

L. A. BILL No. XXIII OF 2023.

A BILL

to provide for extension of a period for submitting validity certificate by persons elected on reserved seats of member, Sarpanch, Councillor, 5 President and member and Chairman in certain general or bye-elections to Village Panchayats, Zilla Parishads and Panchayat Samitis and for matters connected therewith or incidental thereto.

WHEREAS it was expedient to provide for extension of a period for submitting Validity Certificate by persons elected on reserved seats of 10 member, *Sarpanch*, Councillor, President and member and Chairman in certain general or bye-elections to *Village Panchayats, Zilla Parishads and Panchayat Samitis* and for matters connected therewith or incidental thereto ;

AND WHEREAS both Houses of the State Legislature were not in 15 session ;

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AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purposes hereinafter appearing and, therefore, promulgated the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Ordinance, 2023 on the 10th July 2023 ;

Mah.
Ord. VI
of 2023.

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

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Short title and commencement.

1. (1) This Act may be called the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Act, 2023.

(2) It shall be deemed to have come into force on the 10th July 2023.

Definitions.

2. The words and expressions used in this Act shall have the same meanings as respectively assigned to them in the Maharashtra Village *Panchayats* Act and the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961.

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III of
1959.
Mah. V
of 1962.

Extension of period for submitting Validity Certificate.

3. (1) Notwithstanding anything contained in 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, for contesting General or bye-elections to the Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis* which were held on or after 1st January 2021 and till the date of commencement of this Act,—

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III of
201959.
Mah. V
of 1962.

(a) a person, who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers and who is elected on the reserved seat of a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*, but whose application is pending before the Scrutiny Committee on the date of commencement of this Act, shall submit his Validity Certificate within a period of twelve months from the date of commencement of this Act ; and

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(b) a person, whose election has been terminated or deemed to have been terminated or a person who is disqualified for being a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti* for not submitting the Validity Certificate within the period specified in sections mentioned above, shall be deemed to be and shall continue to be a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*, as the case may be, and shall not be disqualified till the period of twelve months from the date of commencement of this Act for not submitting the Validity Certificate :

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Provided that, if such person fails to produce the Validity Certificate within a period of twelve months from the date of commencement of this Act, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*.

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(2) The provisions of sub-section (1) shall not be applicable,—

(a) where bye-elections have been held on the seats specified in sub-section (1) before the date of commencement of this Act ; or

5 (b) where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee.

4. All legal proceedings pending immediately before the date of commencement of this Act, before any court or authority relating to disqualification of a member or *Sarpanch* of Village *Panchayat*, Councillor or President of *Zilla Parishad* or member or Chairman of *Panchayat Samiti*,
10 for not submitting the Validity Certificate by them in cases where extension of period for submission of Validity Certificate is granted under this Act, shall abate. Abatement of legal proceedings.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published
15 in the *Official Gazette*, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for removing the difficulty : Power to remove difficulty.

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

20 (2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. VI of 2023. **6.** (1) The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Ordinance, 2023 is hereby repealed. Repeal of Mah. Ord. VI of 2023 and saving.

25 (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

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 of a member or *Sarpanch* of the Village *Panchayat*, Councillor or President of the *Zilla Parishad* or member or Chairman of *Panchayat Samiti* 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.

2. The abovementioned sections of the said Acts are amended with a view to allow the persons, desirous of contesting for such reserved seats in certain general or bye-elections and have applied to the Scrutiny Committee for obtaining Validity Certificate, to submit the Validity Certificate within twelve months from the date on which they were declared elected.

3. As the Scrutiny Committees are overburdened with the work of verification of Caste Certificates, the elected members were facing difficulties in obtaining the Validity Certificates from the Scrutiny Committees within the period specified in the said Acts. The applications of such elected members are still pending before the Scrutiny Committees. However, due to pending applications of such members before Scrutiny Committees more than seven thousand duly elected members were disqualified or might be disqualified for not submitting Validity Certificates for no fault of their own. Also it had caused hindrance in the local self-governing process. It was, therefore, necessary to ensure that such elected candidates shall not be deprived to hold such offices merely because of non-issuance of validity certificates in time by the Scrutiny Committees when their applications are still pending with the Scrutiny Committees.

4. It was, therefore, considered expedient to make a law to provide for extension of a period of twelve months for submitting Validity Certificates by persons elected on reserved seats of member, *Sarpanch*, Councillor, President and member and Chairman in certain general or bye-elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis* and for the matters connected therewith or incidental thereto.

5. 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 to make a law, for the purposes aforesaid, the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village *Panchayats*, *Zilla Parishads* and *Panchayat Samitis*) Ordinance, 2023 (Mah. Ord. VI of 2023), was promulgated by the Governor of Maharashtra on the 10th July 2023.

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

Mumbai,
Dated the 17th July, 2023.

GIRISH MAHAJAN,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :-

Clause 5.- Under this clause, power is taken to the State Government, to issue, an order published in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposal for delegation of legislative power is of normal character.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXIII OF 2023]

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[SHRI GIRISH MAHAJAN,
Minister for Rural Development.]

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.