



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १०, अंक ३१(५)]

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असाधारण क्रमांक ८३

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 Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Bill, 2024 (L.A. Bill No. XXII of 2024), introduced in the Maharashtra Legislative Assembly on the 16th December 2024, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXII OF 2024.

A BILL

to provide for temporary postponement of elections of the President, Vice-President and Chairmen of the Subjects Committees of certain Zilla Parishads and the Chairmen and Deputy Chairmen of certain Panchayat Samitis on account of ensuing general elections to the State Legislative Assembly.

WHEREAS general elections to the State Legislative Assembly were likely to be held in the month of November, 2024 ;

AND WHEREAS the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and Chairmen and Deputy Chairmen of certain *Panchayat Samitis* were due to expire in October-November 2024 ;

(१)

AND WHEREAS on account of general elections to the Maharashtra Legislative Assembly, all the Collectors and staff of the Collectorate of the Districts as well as the police personnel in the Districts were busy with preparation for the ensuing general elections to the Maharashtra Legislative Assembly and would have been occupied with the pre and post elections duties ;

AND WHEREAS to rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or inconvenience to the citizens as well as to the candidates, and electors concerned, it was considered expedient to temporarily postpone the elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* for a period of three months ;

AND 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 to provide for temporary postponement of elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis*, for the reasons aforesaid; and, therefore, promulgated the Maharashtra *Zilla Parishads* and *Pachayat Samitis* Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committess of certain *Zilla Parishad* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2024 on the 14th October 2024 ;

Mah.
Ord. XI
of 2024.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-fifth Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Act, 2024.

(2) It shall be deemed to have come into force on the 14th October 2024.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “*Panchayat Samiti*” means a Panchayat Samiti constituted under the Zilla Parishads Act;

(b) “*Zilla Parishad*” means a Zilla Parishad constituted under the Zilla Parishads Act;

(c) “Zilla Parishads Act” means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

Mah. V
of 1962.

(d) words and expressions used in this Act and not defined herein shall, in relation to any *Zilla Parishad* or *Panchayat Samitis*, have the same meaning assigned to them in the *Zilla Parishads Act*.

3. (1) Notwithstanding anything contained in the *Zilla Parishads Act* or the rules made thereunder or in any judgment, decree or order of any Court,—

Postponement of elections of Presidents, Vice-Presidents and Chairmen of Subjects Committees and Deputy Chairmen of *Panchayat Samitis* and extension of term of their office.

(a) no election to the offices of the President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, after expiry of two and half years, during the current term of such *Zilla Parishad* or *Panchayat Samiti*, as the case may be, shall be held for a period of ninety days from the date of coming into force of this Act, or till such earlier date as the State Government may, by notification in the *Official Gazette*, specify (hereinafter in this Act referred to as “the said period”);

(b) the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samiti* elected after the said period shall be co-terminous with the term of the elected Councillors or members, as the case may be;

(2) Notwithstanding anything contained in sub-section (1), after the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis* as extended by this Act expires, they shall continue to hold office until the new President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis* have been elected under the *Zilla Parishads Act*.

4. All the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, whose term of offices are deemed to have been extended or are extended, as the case may be, under section 3 shall, throughout the extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*; and no act done by any of them during said period shall be invalid, or shall be called in question in any Court, merely on the ground that during such extended period, the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

Powers of Presidents, Vice-Presidents and Chairmen of Subjects Committees and Deputy Chairmen of *Panchayat Samitis* whose term of office stands extended and validation of certain acts.

Arrangements
to hold
elections of
Presidents,
Vice-
Presidents
and
Chairmen of
the Subjects
Committees
of Zilla
Parishads and
Chairmen
and Deputy
Chairmen of
Panchayat
Samitis.

5. Notwithstanding anything contained in this Act, arrangements shall be made by the Collectors and other officers concerned to hold the elections of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, in accordance with the provisions of the Zilla Parishads Act and the rules made thereunder, before, or as soon as possible, after the expiration of the extended term of office of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

Power to
remove
difficulty.

6. (1) If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained therein, or in giving effect to the Zilla Parishads Act in respect of any matter contained in this Act, the State Government may as occasion arises, by an order, published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of six months from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Removal of
doubt.

7. For the removal of doubt, it is hereby declared that, nothing contained in this Act shall apply in respect of the election of the offices of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, to be held immediately after the general election to the *Zilla Parishads* and the *Panchayat Samitis*, as the case may be.

Repeal of
Mah. Ord. XI
of 2024
and
saving.

8. (1) The Maharashtra Zilla Parishads and Panchayat Samitis temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2024 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the provisions of this Act.

Mah.
Ord. XI
of 2024.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), in the State, the tenure of the offices of the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis* is two and a half years. In some of the *Zilla Parishads* and *Panchayat Samitis*, the term of offices of the Presidents, Vice-Presidents, and Chairmen of the Subjects Committees of the *Zilla Parishads*, the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, were due to expire in the months of October-November 2024.

2. The general elections to the State Legislative Assembly were likely to be held in the month of November 2024. On account of the said general elections to the Maharashtra Legislative Assembly, all Collectors and staff of the Collectorate of the Districts as well as the police personnel in the Districts were busy with preparation for the said general elections and would have been occupied with the pre and post election duties. To rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or any inconvenience to the citizens as well as to the candidates and the electors concerned, it was considered expedient to temporarily postpone the elections of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, for a period of ninety days.

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 to provide for temporary postponement of elections to the offices of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of the certain *Panchayat Samitis*, on account of ensuing general elections to the Maharashtra Legislative Assembly and for certain other incidental matters, the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2024 (Mah. Ord. XI of 2024), was promulgated by the Governor of Maharashtra on the 14th October 2024.

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

Nagpur,

Dated the 15th December, 2024.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of Legislative powers, namely :—

Clause 3(1).—The Act is intended to remain in force for a period of ninety days from the date of commencement of this Act. However, under this clause, power is taken to the State Government to shorten the period of operation of this Act, if considered necessary, by issuing a notification in the *Official Gazette*.

Clause 6.—Under this clause, power is taken to the State Government to take an action by an order published in the *Official Gazette*, for removing the difficulty in giving effect to the provisions of this Act.

2. All the above proposals for delegation of legislative power are of a normal character.