



The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023

Act No. 35 of 2023

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ४८(२)]

सोमवार, ऑगस्ट १४, २०२३/श्रावण २३, शके १९४५

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असाधारण क्रमांक ८६

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 Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023 (Mah. Act No. XXXV of 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.

MAHARASHTRA ACT No. XXXV OF 2023.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th August 2023.)

An Act to provide for extension of a period for submitting validity certificate by persons elected on reserved seats of member, Sarpanch, Councillor, President and member and Chairman in certain general or bye-elections to Village Panchayats, Zilla Parishads and Panchayat Samitis and for matters connected therewith or incidental thereto.

WHEREAS it was expedient to provide for extension of a period for submitting Validity Certificate by persons elected on reserved seats of member, Sarpanch, Councillor, President and member and Chairman in certain general or bye-elections to Village Panchayats, Zilla Parishads and Panchayat Samitis and for matters connected therewith or incidental thereto ;

AND WHEREAS both Houses of the State Legislature were not in session ;

(१)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes hereinafter appearing and, therefore, promulgated the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Ordinance, 2023 on the 10th July 2023 ;

Mah.
Ord. VI
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 :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Act, 2023.

(2) It shall be deemed to have come into force on the 10th July 2023.

Definitions.

2. The words and expressions used in this Act shall have the same meanings as respectively assigned to them in the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

III of
1959.
Mah. V
of 1962.

Extension of period for submitting Validity Certificate.

3. (1) Notwithstanding anything contained in 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, for contesting General or bye-elections to the Village Panchayats, *Zilla Parishads* and *Panchayat Samitis* which were held on or after 1st January 2021 and till the date of commencement of this Act,—

III of
1959.
Mah. V
of 1962.

(a) a person, who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers and who is elected on the reserved seat of a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*, but whose application is pending before the Scrutiny Committee on the date of commencement of this Act, shall submit his Validity Certificate within a period of twelve months from the date of commencement of this Act ; and

(b) a person, whose election has been terminated or deemed to have been terminated or a person who is disqualified for being a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti* for not submitting the Validity Certificate within the period specified in sections mentioned above, shall be deemed to be and shall continue to be a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*, as the case may be, and shall not be disqualified till the period of twelve months from the date of commencement of this Act for not submitting the Validity Certificate :

Provided that, if such person fails to produce the Validity Certificate within a period of twelve months from the date of commencement of this Act, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*.

(2) The provisions of sub-section (1) shall not be applicable,—

(a) where bye-elections have been held on the seats specified in sub-section (1) before the date of commencement of this Act ; or

(b) where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee.

4. All legal proceedings pending immediately before the date of commencement of this Act, before any court or authority relating to disqualification of a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*, for not submitting the Validity Certificate by them in cases where extension of period for submission of Validity Certificate is granted under this Act, shall abate. Abatement of legal proceedings.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for removing the difficulty : Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of one year from the date of commencement of this Act.

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

Mah.
Ord.
VI of
2023.

6. (1) The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Ordinance, 2023 is hereby repealed. Repeal of Mah. Ord. VI of 2023 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.