

**Bombay Village Panchayats And The Maharashtra Zilla  
Parishads And Panchayat Samitis (Amendment) Act, 2008**

**5 of 2009**

**[07 January 2009]**

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**Bombay Village Panchayats And The Maharashtra Zilla  
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An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. WHEREAS it is expedient 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; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:--

## CHAPTER 1

### Preliminary

#### **1. Amendment Of Section 42 Of Mah. V Of 1962 :-**

(1) This Act may be called the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2008.

(2) (a) Sections 1 and 7 shall come into force on the date of publication of this Act in the Official Gazette;

(b) The remaining sections shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

## CHAPTER 2

### Amendments to the Bombay Village Panchayats Act, 1958

#### **2. Amendment Of Section 10-1A Of Bom. Iii Of 1959 :-**

In section 10-1A of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) (hereinafter referred to as "the Village Panchayats Act"), both the provisos shall be deleted.

#### **3. Insertion Of Section 30-1A In Bom. Iii Of 1959 :-**

After section 30 of the Village Panchayats Act, the following section shall be inserted, namely:--

"30-1A. Person contesting election for reserved office of Sarpanch to submit Caste Certificate and Validity Certificate Amendment.--

Every person desirous of contesting election to the office of the Sarpanch 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 (Mah. XXIII of 2001).".

## CHAPTER 3

### Amendments to the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961

#### **4. Amendment Of Section 12A Of Mah. V Of 1962 :-**

In section 12A of the Maharashtra Zilla Parishads and Panchayat

Samitis Act, 1961 (Mah. V of 1962) (hereinafter referred to as "the Zilla Parishads and Panchayat Samitis Act"), both the provisos shall be deleted.

#### **5. Amendment Of Section 42 Of Mah. V Of 1962 :-**

In section 42 of the Zilla Parishads and Panchayat Samitis Act, after sub-section (6), the following sub-section shall be inserted, namely:--

"(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 (Mah. XXIII of 2001).".

#### **6. Amendment Of Section 67 Of Mah. V Of 1962 :-**

In section 67 of the Zilla Parishads and Panchayat Samitis Act, after sub-section (7). the following sub-section shall be inserted, namely:--

"(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, 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).".

#### **7. Insertion Of Section 75B In Mah. V Of 1962 :-**

After section 75A of the Zilla Parishads and Panchayat Samitis Act, the following section shall be inserted, namely:--

"75B. Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously.--

Where for any reason, at any time, the offices of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas under section 77A become vacant simultaneously, then notwithstanding anything contained in this Act or the rules made thereunder, pending the election of the new Chairman or the Deputy Chairman, the State Government may, by order published in the Official Gazette, authorise the Chief Executive Officer or such other officer as may be specified by it in that behalf,--

(a) to exercise all the powers and to perform all the duties of the Panchayat Samiti and the Committee of Sarpanchas, including those of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas, to the exclusion of the members; or

(b) to exercise all the powers and perform all the duties of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas.".

#### CHAPTER 4

#### Miscellaneous

### **8. Removal Of Doubt :-**

For the removal of doubt, it is hereby declared that, the election to a reserved seat to the Village Panchayats or Panchayat Samitis or Zilla Parishads, before the date of coming into force of sections 2, 3, 1, 5, 6 and 8 of this Act, shall be regulated by the relevant 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 they existed immediately before such date of commencement.