



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक १५]

मंगळवार, जानेवारी ३१, २०१७/माघ ११, शके १९३८

[ पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ३२

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 Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017 (Mah. Ord. V of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017 (Mah. Ord. V of 2017), published under the authority of the Governor).

### RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort,  
Mumbai 400 032, dated the 31st January 2017.

### MAHARASHTRA ORDINANCE No. V OF 2017.

#### AN ORDINANCE

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

WHEREAS, both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that  
III of circumstances exist which render it necessary for him to take immediate  
1959. action further to amend the Maharashtra Village Panchayats Act and  
Mah. V Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the  
of 1962. 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 Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

Amendment of section 14 of III of 1959.

**2.** In section 14 of the Maharashtra Village Panchayats Act, in sub-section (1), in clause (j-5), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted. III of 1959.

Amendment of section 16 of Mah. V of 1962.

**3.** In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1962, in sub-section (1), in clause (p), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted. Mah. V of 1962.

STATEMENT

Clause (j-5) of sub-section (1) of section 14 of the Maharashtra Village Panchayats Act (III of 1959) provides that no person shall be a member of a panchayat continue as such, who fails to submit a certificate of the concerned *panchayat*, alongwith the resolution of the *Gram Sabha* certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet.

An identical provision regarding a person, to be disqualified for being chosen as, and for being, a Councillor in clause (p) of sub-section (1) of section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) has been provided.

2. Section 7 of the Maharashtra Village Panchayats Act provides that there shall be held at-least four meetings of the *Gram Sabha* in every financial year. Such *Gram Sabhas* in most of the Village Panchayats are already over in the current financial year. As such, the candidates desirous of contesting the elections to the Village Panchayats and the Zilla Parishads and Panchayat Samitis are facing difficulties in obtaining such certificate of the concerned *panchayats*. It is therefore, considered expedient to amend clause (j-5) of sub-section (1) of section 14 of the Maharashtra Village Panchayats Act and clause (p) of sub-section (1) of section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 with a view to also provide that such certificate may be given by the Chief Executive Officer of the Zilla Parishad or his designated officer or a self-certificate by such person. Having regard to the ongoing elections to various *panchayats* and Zilla Parishads and Panchayat Samitis in the State it is considered expedient to amend the said Acts immediately.

3. 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), and for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
dated the 31st January 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

ASEEM GUPTA,  
Secretary to Government.