



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ७७]

मंगळवार, नोव्हेंबर २०, २०१८/कार्तिक २९, शके १९४०

[पृष्ठे ७, किंमत : रुपये २७.००

असाधारण क्रमांक १४८

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 the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill, 2018 (L.A. Bill No. LXVI of 2018), introduced in the Maharashtra Legislative Assembly on the 20th November 2018, is hereby published under the authority of the Governor.

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

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

**L. A. BILL No. LXVI OF 2018.**

*A BILL*

*further to amend the Maharashtra Village Panchayats 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 the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018 on the 11th October 2018 ;

III of 1959.  
Mah. V  
of 1962.  
Mah.  
Ord. XXI  
of 2018.

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 :—

(१)

## CHAPTER I

## PRELIMINARY

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018.  
(2) It shall be deemed to have come into force on the 11th October 2018.

## CHAPTER II

AMENDMENTS TO THE MAHARASHTRA VILLAGE  
PANCHAYATS ACT.

- Amendment of section 10-1A of III of 1959. 2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter in this Chapter referred to as " the Maharashtra Village Panchayats Act "),—  
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(c) after the second proviso, the following proviso shall be added, namely :—  
" Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months ". "
- Amendment of section 30-1A of III of 1959. 3. In section 30-1A of the Maharashtra Village Panchayats Act,—  
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(c) after the second proviso, the following proviso shall be added, namely :—  
" Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months ". "

## CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS  
AND PANCHAYAT SAMITIS ACT, 1961.

- Amendment of section 12A of Mah.V of 1962. 4. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter in this Chapter referred to as " the Maharashtra Zilla Parishads and Panchayat Samitis Act "),—  
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah. of 2018.

5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A),— Amendment of section 42 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “ six months ” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “ six months ” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

Mah. of 2018.

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A),— Amendment of section 67 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

Mah. Act of 2018.

#### CHAPTER IV

##### MISCELLANEOUS

7. (1) Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, for filling up the resultant vacancy in view of the provisions of section 10-1A or section 30-1A of the Maharashtra Village Panchayats Act ; section 12A or sub-section (6A) of section 42 or sub-section (7A) of section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as it stood prior to such date of commencement. Saving as to certain elections.

Saving as to  
certain  
disqualifications.

**8.** Any person, who has obtained the Caste Certificate and Validity Certificate, but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Panchayat law, if he submits such certificate within a period of fifteen days from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to  
remove  
difficulty.

**9.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

III of  
1959.  
Mah. V  
of 1962.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature :

Provided that, no such order shall be made after expiry of the period of two years from the commencement of this Act.

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

**10.** (1) The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, is hereby repealed.

Mah.  
Ord. XXI  
of 2018.

(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 said Acts, as amended by this Act.

III of  
1959.  
Mah. V  
of 1962.

## STATEMENT OF OBJECTS AND REASONS

Section 10-1A and section 30-1A of the Maharashtra Village Panchayats Act (III of 1959); section 12 A, sub-section (6A) of section 42 and sub-section (7A) of section 67 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 person 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) and the rules made thereunder.

2. The said sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act have been amended by the Maharashtra Act No. X of 2016 with effect from the 31st March 2016, and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 have been amended by the Maharashtra Act No. XXI of 2016 with effect from the 7th May 2016 which permits the candidate to submit, alongwith the nomination papers for election to a reserved seat, 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 of his election, the Validity Certificate issued by the Scrutiny Committee.

3. The Scrutiny Committees are overburdened with the task of issuing the Validity Certificates and this results in difficulties for the elected candidates to obtain the Validity Certificate. In view of the provisions of the relevant Panchayat law, in case the elected candidate fails to produce the Validity Certificate, within a period of six months from the date of his election, his election shall stand to be terminated retrospectively and shall stand disqualified for holding the post.

4. To ensure that the elected candidates, who have already obtained the Caste Certificate and the Validity Certificate, would not be disqualified merely because of failure to produce the Validity Certificate issued by the Scrutiny Committee in time as per the undertaking filed by him, it was expedient to provide for further extension of six months to the elected candidates for submitting such certificate. In view of this, it was expedient to suitably amend the sections 10-1A and 30- 1A of the Maharashtra Village Panchayats Act and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, retrospectively, *i.e.* the date of commencement of the Maharashtra Act Nos. X of 2016 and XXI of 2016, respectively.

In view of such amendments, with retrospective effect, it was expedient to incorporate the suitable saving provisions and also the provision for removal of difficulty.

For achieving the above purposes, the relevant Panchayat laws were amended, suitably.

5. 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) for the purposes aforesaid, the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018 (Mah. Ord. XXI of 2018), was promulgated by the Governor of Maharashtra on the 11th October 2018.

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

Mumbai,  
dated the 18th November 2018.

PANKAJA MUNDE,  
Minister for Rural Development.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for the delegation of legislative power, namely :—

*Clause 9.*—Under this clause, power is taken to the State Government to issue an order published in the *Official Gazette* for removing any difficulty, which may arise in giving effect to the provisions of the Maharashtra Village Panchayats Act (III of 1959) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) as amended by this Act, within a period of two years from the date of commencement of the Amendment Act.

2. The above-mentioned proposal for delegation of the legislative power is of a normal character.