



The Maharashtra Village Panchayats (Temporary Postponement of Elections
due to Preparation of Revised Assembly Roll) Act, 1983

Act 46 of 1983

Keyword(s):

Panchayat Elections, Panchayat, Village, Postponement

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THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY
POSTPONEMENT OF ELECTIONS DUE TO PREPARATION OF
REVISED ASSEMBLY ROLL) ACT, 1983

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MAHARASHTRA ACT No. XLVI OF 1983.¹

[THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY POSTPONEMENT OF ELECTIONS DUE TO PREPARATION OF REVISED ASSEMBLY ROLL) ACT, 1983.]

[Received the assent of the Governor on the 20th December 1983 ; assent first published in the *Maharashtra Government Gazette*, on the 26th day of December 1983.]

An Act to provide for temporary postponement of elections to village panchayats

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

AND WHEREAS, the existing electoral roll of the Assembly was prepared with reference to the 1st day of January 1982 as the qualifying date ;

AND WHEREAS, the then existing electoral roll is being revised in two phases and the electoral roll of some of the constituencies is revised or is being revised with reference to the 1st day of January 1983 as the qualifying date in the first instance where the work started earlier, and it will be revised further with reference to the 1st day of January 1984 as the qualifying date, and the electoral roll of the remaining, constituencies is being revised with reference to the 1st day of January 1984 straight-way as the qualifying date, where the work is started later on ;

AND WHEREAS, according to the present programme, however , the electoral roll of all constituencies of the Assembly in Maharashtra with reference to the 1st day of January 1984 as the qualifying date is likely to be finally published by the end of January 1984 ;

AND WHEREAS, it was desirable that elections to the *panchayats* should be conducted after the complete electoral roll of all constituencies of the Assembly as finally published with reference to the 1st day of January 1984 as the qualifying date, would be available, and for that purpose to postpone elections to the *panchayats* temporarily ;

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

AND WHEREAS, both 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 provide for the postponement of the elections and consequent extension of the term of office as aforesaid and also for Mah. Ord. matters connected therewith ; and , therefore, promulgated the Maharashtra Village XIX of Panchayats (Temporary Postponement of Elections due to preparation of revised 1983. Assembly Roll) Ordinance, 1983, on the 8th day of November 1983 ;

¹ For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1983, Part IV, Extraordinary, pp. 467-470.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth 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 preparation of revised Assembly Roll) Act, 1983.

(2) It shall be deemed to have come into force on the 19th day of September 1983.

(3) It shall remain in operation upto, and inclusive of, the 31st day of March 1984, 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 *Up-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 adminis-
trators
thereof.

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

(a) during the period from the date of commencement of this Act upto, and inclusive of, the 31st day of March 1984, 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 the 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 re-constituted *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 before or 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 function 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 bylaws 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 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. Nothing contained in this Act, shall apply to any election or by-election to any *panchayat* for which the Tahsildar or other officer concerned has appointed dates for various stages of the election or by-election before the date of commencement of this Act and such election or by election shall be completed according to the programme fixed by the Tahsildar or other officer, as the case may be,

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

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.

Removal of difficulties.

Mah. Ord. XIX of 1983. 9. (1) The Maharashtra Village Panchayats (Temporary Postponement of Elections due to preparation of revised Assembly Roll) Ordinance, 1983, is hereby repealed.

Repeal of Mah. Ord. XIX of 1983 and 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.