

**MAHARASHTRA VILLAGE PANCHAYATS (POSTPONEMENT OF
ELECTIONS DUE TO ENSUING GENERAL ELECTIONS TO THE
STATE LEGISLATIVE ASSEMBLY, ZILLA PARISHADS AND
PANCHAYAT SAMITIS) ACT, 1977**

51 of 1977

[16th November, 1977]

CONTENTS

1. Short title, commencement and duration
2. Definitions
3. Postponement of certain elections and extension of term of office of members and administrators
4. Powers of members and administrators, whose term of office stands extended and validation of certain acts
5. Arrangement to be made to constitute 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. Repeal of Mah. 48 of 1975
9. Repeal of Mah. Ord.6 of 1977 and saving

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An Act to provide for further postponement of elections to certain village panchayats for a short period on account of ensuing general elections to the State Legislative Assembly, Zilla Parishads and Panchayat Samitis. WHEREAS elections to certain Village panchayats stood postponed under the Maharashtra Village Panchayats (Postponement of Elections during the Emergency) Act, 1975, (Mah.XLV-III of 1975 but as the Emergency had been withdrawn that Act would have remained in operation only upto and inclusive of the 20th September 1977, and the elections were

required to be held to constitute new panchayats in place of the existing panchayats, whose term stood extended under that Act; AND WHEREAS general elections of about 10,550 panchayats were accordingly due to be held in the near future; AND WHEREAS the electoral roll of the Maharashtra Legislative Assembly is the basis for the list of voters maintained for elections to the panchayats and the roll of the Assembly was under revision, inter alia, for inclusion of the names of such voters as have attained the age of 21 years on the 1st January 1977, and this work of revision was expected to be completed by the end of October 1977; AND WHEREAS after the revised Assembly roll was available, it would be possible to have up-to-date list of voters and to settle the wards etc. finally for elections to the panchayats; AND WHEREAS the collectors and other officers would be engaged in making advance preparations for the ensuing general elections to the State Legislative Assembly; AND WHEREAS the general elections to the Zilla Parishads and to the Panchayat Samitis (the procedure for which has been changed) were proposed to be held simultaneously with, or soon after, the general elections to the Legislative Assembly; AND WHEREAS the programme for all these elections would have to be adjusted in such a manner as to enable the Collectors, without dislocating their other work, to make proper arrangements for sparing and deployment of the necessary staff and for taking other steps for holding these elections one after the other and to ensure that no inconvenience is caused to the candidates and the voters concerned; AND WHEREAS for the reasons stated above, it was necessary to provide for further postponement of elections to the panchayats for a short period upto and inclusive of the 31st May 1978, and in consequence to extend the term of office of existing members and administrators of the panchayat concerned and to provide for other connected matters; 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 take immediate action to provide for the postponement of elections and extension of the term of office as aforesaid and for matters connected therewith; and therefore, promulgated the Maharashtra Village Panchayats (postponement of Elections due to ensuing General Elections to the State Legislative Assembly, Zilla Parishads and Panchayat (Samitis) Ordinance, 1977, on the 6th day of September 1977; (Mah.Ord.VI of 1977). AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted

in the Twenty-eighth year of the Republic of India as follows

1. Short title, commencement and duration :-

(1) This Act may be called the Maharashtra Village Panchayats (Postponement of Elections due to ensuing General Elections to the State Legislative Assembly, Zilla Parishads and Panchayat Samitis) Act, 1977 .

(2) It shall be deemed to have come into force on the 6th day of September 1977.

(3) It shall remain in operation upto and inclusive of the 31st May 1978, or such earlier date as may be notified by the State Government in the Official Gazette; and shall then expire. S.7 of the Bombay General Clauses Act, 1904, (Bom.I of 1904) shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

2. Definitions :-

In this Act; unless the context otherwise requires, -

(a) "administrator" means an administrator appointed under clause (b) of sub-section (1) of S.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" shall have the meaning assigned to it in the panchayats Act;

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

3. Postponement of certain elections and extension of term of office of members and administrators :-

Notwithstanding anything contained in the panchayats Act or any rules or bylaws made thereunder or in the Maharashtra Village Panchayats (postponement of Elections during the Emergency) Act, 1975, -(Mah.XLV-III of 1975)

(a) during the period from the date of commencement of this Act upto and inclusive of the 31st day of May 1978 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 of any panchayat (whether elected or appointed) 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. Powers of members and administrators, whose term of office stands extended and validation of certain acts :-

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.

5. Arrangement to be made to constitute new panchayats at the expiry of extended term of existing panchayats, members and administrators :-

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 Collector 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. Application of Bom III of 1959 :-

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

7. Removal of difficulties :-

If any difficulty arises in giving effect to any provisions of this Act, or by reason of anything contained therein, or in giving effect to the provisions of the panchayats 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 difficulties.

8. Repeal of Mah. 48 of 1975 :-

On the date of commencement of this Act, the Maharashtra Village Panchayats (Postponement of Elections during the Emergency) Act, 1975, shall stand repealed.

9. Repeal of Mah. Ord.6 of 1977 and saving :-

(1) The Maharashtra Village Panchayats(Postponement of Elections due to ensuing general elections to the State Legislative Assembly, Zilla Parishads and Panchayat Samitis) Ordinance, 1977 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.