



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ६७]

गुरुवार, ऑक्टोबर ११, २०१८ / आश्विन १९, शके १९४०

[पृष्ठे ६, किंमत : रुपये २७.००

असाधारण क्रमांक १३७

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, 2018 (Mah. Ord. XXI of 2018), 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, 2018 (Mah. Ord. XXI of 2018), published under the authority of the Governor].

### RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path,  
Fort, Mumbai 400 001, dated the 11th October 2018.

### MAHARASHTRA ORDINANCE No. XXI OF 2018.

#### AN ORDINANCE

*further to amend the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis Act.*

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

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

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(१)

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, 2018.
- (2) It shall come into force at once.

## 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 " Maharashtra Village Panchayats Act "),—
- (a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
- (b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- " Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as " twelve months ". "
- Amendment of section 30-1A of III of 1959. 3. In section 30-1A of the Maharashtra Village Panchayats Act,—
- (a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
- (b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- " Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months ". "

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 "Maharashtra Zilla Parishads and Panchayat Samitis Act"),—
- Amendment of section 12A of Mah.V of 1962.
- (a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months" shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;
- (b) in the second proviso, for the words "six months" the words " twelve months" shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- " Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as "twelve months". "
- Mah. Ord. XXI of 2018.
- 5.** In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A),—
- Amendment of section 42 of Mah. V of 1962.
- (a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;
- (b) in the second proviso, for the words " six months " the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- " Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months ". "
- Mah. Ord. XXI of 2018.
- 6.** In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A),—
- Amendment of section 67 of Mah. V of 1962.
- (a) in the first proviso, in clause (ii), for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from the 7th May 2016 ;
- (b) in the second proviso, for the words "six months" the words " twelve months" shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- " Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months ". "
- Mah. Ord. XXI of 2018.

## CHAPTER IV

## MISCELLANEOUS

Saving as to  
certain  
elections.

7. (1) Nothing in this Ordinance shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, for filling up the resultant vacancy in view of the provisions of section 10-1A or section 30-1A of the Maharashtra Village Panchayats Act ; section 12A or sub-section (6A) of section 42 or sub-section (7A) of section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as it stood prior to such date of commencement.

Mah.  
Ord. XXI  
of 2018.  
III of  
1959.  
Mah. V  
of 1962.

Saving as to  
certain  
disqualifications.

8. Any person, who has obtained the Caste Certificate and Validity Certificate, but has not filed such certificate prior to the date of commencement of this Ordinance, shall not be deemed to be disqualified under the provisions of the relevant Panchayat law, if he submits such certificate within a period of fifteen days from the date of commencement of this Ordinance :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Ordinance held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to  
remove  
difficulty.

9. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by this Ordinance, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

III of  
1959.  
Mah. V  
of 1962.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

## STATEMENT

Section 10-1A and section 30-1A of the Maharashtra Village Panchayats Act (III of 1959); section 12 A, sub-section (6A) of section 42 and sub-section (7A) of section 67 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 person 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) and the rules made thereunder.

2. The said sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act have been amended by the Maharashtra Act No. X of 2016 with effect from the 31st March 2016, and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 have been amended by the Maharashtra Act No. XXI of 2016 with effect from the 7th May 2016 which permits the candidate to submit, alongwith the nomination papers for election to a reserved seat, 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 an undertaking that he shall submit, within a period of six months from the date of his election, the Validity Certificate issued by the Scrutiny Committee.

3. The Scrutiny Committees are overburdened with the task of issuing the Validity Certificates and this results in difficulties for the elected candidates to obtain the Validity Certificate. In view of the provisions of the relevant Panchayat law, in case the elected candidate fails to produce the Validity Certificate, within a period of six months from the date of his election, his election shall stand to be terminated retrospectively and shall stand disqualified for holding the post.

4. To ensure that the elected candidates, who have already obtained the Caste Certificate and the Validity Certificate, would not be disqualified merely because of failure to produce the Validity Certificate issued by the Scrutiny Committee in time as per the undertaking filed by him, it is expedient to provide for further extension of six months to the elected candidates for submitting such certificate. In view of this, it is expedient to suitably amend the 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, retrospectively, *i.e.* the date of commencement of the Maharashtra Act Nos. X of 2016 and XXI of 2016, respectively.

In view of such amendments, with retrospective effect, it is expedient to incorporate the suitable saving provisions and also the provision for removal of difficulty.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑक्टोबर ११, २०१८/आश्विन १९, शके १९४०

For achieving the above purposes, the relevant Panchayat laws are amended, suitably.

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 (III of 1959) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 10th October 2018.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

ASEEM GUPTA,  
Secretary to Government.