



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष २, अंक १२]

बुधवार, जुलै २०, २०१६/आषाढ २९, शके १९३८

[पृष्ठे ४, किंमत : रुपये ३६.००

असाधारण क्रमांक २६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 20th July 2016 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXIX OF 2016.

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 purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2016, on the 1st June 2016 ;

Mah. V
of 1962.
Mah.
Ord. X
of 2016.

(१)

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

Short title and comment.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 1st June 2016.

Amendment of section 9 of Mah. V of 1962.

2. In section 9 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “the principal Act”), after sub-section (2), the following sub-section shall be inserted, namely :—

Mah. V of 1962.

“(2A) If in the general election, less than two-thirds of the total number of Councillors are elected then, the State Election Commission shall not publish the names and permanent addresses of such elected Councillors :

Provided that, before coming into force of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016, where less than fifty per cent. of the total number of Councillors are elected and if the State Election Commission has published the names of such elected candidates, then such candidates shall have no right to claim and continue as Councillors :

Mah. of 2016.

Provided further that, in such case, the State Election Commission shall hold the fresh election of such *Zilla Parishad*.”

Amendment of section 57 of Mah. V of 1962.

3. In section 57 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) If in the general election, less than two-thirds of the total number of members are elected then, the State Election Commission shall not publish the names and permanent addresses of such elected members :

Provided that, before coming into force of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016, where less than fifty per cent. of the total number of members are elected and if the State Election Commission has published the names of such elected candidates, then such candidates shall have no right to claim and continue as members :

Mah. of 2016.

Provided further that, in such case, the State Election Commission shall hold the fresh election of such *Panchayat Samiti*.”

Repeal of Mah. Ord. X of 2016 and saving.

4. (1) The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2016, is hereby repealed.

Mah. Ord. X of 2016.

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

STATEMENT OF OBJECTS AND REASONS

Sections 9 and 57 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) provides for constitution of the *Zilla Parishads* and *Panchayat Samitis*, respectively. Sub-section (1) of section 9 of the said Act provides that the *Zilla Parishad* shall consist of Councillors chosen by direct election from the electoral divisions in the District which shall not be more than seventy-five and not less than fifty in number, as also the *Panchayat Samitis* shall consist of members chosen by direct election from each electoral college in the District. Sub-section (2) of the said section 9 provides that in a general election, on the election of two-thirds or more of the number of Councillors being elected, the names of such elected Councillors together with their permanent addresses shall be published by the State Election Commission.

2. The State Election Commission has conducted the general elections to the Thane *Zilla Parishad* on the 28th January 2015. However, except 8 nominations for the elections to the *Zilla Parishad* and 10 nominations for the *Panchayat Samitis*, no other nominations for the said *Zilla Parishad* and *Panchayat Samitis* were received by the State Election Commission. As a result, the said candidates were elected unopposed to the Thane *Zilla Parishad* and *Panchayat Samitis* of the said District.

For want of at least two-third of the numbers of the Councillors being elected, the said *Zilla Parishad* could not be duly constituted as per the provisions of the said sub-section (2) and it would had been necessary to hold the election in other areas.

3. In the meanwhile, by the Government Notification, issued on the 11th March 2015, i.e. after the said general elections, the Murbad and Shahapur Village *Panchayats* have been converted into the *Nagar Panchayat*. As a result the said areas have ceased to be rural areas. Similarly, *vide* notification, dated the 14th May 2015 the limits of the Kalyan-Dombivli Municipal Corporation were altered, with effect from the 1st June 2015, i.e. after the said general elections, by including therein 27 villages of the Ambernath and Kalyan *Talukas* of the Thane District. Due to this also, the area of the said villages also ceased to be rural area. This has resulted in the decrease of rural population of the Thane District and consequentially required alteration of 13 electoral divisions, of which whole of 9 electoral divisions have been converted as urban areas as aforesaid. After converting the said areas into urban areas, out of 55 electoral divisions for *Zilla Parishad* only 46 electoral divisions and out of 110 electoral colleges for *Panchayat Samitis* only 89 electoral colleges are now forming part of the Thane District. This requires the alteration of boundaries of the electoral divisions and electoral colleges throughout the Thane District. This also means that the candidates who were declared elected as aforesaid could not be said to be truly representing their respective constituencies.

4. In such unprecedented situation, the Thane *Zilla Parishad* and *Panchayat Samitis* in the Thane District could not be duly constituted in accordance with the provisions of the said Act. To deal with such situation it was considered expedient to amend sections 9 and 57 of the said Act, suitably. This would also ensure the mandate of the Constitution of India, to conduct the elections for constitution of those bodies at the earliest.

5. 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 further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2016 (Mah. Ord. X of 2016), was promulgated by the Governor of Maharashtra on the 1st June 2016.

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

Mumbai,
Dated the 17th July 2016.

PANKAJA MUNDE,
Minister for Rural Development.

Vidhan Bhavan :
Mumbai,
Dated 20th July 2016.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.