



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक ३१]

गुरुवार, जून ११, २०१५/ज्येष्ठ २१, शके १९३७

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असाधारण क्रमांक ५८

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) Ordinance, 2015 (Mah. Ord. X of 2015) is hereby published under the authority of the Governor.

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

M. A. SAYEED,  
Principal Secretary and R.L.A. to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2015 (Mah. Ord. X 2015), published under the authority of the Governor].

### RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort  
Mumbai 400 001, dated the 11th June 2015.

### MAHARASHTRA ORDINANCE No. X OF 2015.

#### AN ORDINANCE

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

WHEREAS, both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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 ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

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

(2) It shall come into force at once.

Short title  
and  
commence-  
ment.

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 bye-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 General or bye-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 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 General or bye-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 Chairman.”.

## STATEMENT

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 (*VimuktaJatis*), 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 are scheduled in the month of June 2015. Preliminary work for holding the said elections has already commenced. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committees, which are already overburdened, will have to undertake on priority, the work of scrutiny of the applications for the students, which is a continuous process. This will 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 bye-elections to various Zilla Parishads and Panchayat Samities 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 are otherwise overburdened with the verification work, the Government considers 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 is 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 are declared elected. Similarly, the Government considers 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 10th June 2015.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

S. S. SANDHU,  
Principal Secretary to Government.