



The Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary
and of Elections Act, 1980

Act 19 of 1980

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Administrator, Election to a Panchayat Samiti, Election to a Zilla Parishad,
The Panchayats Act, Zilla Parishad

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

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MAHARASHTRA ACT No. XIX OF 1980.¹

**[THE DISSOLUTION OF OSMANABAD AND PARBHANI ZILLA PARISHADS
AND TEMPORARY POSTPONEMENT OF ELECTIONS ACT, 1980.]**

[This Act received the assent of the Governor on the 25th December 1980; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 26th December 1980.]

**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 Mah. Zilla Parishad and of the Parbhani Zilla Parishad established under the Maharashtra V of 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, the 30th September 1980, as the Collectors and their staff 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 the 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 stages thereof, before the 30th June 1981;

AND WHEREAS, for the reasons stated above, it was necessary to provide for postponement of general elections to the two 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;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V,

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 a law providing for matters aforesaid and for matters connected therewith ; and, therefore, promulgated Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Ordinance, 1980, on the 25th September 1980;

Mah.
Ord.
VIII
of
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 :—

Short title
and com-
mencement.

1. (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.

Definitions.

2. 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 or the Parbhani 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.

Mah.
V of
1962.

Dissolution
of Osmana-
bad and
Parbhani
Zilla Pari-
shads and
appoint-
ment of
adminis-
trators

3. (1) Notwithstanding anything contained in the principal Act or any rules, regulations or by-laws made or notifications issued 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 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 during the period from the appointed date upto, and inclusive of the 31st day of September 1981 or such earlier date as the State Government may, by notification in the Gazette, specify (hereinafter in this Act referred to as the " specified date ") shall be exercised and performed by the administrator appointed in writing to time, appoint in

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

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

6. 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. Application of Mah. V of 1962.

7. 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. Removal of difficulties.

Mah. 8. (1) Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Repeal of
Ord. Postponement of Elections Ordinance, 1980, is hereby repealed. Mah. Ord.
VIII of
of 1980 and
1980. saving.

(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.