



The Maharashtra Zilla Parishads and Panchayats Samitis Temporary
Postponement of Elections (of the President, Vice-President and Chairmen of
Subjects Committees of Certain Zilla Parishad and Chairmen and Deputy
Chairmen of Certain Panchayat Samitis due to

Act 7 of 2005

Keyword(s):

Panchayat Samiti, Zilla Parishad, Zilla Parishad Act, Elections, Postponement

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**THE MAHARASHTRA ZILLA PARISHADS AND
PANCHAYAT SAMITIS TEMPORARY
POSTPONEMENT OF ELECTIONS (OF THE
PRESIDENT, VICE-PRESIDENT AND CHAIRMEN
OF SUBJECTS COMMITTEES OF CERTAIN ZILLA
PARISHADS AND CHAIRMEN AND DEPUTY
CHAIRMEN OF CERTAIN PANCHAYAT SAMITIS
DUE TO ENSUING GENERAL ELECTIONS TO THE
STATE LEGISLATIVE ASSEMBLY AND CERTAIN
OTHER ELECTIONS) ACT, 2004.**

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MAHARASHTRA ACT No. VII OF 2005¹.

[THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS TEMPORARY
POSTPONEMENT OF ELECTIONS (OF THE PRESIDENT, VICE PRESIDENT AND
CHAIRMEN OF SUBJECTS COMMITTEES OF CERTAIN ZILLA PARISHADS AND
CHAIRMEN AND DEPUTY CHAIRMEN OF CERTAIN PANCHAYAT SAMITIS DUE TO
ENSUING GENERAL ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY AND
CERTAIN OTHER ELECTIONS) ACT, 2004.]

(This Act received the assent of the Governor on the 4th January 2005; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 4th January 2005.)

An Act to provide for temporary postponement of elections of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis on account of ensuing general elections to the State Legislative Assembly and certain other elections.

WHEREAS both Houses of the State Legislature were not in session ;

Mah.
Ord.
XXIV of
2004.

AND WHEREAS the Governor of Maharashtra has promulgated the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly) Ordinance, 2004 (hereinafter referred to as " the said Ordinance ") on the 21st August 2004, to provide for temporary postponement of the elections of the President, Vice-President and Chairmen of Subjects Committees of certain *Zilla Parishads* and Chairmen and Deputy Chairmen of certain *Panchayat Samitis* for a period of three months on account of general elections to the State Legislative Assembly ;

AND WHEREAS the extended term of offices of the President, Vice-President and Chairmen of Subjects Committees of certain *Zilla Parishads* and Chairmen and Deputy Chairmen of certain *Panchayat Samitis* was due to expire on the 18th November 2004 ;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 320.

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Maharashtra Zilla Parishads and Panchayat Samitis
Temporary Postponement of Elections (of the President, Vice-President and
Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy
Chairmen of Certain Panchayat Samitis due to ensuing general elections to the State
Legislative Assembly and certain other elections) Act, 2004.

AND WHEREAS with a view to further extend the term of office of the President, Vice-President and Chairmen of Subjects Committees of certain *Zilla Parishads* and Chairmen and Deputy Chairmen of certain *Panchayat Samitis* for further period of three months due to general elections of certain *Panchayat Samitis* and bye-elections for filling up some vacancies of the councillors of certain *Zilla Parishads* and the members of certain *Panchayat Samitis*, as well as elections to eleven seats to Maharashtra Legislative Council including six seats from local authorities constituencies, the Governor of Maharashtra has promulgated the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly) (Amendment) Ordinance, 2004, on the 11th November 2004 ;

Mah.
Ord.
XXXII
of
2004.

AND WHEREAS it is expedient to replace the said Ordinance, as amended by the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly) (Amendment) Ordinance, 2004 ; by an Act of the State Legislature; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :—

Mah.
Ord.
XXXII
of
2004.

Short title,
commence-
ment and
duration.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis due to ensuing general elections to the State Legislative Assembly and certain other elections) Act, 2004.

(2) It shall be deemed to have come into force on the 21st August 2004.

(3) It shall remain in force for the period of six months from the date of commencement of this Act or such earlier date as may be notified by the State Government by issuing a notification in the *Official Gazette*; and shall then expire. Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

Bom 1
of
1904.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Panchayat Samiti" means a Panchayat Samiti constituted under the Zilla Parishads Act ;

(b) "Zilla Parishad" means a Zilla Parishad constituted under the Zilla Parishads Act ;

(c) "Zilla Parishads Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

Mah. V of
1962.

(d) words and expressions used in this Act and not defined herein shall, in relation to any Zilla Parishad or Panchayat Samitis, have the meaning assigned to them in the Zilla Parishads Act.

3. (1) Notwithstanding anything contained in the Zilla Parishads Act or the rules made thereunder or in any judgement, decree or order of any Court,—

Postpone-
ment of
elections of
Presidents,
Vice-
Presidents,
Chairmen,
Deputy
Chairmen,
and
Chairmen of
Subjects
Committees
and
extension of
term of their
office.

(a) no election to the offices of the President, Vice-President and the Chairmen of the Subjects Committees of a Zilla Parishads, and the Chairmen and Deputy Chairmen of a Panchayat Samitis shall be held for a period of six months from the date of coming into force of this Act, or till such earlier date as may be notified by the State Government by issuing a notification under sub-section (3) of section 1 in the Official Gazette (hereinafter in this Act referred to as "the said period");

(b) the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of a Zilla Parishad and Chairmen and Deputy Chairmen of a Panchayat Samiti elected after the said period shall be co-terminous with the term of the elected Councillors or members, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), after the term of offices of the President, Vice-President, and Chairmen of the Subjects Committees of the Zilla Parishads and the Chairmen and Deputy Chairmen of the Panchayat Samitis as extended by this Act expires, they shall continue to hold office until the new President, Vice-President and Chairmen of the Subjects Committees and Chairmen and Deputy Chairmen have been elected under the Zilla Parishads Act.

Maharashtra Zilla Parishads and Panchayat Samities [2005: Mah. VII
*Temporary Postponement of Elections (of the President, Vice-President and
 Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy
 Chairmen of certain Panchayat Samitis due to ensuing general elections to the State
 Legislative Assembly and certain other elections) Act, 2004.*

Power of President, Vice-Presidents, Chairmen, Deputy Chairmen and Chairmen of Subjects Committees whose term of office stands extended and validation of certain acts.

4. All the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairmen and Deputy Chairmen of the *Panchayat Samitis*, whose term of offices are deemed to have been extended or are extended, as the case may be, under section 3 shall, throughout the extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairmen and Deputy Chairmen of the *Panchayat Samitis*; and no act done by any of them during said period shall be invalid or shall be called in question in any Court, merely on the ground that during such extended period, the President, Vice-President and the Chairmen of the Subjects Committees, and the Chairman and Deputy Chairman of the *Panchayat Samitis*, could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the President, Vice-President and Chairmen of the Subjects Committees and Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

Arrangements to hold elections of Presidents, Vice-Presidents, Chairmen, Deputy Chairmen and Chairmen of Subjects Committees.

5. Notwithstanding anything contained in this Act, arrangements shall be made by the Collectors and other officers concerned to hold the elections of the Presidents, Vice-Presidents, Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairmen and Deputy Chairmen of the *Panchayat Samitis*, in accordance with the provisions of the *Zilla Parishads Act* and the rules made thereunder, before, or as soon as possible, after the expiration of the extended term of office of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

Removal of difficulty.

6. If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained therein, or in giving effect to the *Zilla Parishads Act* in respect of any matter contained in 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.

Repeal of Mah. Ord. XXIV of 2004 and saving.

7. (1) The Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of Subjects Committees of certain Zilla Parishads and Chairmen and Deputy Chairmen of certain Panchayat Samitis due to ensuing general election to the State Legislative Assembly and certain other elections) Ordinance, 2004, is hereby repealed.

Mah.
Ord.
XXIV
of
2004.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.