

L.A. BILL No. XVIII OF 2022.

A BILL

further to amend the Maharashtra Village Panchayats Act.

(As passed by the Legislative Assembly on the 22nd August, 2022.)

(As passed by the Legislative Council on the 23rd August, 2022.)

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

III of
1959.
Mah.
Ord. V
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.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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

**[A Bill further to amend the
Maharashtra Village Panchayats Act.]**

**[SHRI EKNATH SAMBHAJI SHINDE,
Chief Minister.]**

**[As passed by the Legislative Assembly
on the 22nd August, 2022.]**

**[As passed by the Legislative Council
on the 23rd August, 2022.]**

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