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Constitution of Panchayats for
the new villages declared Un/s 4
of the Bombay Village Panchayat Act,
1958.

GOVERNMENT OF MAHARASHTRA,
Rural development Department,
Circular No. VPM 1169/42443-E,
Sachivalaya, Bombay 32, Dated 28th November 1970.

CIRCULAR:- Sub-Section (2) of Section 160 of the Bombay Village Panchayat Act, 1958, provides that within one year from the date of issue of notification under Section 4 of the said Act the Panchayats for the new villages shall be constituted in accordance with the provisions of that Act. Action regarding holding of elections U/s 10 ibid is to be taken by the Collector. He is, therefore, required to hold elections to the newly established Village Panchayats within a period of one year. It has been brought to the notice of Government that in some cases the elections to the newly established Village Panchayats are not held by the Collector within a period of one year. A point has, therefore, been raised whether the administrator appointed under Section 160(1)(b) of the Bombay Village Panchayat Act, 1958, can continue to work after expiry of that period of one year and incur expenditure from Village fund.

2. The idea behind prescribing the time limit of one year under Sub-Sec.(2) of Section 160 is that the Collector should get sufficient time for holding the elections to the newly established Village Panchayats. As soon as a notification U/s 4 is issued by the Commissioner the Collector has to initiate action for formation of wards, allocation of seats, reservation of seats and preparation of electoral rolls for Village Panchayat election. The period of one year prescribed under Sub-Section (2) of Section 160 is quite sufficient for holding the elections to the newly established Village Panchayats. The Collectors are therefore, requested to see that such elections are invariably held within a period of one year and that this time limit is not exceeded except in unavoidable circumstances to be reported to the Divisional Commissioners in writing in good time before the expiry of the said time limit.

3. However, if for some unavoidable reasons as stated above, elections to the newly established Village Panchayats cannot be held by the Collectors within the period of one year, that would not render the continued administration run by the administrator as void or irregular. Government has been advised that the provision relating to the time limit of year laid down in Sub-Section (2) of Section 160 of the Bombay Village Panchayat Act, 1958 is directory and not mandatory. The administrator appointed under Section 160(1)(b) ibid can, therefore, continue to work even after the expiry of a period of one year and can also incur expenditure from the Village Fund, till the elected body and Sarpanch take over. The Collectors

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OFFICE OF THE COLLECTOR
PUNE
7 DEC 1970
Date
Branch
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and Commissioners should, however, see that such cases are rare and exceptional.

By order and in the name of the Governor of Maharashtra.

B. S. Sankar

Under Secretary to the Government of Maharashtra,
Rural Development Department.

To

The Chief Auditor, Local Fund Accounts, Maharashtra State, Bombay, (with reference to his U.O. Memorandum No. L-4/A/VP/Adt.3605, dated 17th April 1970.)

All Commissioners of Divisions,

All Collectors (except the Collector of Bombay and Bombay Suburban District.),

All Chief Executive Officers of Zilla Parishads,

All Block Development Officers.

Important

No. QB/VP/2316
Collector's Office,
Ratnagin, 18-12-70

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