



The Maharashtra Village Panchayats (Temporary Postponement of Certain Elections due to Drought Conditions in The State) Act, 1987

Act 9 of 1987

Keyword(s):

Panchayat Elections, Panchayat, Village, Elections, postponement, Drought

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**THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY
POSTPONEMENT OF CERTAIN ELECTIONS DUE TO DROUGHT
CONDITIONS IN THE STATE) ACT, 1987**

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MAHARASHTRA ACT No. IX OF 1987¹[THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY
POSTPONEMENT OF CERTAIN ELECTIONS DUE TO DROUGHT
CONDITIONS IN THE STATE) ACT, 1987.]

[This Act received assent of the Governor on the 15th day of April 1987; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 16th April 1987.]

Amended by Mah. 36 of 1987 (30th October 1987)* @

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

Bom. III of 1959. WHEREAS under section 27 of the Bombay Village Panchayats Act, 1958, the term of office of the members of a *panchayat* is for a period of five years, which term can be extended for a further period of six months only after consultation with the Standing Committee of the *panchayat*;

AND WHEREAS the elections of members of 19,700 *panchayats*, out of 24,800 *panchayats* in 29 districts in the State, have already been held since the month of March 1984;

AND WHEREAS under section 11 of the said Act, the elections of members of the *panchayats* were required to be held on such date as the Collector may appoint in this behalf and in the manner as prescribed by rules;

AND WHEREAS because of wide spread drought conditions prevailing in most of the Districts in the State, the Collectors of Districts and their staff, who were necessary for holding the elections of the *panchayats*, were required to direct all their efforts by giving top priority towards drought relief works and the scarcity relief measures including making provisions for drinking water supply etc. and consequently were not available for elections work; and it was not feasible to withdraw the services of such officers and the staff who were fully engaged in the work of scarcity relief measures to utilise them for the work of conducting the general elections of the remaining *panchayats*;

AND WHEREAS it would also have been inconvenient to people in general to have such elections during this critical period as there was a possibility that some of the voters might have left to some other place where works under the Employment Guarantee Scheme were available for livelihood and this migration might have ultimately deprived them of their right of franchise;

AND WHEREAS for these and other reasons it was expedient to temporarily postpone general elections of the remaining *panchayats* for a certain period;

AND WHEREAS in consequence of such postponement, it was necessary to extend suitably the term of office of the existing members of certain *panchayats* and administrators of certain other *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 take immediate action to provide for the temporary postponement of the elections of certain *panchayats* and consequent

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, Extraordinary, dated the 12th February 1987, p. 24.

* This indicates the date of commencement of Act.

@ Mah. Ordinance No. IX of 1987 was repealed by Mah. 36 of 1987, s. 4.

extension of office of members and administrators as aforesaid and also for matters connected therewith; and, therefore, promulgated the Maharashtra Village Panchayats (Temporary Postponement of certain Elections due to drought conditions in the State) Ordinance, 1987, on the 23rd January 1987; Mah. Ord. II of 1987.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-eighth 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 Postponement of certain Elections due to drought conditions in the State) Act, 1987.

(2) It shall be deemed to have come into force on the 23rd January 1987.

(3) It shall remain in operation upto, and inclusive of the 31st March 1988, or such earlier date as the State Government may, by notification in the *Official Gazette*, specify, 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 sections 159 and 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*, which is due or likely to be due on or after the date of commencement of this Act, but shall 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 Panchayat Act ” means the Bombay Village Panchayats Act, 1958. Bom. III of 1959.

Temporary postponement of certain elections to Panchayats and extension of term of office of members and administrators thereof. 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 day of March 1988] or such earlier date as the State Government may, by notification in the *Official Gazette*, specify (hereinafter in this Act referred to as “ the said period ”), no general election to a *panchayat*, and no by-election to fill any casual vacancy in any *panchayat*, including the elections of such *panchayats*, the dates for various stages of which have been fixed by the Collector, Tahsildar or any other officers, 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 re-constituted *panchayat*, at which a quorum is present.

¹ These figures, letter and words were substituted for the figures, letters and word “ 31st October 1987 ” by Mah. 36 of 1987, s. 2.

² These figures, letter and words were substituted for the figures, letters and words “ 31st day of October 1987 ” by Mah. 36 of 1987, s. 3.

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 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 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 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 re-constitute 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. 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. II of 1987. 8. (1) The Maharashtra Village Panchayats (Temporary Postponement of certain Elections due to drought conditions in the State) Ordinance, 1987, is hereby repealed.

Repeal of Mah. Ord. II of 1987 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.