



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ३२(३)]

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

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ६५

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 Village Panchayats (Amendment) Bill, 2022 (L.A. Bill No. XVIII 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. XVIII OF 2022.

A BILL

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 1959. Act, for the purposes hereinafter appearing ; and, therefore, promulgated Mah. the Maharashtra Village Panchayats (Amendment) Ordinance, 2022, on Ord. V the 27th July 2022 ; 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 Village Panchayats (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 27th July 2022.

Amendment of section 13 of III of 1959.

2. In section 13 the Maharashtra Village Panchayats Act (hereinafter referred to as "the principal Act"),— III of 1959.

(1) in sub-section (1), for the words "such list pertains.", the words "such list pertains and, *Sarpanch* of *panchayat* to be elected directly.", shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Every person whose name is in the list of voters and who is not less than twenty-one years of age on the last date fixed for making nomination for every general election or bye-election shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member from any ward of the village or for *Sarpanch* of *panchayat*. No person whose name is not entered in the list of voters for such village shall be qualified to be elected as a member of any ward of the village or *Sarpanch* of *panchayat*."

Amendment of section 15 of III of 1959.

3. In section 15 of the principal Act, in sub-section (2), for the word and figures "section 11", the words, figures and letters "section 11 or section 30A-1A, as the case may be", shall be substituted.

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

4. In section 30A-1A of the principal Act, in sub-section (1), for the words and figures "the Maharashtra Village Panchayats (Amendment) Act, 2017", the words and figures "the Maharashtra Village Panchayats (Amendment) Act, 2022", shall be substituted.

Mah. LIV of 2018.
Mah. of 2022.

Deletion of section 30A-1B of III of 1959.

5. Section 30A-1B of the principal Act, shall be deleted.

Amendment of section 35 of III of 1959.

6. In section 35 of the principal Act,—

(1) sub-section (1A) shall be deleted ;

(2) sub-section (3) shall be re-lettered as clause (a) thereof; and after clause (a) as so re-lettered, the following clause shall be inserted, namely :—

"(b) After the motion of no-confidence against the directly elected *Sarpanch* is carried by a majority of not less than three-fourth of the total number of the members, who are for the time being entitled to sit and vote at any meeting of the *panchayat*, then the same shall be ratified by the *Gram Sabha*, in a special meeting convened, within fifteen days from passing of such motion, by an officer appointed by a Collector in this behalf, in the presence and under the Chairmanship

of such officer, by a simple majority by the method of counting of heads. After such ratification of motion by the *Gram Sabha*, the *Sarpanch* shall forthwith stop, exercising all the powers and performing all the functions and duties of the office and thereupon, such powers, functions and duties shall vest in the *Upa-Sarpanch*, and in case the motion is carried out against both the *Sarpanch* and *Upa-Sarpanch*, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided.”.

7. In section 43 of the principal Act, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely :—

Amendment of section 43 of III 1959.

“Provided further that, if the post of the directly elected *Sarpanch* fallen vacant under this sub-section, then it shall be filled in by election in the manner laid down in section 30A-1A within six months from the date of such vacancy.”.

8. (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 :

Power to remove difficulty.

Provided that, no such order shall be made after expiry of the 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. V of 2022. 9. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2022 is hereby repealed.

Repeal of Mah. Ord. V 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

As per the provisions of section 30 of the Maharashtra Village Panchayats Act (III of 1959), a *Sarpanch* is elected by and from amongst the elected members of the *panchayat*. After due deliberation, it was considered necessary to adopt a system of direct election for the post of *Sarpanch* of *panchayat* from the eligible voters of village which will give stability in the functioning of the *panchayat*.

2. It was also considered expedient to provide that, a no-confidence motion against the directly elected *Sarpanch* shall be ratified by the *Gram Sabha* by simple majority by the method of counting of heads.

For the above purposes, sections 30A-1A and 35 of the said Act were amended suitably. Certain other consequential amendments in the said Act were made.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra is satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act, for the purposes aforesaid, the Maharashtra Village Panchayats (Amendment) Ordinance, 2022 (Mah. Ord. V of 2022), was promulgated by the Governor of Maharashtra on the 27th 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 proposal for delegation of legislative power, namely :—

Clause 8.—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 abovementioned proposal for delegation of legislative power is of a normal character.