



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक ३०]

बुधवार, जुलै ३१, २०१९/श्रावण ९, शके १९४१

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असाधारण क्रमांक ७५

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) Ordinance, 2019 (Mah. Ord. XV of 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.

(Translation in English of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019 (Mah. Ord. XV of 2019), published under the authority of the Governor).

### RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort  
Mumbai 400 001, dated the 31st July 2019

### MAHARASHTRA ORDINANCE No. XV OF 2019.

#### AN ORDINANCE

*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 are not in session ;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend

III of the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and  
1959. Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ;  
Mah. V  
of 1962.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

## CHAPTER I

### PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019.

(2) Sections 1, 3 and 4 shall come into force on the date of publication of this Ordinance in the *Official Gazette*.

(3) Section 2 shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

## CHAPTER II

### AMENDMENT TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

Amendment of section 10 of III of 1959.

2. In section 10 of the Maharashtra Village Panchayats Act, in sub-section (2), in clause (c) after second proviso, the following proviso shall be inserted, namely :—

“Provided further that, after providing reservation as per the provisions of this clause, if the reservation exceeds 50 per cent. then, the seats to be reserved for the persons belonging to the Backward Class of Citizens in a *panchayat* shall bear, as nearly as may be, in the same proportion to the total number of seats to be filled in by direct election in that *panchayat* as the population of the Backward Class of Citizen in that *panchayat* area bears to the total population of that area:”.

## CHAPTER III

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

Amendment of section 12 of Mah. V of 1962.

3. In section 12 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"), in sub-section (2), in clause (c) after second proviso, the following proviso shall be inserted, namely:-

“Provided further that, after providing reservation as per the provisions of this clause, if the reservation exceeds 50 per cent. then, the seats to be reserved for the persons belonging to the Backward Class of Citizens in a *Zilla Parishad* shall bear, as nearly as may be, in the same proportion to the total number of seats to be filled in by direct election in that *Zilla Parishad* as the population of the Backward Class of Citizen in that *Zilla Parishad* area bears to the total population of that area :”.

Amendment of section 58 of Mah. V of 1962.

4. In section 58 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (1B), in clause (c) after second proviso, the following proviso shall be inserted, namely :—

“Provided further that, after providing reservation as per the provisions of this clause, if the reservation exceeds 50 per cent. then, the seats to be reserved for the persons belonging to the Backward Class of Citizens in a *Panchayat Samiti* shall bear, as nearly as may be, in the same proportion to the total number of seats to be filled in by direct election in that *Panchayat Samiti* as the population of the Backward Class of Citizen in that *Panchayat Samiti* area bears to the total population of that area:”.

STATEMENT

Clause (b) of sub-section (2) of section 10 of the Maharashtra Village Panchayats Act (III of 1959), clause (b) of sub-section (2) of section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and clause (b) of sub-section (1B) of section 58 of the said Act of 1962 provides for reservation of seats, respectively, in the panchayats, Zilla Parishads and Panchayat Samitis, for the Scheduled Castes and Scheduled Tribes, in the same proportion of the persons belonging to the said Categories to the total number of seats to be filled in by direct election in such local authorities.

2. However, the said Acts provide for reservation of 27% of such seats to the Backward class of citizens irrespective of the number of population of the persons belonging to such category.

3. In this scenario, the quantum of reservation provided to the Backward class of citizens at the panchayats, Zilla Parishads and Panchayat Samitis is under judicial scrutiny in the Hon'ble High Court in several Writ Petitions. The Hon'ble High Court has recommended the Government to reconsider the provisions relating to reservation for such categories.

4. After considering the extent of reservation provided to the persons belonging Scheduled Caste and Scheduled Tribes in various Village Panchayat, Zilla Parishads and Panchayat Samitis, in the State, it is considered expedient to provide that, if the reservation provided to the persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Class of Citizens exceeds 50 per cent. then, the seats to be reserved for the persons belonging to the Backward Class of Citizens in the Village *Panchayat*, Panchayat *Samiti* or, the *Zilla Parishad*, shall bear, as nearly as may be, in the same proportion of the population to the total number of seats to be filled in by direct election in the concerned local authority of that area.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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 aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 31st July 2019.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

ASEEM GUPTA,  
Principal Secretary to Government.