



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ६५

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 Village Panchayats (Second Amendment) Bill, 2020 (L.A. Bill No. XXXIII of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, 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. XXXIII OF 2020.

A BILL

further to amend the Maharashtra Village Panchayats Act.

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, 2020 on 25th June 2020 ;

AND, WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-first

Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats (Second Amendment) Act, 2020.

(2) It shall be deemed to come into force on the 25th June 2020.

Amendment of section 151 of III of 1959.

2. In section 151 of the Maharashtra Village Panchayats Act, (hereinafter referred to as “the principal Act”) in sub-section (1), in clause (a), after the proviso, the following proviso shall be added, namely :—

III of 1959.

“Provided further that, if due to natural calamity or emergency or war or financial emergency or administrative difficulties or epidemic disease, the *panchayat* elections could not be held by the State Election Commission as per the schedule, then, the State Government may, by notification in the *Official Gazette*, appoint a suitable person as the administrator on such *panchayat*.”

Repeal of Mah. Ord. X of 2020 and saving.

3. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2020 is hereby repealed.

Mah. Ord. X of 2020.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provision 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 said Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 151 (1) (a) of the Maharashtra Village Panchayats Act (III of 1959) provides that, if at any time, it appears to the State Government that a *panchayat* has not been legally constituted under the said Act, then the State Government may, by notification in the *Official Gazette*, dissolve such *panchayat* and by the same notification or like notification, cause all or any of the powers and duties performed by such person, or persons, in such manner and for such period and subject to such conditions as it may think fit. The said notification ceases to have effect from the date on which the first meeting of the reconstituted *panchayat* is held under section 28 of the said Act.

2. The term of 1566 *Gram Panchayats* in 19 Districts of the State were about to end between April 2020 to June 2020 and 12668 *Gram Panchayats* are about to end between July 2020 to December 2020. Given the current outbreak of Covid 19 pandemic in the country, as well as, in the Maharashtra as also the lockdowns announced by the Central Government and the State Government, from time to time, there was uncertainty as to when the elections to these *panchayats* could be held by the State Election Commission.

In view of this, it was expedient to provide that, if due to natural calamity or emergency or war or financial emergency or administrative difficulties or epidemic disease, etc., the *panchayat* elections could not be held by the State Election Commission as per the schedule, then, the State Government may appoint a suitable person as the administrator on such *panchayat*.

3. 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 Village Panchayats Act (III of 1959), for the purposes aforesaid, the Maharashtra Village Panchayats (Amendment) Ordinance, 2020 (Mah. Ord. X of 2020), was promulgated by the Governor of Maharashtra on the 25th June 2020.

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

Mumbai,
Dated the 30th July 2020.

HASAN MUSHRIF,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.— Under this clause, which seeks to insert new proviso in clause (a) of sub-section (1) in section 151 of the Maharashtra Village Panchayats Act, power is taken to the State Government to appoint the administrator on the *panchayat* by notification published in the *Official Gazette*, where elections could not be held by the State Election Commission as per the schedule, due to natural calamity or emergency or war or financial emergency or administrative difficulties or epidemic disease.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.