



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक २०]

गुरुवार, मार्च २२, २०१८/चैत्र १, शके १९४०

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असाधारण क्रमांक ४३

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, 2018 (L. A. Bill No. XVI of 2018), introduced in the Maharashtra Legislative Assembly on the 22nd March 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XVI OF 2018.

A BILL

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

Mah. V
of 1962.

WHEREAS, it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018. Short title.

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

2. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), for the existing provisos, the following provisos shall be substituted, 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 30th June 2019, 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 such 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 Councillor.”.

Amendment
of section
42 of Mah. V
of 1962.

3. In section 42 of the principal Act, in sub-section (6A), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 30th June 2019, 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

(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 such 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 President.”.

4. In section 67 of the principal Act, in sub-section (7A), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment
of section
67 of Mah. V
of 1962.

“Provided that, for the elections for the post of Chairman for which the last date of filing of nomination falls on or before the 30th June 2019, 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

(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 such 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 Chairman.”.

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 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. It was brought to the notice of the State Government that there are large number of candidates, who intend to contest the election of Zilla Parishads and Panchayat Samitis ; however, it is difficult for them to obtain the Caste Validity Certificate within short period. As a result, many prospective candidates are likely to be deprived of an opportunity from contesting the election to reserved seat. With a view to allow the persons desirous of contesting election for reserved seats and who have applied to the Scrutiny Committee, it is consider it expendient to amend sections 12A, 42 and 67 of the said Act, so as to provide that, such person who has applied for verification of his Caste Certificate may be permitted to submit along with his nomination papers 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 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. It is also consider it expendient to provide that, if such 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 Councillor, President or Chairman, as the case may be.

3. It is, therefore, consider it expedient to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), suitably.

4. The Bill seeks to achieve the above objectives.

Mumbai,

PANKAJA MUNDE,

Dated the 20th March, 2018.

Minister for Rural Development.