

L. A. BILL No. XXXI OF 2022.

A BILL

further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

5 **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 (Third Amendment) Ordinance, 2022, on the 12th September 2022;

Mah. V
of 1962.

Mah. 10
Ord. IX
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 :—

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| Short title and commencement. | <p>1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 2022.</p> <p>(2) It shall be deemed to have come into force on the 12th September 2022.</p> | 5 |
| Amendment of section 75 B of Mah. V of 1962. | <p>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.</p> | Mah. V of 1962.
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| Amendment of section 91 B of Mah. V of 1962. | <p>3. In section 91B of the principal Act, the existing provisos shall be deleted.</p> | |
| Repeal of Mah. Ord. IX of 2022 and saving. | <p>4. (1) The Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Ordinance, 2022, is hereby repealed.</p> <p>(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.</p> | Mah. Ord. IX of 2022.
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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 6th December, 2022.

GIRISH MAHAJAN,
Minister for Rural Development.

**ANNEXURE TO THE L. A. BILL No. XXXI OF 2022—THE
MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS
(THIRD AMENDMENT) BILL, 2022.**

*(Extracts from the Maharashtra Zilla Parishads and
Panchayat Samitis Act, 1961.)*

(Mah. V of 1962.)

1. to 75A.

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75B. Where for any reason, at any time, the offices of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas under section 77A become vacant simultaneously, then notwithstanding anything contained in this Act or the rules made thereunder, pending the election of the new Chairman or the Deputy Chairman, the State Government may, by order published in the Official Gazette, authorise the Chief Executive Officer or such other officer as may be specified by it in that behalf,

Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously.

(a) to exercise all the powers and to perform all the duties of the Panchayat Samiti and the Committee of Sarpanchas, including those of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas, to the exclusion of the members ; or

(b) to exercise all the powers and perform all the duties of the Chairman, Deputy Chairman and Chairman of the Committee of Sarpanchas.

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.

76. to 91A.

* * * *

91B. Where for any reason, at any time, offices of the President or Vice-President and Chairman of the Subjects Committee become vacant Simultaneously, then, notwithstanding anything contained in this Act or the rules made thereunder, pending the election of the new President or the Vice-President, the State Government may, by order published in the Official Gazette, authorise the Chief Executive Officer or such other officer as may be specified by it in that behalf,—

Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously.

(a) to exercise all the powers and to perform all the duties of the Zilla Parishad, the Standing Committee and the Subjects Committee and other Committees, including those of the President, Vice-President and Chairman of the Subjects Committees and other Committees, to the exclusion of the Councillors ; or

(b) to exercise all the powers and perform all the duties of the President or Vice-President and Chairman of the Subjects Committees and other Committees.

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.

92. to 290.	*	*	*	*
SCHEDULES	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXI OF 2022.]

**[A Bill further to amend the Maharashtra
Zilla Parishads and Panchayat
Samitis Act, 1961]**

**[SHRI GIRISH MAHAJAN,
Minister for Rural Development.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**