



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ३२]

बुधवार, ऑगस्ट १७, २०२२/श्रावण २६, शके १९४४

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असाधारण क्रमांक ६३

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 Zilla Parishads and Panchayat Samitis (Amendment) Bill, 2022 (L. A. Bill No. XVI of 2022), introduced in the Maharashtra Legislative Assembly on the 17th August 2022, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XVI OF 2022.

A BILL

further to amend 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 Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing, and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2022 on the 14th July 2022 ;

Mah. V
of 1962.
Mah.
Ord. III
of 2022.

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

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 14th July 2022.

Amendment
of section 43
of Mah. V of
1962.

2. In section 43 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), to sub-section (1), the following provisos shall be added, namely :—

“Provided that, the term of office of the President or Vice-President in office, on the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2022, may be extended upto three months by the State Government by an order published in the *Official Gazette* :

Provided further that, notwithstanding anything contained in the above proviso, the term of office of the President or Vice-President shall be co-terminus with the terms of offices of elected Councillors as provided in section 10.”.

Power to
remove
difficulty.

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

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

(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.

Repeal of
Mah. Ord. III
of 2022 and
saving.

4. (1) The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2022 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions, of the principal Act, 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 Act, as amended by this Act.

STATEMENT OF OBJECT AND REASONS.

Section 43 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) provides that the term of office of the President and Vice-President shall be two and a half years. Section 65 of the said Act provides that, save as otherwise provided in the said Act, the provisions of section 43 shall *mutatis mutandis* apply in relation to the term of the Chairman and Deputy Chairman of a Panchayat Samiti.

2. The tenure of offices of the existing Presidents and Vice-Presidents of the Zilla Parishads and the existing Chairmen and Deputy Chairmen of the Panchayat Samitis in some districts of the State were due to expire. The elections to the offices of the said Presiding Authorities of the Zilla Parishads and Panchayat Samitis were required to be carried out by implementing reservation process. It was considered necessary for implementing reservation policy effectively in the State and in the interest of the Zilla Parishads and Panchayat Samitis and their administration, to provide immediately that the State Government may extend the term of the said Presiding Authorities of the Zilla Parishads and Panchayat Samitis upto three months, subject to the provision that the said extended terms of the said Presiding Authorities shall be co-terminus with the terms of the offices of elected councillors as provided in section 10 of the said Act.

3. 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 further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 for the purposes aforesaid, the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2022 (Mah. Ord. III of 2022), was promulgated by the Governor of Maharashtra on the 14th July 2022.

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

Mumbai,
Dated the 12th August 2022.

EKNATH SAMBHAJI SHINDE,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 2.—Under this Clause, which seeks to add provisos to section 43 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, power is taken to the State Government, to extend by an order the term of office of the President or Vice-President in office, upto three months.

Clause 3.—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 proposals for delegation of legislative power are of normal character.