



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ३६(२)]

सोमवार, जुलै १७, २०२३/आषाढ २६, शके १९४५

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ५५

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, 2023 (L. A. Bill No. XIX of 2023), introduced in the Maharashtra Legislative Assembly on the 17th July 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XIX OF 2023.

A BILL

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 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, 2023, on the 28th April 2023 ;

III of
1959.
Mah. V
of 1962.
Mah.
Ord. I of
2023.

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

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, 2023.

(2) It shall be deemed to have come into force on the 28th April 2023.

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”), for the existing provisos, the following provisos shall be substituted, namely :—

III of 1959.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2023, 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 twelve 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 twelve 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 Maharashtra Village Panchayats 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 31st December 2023, 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 twelve 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 twelve 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*.”.

CHAPTER III

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

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”), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment
of section 12A
of 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 31st December 2023, 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 twelve 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 twelve 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.”.

5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment
of section 42
of Mah. V of
1962.

“Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2023, 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 twelve 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 twelve 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.”.

Amendment
of section 67
of Mah. V of
1962.

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the elections for the post of Chairman for which the last date of filing of nomination falls on or before the 31st December 2023, 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 twelve 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 twelve 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.”.

Repeal of
Mah. Ord. I of
2023 and
saving.

7. (1) The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2023 is hereby repealed.

Mah.
Ord. I of
2023.

(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 the relevant Acts, as amended by this Act.

III of
1959.
Mah. V
of 1962.

STATEMENT OF OBJECTS AND REASONS

Sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act (III of 1959) and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) provides that, every person desirous of contesting elections 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, Denotified 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) (hereinafter referred to as "the Caste Certificate Act").

2. The Caste Scrutiny Committees are overburdened with the work of verification of Caste Certificate. General elections to some of the Village Panchayats, Zilla Parishads and Panchayat Samitis as well as bye elections are likely to be held in near future. The candidates willing to contest abovereserved elections had been facing difficulties in obtaining the Caste Validity Certificates from Caste Scrutiny Committees as per the provisions of the Caste Certificate Act and the rules framed thereunder within a short period before filing of nomination papers for such elections.

3. It was, therefore, considered expedient to ensure that the candidates of such elections should not be deprived of an opportunity to contest such elections for reserved seats merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time. It was, therefore, considered expedient to amend 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, with view to allow the persons desirous of contesting such elections for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate to submit the Validity Certificate within twelve months from the date on which they are declared elected.

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 further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2023 (Mah. Ord. I of 2023), was promulgated by the Governor of Maharashtra on the 28th April 2023.

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

Mumbai,
Dated the 26th June 2023.

GIRISH MAHAJAN,
Minister for Rural Development.