



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८५(३)]

शुक्रवार, डिसेंबर १४, २०१८/अग्रहायण २३, शके १९४०

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक १६७

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) Act, 2018 (Mah. Act No. LXVI of 2018), 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.

MAHARASHTRA ACT No. LXVI OF 2018.

(First published, after having received the assent of the Governor in the " Maharashtra Government Gazette ", on the 14th December 2018).

An Act further to amend the Maharashtra Village Panchayats 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 Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore promulgated the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018 on the 11th October 2018 ;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-ninth 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 the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018.
(2) It shall be deemed to have come into force on the 11th October 2018.

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 (hereinafter in this Chapter referred to as " the Maharashtra Village Panchayats Act "),— III of 1959.
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
(b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
(c) after the second proviso, the following proviso shall be added, namely :—
" Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months " .". Mah. LXVI of 2018.
- Amendment of section 30-1A of III of 1959. 3. In section 30-1A of the Maharashtra Village Panchayats Act,—
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
(b) in the second proviso, for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;
(c) after the second proviso, the following proviso shall be added, namely :—
" Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of " six months " specified in such undertaking shall be deemed to have been substituted as " twelve months " .". Mah. LXVI of 2018.

CHAPTER III

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

- Amendment of section 12A of Mah.V of 1962. 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 "),— Mah. V of 1962.
(a) in the first proviso, in clause (ii), for the words " six months " the words " twelve months " shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

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2018.

5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A),— Amendment of section 42 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “ six months ” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “ six months ” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

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of 2018.

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A),— Amendment of section 67 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

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LXVI of
2018.

CHAPTER IV

MISCELLANEOUS

7. (1) Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, for filling up the resultant vacancy in view of the provisions of section 10-1A or section 30-1A of the Maharashtra Village Panchayats Act ; section 12A or sub-section (6A) of section 42 or sub-section (7A) of section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as it stood prior to such date of commencement. Saving as to certain elections.

Saving as to
certain
disqualifications.

8. Any person, who has obtained the Caste Certificate and Validity Certificate, but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Panchayat law, if he submits such certificate within a period of three months from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to
remove
difficulty.

9. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty. III of 1959. Mah. V of 1962.

(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 :

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

Repeal of
Mah. Ord.
XXI of 2018
and saving.

10. (1) The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, is hereby repealed. Mah. Ord. XXI of 2018.

(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 may be, under the corresponding provisions of said Acts, as amended by this Act. III of 1959. Mah. V of 1962.