



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक १७(३)]

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असाधारण क्रमांक ३९ 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, 2019 (L. A. Bill No. XXIX of 2019), introduced in the Maharashtra Legislative Assembly on the 24th June 2019, 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.

L. A. Bill No. XXIX OF 2019.

A BILL

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

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

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2019.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

Amendment
of section 10
of Mah. III of
1959.

2. In section 10 of the Maharashtra Village Panchayats Act, in sub-section (2),—

III of
1959.

(1) in clause (b),—

(i) for the words “Scheduled Castes and the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes and the Backward Class of Citizens” shall be substituted;

(ii) for the words “Scheduled Caste or, as the case may be, the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens” shall be substituted;

(iii) in the third proviso, for the words “Scheduled Caste or, as the case may be, the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens” shall be substituted;

(2) clause (c) shall be deleted.

CHAPTER III

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

Amendment
of section 12
of Mah. V of
1962.

3. In section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter in this Chapter referred to as “Maharashtra Zilla Parishads and Panchayat Samitis Act”), in sub-section (2),—

Mah. V
of 1962.

(1) in clause (b),—

(i) for the words “Scheduled Castes and the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes and the Backward Class of Citizens” shall be substituted;

(ii) for the words “Scheduled Caste or as the case may be the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens” shall be substituted;

(iii) in the third proviso, for the words “Scheduled Castes or, as the case may be, the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens” shall be substituted;

(2) clause (c) shall be deleted.

Amendment
of section 58
of Mah. V of
1962.

4. In section 58 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (1B),—

(1) in clause (b),—

(i) for the words “Scheduled Castes and the Scheduled Tribes” the words “Scheduled Castes, the Scheduled Tribes and the Backward Class of Citizens” shall be substituted;

(ii) for the words "Scheduled Castes or, as the case may be, the Scheduled Tribes" the words "Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens" shall be substituted;

(iii) in the third proviso, for the words "Scheduled Castes or, as the case may be, the Scheduled Tribes" the words "Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Class of Citizens" shall be substituted;

(2) clause (c) shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

Clause (b) of sub-section (2) of section 10 of the Maharashtra Village Panchayats Act (III of 1959), clause (b) of sub-section (2) of section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and clause (b) of sub-section (1B) of section 58 of the said Act of 1962 provides for reservation of seats, respectively, in the *panchayats*, *Zilla Parishads* and *Panchayat Samitis*, for the Scheduled Castes and Scheduled Tribes, in the same proportion of the persons belonging to the said Categories to the total number of seats to be filled in by direct election in such local authorities.

2. However, the said Acts provide for reservation of 27% of such seats to the Backward class of citizens irrespective of the number of population of the persons belonging to such category.

3. In this scenario, the quantum of reservation provided to the Backward class of citizens at the *panchayats*, *Zilla Parishads* and *Panchayat Samitis* is under judicial scrutiny in the Hon'ble High Court in several Writ Petitions. The Hon'ble High Court has recommended the Government to reconsider the provisions relating to reservation for such categories.

4. In this view of the matter, the Government considers it expedient to provide that the number of seats to be reserved for the Scheduled Casts, Scheduled Tribes and Backward class of citizens, in a village *panchayat*, *Zilla Parishad* and *Panchayat Samiti*, shall be in the same proportion of the persons belonging to the said Categories to the total number of seats to be filled in by direct election in such local authorities.

5. For the purpose, it is considered expedient to suitably amend clause (b) of sub-section (2) of section 10 of the Maharashtra Village Panchayats Act and clause (b) of sub-section (2) of section 12 and clause (b) of sub-section (1B) of section 58 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. Consequentially, it is proposed to delete clause (c) of sub-section (2) of section 10 of the Maharashtra Village Panchayats Act, clause (c) of sub-section (2) of section 12 and clause (c) of sub-section (1B) of section 58 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

6. The Bill is intended to achieve the above objectives.

Mumbai,

PANKAJA MUNDE,

Dated the 20th June 2019.

Minister for Rural Development.