

The Maharashtra Local Authorities (Postponement of Elections for the duration of the Emergency) (Repeal) Act, 1963

MAHARASHTRA

India

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Act 22 of 1963

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The Maharashtra Local Authorities (Postponement of Elections for the duration of the Emergency) (Repeal) Act, 1963 Maharashtra Act of 22 of 1963 Statement of Objects and Reasons. - [Maharashtra Act 39 of 1962.] - The President of India has on the 26th day of October, 1962 issued a Proclamation of Emergency under Article 352(1) of the Constitution of India. The Government considered it desirable that during the period of the Emergency the attention of the public should not be diverted to any matters besides those concerning Emergency. It was therefore considered necessary to postpone all by-elections or general elections to local authorities such as municipalities, municipal corporations, zilla parishads, village panchayats, etc., and certain bodies functioning under the local authorities Acts. If the Emergency lasts for a considerable period, occasion may arise when a local authority becomes unable to discharge its function for want of quorum, as for example by a large number of deaths, resignations, etc., of its members, or any other cause. In such cases, since no by-elections or general elections are to be held, it will be necessary for the Government either to nominate qualified persons in the vacancies, or to appoint an Administrator so that the administration of the local body does not come to a stand still. It was therefore considered expedient in view of the Emergency to enact a special measure for postponement of elections as mentioned above. As the Legislature of the Maharashtra State was not in session and it was necessary to take immediate action, Maharashtra Ordinance No. V of 1962. This Act seeks to replace the Ordinance and also to provide for nomination of members or appointment of an Administrator in cases where the term of office or members has expired before promulgation of the Ordinance or where a local authority was first constituted after the commencement of the Ordinance or where it was noticed that the election or nomination of members was irregular. In view of the state of Emergency declared by the President, the Governor of Maharashtra had promulgated an Ordinance on 8th November, 1962 postponing elections and bye-elections to the various local authorities in this State in order that the attentions of the public should be concentrated on efforts connected with the Emergency.

The Ordinance was subsequently replaced by an Act of the State Legislature called the Maharashtra Local Authorities (Postponement of Elections for the Duration of the Emergency) Act, 1962.[Maharashtra Act 22 of 1963.] - Government considered that circumstances had changed since the measures referred to above were taken and it was no longer necessary to continue the ban on the holding of general elections and by-elections to local authorities. It was accordingly expedient to repeal the Act referred to above with the necessary saving provisions.[Dated 24th April, 1963]For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1963, Part V, page 79.An Act to repeal the Maharashtra Local Authorities (Postponement of Elections for the Duration of Emergency) Act, 1962.Whereas it is expedient to repeal the Maharashtra Local Authorities (Postponement of Elections for the Duration of Emergency) Act, 1962; It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Maharashtra Local Authorities (Postponement of Elections for the Duration of Emergency) (Repeal) Act, 1963.

2. Repeal of Maharashtra XXXIX of 1962 and savings.

- The Maharashtra Local Authorities (Postponement of Elections for the Duration of Emergency) Act, 1962, is hereby repealed:Provided that, notwithstanding the repeal of the said Act, and notwithstanding anything in any enactment by or under which any local authority is constituted or established, -(a)the term of office of the councillors or members extended by section 3 of the Act now repealed, and of councillors and members nominated under clause (a), or of any officer appointed under clause (b), of section 3 of the said Act, shall expire on the 31st day of December, 1963; but the councillors or members, or as the case may be, the officer, shall continue in office until the first meeting of the local authority duly reconstituted under the relevant Act, at which a quorum is present;(b)the delegation of any powers, duties and functions to any officer under section 5 of the Act now repealed, shall continue to have effect until the expiration of the term of appointment of the Municipal Commissioner or officer whose powers, duties and functions were so delegated;(c)if any advisory council has been appointed, it shall continue to function until the 31st day of December, 1963, unless sooner dissolved by a notification made in that behalf by the State Government.

3. Interpretation.

- "Local authority" has the same meaning as in the Act now repealed.