



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ८, अंक ३२(२)]

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असाधारण क्रमांक ६४

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 (Second Amendment) Bill, 2022 (L.A. Bill No. XVII 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. XVII 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 ;

(१)

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 Panchayats Samitis (Second Amendment) Ordinance, 2022 on the 4th August 2022 ;

Mah. V
of 1962.
Mah.
Ord.
VIII 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
commencement.

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

(2) It shall be deemed to have come into force on the 4th August 2022.

Amendment
of section 9 of
Mah. V of
1962.

2. In section 9 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), in sub-section (1), in clause (a), for the words “not more than eighty-five and not less than fifty-five in number” the words “not more than seventy-five and not less than fifty in number” shall be substituted.

Mah. V
of 1962.

Annulment
of process.

3. Notwithstanding anything contained in the principal Act and the rules, notifications or orders made thereunder, where the process,—

(i) to divide a district into electoral divisions and to determine the number of Councillors to be elected from District, or

(ii) to divide an electoral division into electoral colleges, or

(iii) of reservation of seats of Councillors in the Zilla Parishads and Panchayat Samitis,

is started or completed by the State Election Commissioner, or the State Government, as the case may be, before the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2022, shall be deemed to be annulled and such process shall be done afresh according to the provisions of the principal Act as amended by this Act.

Mah. of
2022.

Power to
remove
difficulties.

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

Provided that, no such order shall be made after the 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.

Mah.
Ord.
VIII of
2022.

5. (1) The Maharashtra Zilla Parishads and Panchayats Samities (Second Amendment) Ordinance, 2022, is hereby repealed.

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

(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 the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 9 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) provides for the constitution of the *Zilla Parishad*. The *Zilla Parishad* shall consist of such number of Councillors chosen by direct electoral divisions in the District, as determined by the State Election Commission, so however that, ratio between the population of the territorial area of a *Zilla Parishad* and the number of seats in such *Zilla Parishad* to be filled by election shall, so far as practicable, be the same throughout the State.

2. Sub-section (1) of said section 9 had been amended by the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2021 (Mah. XVIII of 2022) to provide that the *Zilla Parishad* shall consist of Councillors chosen by direct electoral divisions in the District being not more than eighty-five and not less than fifty-five of the Councillors. The minimum and maximum number of Councillors of the Zilla Parishads had been increased by the said Amendment Act taking into account the probable growth of the population.

3. The process of transformation of rural areas in the State into urban areas is going on at a fast pace. Also, due to the inclusion of rural areas in the areas of adjoining Municipal Corporations and the conversion of some rural areas into urban areas, the actual population of the rural areas is continuously decreasing. It was, therefore, considered expedient to specify the minimum and maximum number of Councillors on the basis of figures of population as per Census of 2021, after it is completed.

4. In view of the above, it was considered expedient to amend section 9 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, suitably to reinstate the number of Councillors specified in the said Act prior to the said Amendment Act.

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 further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, the Maharashtra Zilla Parishads and Panchayats Samitis (Second Amendment) Ordinance, 2022 (Mah. Ord. VIII of 2022), was promulgated by the Governor of Maharashtra on the 4th August 2022.

6. 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 proposal for delegation of legislative power, namely :—

Clause 4.—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 a normal character.