



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३५] गुरुवार, ऑगस्ट २०, २००९/श्रावण २९, शके १९३१ [पृष्ठे ५, किंमत : रुपये २०.००

असाधारण क्रमांक ६२

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 Subjects Committees of certain Zilla Parishads and Chairman and Deputy Chairman of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009 (Mah. Ord. XV of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairman and Deputy Chairman of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009 (Mah. Ord. XV of 2009), published under the authority of the Governor).

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 20th August 2009.

MAHARASHTRA ORDINANCE No. XV OF 2009.

AN ORDINANCE

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

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २०, २००९/श्रावण २९, शके १९३१

WHEREAS general elections to the State Legislative Assembly are likely to be held sometime in the month of October 2009 ;

AND WHEREAS the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairman and Deputy Chairman of certain *Panchayat Samitis* are due to expire in September 2009 ;

AND WHEREAS on account of ensuing general elections to the Maharashtra Legislative Assembly, all the officers and staff of the Collectors of the Districts as well as the police personnel in the Districts are busy with preparation for the ensuing general elections to the Maharashtra Legislative Assembly and would be totally 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, it is considered expedient to temporarily postpone the elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairman and Deputy Chairman of certain *Panchayat Samitis* for a period of four months ;

AND 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 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 Chairman and Deputy Chairman of certain *Panchayat Samitis*, for the reasons aforesaid ;

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 Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain *Zilla Parishads* and Chairman and Deputy Chairman of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(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*;

(d) words and expressions used in this Ordinance and not defined herein shall have the meanings assigned to them in the *Zilla Parishads Act*.

Mah. V
of 1962.

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

(a) no election to the office of the President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairman and Deputy Chairman of the *Panchayat Samitis* shall be held for a period of four months from the date of coming into force of this Ordinance, or such earlier date as the State Government may, by notification in the *Official Gazette*, specify (hereinafter in this Ordinance 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 Chairman and Deputy Chairman of the *Panchayat Samitis* to be elected after the said period shall be co-terminus with the term of the elected councillors or members, as the case may be.

Postpone-
ment of
elections of
Presidents,
Vice-
Presidents,
and
Chairmen
of Subjects
Committees
and
Chairman,
Deputy
Chairman
and
extension
of term of
their office.

(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 Chairman and Deputy Chairman of the *Panchayat Samitis* as extended by this Ordinance expires, they shall continue to hold office until the new President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairman and Deputy Chairman 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 Chairman and Deputy Chairman 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 such 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 the Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairman and Deputy Chairman 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 the Chairmen of the Subjects Committees and the Chairman and Deputy Chairman 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 Chairman and Deputy Chairman of the *Panchayat Samitis* under the *Zilla Parishads Act*.

5. Notwithstanding anything contained in this Ordinance, arrangements shall be made by the officers concerned to hold the elections of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairman and Deputy Chairman 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 existing Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairman and Deputy Chairman of the *Panchayat Samitis*.

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

STATEMENT

As per the existing provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), the tenure of the offices of the Presidents, Vice-Presidents and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairman and Deputy Chairman 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 the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairman and Deputy Chairman of the *Panchayat Samitis*, is due to expire in the month of September 2009.

2. The general elections to the State Legislative Assembly are likely to be held sometime in the month of October 2009. On account of the said general elections to the Maharashtra Legislative Assembly, all officers and staff of the Collectors of the Districts as well as the police personnel in the Districts are busy with preparation for the said general elections and would be totally 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, it is considered expedient to temporarily postpone the elections of the Presidents, Vice-Presidents and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairman and Deputy Chairman of the *Panchayat Samitis*, for a period of four months.

3. 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 to provide for temporary postponement of elections to the offices of the Presidents, Vice-Presidents and the Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairman and Deputy Chairman of certain *Panchayat Samitis*, for a short period on account of ensuing general elections to the State Legislative Assembly and for certain other incidental matters, this Ordinance is promulgated.

Mumbai,

Dated the 19th August 2009.

S. C. JAMIR,

Governor of Maharashtra.

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

BALDEV SINGH,
Secretary to Government.