

**MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY
FURTHER POSTPONEMENT OF ELECTIONS DUE TO
ELECTIONS TO MAHARASHTRA LEGISLATIVE ASSEMBLY)
ACT, 1980**

14 of 1980

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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 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 (die 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 17* February 1980, inter alia dissolved the Legislative Assembly of the State of Maharashtra; And WHEREAS, directions has 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 then on the basis of the electoral rolls of the Maharashtra Legislative Assembly revised in accordance with directions issued by the Election Commissioner 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 Scheduled Castes 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 17* 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; K' AND WHEREAS, by order published with the notifications 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 For Statement of Objects and Reasons, see Maharashtra Government Gazette 1980, Part V, p. 113. 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

1. Short title, commencement and duration :-

(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 , (Bom I of 1904) shall apply upon 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 Section 160 of the Bombay Village Panchayats Act, 1958 and includes any person appointed under clause (b) of Sub-Section (2) of Section 145 of the Bombay Village Panchayats Act, 1958 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)

3. Temporary further postponement of certain elections to panchayat and extension of term of office of members and administrators of panchayats :-

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. Powers of members and administrators, whose term of

office stands extended and validation of certain acts :-

All members of panchayats and all administrators of panchayat, 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. Arrangements to be made to reconstitute new panchayats at expiry of extended terms 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 Collectors and other officers concerned to institute 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 provisions of the panchayats Act shall in all other respects apply to the panchayats concerned.

7. Repeal of Mah. Ord.II of 1980 and saving :-

(1) The Maharashtra Village Panchayats (Temporary further Postponement of elections due to elections to Maharashtra legislative Assembly) Ordinance, 1980 is hereby repealed. (Mah.Ord.II of 1111

(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. Removal of difficulties :-

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.