

DISSOLUTION OF OSMANABAD AND PARBHANI ZILLA PARISHADS AND TEMPORARY POSTPONEMENT OF ELECTIONS ACT, 1980

MAHARASHTRA

India

DISSOLUTION OF OSMANABAD AND PARBHANI ZILLA PARISHADS AND TEMPORARY POSTPONEMENT OF ELECTIONS ACT, 1980

Act 19 of 1980

- Published on 26 December 1980
- Not commenced
- [This is the version of this document from 26 December 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act to provide for dissolution of Osmanabad and Parbhani Zilla Parishads, temporary postponement of elections and appointment of administrators. WHEREAS the term of office of six years of the Councillors of the Osmanabad Zilla Parishad and of the Parbhani Zilla Parishad established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 was due to expire on the 31st March 1980 ;AND WHEREAS, by Government Notification, Rural Development Department, No.ZPE.1080/(CR.256)-XXXVII, dated the 24th March 1980, issued under the second proviso to sub- section (2) of section 10 of the said Act, the term of the said Councillors was extended upto, and inclusive of, the 30th June 1980, for the purpose of holding the general elections on the basis of the Maharashtra Legislative Assembly roll, which was then being revised by the Election Commission;AND WHEREAS, by Government Notification, Rural Development Department, No.ZPE.1080(CR-256)/XXXVII, dated the 28th May 1980, issued under the second proviso to sub-section (2) of section 10 of the said Act, the term of the said Councillors was further extended for the maximum permissible period of six months upto, and inclusive of, 30th September 1980, as the Collectors and their state and other concerned officers were required to direct their efforts towards discharging their duty of holding general elections to the Maharashtra Legislative Assembly;AND WHEREAS, due to monsoon season and other administrative difficulties it was not convenient and feasible to hold the general elections before the 30th September 1980, and even after the monsoon season was over as the Collectors and their staff and other concerned officers in the two districts were required to direct their efforts towards discharging their duty connected with 1981-Census of India operations, till about the middle of March 1981, it was not practicable to hold general elections, and to complete all the stage thereof, before the 30th June 1981; Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act,

1980. AND WHEREAS, for the reasons stated above, it was necessary to provide for postponement of general elections to the Zilla Parishads upto, and inclusive of, the 30th June 1981; AND WHEREAS, as the Councillors of the aforesaid two Zilla Parishads and members of their Panchayat Samitis and other bodies already had the benefit of full term of office, it was not considered necessary to continue them in office; AND WHEREAS, it was, therefore, expedient formally to dissolve the aforesaid two Zilla Parishads and consequently to take power to appoint administrators to exercise the powers and perform the duties of the Zilla Parishads and other bodies, in the intervening period, till the new Zilla Parishads are duly reconstituted; AND WHEREAS, both the 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 make law providing for matters aforesaid and for matters connected therewith; and, therefore, promulgated Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Election Ordinance, 1980, on the 25th September 1980; AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-first Year of the Republic of India as follows

1. Short title commencement and duration :-

(1) This Act may be called the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980. (2) It shall be deemed to have come into force on the 25th September 1980. (3) It shall remain in operation upto, and inclusive of, the [31st March 1992] or such earlier date as the State Government may, by notification in the Official Gazette, specify, and shall then expire. Section 7 of the Bombay General Clauses Act, 1904 shall apply on expiry of this Act, as if it had been repealed by a Maharashtra Act.)

2. Definitions :-

In this Act, unless the context otherwise requires, -(a) "administrator" means the person appointed by the State Government under this Act to exercise the powers and perform the duties of the Osmanabad Zilla Parishad, as the case may be, and its Panchayat Samitis, Standing Committee, Subjects Committees and other Committees; (b) "appointed date" means the 26th day of September 1980; (c) "election to a Panchayat Samiti" means election of a member of a Panchayat Samiti; (d) "election to a Zilla Parishad" means election of a Councillor of a Zilla Parishad; (e) "the principal Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961; (f) "Zilla Parishad" means the Osmanabad Zilla Parishad or the Parbhani Zilla Parishad, as the case may be; (g) words and expressions used in this Act, and not defined herein shall have the meanings assigned to them under the principal Act.

3. Dissolution of Osmanabad and Parbhani Zilla Parishads and appointment of administrators :-

(1) Notwithstanding anything contained in the principal Act or any rules, regulations or bye-laws made or notifications issued under thereunder, on the appointed date, the Osmanabad Zilla

Parishad and the Parbhani Zilla Parishad shall stand dissolved.(2)When a Zilla Parishad is so dissolved, the following consequences shall ensue, that is to say,-(a)all Councillors and members of the Panchayat Samitis, Standing Committee, Subjects Committees or other Committees, if any, shall, from the appointed date vacate their offices as such Councillors or members;(b)all powers and duties of the Zilla Parishad, the Panchayat Samitis, the Standing Committee or Subjects Committees or other Committees shall . during the period from the appointed date upto, and inclusive of, the 30th June 1981 or 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") be exercised and performed by such person as the State Government may, from time to time, appoint in that behalf;(c)the person appointed under clause (b) shall continue in office, until the first meeting of the reconstituted Zilla Parishad, at which there is a quorum;(d)the person appointed under clause (b) may delegate any of his powers or duties to an individual or to a committee or sub-committee.

4. Temporary postponement of elections :-

Notwithstanding anything contained in the principal Act or any rules, regulations or bye-laws made or notifications issued thereunder, during, the said period, no general election to the Zilla Parishad, or any Panchayat Samiti shall be held.

5. Arrangements to be made to reconstitute Zilla Parishads and Panchayat Samitis :-

Notwithstanding anything contained in this Act, on a date (being a date before the expiry of the said period) to be notified by the State Government in the Official Gazette, arrangements shall be made by the Collectors and other officers concerned to constitute new Zilla Parishads and Panchayat Samitis in accordance with the provisions of the principal Act and the rules made thereunder, before, or as soon as possible after, the expiration of the said period.

6. Application of Mah.Vof.1962 :-

Except as otherwise provided by or under this Act, the provisions of the principal Act shall in all other respects apply, mutatis mutandis, to the Zilla Parishads and Panchayat Samitis concerned.

7. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, 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.

8. Repeal of Mah.Org.VIII of 1980 and saving :-

(1)Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Ordinance, 1980, is hereby repealed.(2)Notwithstanding such repeal, anything done or

any action taken (including any notification or order issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be. under the corresponding provisions of this Act.

9. Mah.Ord.VIII of 1980 :- Repealed]