



महाराष्ट्र शासन राजपत्र

प्राधिकृत प्रकाशन

गुरुवार, डिसेंबर १४, १९७८/अग्रहायण २३, शके १९००

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग पाच

पुढील विधेयके, इत्यादि, असाधारण राजपत्र म्हणून त्यांच्यापुढे दर्शविलेल्या दिनांकांना प्रसिद्ध झाली आहेत :—

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बुधवार, नोव्हेंबर २९, १९७८ अग्रहायण ८, शके १९००

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 29th November 1978 :—

L. A. BILL No. XLII OF 1978

A BILL

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

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 purpose hereinafter appearing ; and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 1978, on the 10th day of August 1978 ;

Mah.
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1962.
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Ord.
VI of
1978.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 10th day of August 1978.

Amendment
of section
260 of Mah.
V of 1962.

2. In section 260 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as "the principal Act"), in sub-section (1), for clause (ii), the following shall be substituted, namely:—

“(ii) supersede such *Zilla Parishad* for the period specified in the order. Such period when the order of supersession is made, shall not be longer than the term of six years for which the Councillors would have held office under section 10, if the *Zilla Parishad* had not been superseded:

Provided that, when the period of supersession is continued under sub-section (4), the total period of supersession may be longer, but not exceeding six months from the date on which the said term of such Councillors would have expired if the *Zilla Parishad* had not been superseded under this section.”

Repeal of
Mah. Ord.
VI of 1978
and saving.

3. (1) The Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 1978, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any order made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken or made, as the case may be, under the principal Act, as amended by this Act.

Mah.
V of
1962.

Mah.
Ord.
VI of
1978.

STATEMENT OF OBJECTS AND REASONS

Under section 10 (2) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the normal term of office of Councillors is six years, and under the second proviso to that section, the term of the Councillors can be extended, but not beyond six months. When a *Zilla Parishad* is superseded, such supersession under section 260 (1) (ii) of the Act could be for a period not longer than the term for which the Councillors would have held office under section 10, if the *Zilla Parishad* had not been superseded. The Nasik *Zilla Parishad* stood superseded and an administrator had been appointed. The normal term of the Councillors of that *Zilla Parishad* was to expire on the 11th August 1978 and it was necessary to extend the term of the said administrator. To leave no scope for doubt that the term of the administrator could also be extended, if necessary, beyond the normal term of six years, it was necessary to amend section 260 (1) (ii) of the Act. As in the case of the Councillors, it was, therefore, proposed to take power to extend the term of the administrator also for a period not exceeding six months.

As both the Houses of the State Legislature were not in Session and it was necessary to take immediate action for amending the Act, for the purpose aforesaid, the Governor of Maharashtra promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 1978, on the 10th day of August 1978.

2. This Bill is intended to convert the said Ordinance into an Act of the State Legislature.

Bombay:
Dated 6th November 1978.

G. A. DESHMUKH,
Minister for Rural Development.

Nagpur, dated 29th November 1978.

G. S. NANDE,
Secretary,
Maharashtra Legislative Assembly.