

Encyclopedia of Maharashtra Laws

THE BOMBAY VILLAGE PANCHAYATS AND MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (SECOND AMENDMENT) ACT, 2011

MAHARASHTRA ACT NO. XXXIX OF 2011

[First published, after having received the assent of the Governor, in the “Maharashtra Government Gazette” on the 28th December, 2011]

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

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 Bombay Village Panchayats Act, 1958 (Bom. III of 1959) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2011 (Mah. Ord. XIX of 2011), on the 5th October, 2011;

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

**CHAPTER I
PRELIMINARY**

1. Short title and commencement.- (1) This Act may be called the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 5th October, 2011.

**CHAPTER II
AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958**

2. Amendment of section 14 of Bom. III of 1959.- In section 14 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), in sub-section (1), in clause (j-5),—

(a) for the existing proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 10th January, 2011, namely:—

“Provided that, no member of a panchayat shall be disqualified under this clause, if he submits such certificate to the Block Development Officer, within a period of one year from the 10th January, 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010):”;

(b) after the proviso, as so substituted, the following proviso shall be added, namely:—

“Provided further that, nothing contained in this clause shall affect the member holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010); and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force; or”.

CHAPTER III AMENDMENT TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961

3. Amendment of section 16 of Mah. V of 1962.- In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), in sub-section (1), in clause (p),—

(a) for the existing proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 10th January 2011, namely:—

“Provided that, no Councillor shall be disqualified under this clause, if he submits such certificate to the Chief Executive Officer, within a period of one year from the 10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010):”;

(b) after the proviso, as so substituted, the following proviso shall be added, namely:—

“Provided further that, nothing contained in this clause shall affect the Councillor holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010); and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force.”.

CHAPTER IV MISCELLANEOUS

4. Removal of difficulty.- (1) If any difficulty arises in giving effect to the provisions of this Act by reason of anything contained therein, or in giving effect to the provisions of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) or, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), as the case may be, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

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

5. Repeal of Mah. Ord. XIX of 2011 and saving.- (1) The Bombay Village Panchayats and

Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2011 (Mah. Ord. XIX of 2011), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.
