



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ८, अंक ३८]

सोमवार, सप्टेंबर १२, २०२२/भाद्रपद २१, शके १९४४

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असाधारण क्रमांक ८१

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) Ordinance, 2022 (Mah. Ord. IX of 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.

(Translation in English of the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Ordinance, 2022 (Mah. Ord. IX of 2022), published under the authority of the Governor).

RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort,
Mumbai 400 001, dated the 12th September 2022.

MAHARASHTRA ORDINANCE No. IX OF 2022.

AN ORDINANCE

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

WHEREAS both houses of the State Legislature are not in session;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

Mah. V action further to amend the Maharashtra Zilla Parishads and Panchayat of 1962. Samitis Act, 1961, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Ordinance, 2022.

(2) It shall come into force at once.

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.

STATEMENT

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 provides 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 will expire in the month of September 2022 however, the elections to the said Zilla Parishads and Panchayat Samitis could not be held before the expiry of said period due to Supreme Court order. It is, therefore, consider 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 12th September 2022.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

RAJESH KUMAR,

Additional Chief Secretary to Government.