



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १२(३)]

मंगळवार, फेब्रुवारी २७, २०१८/फाल्गुन ८, शके १९३९

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असाधारण क्रमांक २९

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 Maharashtra Village Panchayats (Amendment) Bill, 2018 (L.A. Bill No. III of 2018), introduced in the Maharashtra Legislative Assembly on the 27th February 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. III OF 2018.

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

III of 1959. action further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Mah. Maharashtra Village Panchayats (Amendment) Ordinance, 2018 on the Ord. V 9th February 2018; of 2018.

(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-ninth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 9th February 2018.

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

2. In section 10-1A of the Maharashtra Village Panchayats Act III of 1959. (hereinafter referred to as “the principal Act”), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the General or by- 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 member.”.

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

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

“Provided that, for the elections for the post of *Sarpanch* 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 *Sarpanch*.”

Mah.
Ord. V
of 2018.

4. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2018, is hereby repealed.

Repeal of
Mah. Ord. V
of 2018 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal 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 principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 10-1A of the Maharashtra Village Panchayats Act (III of 1959) 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 papers, 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). Section 30-1A of the said Act makes a similar provision for election to the office of the *Sarpanch*.

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 *panchayat*; 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 was considered expedient to amend sections 10-1A and 30-1A 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 was also considered expedient 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 member or the *Sarpanch*, as the case may be.

3. As both the 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, 2018 (Mah. Ord. V of 2018), was promulgated by the Governor of Maharashtra on the 9th February 2018.

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

Mumbai,

Dated the 23rd February 2018.

PANKAJA MUNDE,

Minister for Rural Development.