

L. C. BILL No. III OF 2021.

A BILL

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

⁵ WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore, promulgated the

III
of 1959.
Mah.¹⁰
V of
1962.

Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2021, on the 6th December 2021 ;

Mah.
Ord.
XIV of
2021.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 6th December 2021.

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 (herein- after in this Chapter referred to as “the Maharashtra Village Panchayats Act”), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2022, 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, alongwith 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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

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

Amendment of section 30-1A of III of 1959.

3. In section 30-1A of the Maharashtra Village Panchayats Act, for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 31st December 2022, 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, alongwith 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

5 (ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

10 Provided further that, if such person fails to produce the Validity Certificate within a period of twelve 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 *Sarpanch*.”.

CHAPTER III

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

Mah. V
of 1962.

15 4. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter in this Chapter referred to as “the Maharashtra Zilla Parishads and Panchayat Samitis Act”), for the existing provisos, the following provisos shall be substituted, namely :—

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

20 “Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2022, 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
25 filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

30 (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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

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

40 5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment
of section 42
of Mah. V of
1962.

45 “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 2022, 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, alongwith the
50 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 ⁵ twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed ¹⁰ to have been terminated retrospectively and he shall be disqualified for being a President.”.

Amendment
of section 67
of Mah. V of
1962.

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A), for the existing provisos, the following ¹⁵ provisos shall be substituted, 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 2022, 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 ²⁰ papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith 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 ²⁵ other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit within a period of ³⁰ twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be ³⁵ disqualified for being a Chairman.”.

CHAPTER IV

MISCELLANEOUS

Repeal of
Mah. Ord. XIV
of 2021 and
saving.

7. (1) The Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2021, is ⁴⁰ hereby repealed.

Mah.
Ord.
XIV of
2021.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case ⁴⁵ may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

III of
1959.
Mah. V
of 1962.

STATEMENT OF OBJECTS AND REASONS

Sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act (III of 1959) and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayats Samitis Act, 1961 (Mah. V of 1962) provides that, every person desirous of contesting elections 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) (hereinafter referred to as “the Caste Certificate Act”).

2. The Caste Scrutiny Committees are overburdened with the work of verification of Caste Certificate. General elections to some of the Village Panchayats, Zilla Parishads and Panchayat Samitis as well as bye-elections are likely to be held in near future. The candidates willing to contest abovereferred elections had been facing difficulties in obtaining the Caste Validity Certificates from Caste Scrutiny Committees as per the provisions of the Caste Certificate Act and the rules framed thereunder within a short period before filing of nomination papers for such elections.

3. It was therefore, considered expedient to ensure that the candidates of such elections should not be deprived of an opportunity to contest such elections for reserved seats merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time. It was, therefore, considered expedient to amend 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, with view to allow the persons desirous of contesting such elections for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate to submit the Validity Certificate within twelve months from the date on which they are declared elected.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2021 (Mah. Ord. XIV of 2021) was promulgated by the Governor of Maharashtra on the 6th December 2021.

5. The Bill is intended to replace the said Ordinance by an Act of State Legislature.

Mumbai,
Dated the 16th December, 2021.

HASAN MUSHRIF,
Minister for Rural Development.

of the nomination papers shall submit, alongwith 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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

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

30A. to 188. ** ** ** **
SCHEDULES ** ** ** **

*(Extracts from the Maharashtra Zilla Parishads and
Panchayat Samitis Act, 1961.)*

(Mah.V of 1962.)

1. to 12. ** ** ** **

Person
Contesting
election for
reserved seat to
submit Caste
Certificate and
Validity
Certificate

12A. Every person desirous of contesting election to a seat reserved for Schedule Castes, Schedule Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination papers. 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 :

Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 28th February 2021, 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, alongwith 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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if such person fails to produce the validity Certificate within a period of twelve 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.

13. to 41. ** ** ** **

42. (1) to (6) ** ** ** ** Election of
President and
vice president

(6A) Every person desirous of contesting election to the office of the President reserved for the Scheduled 'Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to 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 :

Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 28th February 2021, 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, alongwith 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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

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

(7) ** ** ** **

43. to 66. ** ** ** **

67.(1) to (7) ** ** ** ** Procedure for
election of
Chairman of
Panchayat
Samiti.

(7A) Every person desirous of contesting election to the office of the Chairman reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to 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, Schedule 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 :

Provided that, for the elections for the post of Chairman for which the last date of filing of nomination falls on or before the 28th February 2021, 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, alongwith 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 twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

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

(8)	**	**	**	**
68. to 290.	**	**	**	**
SCHEDULES.	**	**	**	**

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. C. BILL No. III OF 2021.]

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

[SHRI HASAN MUSHRIF,
Minister for Rural Development.]

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Council.