



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ८, अंक ४३ (४) ]

सोमवार, डिसेंबर १९, २०२२/अग्रहायण २८, शके १९४४

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ९२

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 (Third Amendment) Bill, 2022 (L. A. Bill No. XXXI of 2022), introduced in the Maharashtra Legislative Assembly on the 19<sup>th</sup> December 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. XXXI 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  
Mah. V circumstances existed which rendered it necessary for him to take  
of 1962. immediate action further to amend the Maharashtra Zilla Parishads and  
Mah. Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; and,  
Ord. IX therefore, promulgated the Maharashtra Zilla Parishads and Panchayat  
of 2022. Samitis (Third Amendment) Ordinance, 2022, on the 12th September 2022;

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(१)

**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 (Third Amendment) Act, 2022.  
(2) It shall be deemed to have come into force on the 12th September 2022.

Amendment of section 75 B of Mah. V of 1962. **2.** In section 75B of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), the existing provisos shall be deleted. Mah. V of 1962.

Amendment of section 91 B of Mah. V of 1962. **3.** In section 91B of the principal Act, the existing provisos shall be deleted.

Repeal of Mah. Ord. IX of 2022 and saving. **4. (1)** The Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Ordinance, 2022, is hereby repealed. Mah. Ord. IX of 2022.

(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 an order published in the *Official Gazette*, authorise the officers to exercise all the powers and to perform all the duties of the offices, when offices of all presiding officers are vacant simultaneously. The provisos to the said sections provide the period of authorization which shall not be more than four months and in exceptional circumstances, the said period may be extended from time to time, but the total period shall not be more than six months, in aggregate.

2. The tenure of 25 Zilla Parishads and 283 Panchayat Samitis has been expired in March 2022, therefore, the administrators have been appointed by the Government on the said Zilla Parishads and Panchayat Samitis by issuing an order under the provisos to said sections 75B and 91B.

During the revised programme of elections to the said Zilla Parishads and Panchayat Samitis was in process, in Special Leave Petition, No. 19756/2021, the Supreme Court by its order dated the 22nd August 2022 directed that, the parties to maintain *status quo* for a period of five weeks.

3. The term of the administrators appointed on the said Zilla Parishads and Panchayat Samitis was expired in the month of September 2022 however, the elections to the said Zilla Parishads and Panchayat Samitis could not be hold before the expiry of said period due to Supreme Court order. It was, therefore, considered it expedient to delete the provisos to said sections 75B and 91B of the Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961 which provides the maximum period for appointment of administrators.

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 (Third Amendment) Ordinance, 2022 (Mah.Ord.IX of 2022), was promulgated by the Governor of Maharashtra on the 12th September 2022.

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

Mumbai,  
Dated the 6<sup>th</sup> December, 2022.

GIRISH MAHAJAN,  
Minister for Rural Development.