



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष २, अंक १०]

मंगळवार, एप्रिल १२, २०१६/चैत्र २३ शके १९३८

[पृष्ठे ४, किंमत : रुपये ३६.००

असाधारण क्रमांक १८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 11th April 2016 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXI OF 2016.

A Bill

further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Mah. V
of 1962.

WHEREAS, it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2016. Short title.

(१)

Amendment
of section
12 A of Mah.
V of 1962.

2. To section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), the following provisos shall be added, namely:-

Mah. V
of 1962.

“Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2017, 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, along with 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 six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six 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.”.

Amendment
of section
42 of Mah. V
of 1962.

3. In section 42 of the principal Act, to sub-section (6A), the following provisos shall be added, namely :—

“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 2017, 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, along with 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 six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six 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.

4. In section 67 of the principal Act, to sub-section (7A), the following provisos shall be added, 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 2017,

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, along with 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 six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six 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.”.

STATEMENT OF OBJECTS AND REASONS.

Section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) 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 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, 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. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committee which are already overburdened, will have to undertake on priority, the work of scrutiny of the applications for the students which is continuous process. This has resulted in difficulties to candidates contesting the Zilla Parishads and Panchayat Samitis elections in obtaining the Caste Validity Certificate from the Caste Scrutiny Committee.

3. In order not to deprive the prospective candidates of the opportunity to contest the election for Zilla Parishad and Panchayat Samiti 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 consider it expedient to amend section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 with a 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 within six months from the date on which they are declared elected. Similarly, the Government considers it expedient to amend sections 42(6A) and 67(7A), of the said Act to allow the President and Chairman of Zilla Parishad and Panchayat Samiti elected against the reserved post, to submit the Validity Certificate within six months, from the date on which they are declared elected.

4. It is, therefore, considered expedient to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), suitably.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 6th April, 2016.

PANKAJA MUNDE,
Minister for Rural Development.

Vidhan Bhavan :
Mumbai,
Dated the 11th April, 2016.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.