

**L.A. BILL No. XCVII OF 2006.**

**A BILL**

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

Bom. 5 WHEREAS it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958 and the Maharashtra Zilla Parishads and  
1959. Panchayat Samitis Act, 1961, for the purposes hereinafter  
Mah. V appearing; it is hereby enacted in the Fifty-seventh Year of the  
of Republic of India as follows: —  
1962.

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**CHAPTER I**

**PRELIMINARY**

1. This Act may be called the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2006. Short title.

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

Insertion of section 10-1A in Bom. III of 1959. **2.** After section 10 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the Village Panchayats Act"), the following section shall be inserted, namely:—

Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate. **\*10-1A.** Every person desirous of contesting election to a seat reserved for 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, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment of section 14 of Bom. III of 1959. **3.** In section 14 of the Village Panchayats Act, sub-sections (2) and (3) shall be deleted.

Amendment of section 15 of Bom. III of 1959. **4.** In section 15 of the Village Panchayats Act, in sub-section (5), in clause (a), the words "or submitted a false claim or false caste certificate" shall be deleted.

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

5. After section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as " the Zilla Parishads Act"), the following section shall be inserted, namely :—

Insertion of section 12A in Mah. V of 1962.

10 \*12A. Every person desirous of contesting election to a seat reserved for 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:

Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.

20 Provided that, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

25 (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the Validity Certificate issued by the Scrutiny Committee:

30 Provided further that, if the person fails to produce the Validity Certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”.

Amendment of section 16 of Mah. V of 1962. **6.** In section 16 of the Zilla Parishads Act, sub-sections (4) and (5) shall be deleted.

Amendment of section 58 of Mah. V of 1962. **7.** In section 58 of the Zilla Parishads Act, in sub-section (2), for the words and figures " sections 19 to 27" the words, figures and letter " sections 12A, 19 to 27" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Having been brought to the notice of the Government that the Caste Certificate of certain number of councillors elected to a seat reserved for the Scheduled Castes, Scheduled Tribes and Backward Class of Citizens were subsequently found to be invalid by the Caste Verification Committee, which in turn is resulting in wastage of public money for holding elections as well as the by-elections to such seats, the Government of Maharashtra has amended, the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, by Mah. XXXV of 2006 and Mah. Ord. XII of 2006, to provide that a person who desires to contest elections to a seat reserved for the reserved category shall submit, at the time of filing of nomination,—

(a) the Caste Certificate issued to him 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 and Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000; or

(b) if he has applied to the Scrutiny Committee for the verification of his Caste Certificate, before the date of filing of nomination paper but has not received the Validity Certificate, a true copy of the application made by him to the Scrutiny Committee for issuance of the Validity Certificate and give an undertaking that he will produce the Validity Certificate within a period of three months from the date of his election.

Provision is also made in all these Acts to provide that if the person who has given an undertaking, fails to produce the Validity Certificate as per the undertaking, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.

2. As the general elections to various Zilla Parishads, Panchayat Samitis and Village Panchayats in the State are likely to be held in the near future, the Government of Maharashtra considers it expedient to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, on the lines of the amendments made to Municipal Corporation Acts by Mah. XXXV of 2006 and Mah. Ord. XII of 2006.

3. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 4th December 2006.

**VJAYSINGH MOHITE-PATIL,**

**Minister for Rural  
Development.**

ANNEXURE TO L.A. BILL No. XCVII OF 2006—THE  
BOMBAY VILLAGE PANCHAYATS AND THE  
MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT  
SAMITIS (AMENDMENT) BILL, 2006.

(Extracts from the Bombay Village Panchayat  
Act, 1958)

(Bom. III of 1959)

1. to 13.	*	*	*	*
14. (1)	*	*	*	*

Disqualifica-  
tions.

(2) (a) A person shall be disqualified for being a member of a Panchayat or for contesting an election for being elected as such member, for a period of six years, if, an order is passed by the concerned authority, under sub-section (5) of section 15 or section 16, as the case may be, holding that such person was elected as a member to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward class of citizens (hereinafter referred to as "a reserved category"), on the basis of a false claim or a false Caste Certificate, declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order either under sub-section (5) of section 15 or the order of the Collector being upheld by the State Government in appeal under sub-section (2) of section 16, as the case may be.

(3) (a) Notwithstanding anything contained in this sub-section (2), a member of a Panchayat who has been elected to a reserved seat as mentioned in sub-section (2), shall be disqualified for being such member consequent upon the Caste Certificate Verification Committee or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificate, declaring the Caste Certificate of such member to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the member shall be deemed to have vacated his office on and from the date of declaration of such certificate to be invalid and cancellation of the same by the said Committee or the Competent Authority.

(b) On any person having been disqualified for being a member and consequently, his seat as such member having become vacant under clause (a), the Collector shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a member for a period of six years from the date of such order.

	<b>14A.</b>	*	*	*	*
Determination of validity of elections; enquiry by Judge; procedure.	<b>15. (1) to (4)</b>	*	*	*	*

(5) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (6) or submitted a false claim or a false Caste Certificate, he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

	(b)	*	*	*	*
	(6) and (7)	*	*	*	*
	<b>15A. to 188.</b>	*	*	*	*
	<b>SCHEDULES.</b>	*	*	*	*

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

**(Mah. V of 1962)**

	<b>1. to 15.</b>	*	*	*	*
Disqualifica- tions.	<b>16.(1),(2) and (3)*</b>	*	*	*	*

(4) (a) A person shall be disqualified for being a Councillor of a Zilla Parishad or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 27 or under section 40, as the case may be, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward Class of citizens (hereinafter referred to as "the reserved category"), on the basis of false claim or a false Caste Certificate, declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order under sub-section (5) of section 27 or sub-section (2) of section 40, as the case may be, by the concerned authority.

(5) (a) Notwithstanding anything contained in sub-section (4), a Councillor who has been elected to a reserved seat as mentioned in sub-section (4), shall be disqualified for being such Councillor consequent upon the Caste Certificate Verification Committee or any other Competent Authority as specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Committee or the Competent Authority.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the Divisional Commissioner shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.

17. to 57. \* \* \* \*  
58. (1) \* \* \* \*

(2) The provisions of sections 19 to 27, 27A and 28 (both inclusive) and 28A to 28D (both inclusive), 29 to 33 (both inclusive), 33A and 34 to 37 (both inclusive) relating to elections and election disputes and any rules made thereunder shall apply *mutatis mutandis* in relation to election of members under sub-section (1) of section 57.

Provisions regarding elector of colleges, disqualifications, elections and election disputes.

(3) \* \* \* \*  
59. to 290. \* \* \* \*  
SCHEDULES. \* \* \* \*

**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[L.A. BILL No. XCVII OF 2006.]**

**[A Bill further to amend the Bombay  
Village Panchayats Act, 1958 and the  
Maharashtra Zilla Parishads and  
Panchayat Samitis Act, 1961.]**

**[SHRI VIJAYSINGH MOHITE-PATIL,  
Minister for Rural Development.]**

**VILAS PATIL,  
Principal Secretary (I),  
Maharashtra Legislative Assembly.**