



The Maharashtra Village Panchayats (Temporary Postponement of Elections
due to Elections to Lok Sabha) Act, 1980

Act 3 of 1980

Keyword(s):

Administrator, Panchayat Elections, Panchayat, Village, Postponement

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY
POSTPONEMENT OF ELECTIONS DUE TO ELECTIONS TO
LOK SABHA) ACT, 1980.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, commencement and duration.
2. Definitions.
3. Temporary postponement of certain elections to *panchayats* and extension of term of office of members and administrators of *panchayats*.
4. Powers of members and administrators, whose term of office stands extended and validation of certain acts.
5. Arrangements to be made to reconstitute new *panchayats* at the expiry of extended term of existing *panchayats*, members and administrators.
6. Application of Bom. III of 1959.
7. Removal of difficulties.
8. Act not to apply to certain elections to *panchayats*.
9. Repeal of Mah. Ord. VII of 1979 and saving.

MAHARASHTRA ACT No. III OF 1980.¹

[THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY POSTPONEMENT OF ELECTIONS DUE TO ELECTIONS TO LOK SABHA) ACT, 1980.]

[Received the assent of the Governor on the 9th day of February 1980; assent first published in the *Maharashtra Government Gazette*, Part IV, on the 12th day of February 1980.]

An Act to provide for temporary postponement of elections to village panchayats due to ensuing elections to Lok Sabha.

Bom. III of 1959. XLIII of 1950. WHEREAS, under section 12 of the Bombay Village Panchayats Act, 1958 the electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 and in force on such date as the State Government may by general or special order notify in that behalf for such part of the constituency of the Assembly as is included in a ward or a village is the list of voters for such ward or village;

AND WHEREAS, the electoral roll of the Maharashtra Legislative Assembly was prepared with reference to the 1st January 1977;

AND WHEREAS, on the 22nd August 1979, the President dissolved the Lok Sabha and after the dissolution of the Lok Sabha directions were issued by the Election Commission for the preparation of the electoral rolls for the conduct of elections to the Lok Sabha;

AND WHEREAS, for complying with the directions, the electoral roll for the Maharashtra Legislative Assembly with reference to the 1st January 1979 was to be prepared by the end of October 1979 for the conduct of elections to the Lok Sabha;

AND WHEREAS, it was desirable that elections to *panchayats* should be conducted on the basis of the electoral roll of the Maharashtra Legislative Assembly prepared with reference to the 1st day of January 1979, instead of on the basis of the electoral roll of the said Assembly prepared with reference to the 1st January 1977 and for that purpose, to postpone elections to the *panchayats*;

AND WHEREAS, it was considered necessary to postpone the elections to the *panchayats* also for the reason that Collectors, and their staff and other officers, who were necessary for holding such elections, were required to direct all efforts towards preparation of electoral roll of the Maharashtra Legislative Assembly and holding elections to the Lok Sabha;

AND WHEREAS, in consequence of such postponement, it was necessary to extend suitably the term of office of members and administrators of the *panchayats*;

AND WHEREAS, both Houses of the Legislature of the State 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 provide for the postponement of the elections and consequent extension of the term of office, as aforesaid, and also to provide for purposes connected with the said matters; and, therefore, promulgated the Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to Lok Sabha) Ordinance, 1979, on the 11th day

Mah. Ord. VII of 1979.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V, Extra., page 13.

10050 *Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to Lok Sabha) Act, 1980* [1980 : Mah. III]

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,
commence-
ment and
duration.

1. (1) This Act may be called the Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to Lok Sabha) Act, 1980.

(2) It shall be deemed to have come into force on the 11th day of September 1979.

(3) It shall remain in operation upto, and inclusive of, the 31st March 1980, or such earlier date as may be notified by the State Government 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. I of 1904.

.. Definitions.

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

(a) “administrator” means an administrator appointed under clause (b) of sub-section (1) of section 160 of the Panchayats Act, and includes any person appointed under clause (b) of sub-section (2) of section 145 or clause (a) of sub-section (1) of section 151 of that Act;

(b) “election to a *panchayat*” means the election of a member of the *panchayat*, but does not include the election of a *Sarpanch* or *Upa-Sarpanch*;

(c) “*panchayat*” means a *panchayat* established or deemed to have been established under the Panchayats Act;

(d) “the Panchayats Act” means the Bombay Village Panchayats Act, 1958. Bom. III of 1959.

Temporary
postpone-
ment of
certain
elections to
panchayats
and
extension of
term of
office of
members and
administra-
tors of
panchayats.

3. Notwithstanding anything contained in the Panchayats Act or any rules or by-laws made thereunder,—

(a) during the period from the date of commencement of this Act upto, and inclusive of, the 21st March 1980 or such earlier date as may be notified by the State Government under sub-section (3) of section 1 (hereinafter in this Act referred to as “the said period”), no general election to any *panchayat* and no by-election to fill any casual vacancy in any *panchayat*, shall be held;

(b) the term of office (including any extended term of office) of the members (whether elected or appointed) of any *panchayat* or of the administrator or administrators of any *panchayat*, who were in office on the day immediately preceding the date of commencement of this Act (whether their term has expired before, on or after the said date at any time during the said period), shall be deemed to have been extended, or to be extended, as the case may be; and every such member or administrator shall continue to hold office during the said period:

Provided that, after the expiry of the term of office of the members or the administrators as so extended by this section, they shall continue in office until the first meeting of the reconstituted *panchayat*, at which a quorum is present.

1980 : Mah. III] Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to Lok Sabha) Act, 1980 10051

4. All members of *panchayats* and all administrators of *panchayats*, whose term of office is deemed to have been extended or is extended, as the case may be, under the last preceding section, shall throughout the extended period also (whether before or after the commencement of this Act), be deemed to have been and be competent to exercise all powers and to perform all duties and functions as such members or administrators, as the case may be; and no act done by any such member or administrator during the said period shall be deemed invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the *panchayat*, member or administrator could not exercise all powers and perform all duties and functions of the *panchayat*, member or administrator, as the case may be.

Powers of members and administrators, whose term of office stands extended and validation of certain acts.

5. Notwithstanding anything contained in this Act, after 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 *panchayats* in accordance with the provisions of the Panchayats Act and the rules and by-laws made thereunder, before or as soon as possible after, the expiration of the term of office of the existing *panchayats*, members and administrators, which stands extended under this Act.

Arrangements to be made to reconstitute new *panchayats* at the expiry of extended term of existing *panchayats*, members and administrators.

6. Except as otherwise provided by or under this Act, the provisions of the Panchayats Act shall in all other respects apply to the *panchayats* concerned.

Application of Bom. III of 1959.

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.

8. Nothing contained in this Act shall apply to any election or by-election to any *panchayats* for which the Tahsildar had appointed dates for various stages of the election or by-election before the commencement of this Act and such election or by-election shall be completed according to the programme fixed by the Tahsildar.

Act not to apply to certain elections to *panchayats*.

9. (1) The Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to the Lok Sabha) Ordinance, 1979, 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.

Mah. Ord. VII of 1979.

Repeal of Mah. Ord. VII of 1979 and saving.