
Ord. X
of 2015.

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

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2015.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 11th June 2015.

Amendment
of section 12A
of Mah. V of
1962.

2. To section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred as “ the Maharashtra Zilla Parishads and Panchayat Samitis Act ”), the following provisos shall be added, namely :—

Mah. V
of 1962.

“ Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2015, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for 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 of his election, 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 of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”.

Amendment
of section 42
of Mah. V of
1962.

3. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, to sub-section (6A), the following provisos shall be added, namely :—

“ Provided that, for the election to the post of President, for which the last date of filing of nomination falls on or before the 31st December 2015, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for 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 of his election, 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 of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President.”.

4. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, to sub-section (7A), the following provisos shall be added, namely :—

Amendment of section 67 of Mah. V of 1962.

“ Provided that, for the election to the post of Chairman, for which the last date of filing of nomination falls on or before the 31st December 2015, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for 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 of his election, 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 of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Chairman.”.

Mah.
Ord. X
of 2015.

5. (1) The Maharashtra Zilla Parishads and Panchayats Samitis (Amendment) Ordinance, 2015 is hereby repealed.

Repeal of Mah. Ord. X of 2015 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order or certificate issued) under the corresponding provisions of the Maharashtra Zilla Parishads and Panchayats Samitis Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act.

STATEMENT OF OBJECTS AND REASONS.

Section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), provides 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 Caste Validity Certificate issued by the Caste 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) and the rules made thereunder.

2. The elections to Bhandara and Gondia Zilla Parishads and by-elections to certain Zilla Parishads and Panchayat Samitis in the State were scheduled in the month of June, 2015. Preliminary work for holding the said elections had already commenced. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committees, which were already overburdened, will have to undertake on priority, the work of scrutiny of the applications for the students, which is a continuous process. That would result in difficulties in obtaining the Caste Validity Certificate from the 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 in the ensuing general elections or by-elections to various Zilla Parishads and Panchayat Samitis in the State, merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the said Committees were otherwise overburdened with the verification work, the Government considered it expedient to amend the section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), with a view to allow the persons desirous of contesting election for reserved seats and who was likely to apply 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 sections 42 and 67 of the said Act to allow the President and the Chairman, respectively, 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 Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2015 (Mah. Ord. X of 2015), was promulgated by the Governor of Maharashtra on the 11th June 2015.

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

Mumbai,

Dated the 7th July 2015.

PANKAJA MUNDE,

Minister for Rural Development.