



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक २१(३)]

सोमवार, मार्च ६, २०१७/फाल्गुन १५, शके १९३८

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ४०

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 Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill 2017, (L.A. Bill No. III of 2017), introduced in the Maharashtra Legislative Assembly on the 6th March 2017, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

**L. A. Bill No. III OF 2017.**

*A BILL*

*further to amend the Maharashtra Village Panchayats Act and 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 Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017 on the 31st January 2017 ;

(१)

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

Short title and commencement.

**1.** (1) This Act may be called the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 31st January 2017.

Amendment of section 14 of III of 1959.

**2.** In section 14 of the Maharashtra Village Panchayats Act, in sub-section (1), in clause (j-5), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted.

III of 1959.

Amendment of section 16 of Mah. V of 1962.

**3.** In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in sub-section (1), in clause (p), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted.

Mah. V of 1962.

Repeal of Mah. Ord. V of 2017 and saving.

**4.** (1) The Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017, is hereby repealed.

Mah. Ord. V of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 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 relevant Acts as amended by this Act.

III of 1959. Mah. V of 1962.

STATEMENT OF OBJECTS AND REASONS.

Clause (j-5) of sub-section (1) of section 14 of the Maharashtra Village Panchayats Act (III of 1959) provides that no person shall be a member of a panchayat and continue as such, who fails to submit a certificate of the concerned *panchayat*, alongwith the resolution of the *Gram Sabha* certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet.

An identical provision regarding a person, to be disqualified for being chosen as, and for being, a Councillor in clause (p) of sub-section (1) of section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) has been provided.

2. Section 7 of the Maharashtra Village Panchayats Act provides that there shall be held at-least four meetings of the *Gram Sabha* in every financial year. Such *Gram Sabhas* in most of the Village Panchayats had already been over in the that financial year. As such, the candidates desirous of contesting the elections to the Village Panchayats and the Zilla Parishads and Panchayat Samitis were facing difficulties in obtaining such certificate of the concerned *panchayats*. It was, therefore, considered expedient to amend clause (j-5) of sub-section (1) of section 14 of the Maharashtra Village Panchayats Act and clause (p) of sub-section (1) of section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 with a view to also provide that such certificate may be given by the Chief Executive Officer of the Zilla Parishad or his designated officer or a self-certificate by such person. Regard being had to the ongoing elections to various *panchayats* and Zilla Parishads and Panchayat Samitis in the State it was considered expedient to amend the said Acts immediately.

3. 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) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), and for the purposes aforesaid, the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017 (Mah. Ord. V of 2017), was promulgated by the Governor of Maharashtra on the 31st January 2017.

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

Mumbai,  
dated the 28th February 2017.

PANKAJA MUNDE,  
Minister for Rural Development.