



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ३४]

बुधवार, जून १, २०१६/ज्येष्ठ ११, शके १९३८

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ५७

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 (Amendment) Ordinance, 2016 (Mah. Ord. X of 2016), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2016 (Mah. Ord. X of 2016), published under the authority of the Governor].

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort,
Mumbai 400 001, dated the 1st June 2016.

MAHARASHTRA ORDINANCE No. X OF 2016.

AN ORDINANCE

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

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 further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ;

Mah. V
of 1962.

(१)

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 commen-
cement.

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

(2) It shall come into force at once.

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 (Amendment) Ordinance, 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.
Ord. X
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 (Amendment) Ordinance, 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.
Ord. X
of 2016.

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

STATEMENT

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 have 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 requires 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 are declared elected as aforesaid cannot 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 cannot be duly constituted in accordance with the provisions of the Act. To deal with such situation it is consider expedient to amend sections 9 and 57 of the said Act, suitably. This will 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 31st May 2016.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

V. GIRIRAJ,
Principal Secretary to Government.