



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक २१ |

बुधवार, जून ९, २०१०/ज्येष्ठ १९, शके १९३२

[पृष्ठे ४, किंमत : रुपये १९.००

असाधारण क्रमांक ४३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Bombay Village Panchayats (Amendment) Ordinance, 2010 (Mah. Ord. V of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Bombay Village Panchayats (Amendment) Ordinance, 2010 (Mah. Ord. V of 2010), published under the authority of the Governor.]

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 9th June 2010.

MAHARASHTRA ORDINANCE No. V OF 2010.

AN ORDINANCE

further to amend the Bombay Village Panchayats Act, 1958.

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 the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing ;

Bom.
III of
1959.

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:—

1. (1) This Ordinance may be called the Bombay Village Panchayats (Amendment) Ordinance, 2010.

Short title and
commencement.

(१)

(2) It shall come into force at once.

Amendment
of section
10-1A of
Bom. III of
1959.

2. To section 10-1A of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely :—

Bom.
III of
1959.

" Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2010, 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 paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, along with the nomination paper,—

(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 four months from the date of his election, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date of his election, 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
Bom. III of
1959.

3. To section 30-1A of the principal Act, the following provisos shall be added, namely :—

" Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2010, 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 paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, along with the nomination paper,—

(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 four months from the date of his election, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Sarpanch."

STATEMENT

Section 10-1A of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) provides that, every person desirous of contesting election to a seat reserved for persons belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of Citizens, shall submit, along with 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).

2. The elections of approximately 12,500 *Gram Panchayats* in the State are scheduled in the months from June 2010 to December 2010 and the preliminary work for the holding those elections has already commenced. Taking into consideration the admission process to Standard XI, XII and various professional courses, the Caste Scrutiny Committees which are already over burdened, will have to undertake on priority, the work of scrutiny of the applications for the students till October 2010. This has resulted in difficulties in obtaining the Caste Validity Certificates from the Caste Scrutiny Committees.

3. On receiving the number of representations from the public and prospective candidates that they will be deprived of the opportunity to contest the election for the reserved posts merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the Committees are otherwise overburdened with the verification work, the Government considers it expedient to amend the Bombay Village Panchayats Act, 1958, with view to allow the persons desirous of contesting election for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate at the time of filing the nomination, to submit the Caste Validity Certificate within four months from the date of their elections. Similarly, the Government considers it expedient to amend section 30-1A of the said Act to likewise allow *Sarpanchas* elected against the reserved post, to submit the Validity Certificate within four months from the date of their election.

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महाराष्ट्र शासन राजपत्र असाधारण भाग अाठ, जून ९, २०१०/ज्येष्ठ १९, शके १९३२

4. 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 Bombay Village Panchayats Act, 1958, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 8th June 2010.

K. SANKARANARAYANAN,

Governor of Maharashtra.

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

SUDHIR THAKARE,

Secretary to Government.