



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक ५(२)]

मंगळवार, फेब्रुवारी २६, २०१९/फाल्गुन ७, शके १९४०

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असाधारण क्रमांक ९

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) (Amendment) Bill, 2019 (L.A. Bill No. V of 2019), introduced in the Maharashtra Legislative Assembly on the 26th February 2019, 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. V OF 2019.**

*A BILL*

*to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018.*

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 to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019, on the 14th February 2019 ;

Mah.  
LXVI of  
2018.  
Mah.  
Ord. II  
of 2019.

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

Short title and commencement. **1. (1)** This Act may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on the 14th February 2019.

Amendment of section 2 of Mah. LXVI of 2018. **2.** In section 2 of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (hereinafter referred to as “ the amendment Act”),—

Mah. LXVI of 2018.

(i) in clause (a) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted;

(ii) in clause (b) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted.

Amendment of section 3 of Mah. LXVI of 2018. **3.** In section 3 of the amendment Act,—

(i) in clause (a) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted;

(ii) in clause (b) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted.

Amendment of section 8 of Mah. LXVI of 2018. **4.** Section 8 of the amendment Act, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in sub-section (1), any person who has obtained Caste Certificate or Validity Certificate after the 26th March 2015, but has not filed such certificate within the stipulated period as per provisions of the Maharashtra Village Panchayats Act, shall not be deemed to be disqualified under the provisions of the Maharashtra Village Panchayats Act, if he has already submitted the Validity Certificate to the Competent Authority after expiry of the such stipulated period but before the 14th February 2019, being the date of publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019 in the *Official Gazette* or if he submits such certificate within a period of three months from the date of such publication of said Ordinance, in the *Official Gazette* :

III of 1959.

III of 1959.

Mah. Ord. II of 2019.

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the 14th February 2019, being the date of publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019, in the *Official Gazette* has held elections to fill the vacancy of such person or declared the programme for holding of such election.”.

Mah. Ord. II of 2019.

Mah. LXVI of 2018. III of 1959. III of 1959. Mah. of 2019.

**5.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 making the amendments to the Maharashtra Village Panchayats Act, as amended by this Act, the State Government may, as the occasion arises, by an order publish in the *Official Gazette*, give such directions not inconsistent with the provisions of the Maharashtra Village Panchayats Act, as amended by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Act, 2019, as may appear to it to be necessary or expedient for the purpose of the removing of the difficulty:

Power to remove difficulty.

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

(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.

Mah. Ord. II of 2019.

**6.** (1) The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019 is hereby repealed.

Repeal of Mah. Ord. II of 2019 and saving.

.III of 1959.

(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, 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 said Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

In respect of the elections for the Village Panchayats, held after 31st March 2016, it was noticed that the persons contesting on a reserved seat could not submit the Caste Certificate and Validity Certificate within the stipulated period of six months from the date of their election and as such incurred disqualification under the provisions of the Maharashtra Village Panchayats Act. To allow such persons to submit their Caste Certificate and Validity Certificate within a period of twelve months from the date of their election, sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act have been amended retrospectively with effect from 31st March 2016, by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018).

2. It was noticed that, elections to about 19,000 Village Panchayats were held in between 26th March 2015 to 31st March 2016. It was also noticed that a large number of candidates, who were elected during the said period on a reserved seat, though having obtained Caste Validity Certificate, could not submit it within a period of six months from a date of their election, as required to be submitted as per the provisions of the then existing law.

3. To extend the benefits, provided by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 to the persons, who are elected on reserved seat on or after 31st March 2016 to submit their Caste Certificate and Validity Certificate within twelve months from the date of election, to the persons who are similarly elected in between 26th March 2015 to 31st March 2016, it was considered expedient to amend sections 2 and 3 of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018. It was also proposed to consequently amend section 8 of the said Act suitably, for the purpose.

4. 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 to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018) for the purposes aforesaid, the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019 (Mah. Ord. II of 2019), was promulgated by the Governor of Maharashtra on the 14th February 2019.

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

Mumbai,  
dated the 25th February, 2019.

PANKAJA MUNDE,  
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 5.*—Under this clause, power is taken to the State Government to issued 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 and the Maharashtra Zilla Parishads and Panchayats Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018) effecting the amendments to the Maharashtra Village Panchayats Act (III of 1959), as amended by this Act.

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