



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक २]

गुरुवार, फेब्रुवारी १४, २०१९/माघ २५, शके १९४०

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक २

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 Panchayats Samitis (Amendment) (Amendment) Ordinance, 2019 (Mah. Ord. II of 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.

[Translation in English of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayats Samitis (Amendment) (Amendment) Ordinance, 2019 (Mah. Ord. II of 2019), published under the authority of the Governor].

RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path,
Fort, Mumbai 400 001, dated the 14th February 2019.

MAHARASHTRA ORDINANCE No. II OF 2019.

AN ORDINANCE

to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018.

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

Mah. LXVI of 2018. to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 for the purposes hereinafter appearing ;

(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:—

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, 2019.

(2) It shall come into force at once.

Amendment of section 2 of Mah. LXVI of 2018. **2.** In section 2 of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (hereinafter referred to as “the amendment Act”),—

(i) in clause (a) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted;

(ii) in clause (b) for the figures and word “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted.

Amendment of section 3 of Mah. LXVI of 2018. **3.** In section 3 of the amendment Act,—

(i) in clause (a) for the figures and words “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted;

(ii) in clause (b) for the figures and words “31st March 2016” the figures and word “26th March 2015” shall be substituted and shall always be deemed to have been substituted.

Amendment of section 8 of Mah. LXVI of 2018. **4.** Section 8 of the amendment Act, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in sub-section (1), any person who has obtained Caste Certificate or Validity Certificate after the 26th March 2015, but has not filed such certificate within the stipulated period as per provisions of the Maharashtra Village Panchayats Act, shall not be deemed to be disqualified under the provisions of the Maharashtra Village Panchayats Act, if he has already submitted the Validity Certificate to the Competent Authority after expiry of the such stipulated period but before the publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019 in the *Official Gazette* or if he submits such certificate within a period of three months from the date of such publication of said Ordinance, 2019 in the *Official Gazette* : III of 1959. III of 1959. Mah. Ord. II of 2019.

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019 in the *Official Gazette* has held elections to fill the vacancy of such person or declared the programme for holding of such election.”. Mah. Ord. II of 2019.

5. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act, as amended by this Ordinance, the State Government may, as the occasion arises, by an Order publish in the *Official Gazette*, give such directions not inconsistent with the provisions of the Maharashtra Village Panchayats Act, as amended by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019, as may appear to it to be necessary or expedient for the purpose of the removing of the difficulty.

Power to
remove
difficulty.

(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

In respect of the elections for the Village Panchayats, held after 31st March 2016, it was noticed that the persons contesting on a reserved seat could not submit the Caste Certificate and Validity Certificate within the stipulated period of six months from the date of their election and as such incurred disqualification under the provisions of the Maharashtra Village Panchayats Act. To allow such persons to submit their Caste Certificate and Validity Certificate within a period of twelve months from the date of their election, sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act have been amended retrospectively with effect from 31st March 2016, by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018).

2. It is noticed that, elections to about 19,000 Village Panchayats were held in between 26th March 2015 to 31st March 2016. It is also noticed that a large number of candidates, who are elected during the said period on a reserved seat, though having obtained Caste Validity Certificate, could not submit it within a period of six months from a date of their election, as required to be submitted as per the provisions of the then existing law.

3. To extend the benefits, provided by the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 to the persons, who are elected on reserved seat on or after 31st March 2016 to submit their Castes Certificate and Validity Certificate within twelve month from the date of election, to the persons who are similarly elected in between 26th March 2015 to 31st March 2016, it is considered expedient to amend sections 2 and 3 of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018. It is also proposed to consequently amend section 8 of the said Act suitably, for the purpose.

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 to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018) for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 13th February 2019.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

ASEEM GUPTA,
Secretary to Government.