



The Maharashtra Village Panchayats (Temporary Further Postponement of Elections due to Elections to Maharashtra Legislative Assembly) Act, 1980

Act 14 of 1980

**Keyword(s):**

Administrator, Pachayat Elections, Village, postponement

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**THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY FURTHER  
POSTPONEMENT OF ELECTIONS DUE TO ELECTIONS TO MAHA-  
RASHTRA LEGISLATIVE ASSEMBLY) ACT, 1980.**

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**MAHARASHTRA ACT No. XIV OF 1980<sup>1</sup>**

[THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY FURTHER POSTPONEMENT OF ELECTIONS DUE TO ELECTIONS TO MAHARASHTRA LEGISLATIVE ASSEMBLY) ACT, 1980.]

[This Act received the Governor's assent on the 30th July 1980; and the assent was first published in the *Maharashtra Government Gazette* on the 2nd August 1980.]

An Act to provide for temporary further postponement of elections to village panchayats due to elections to the Maharashtra Legislative Assembly.

WHEREAS, the Maharashtra Village Panchayats (Temporary Postponement of Elections due to elections to Lok Sabha) Act, 1980 (hereinafter referred to as III of "the Postponement of Elections Act") was enacted by the Legislature of the State of Maharashtra to provide for temporary postponement of elections to *village panchayats* constituted under the Bombay Village Panchayats Act, 1958, due to the III of elections to the Lok Sabha, which were then to be held;

AND WHEREAS, by virtue of section 3 of the Postponement of Elections Act, general elections and by-elections to the said *panchayats* stood postponed till the 31st March 1980;

AND WHEREAS, the President, by Proclamation published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 46(E) in the *Gazette of India*, Extraordinary, dated the 17th February 1980, *inter alia* dissolved the Legislative Assembly of the State of Maharashtra;

And WHEREAS, directions had been issued by the Election Commission for special revision of electoral rolls of the Maharashtra Legislative Assembly for the purpose of conducting elections to the Maharashtra Legislative Assembly, with reference to the qualifying date as the 1st January 1980;

AND WHEREAS, it was desirable that elections to the *village panchayats* should be conducted on the basis of the electoral rolls of the Maharashtra Legislative Assembly revised in accordance with the directions issued by the Election Commission and for that purpose further to postpone elections to the said *panchayats*;

AND WHEREAS, it was considered necessary to further postpone the elections to the said *panchayats* also for the reasons that Collectors and their staff and other officers, who were necessary for holding elections to the said *panchayats*, were required to direct all efforts towards revision of electoral rolls of the Maharashtra Legislative Assembly and for holding elections to that Assembly;

AND WHEREAS, under sub-section (2) of section 10 of the Bombay Village Panchayats Act, 1958, seats were required to be reserved for members of the Schedule III of Caste and Scheduled Tribes having regard to their population in the village;

AND WHEREAS, the question of including persons belonging to certain communities in the categories of Scheduled Castes and Scheduled Tribes was to be considered and for that reason also it was necessary further to postpone elections to the said *panchayats*;

AND WHEREAS, the President had, by the said Proclamation dated the 17th February 1980, assumed to himself all the functions of the Government of the State of Maharashtra and all the powers vested in, or exercisable by, the Governor of that State;

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V, p. 113.

AND WHEREAS, by Order published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 47(E) in the *Gazette of India*, Extraordinary, of the same date, the President had further directed that all the functions of the Government of the State of Maharashtra and all the powers vested in, or exercisable by, the Governor of that State under the Constitution, which had been assumed by him by the said Proclamation, should subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS, the power to promulgate Ordinances is vested in the Governor under article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session;

AND WHEREAS, under sub-clause (iv) of clause (c) of the said Proclamation, references in article 213 of the Constitution to the Governor and to the Legislature of the State or the Houses thereof were to be construed as references to the President and to Parliament or to the Houses thereof, respectively;

AND WHEREAS, both Houses of Parliament were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action for further postponement of elections to the said *panchayats*; and therefore, the Governor of Maharashtra in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution read with Order No. G.S.R. 47 (E) aforesaid, promulgated the Maharashtra Village Panchayats (Temporary further Postponement of Elections due to elections to Maharashtra Legislative Assembly) Ordinance, 1980 on the 31st March 1980;

Mah.  
Ord.  
II 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, commencement and duration.** 1. (1) This Act may be called the Maharashtra Village Panchayats (Temporary further Postponement of Elections due to elections to Maharashtra Legislative Assembly) Act, 1980.

(2) It shall be deemed to have come into force on the 31st March 1980.

(3) It shall remain in operation upto, and inclusive of, the 31st March 1981, 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 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  
1958.

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 31st March 1981, or such earlier date as may be notified by the State Government under sub-section (3) of section 1 (hereafter 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, or will expire 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.

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*, members or administrator could not exercise all powers and perform all duties and functions of the *panchayat*, members or administrator, as the case may be.

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.

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.

Mah. 7. (1) The Maharashtra Village Panchayats (Temporary further Postponement of Elections due to elections to Maharashtra Legislative Assembly) Ordinance, 1980, 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.

8. 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.