

**Maharashtra Village Panchayats (Third Amendment) Act,
2012**

29 of 2012

[20 December 2012]

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PREAMBLE

An Act further to amend the Maharashtra Village Panchayats Act,
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 (III of 1959), for the purposes hereinafter
appearing; and, therefore, promulgated the Maharashtra Village
Panchayats (Amendment) Ordinance, 2012 (Mah. Ord. IX of 2012),
on the 4th October 2012;
AND WHEREAS it is expedient to replace the said Ordinance by an
Act of the State Legislature; it is hereby enacted in the Sixty-third
Year of the Republic of India as follows:--

1. Short title and commencement :-

- (1) This Act may be called the Maharashtra Village Panchayats (Third Amendment) Act, 2012.
- (2) It shall be deemed to have come into force on the 4th October 2012.

2. Amendment of section 10-1A of III of 1959 :-

In section 10-1A of the Maharashtra Village Panchayats Act (III of 1959) (hereinafter referred to as "the principal Act"), for the existing provisos, the following provisos shall be substituted, namely:--

"Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,--

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and
- (ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

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

3. Amendment of section 30-1A of III of 1959 :-

In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely:--

"Provided that, for the elections for the post of Sarpanch for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,--

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and
- (ii) an undertaking that he shall submit within a period of six

months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Sarpanch."

4. Repeal of Mah. Ord. IX of 2012 and saving

:-

(1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2012 (Mah. Ord. IX of 2012), is hereby repealed.

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