



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४६]

सोमवार, डिसेंबर १६, २०१९/अग्रहायण २५, शके १९४१

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असाधारण क्रमांक ९३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Samintis (Amendment) Bill, 2019 (L.A. Bill No. XLIII of 2019), introduced in the Maharashtra Legislative Assembly on the 16th December 2019, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XLIII OF 2019.

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 ;

Mah. V
of 1962.

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 (Amedement) Ordinance, 2019 on the 23rd August 2019 ;

Mah.
Ord. XXI
of 2019.

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

Short title
and commen-
cement.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on the 23rd August 2019.

Amendment
of section 75B
of Mah. V of
1962.

2. To section 75B of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely :-

Mah. V
of 1962.

“ Provided that, the period of authorization under this section shall not exceed four months :

Provided further that, in exceptional circumstances to be recorded in the order, the said period may be extended from time to time for such further period as may be specified in the order, but such period of authorisation shall not exceed six months in the aggregate.”.

Amendment
of section 91B
of Mah. V of
1962.

3. To section 91B of the principal Act, the following provisos shall be added, namely :-

“ Provided that, the period of authorization under this section shall not exceed four months :

Provided further that, in exceptional circumstances to be recorded in the order, the said period may be extended, from time to time, for such further period as may be specified in the order, but such period of authorisation shall not exceed six months in the aggregate.”.

Repeal of
Mah. Ord. XXI
of 2019 and
saving.

4. (1) The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2019 is hereby repealed.

Mah.
Ord. XXI
of 2019.

(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

Sections 75B and 91B of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) empowers the State Government to issue the order authorising the officers to exercise all the powers and to perform all the duties of the offices, when offices of all presiding officers become vacant simultaneously.

2. However, these sections were not explicitly specifying the period, during which such authorization shall be effective.

3. To ensure that, the offices of the presiding officers and filled in expeditiously, it was considered expedient to provide that the periods of authorization under these sections shall be effective for a period of not more than four months and in exceptional circumstances, the said period may be extended from time to time, but the total period during which such authorisation shall be effective shall not be more than six months in aggregate.

4. 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, 2019 (Mah. Ord. XXI of 2019), was promulgated by the Governor of Maharashtra on the 23rd August 2019.

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

Mumbai,

CHAGAN CHANDRAKANT BHUJBAL,

Dated the 15th December, 2019.

Minister for Rural Development.